

DR





SEFAKO MAKGATHO  
HEALTH SCIENCES UNIVERSITY

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## **PREAMBLE**

*Inspired by our vision, "To be the benchmark institution providing holistic health sciences education that meets the health needs of the individual, the family, the community and the population", we, the students of the Sefako Makgatho Health Sciences University, acknowledge our responsibility to contribute towards the development of a new institutional culture at the University and the eradication of historical injustices in our education system.*

*We believe that the aforementioned can be achieved by:*

*A full commitment to the agenda of a "decolonised", non-racial, non-sexist and democratic higher education system;*

*An acknowledgment of the profound historical role played by our heroes and heroines for the advancement of the Africanist liberation and democratic order;*

*A determination to promote and instill an institutional culture of excellence in learning, the generation of new knowledge and a contextual understanding of the challenges facing the Institution, its students and staff;*

*A higher educational system that strives to eradicate the prevailing poverty and social injustices in our society by performing a significant role in the economic development of our country and the provision of human resource needs;*

*Further, believing in the higher education system that will serve the broader needs of our society in line with the demands of nation building and transformation;*

*Acknowledging the principles, values and provisions of the Higher Education Act, 1997, as amended, and the Institutional Statute of the Sefako Makgatho Health Sciences University; and*

*Subscribing to the vision, mission, value systems and the codes of conduct of the Sefako Makgatho Health Sciences University.*

*We therefore, through our freely and fairly elected representatives, adopt this document as the Constitution of the Student Representative Council of the Sefako Makgatho Health Sciences University.*

*May God the Almighty bless and protect our university.*

## CHAPTER 1

### DEFINITIONS

In this Statute, unless the context otherwise indicates -

**"absolute majority"** means 66% plus one of the votes of the total number of serving members of the SRC, the School Councils or any other formal structure constituted in terms of this constitution;

**"academic board"** means an official University committee mandated to perform certain actions related to academic matters, such as the Senate and Senate committees;

**"academic year"** means the period from 1 January to 31 December of a particular year;

**"accused member"** means a member of the SRC or any other structure, as the case may be, who has been accused of misconduct;

**"ad hoc"** means something which is formed for a particular period of time or purpose and is temporary and periodical;

**"any person"** means a person who is allowed to attend an official meeting of the Student Representative Council by the chairperson of the meeting in consultation with the secretary of the meeting;

**"calculation of quorum or majority"** means that whenever a quorum for a meeting or a majority of votes for any purpose is required in terms of this constitution, and the actual number required at a meeting results in a number and a numerical fraction, the next greater number shall be the applicable number to constitute the required quorum or majority;

**"casting vote"** means the vote casted by the chairperson of a meeting in the instance of a tie or equal votes;

**"Chief Electoral Officer"** means the person heading the external election body appointed to manage the SRC and School Council elections;

**"Chief Executive Officer"** means the Vice-Chancellor of the University;

**"club"** means an organisation of students who organised themselves with a view to attaining certain goals and objectives and who has met the recognition requirements determined by the Council from time to time after consultation with the SRC. Clubs recognised by the SRC do not have the right to contest SRC elections;

**"Constitution"** means this constitution and the annexures thereto, regulating student governance at the Sefako Makgatho Health Sciences University subject to the Constitution of South Africa, 1996, the Higher Education Act 101 of 1997, and other applicable legislative prescripts, and the Statute, Policies and Rules of the University;

**"Constitution of the Republic of South Africa"** means Act 108 of 1996.

**"external electoral scrutinisers (EES)"** means independent external people appointed by the University to manage the elections of the SRC and School Councils;

**"external people"** means any person who is not a staff member or student of the University;

**"fifty per cent plus one (50%+1) and sixty six per cent plus one (66%+1)"** means the number of votes, determined by the provisions of this constitution, required to take a binding and enforceable decision and shall, when an absolute majority is required, mean 66%+1 of serving members of the relevant body, and when a simple majority is required, 50%+1 of the members present at a meeting;

**"hour(s)"** shall mean the official working hours of the University;

**"independent electoral scrutinisers"** means an independent election body, consisting of external people, appointed to manage the elections of the SRC and School Councils;

**"institution"** means the Sefako Makgatho Health Sciences University;

**"mass meeting"** means a meeting of students contemplated in clause 6(3) and clause 10 of this constitution, and is also known as a student body meeting;

**"nominator"** means a student who nominates another student to stand for an SRC or School Council election, as the case may be;

**"office bearer"** means a member of the SRC;



**"permanent unavailability of a member"** means the unavailability of a member due to the fact that he/she is no longer a student of the University, or who is, for whatever reason, unable to perform the responsibilities associated with membership of the relevant student council or body during his/her term of office;

**"polling booth"** means a confidential space which is used by a voter when casting his/her vote;

**"principal electoral officer"** means the person heading the independent election body appointed to manage the SRC and School Councils elections, as the case may be;

**"proportional representation"** means the constitution of the SRC based on the proportional number of votes acquired by a participating structure during the SRC elections;

**"publish"** means declaring or making the information known through posting it on specified official notice board(s) and/or through an official electronic University communication;

**"School Councils"** means the structure constituted in terms of this constitution to represent the registered students of a School, as determined by the Statute and Rules of the University in student governance structures;

**"simple majority"** means fifty per cent plus one (50%+1) of the votes of the members present at a meeting of the SRC, School Councils or any other formal structure constituted in terms of this constitution, as determined by the context;

**"society"** means an organisation of students who organised themselves with a view to attaining certain goals and objectives and who has met the recognition requirements determined by the Council from time to time after consultation with the SRC. Societies recognised by the SRC do not have the right to contest SRC elections;

**"special meeting"** means a meeting other than an ordinary meeting called in accordance with the prescripts of this constitution to discuss identified urgent matters that cannot wait for an ordinary meeting;

**"student"** means a person registered as a student at the University for a degree or a diploma, or any other programme approved by the Senate and the Council;

**"student organisations"** means, subject to the provisions of paragraph 66 of the Statute, student structures affiliated with the SRC in accordance with the criteria determined by the Council from time to time after consultation with the SRC. Only the student organisations affiliated with the SRC as political student organisations have the right to contest SRC elections in accordance with this constitution, except School Council elections, which shall be contested on an individual basis;

**"Student Representative Council (SRC)"** means the student representative body contemplated in section 35 and paragraph 67 of the Higher Education Act and the Statute of the University, respectively, with the mandate determined in the said legislation and constituted in accordance with the prescripts of this constitution. The role and function of the SRC are to function as the supreme student governance structure to represent students, regardless of their gender and their political, religious, or cultural opinions or their sexual orientation;

**"Transitional SRC"** and **"Interim SRC"** mean the temporary student governance structures established in accordance with clauses 13(1) to 13(6) and 36(3) to (8) of this Constitution, as applicable, but do not include the interim arrangements of the Council as contemplated in paragraph 67(11)(b) of the Statute, and the interim arrangements of the Vice-Chancellor, other than the appointment of a Transitional SRC, as contemplated in clause 13(3) of this Constitution;

**"University"** means the Sefako Makgatho Health Sciences University;

**"University Council"** means the University Council as contemplated in the Higher Education Act and the Statute of the University;

**"University Statute"** means the Sefako Makgatho Health Sciences University Statute as promulgated on 7 October 2016, and amended in 2022,

**"voting station"** means any area identified in terms of this constitution and its annexures as a place where voting in accordance with this constitution will take place.

## **APPLICABLE LEGISLATION AND POLICIES**

1. This Constitution must be interpreted subject to the provisions of the Constitution of South Africa Act 108 of 1996, the Higher Education Act 101 of 1997, and other applicable legal prescripts, the Statute, the Policies and Rules of the University, and must also be read with the following:
  - (a) Student Code of Conduct;
  - (b) Policy on SRC Benefits;
  - (c) Policy on Recognition of Student Organisations and Activities;
  - (d) SRC Electoral Rules and Regulations;
  - (e) Policy on Student Residences; and
  - (f) Any other policy or code of conduct applicable to registered students of the University.
2. Rules and policies determined by the SRC regarding its election, constitution, functioning and structures will only have force and effect if such rules and policies have been properly consulted with the student body and approved by the SRC, the University Management and the Council, as applicable.

## **CHAPTER2**

### **FOUNDING PROVISIONS**

#### **1. Name and status**

- (1) The name of the student representative body of the Sefako Makgatho Health Sciences University shall be the Student Representative Council (SRC) of the Sefako Makgatho Health Sciences University.
- (2) The Student Representative Council shall derive authority from section 35 of the Higher Education Act, 1997, as amended, the Statute of the University, this Constitution and other relevant University policies.
- (3) This Constitution shall, subject to the applicable legislation and policies referred to in Chapter 1, be the supreme regulatory framework applicable to and binding upon the SRC, School Councils, substructures of the SRC, student organisations, clubs and societies.

#### **2. Legal status**

- (1) The SRC shall not at any point assume the status of a legal persona and it cannot sue or be sued in its name.

#### **3. Aims and objectives**

- (1) To uphold and strive for the fulfilment of all values and commitments contained in the Preamble;
- (2) To represent, protect and advance the interests of students at all times;

- (3) To promote and defend the principles of democracy, transparency and accountability;
- (4) To make a substantive contribution towards the agenda of transforming the University and society;
- (5) To ensure proper support and development of students and student structures through the creation of forums to achieve a common goal;
- (6) To ensure that students are treated equally irrespective of their colour, race, sexuality, religion, ethnicity, disability, nationality or political association or affiliation or programme of study;
- (7) To represent students in all University structures, as provided by the Higher Education Act and the Statute;
- (8) To liaise and forge strategic partnerships with institutions of higher learning both nationally and internationally; and
- (9) To support and lead the struggles of students at all times.

## **CHAPTER 3**

### **COMPOSITION AND FUNCTIONS OF THE SRC**

#### **4. Student governance structures at SMU**

The student governance structures at the University comprise the following:

- (a) SRC
- (b) School Councils
- (c) Residences Council
- (d) Sport Council
- (e) SRC substructures

#### **5. Composition and functions of the SRC**

- (1) The SRC shall consist of fifteen (15) SRC members.
- (2) The SRC shall be elected as follows in accordance with this Constitution and its annexures:
  - (a) Nine (9) members proportionally elected by the registered students eligible to vote on account of the number of votes casted in favour of a participating student organization; and
  - (b) Five (5) members elected as chairpersons of the respective School Councils by the registered students of a School eligible to vote for the School Council.
  - (c) One (1) member elected as Chairperson of post graduates by the registered post graduate students, currently enrolled on a post graduate academic programme in the University.
- (3) At the special (constituting) meeting of the SRC:
  - (a) Five (5) Executive Members (the President General, the Deputy President General, the Secretary General, the Deputy Secretary General and the Treasurer General) shall be elected by the SRC from the 9 members of the SRC other than the School Council Chairpersons plus the Post Graduates Chairperson; and

- (b) Portfolio responsibilities shall be allocated to members of the SRC, including those mentioned in clause 5(3)(a) above, if practicable, in accordance with the portfolio dispensation determined by the SRC, which must include the portfolio responsibilities of Residences and Sport as contemplated in this Constitution.

## **6. Duties and responsibilities of the SRC**

- (1) The SRC, when exercising its powers and functions under its jurisdiction, has the duty and responsibility to -
  - (a) Support the School Councils and any other structure under its direct command in all possible matters;
  - (b) Effectively and efficiently develop and implement policies relating to student governance and student affairs, duly taking into account decisions taken, recommendations made and views expressed by members of the student body;
  - (c) Take the necessary action to ascertain students' opinions;
  - (d) Conduct the day-to-day administration of student governance and student affairs in collaboration with the School Councils;
  - (e) Represent the students of the University on the University Council, the Senate and the Institutional Forum in accordance with the Higher Education Act and the Statute of the University;
  - (f) Communicate with the Executive Management of the University on matters affecting student interests;
  - (g) Bring matters affecting the student body to the attention of the University Council, the Senate and/or the Institutional Forum;
  - (h) Serve as a channel of communication between the student body and structures of the University;
  - (i) Individually and collectively make themselves available to attend to student issues, and do so in consultation with the relevant School Councils;
- U) Update and brief the School Councils and general members of the student body on matters that affect or have the potential to affect them;

- (k) Exercise effective control over all structures under its jurisdiction and consider any objection or query from a student(s), or other student structures against a decision by or the conduct of any office-bearer or structure under its jurisdiction;
  - (l) Subject to the provisions of this constitution, to extend recognition to and withdraw recognition from any club, society or structure under its jurisdiction save for School Councils; and
  - (m) Do whatever is reasonably required to effectively execute its powers and duties in terms of this Constitution or assigned to it by the University Management or Council.
- (2) The SRC must develop a plan of action that, among other things, gives effect to its responsibilities as described in clause 6(1). The plan of action must be developed in consultation with the School Councils and must be submitted to members of the student body for discussion at a mass meeting, as contemplated in clause 10, before the end of the first quarter of an academic year.
  - (3) The SRC may call mass meetings as contemplated in this constitution, as required by the circumstances, and must call a mass meeting a month before their term of office comes to an end in order to account and report to School Councils, other student structures under its jurisdiction and the student body at large.
  - (4) The SRC must make recommendations to the University regarding a policy on student conduct.
  - (5) The SRC must make recommendations to the University regarding a policy on SRC benefits and privileges.

## **7. Duties and responsibilities of SRC office bearers**

- (1) The President General shall:
  - (a) Act as the Chief Executive Officer and Chairperson of the SRC;
  - (b) Chair SRC meetings;
  - (c) Chair SRC mass meetings;



- (d) Have the ultimate responsibility for the co-ordination of duties and functions of the SRC;
- (e) Ensure, with the other Executive Committee members, that the SRC operates in accordance with its Constitution and the University Rules and Policies;
- (f) Be accountable to the SRC and to all students for actions carried out in his/her capacity as President;
- (g) Subject to University policies, procedures and rules, act as a signatory to all financial transactions of the SRC and serve as a member of the SRC Finance Committee;
- (h) Represent the SRC on the Council, the Senate, the Institutional Forum and various other official and ad hoc forums and/or other meetings of the University in his/her capacity as an elected member of the SRC to serve on the respective bodies, as contemplated in the Statute of the University; and
- (i) Handle all media-related issues of the SRC, including communicating the decisions of the SRC, in collaboration with the Department of Marketing and Communication of the University.

(2) The Deputy President General shall:

- (a) Deputise for the President General as required, and assist and support the President General in executing his/her responsibilities, powers, duties and functions;
- (b) Fulfil any such functions and duties as may be assigned to him/her from time to time by the President General and the SRC;
- (c) Represent the President General or the SRC, as the case may be, on various official and ad hoc forums and/or other meetings of the University as delegated by the President General or the SRC;
- (d) Play a supporting role in the academic needs of the students in co-operation with lecturers and the relevant student support services units of the University;
- (e) Serve as a member of the academic committees;
- (f) Serve as a member and the head of disciplinary committees; and
- (g) Ensure that students receive sufficient academic support.

(3) The Secretary General shall:

- (a) Coordinate the day-to-day management, operations and activities of the SRC;
- (b) Provide secretariat functions to the SRC Executive Committee meetings through the distribution of meeting agendas and minutes, and co-ordinating the maintenance of the archives of the SRC;
- (c) Provide secretariat support to the special SRC mass meetings;
- (d) Support the President General in the execution of his/her functions and duties;
- (e) Provide general support to the entire SRC in the execution of its functions and duties;
- (f) Represent the President General or the SRC, as the case may be, on various official and ad hoc forums and/or other meetings of the University, as delegated by the President General or the SRC;
- (g) Act as a signatory to financial transactions of the SRC and as a member of the SRC Finance Committee;
- (h) Provide the University Management with the dates of the SRC Executive meetings as adopted by the latter in their second meeting after the election.

(4) The Deputy Secretary General shall -

- (a) Perform any duty assigned to him/her by the Secretary General and/or the SRC;
- (b) Assume the responsibilities of the Secretary General during the temporary/permanent unavailability of the Secretary;
- (c) Advise all the student structures, clubs and other organisations on legal matters;
- (d) Organise legal workshops, training sessions and seminars;
- (e) Attend meetings on SRC-related legal matters; and
- (f) Liaise with all the relevant stakeholders on SRC-related legal matters.

(5) The Treasurer General shall -

- (a) Be responsible for open and transparent financial administration of the SRC in accordance with the University policies, rules, and regulations;
- (b) Be accountable to members of the student community and the University about every financial transaction of the SRC;
- (c) Develop the budget for the SRC;
- (d) Record and control every financial transaction undertaken by the SRC;
- (e) Allocate funds to structures entitled to funds in accordance with the approved SRC budget;
- (f) Lead any fundraising process of the SRC whenever necessary in accordance with University policy, rules and regulations;
- (g) Convene and head the Finance Committee of the SRC;
- (h) Expose and report any financial irregularities in the SRC or a subordinate structure; and
- (i) Act as a signatory to all financial transactions of the SRC, subject to University policies, procedures and rules.

**NOTE:**

**The following designations and functions can be used as a guide in assigning the roles and responsibilities for members of the SRC, excluding the Executive Committee:**

(G) The Projects and Campaigns Officer shall -

- (a) Organise, advertise and oversee campus student events in collaboration with the Department of Marketing and Communication of the University and the Campus Management;
- (b) Organise relevant student events that will enhance student life;
- (c) Seek sponsorship for student events and liaise with external stakeholders; and
- (d) Prepare written evaluations and reports regarding completed projects.

(7) The Culture, Religion and Gender Officer shall -

- (a) Organise and attend all cultural, religious and gender activities internal and external;
- (b) Serve as a member of the University culture, religion and gender Committee;
- (c) Develop and implementing annual plan on cultural, religious and gender activities;
- (d) Liaise with internal and external stakeholders on cultural, religious and gender matters; and
- (e) Compile reports on cultural, religious and gender matters.

(8) The Sport and Recreation Officer shall -

- (a) Organise and attend Sport activities;
- (b) Serve as a member of the University Sport Committee;
- (c) Organise debates and other recreational activities;
- (d) Organise the choir, including appearances, competitions and practices;
- (e) Promote the involvement of students in Sport and recreation activities; and
- (f) Report to the SRC and the University on Sport and recreation matters.

(9) The Postgraduate Students' Officer shall -

- (a) Play a supporting role in the postgraduate academic needs of students in cooperation with the Student Development Officer;
- (b) Promote a positive learning environment amongst the postgraduate students;
- (c) Liaise with the Heads of Department (HODs and Deans) with regard to postgraduate academic matters;
- (d) Ensure that postgraduate students receive sufficient and optimal academic support; and
- (e) Liaise with relevant stakeholders and attend related meetings.

(10) The Residence and Safety Officer shall-

- (a) Facilitate the drafting of discussion documents relating to residence and safety affairs;
- (b) Attend to all issues from religious structures, clubs and organisations;
- (c) Coordinate all issues relating to student residences and safety;
- (d) Act as the chief coordinator of all Residence Committees;
- (e) Convene and chair the meetings of all Residence Committees; and
- (f) Liaise with all the relevant stakeholders on residence and safety issues.

(11) The Chairperson of the School Council shall -

- (a) Attend School Council meetings;
- (b) Attend SRC and school meetings;
- (c) Liaise with the School Council and SRC;
- (d) Compile annual plan and annual report for School Councils; and
- (e) Perform *ad hoc* school-related duties.

## **8. Ordinary meetings of the SRC**

- (1) Ordinary meetings of the SRC shall be convened by the Secretary General in consultation with the President General.
- (2) Ordinary meetings of the SRC shall be held once in every two weeks. No ordinary meeting of the SRC shall be held during official examinations or recess periods.
- (3) Ordinary meetings shall be convened in accordance with the meeting schedule of the ordinary SRC meetings, as stipulated in clause 8.2.

- (4) The Secretary General shall provide each member of the SRC with the date, venue and agenda of the meeting at least five (5) calendar days prior to the meeting.
- (5) The Secretary General must provide each member of the SRC with minutes of the previous meeting at least five (5) calendar days prior to the next meeting.
- (6) Ordinary meetings of the SRC shall be chaired by the President General or any other person acting as President General, as provided for in this Constitution.
- (7) If neither the Secretary General nor the Deputy attends a meeting, the members present shall appoint a secretary.
- (8) Only members of the SRC shall have the right to attend SRC meetings. The President may, in consultation with the Secretary General, extend an invitation to any other person.
- (9) The quorum of the ordinary meeting of the SRC shall be fifty per cent plus one of the Council ( $50\%+1$  of  $15=8$ ). The quorum is determined at the start of the meeting. If the required quorum is not present at the beginning of a meeting the chairperson of the meeting shall adjourn the meeting for a period of at least an hour, immediately give oral notice of the resuming time, and contact all absent members to inform them of the arrangements for the starting time.
- (10) If the meeting is still not quorate at the time determined in clause 9 above, the meeting shall continue, provided that at least one third of the members of the Council (five (5) members) are present at the meeting.
- (11) All resolutions of the SRC ordinary meetings shall be taken by a simple majority
- (12) The chairperson of the meeting shall have a casting vote in the case of equal votes.
- (13) All voting shall be by show of hands unless a simple majority of the meeting decides that the voting on all or certain matters should be by secret ballot.

- (14) The number of votes cast for or against and/or abstentions with respect to a resolution shall be recorded in the minutes.
- (15) The Secretary General shall provide copies of the approved minutes of the SRC meetings to the members of the SRC, and shall provide the decisions of the SRC to the University Management immediately after the ratification of such decisions by the SRC.
- (16) The content of minutes of the SRC shall, however, remain confidential to the SRC and the Management of the University, where such may contain information of an institutional strategic nature, may have a negative impact on the image of the University and/or the SRC, or may infringe on the constitutional rights of individuals.

## **9. Special meetings of the SRC**

- (1) The President General shall convene a special meeting of the SRC after consultation with the Secretary General if -
  - (a) He/she deems it necessary, or
  - (b) Three members of the SRC request him/her in writing to do so.Twenty-four (24) hours' notice of a special meeting of the SRC shall be given to the members of the SRC.
- (2) The President General shall state the time, date, venue and agenda of the meeting in a written invitation to the members
- (3) The quorum of the special meeting of the SRC shall be five (5) members present at the meeting. If the required quorum is not present at the beginning of a meeting, the Chairperson shall cancel the meeting.
- (4) The provisions of clause 8(11) to (14) shall, with the changes required by the context, be applicable to special meetings of the SRC.
- (5) The provisions of clause 8(5), 8(15) and 8(16) shall be applicable to minutes of special meetings of the SRC.

## **10. SRC mass meetings**

- (1) The purpose of mass meetings shall be to:
  - (a) Provide an opportunity for open discussion on matters of concern to the student body; and
  - (b) Provide an opportunity for the SRC to report on and/or to seek views of or advice from the student body on matters affecting them.
- (2) Mass meetings shall be convened by the Secretary General, acting on a resolution of the SRC.
- (3) The SRC Secretary General shall give notice of all mass meetings and place a notice stipulating the date, time, venue and the agenda on the official SRC notice board-s at least seven (7) calendar days prior to the meeting.
- (4) The SRC, through the Secretary General, shall convene a special mass meeting at the request of students by way of a petition signed by a minimum of five hundred (500) registered students and indicating clearly and concisely the grounds for the request.
- (5) The SRC Secretary General shall, with the assistance of the Office of the Registrar, verify the registration status of the students and the authenticity of the signatures of signatories to the petition. He or she shall notify the requester if any of the signatories has failed the audit. The requester shall be granted an opportunity to rectify any defects in the petition, after which it may be re-submitted within five (5) calendar days.
- (6) If the petition has passed the audit, the SRC Secretary General shall immediately advise the President General to convene a special SRC meeting to discuss the preparations of the special mass meeting, which should include the date, venue and time. The special mass meeting must be convened within two (2) calendar days after receiving the request.



- (7) All mass meetings shall be arranged by the SRC and shall be attended by registered students of Sefako Makgatho Health Sciences University only.
- (8) The Secretariat of the SRC must publish the resolutions of mass meetings and special mass meetings within five (5) and three (3) calendar days respectively.
- (9) All mass meetings or student body meetings shall not interfere with the academic activities or programme of the University, and shall be held outside the normal academic activities of the University.

## **11. Termination of membership of the SRC**

- (1) A member of the SRC shall cease to be a member and immediately vacate his or her position when:
  - (a) He or she ceases to be a registered student of the University;
  - (b) He or she resigns in writing to the President General of the SRC;
  - (c) He or she fails to attend three (3) consecutive ordinary meetings of the SRC without submitting a written apology, which is acceptable to the SRC, to the Secretary General of the SRC before the commencement of the relevant meeting;
  - (d) He or she is found guilty by a Disciplinary Committee or University Tribunal for a transgression of the Disciplinary Code or other rules and regulations of the University, unless the Disciplinary Committee or Tribunal or the Vice-Chancellor, as contemplated in paragraph 67 of the Statute, states in writing that the sentence does not affect his or her membership of the SRC;
  - (e) He or she is found guilty of a criminal offence by a court of law and sentenced to a term of imprisonment, without an option of fine, or, regardless of the sentence, is found guilty by an authorised authority of an offence of which violence, intimidation, dishonesty or the infringement of the constitutional rights of any person is an element
  - (f) He/she is removed or suspended from office by an absolute majority of SRC members present at a SRC meeting. Any such affected member may appeal to the Vice-Chancellor against the decision within five (5) days. The suspension or removal shall be delayed pending the decision by the Vice-Chancellor. If the Vice-Chancellor does not make his/her decision known within one month, the decision of the SRC shall come into effect.
  - (g) He/she ceases to be a member of the student organisation that nominated him/her to the SRC, or is recalled by his/her organisation, after following due process in accordance with the Promotion of Administrative Justice Act 3 of 2000 (PAJA).

## **12. Filling of vacancies on the SRC**

- (1) In the case of any position on the SRC becoming vacant, the Secretary General shall, in writing and within two (2) days after the resignation of a member or permanent unavailability of a member, notify the student organisation that nominated such a member to nominate a replacement within seven (7) days.
- (2) Should the student organisation responsible fail to make a nomination as prescribed by this Constitution, the Secretary, in consultation with the President General, shall invite the next student organisation who received fewer votes during the SRC election than the organisation failing to nominate a candidate to make a nomination. The nomination must be made within a period stipulated by clause 12(1).
- (3) The SRC may, through a simple majority, elect any new member nominated according to the provisions of clause 11(1), (2) and (4), to a position in the Executive Committee of the SRC and/or to assume portfolio responsibilities in accordance with the portfolio dispensation of the SRC at its next ordinary or special meeting.
- (4) The Secretary General of a student organisation or any person delegated by the student organisation that made the nomination to the SRC shall notify the SRC Secretary General within two (2) days after any SRC member has ceased membership of the student organisation that made the nomination. The notification should contain the name of his/her possible replacement, the reason for the termination of membership, and the process followed.

## **13. Dissolution of the SRC**

- (1) All members of the SRC shall cease to be members of the SRC if a motion of no confidence is passed against them. The University Registrar shall entertain the issue of a motion of no confidence if and only if two thirds of the number of students registered with the University passes a motion of no confidence in the SRC by signing petitions.
  - (b) The petitioner(s) must submit documented list(s) of reasons for a proposed dissolution to the University Registrar.
  - (c) After the University Registrar has received the list(s) of reasons supporting the proposed dissolution by the petitioners, the University Registrar shall investigate the veracity and relevance of the reasons and /or allegations

listed as supporting reasons for a proposed dissolution of the SRC for a period not more than 25 University working days.

- (d) After the completion of the investigation the University Registrar shall arrange a meeting with all SRC members to advise them on his findings and announce his intentions going forward.
- (e) When the University Registrar approves the submitted reasons supporting a proposed SRC Dissolution, his or her office will announce public and designated safe stations open to all University students to read and sign the petition, for a period of three (3) successive days and within normal University working hours. The University Registrar shall submit the results to the office of the Vice Chancellor immediately after closing the signing stations on the last day.

- (2) Any motion of no confidence passed in accordance with clause 13(1) shall come into force immediately after the University Vice Chancellor has ratified the authenticity of the entire process.
- (3) In the event of the SRC being dissolved in accordance with clause 13(1) and (2), the Vice-Chancellor shall, after consultations with representatives of the student community, as practicable, convene SRC elections as soon as possible, or appoint a Transitional SRC within a period of thirty (30) days. However, should the next cycle of SRC elections only take place after a period of six (6) months from the date of ratification as contemplated in clause 13(2), the Vice-Chancellor shall convene SRC elections within 45 days from the said date of ratification, and may decide on appropriate interim arrangements, which may include the appointment of a Transitional SRC.
- (4) Should a Transitional SRC be appointed, it shall serve until the next SRC elections, unless the Vice-Chancellor shortens its term of office.
- (5) The Transitional SRC shall consist of not less than five (5) and not more than seven (7) members.
- (6) The Transitional SRC shall be composed of the following portfolios -
  - (a) Chairperson;
  - (b) Secretary;
  - (c) Treasurer; and
  - (d) (d) Other additional members.
- (7) The Council shall dissolve the SRC -

If the Council is of the opinion that the SRC is inoperative or unable to function properly, the Council may, after following due process as contemplated in paragraph 5(5) and (6) of the Statute and consulting the current SRC, if practicable:

  - (a) Amend the SRC Constitution as necessary; or

- (b) Revoke the SRC Constitution, disband the serving SRC and make interim arrangements, subject to the Act and the Statute, for the functioning of the SRC; and/or
- (c) Initiate a process to have a new SRC Constitution drafted and/or a new SRC elected.

## **CHAPTER 4**

### **COMPOSITION AND FUNCTIONS OF THE SCHOOL COUNCIL**

#### **14. Composition of the School Councils**

- (1) The composition of the School Councils shall be in line with the number of Schools.
- (2) The School Councils shall be composed of the following members -
  - (a) Chairperson
  - (b) Deputy Chairperson
  - (c) School Council Secretary
  - (d) School Council Deputy Secretary
- (3) The Chairperson of a School Council serves on the SRC as an ordinary member.

#### **15. Duties and responsibilities of the School Council members**

- (1) The Chairperson shall:
  - (a) Chair the School Council meetings;
  - (b) Serve on the SRC as an ordinary member with full voting powers on every issue, including the constituting meeting of the SRC;
  - (c) Have ultimate responsibility for the coordination of duties and functions of the School Council;
  - (d) Ensure, in cooperation with other School Council members, that the School Council operates in accordance with this Constitution and the University rules, regulations and provisions;
  - (e) Be accountable to the School Council and to all students within his/her School;

- (f) Act as a signatory to all financial transactions of the School Council, subject to University policies, procedures and rules;
  - (g) Represent the School Council on various official or *ad hoc* forums and/or other appropriate meetings of the School as contemplated in the Statute of the University, the SRC Constitution, and/or other rules, regulations and provisions of the University.
- (2) The Deputy Chairperson shall –
  - (a) deputise the Chairperson;
  - (b) perform functions assigned to him/her by the Chairperson; and
  - (c) act as Chairperson during the temporary or permanent unavailability of the Chairperson.
- (3) The School Council Secretary shall -
  - (a) Coordinate the operations and activities of the School Council;
  - (b) Attend meetings of the School Council as an ex officio member;
  - (c) Provide secretariat functions to the School Council meetings;
  - (d) Provide general support to the entire School Council in the execution of its functions and duties;
  - (e) Represent the School Council on various official or ad hoc forums and/or other appropriate meetings of the School as delegated by the SRC, School Council, the Statute of the University and/or other rules, regulations and provisions of the University;
  - (f) Submit a draft budget proposal for the School Council;
  - (g) Record and control every financial transaction undertaken by the School Council;
  - (h) Be responsible and accountable for the finances of the School Council in cooperation with the Chairperson;
  - (i) Allocate funds to School Councils and any structure entitled to funds in accordance with the approved School Council budget; and
  - U) Act as a signatory to financial transactions of the School Council, subject to University policies, procedures and rules.
- (4) The School Deputy Secretary shall -
  - (a) Deputise the School Secretary and perform functions assigned to him/her by the School Council; and
  - (b) Act as School Secretary during the permanent unavailability of the School

Secretary.

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## **16. Duties and responsibilities of the School Council**

- (1) The School Council, when exercising its powers and functions, has the duty and responsibility to-
  - (a) Support structures under its direct control;
  - (b) Effectively and efficiently assist the SRC in developing and implementing policy relating to student governance and student affairs, duly taking into account decisions taken, recommendations made and views expressed by members of the student body;
  - (c) Establish students' opinions on any academic matters affecting them;
  - (d) Communicate with and present to the Executive of the School its views on matters affecting student interests;
  - (e) Bring matters affecting the student body to the attention of the SRC, provided such matters had been brought to the attention of the Executive of the School and/or fall outside the mandate of the Executive of the School;
  - (f) Individually and collectively make themselves available to attend to the academic issues of students, and do so in consultation with the relevant SRC member(s) and School Councils;
  - (g) Update and brief the SRC, School Councils and students of the School on matters that affect or may potentially affect them;
  - (h) Exercise effective control over all structures under its jurisdiction and consider any objections or queries from a student(s) or other student structures against the decisions or conduct of any member of the School Council or structure under its jurisdiction;
  - (i) Extend recognition to and withdraw recognition from any society or structure under its jurisdiction, subject to the provisions of this Constitution;
  - U) Do whatever is reasonably required to effectively execute its powers and duties in terms of this Constitution or specially assigned to it by the SRC, School or University Management; and

- (k) Submit action programmes and dates of School Council meetings to the SRC at the beginning of every academic term.

## **17. Meetings of School Councils**

- (1) Meetings of the School Councils shall be convened by the School Council Secretary in consultation with the Chairperson;
- (2) Meetings of the School Councils shall be held once in a month unless a need for an earlier meeting arises. No meeting of the School Council shall be held during official examinations or recess;
- (3) Meetings shall be convened in accordance with the dates of the School Council meetings as stipulated in clause 17(2);
- (4) The School Council Secretary shall provide each member of the School Council with the date, venue and agenda of the meeting at least five (5) days prior to the meeting;
- (5) The School Council Secretary must provide each member of the School Council with minutes of the previous meeting at least five (5) days prior to the next meeting;
- (6) Meetings of the School Council shall be chaired by the School Council Chairperson or his Deputy. The members present shall appoint a chairperson in the event of both the Chairperson and Deputy Chairperson being unavailable;
- (7) If the School Council Secretary does not attend a meeting, the members present shall appoint a secretary;
- (8) Only members of the School Council and the School Council Chairperson and School Council Secretary shall have the right to attend School Council meetings. The School Council Chairperson or any person acting as chairperson of the School Council meeting may extend the invitation to any other person in consultation with the School Council Secretary;

- (9) The quorum of the School Council meeting shall be fifty percent plus one (50%+1) of the members of the Council present at the meeting. The quorum is determined at the start of the meeting. If the required quorum is not present at the beginning of a meeting, the Chairperson of the meeting shall adjourn the meeting for a period of thirty (30) minutes, immediately give oral notice of the resuming time, and contact all members not present to inform them of the arrangements for the starting time. If at that time a quorum is still not present, the meeting shall continue only if one third of the members are present at the meeting;
- (10) All resolutions by the School Council meetings shall be decided by a simple majority;
- (11) The Chairperson of the meeting shall have a casting vote in the case of equal votes;
- (12) All voting shall be by show of hands unless a simple majority of the members of the meeting decide that the voting on all or certain matters should be by a secret ballot;
- (13) The number of votes cast for and against and/or abstentions with respect to a resolution shall be recorded in the minutes; and
- (14) The School Council Secretary shall hand a copy of the minutes to the members of the School Council, the Registrar of the University and the SRC Secretary immediately after ratification.

## **18. The Residence Council**

- (1) Policy on Residence
  - (a) The University must enact the Policy on Residences that regulates the election of Residence Committees and their composition, scope of work and administration.

(2) Composition of the Residence Council

- (a) The Residence Council shall comprise the SRC member responsible for residences and the chairpersons of the Residence Committees.
- (b) The Residence Council shall consist of the following officials appointed or elected, as the case may be, from their ranks or otherwise as prescribed by this Constitution:

Chairperson (the member of the SRC responsible for residences, ex officio)

Deputy Chairperson

Secretary

Deputy Secretary

Treasurer

(3) Functions of the Residence Council

- (a) Compile quarterly and annual reports on student residences issues;
- (b) Advise all the relevant stakeholders on residence issues;
- (c) Address students' complaints on residence issues; and
- (d) Present ad hoc issues regarding residences to the SRC and the relevant University authorities.

## **19. Duties of the Residence Council office bearers**

(1) The Chairperson shall -

- (a) Represent the Residence Council in all student residence matters;
- (b) Chair Residence Council meetings; and
- (c) Liaise with all relevant stakeholders regarding residence matters.

- (2) The Deputy Chairperson shall -
  - (a) Assume all the duties and the responsibilities of the Chairperson regarding the Residence Council in his/her absence;
  - (b) Head the disciplinary committees of the Residence Council except in instances of alleged misconduct against the Chairperson;
  - (c) Attend the Residence Council meetings; and
  - (d) Liaise with all the relevant stakeholders regarding residence matters.
- (3) The Secretary shall -
  - (a) Be in charge of and accept responsibility for all residence records;
  - (b) Organise meetings, draft minutes and compile agendas;
  - (c) File minutes and all the relevant documents on residence issues for future records; and
  - (d) Compile reports and other relevant documents.
- (4) The Deputy Secretary shall -
  - (a) Compile reports from the residences;
  - (b) Liaise with the residence managers and students;
  - (c) Attend to student residence complaints;
  - (d) Attend Residence Council meetings; and
  - (e) Handle any matters referred by the Residence Council.
- (5) The Treasurer shall -
  - (a) Be responsible for open and transparent financial administration of the residence in accordance with the University policies, rules and regulations;
  - (b) Be in charge of fundraising;

- (c) Be accountable to the members of the Residence Council of the University about every financial transaction of the Residence Council;
- (d) Develop the budget for the Residence Council;
- (e) Record and control every financial transaction undertaken by the Residence Council
- (f) Allocate funds to structures entitled to funds in accordance with the approved Residence Council budget;
- (g) Lead any fundraising process of the Residence Council whenever necessary in accordance with the University policy, rules and regulations;
- (h) Convene and chair the Finance Committee of the Residence Council;
- (i) Expose and report any financial irregularities at the Residence Council or subordinate structure; and
- U) Be a signatory to all financial transactions of the Residence Council subject to University policies, procedures and rules.

## **20. Composition and functioning of the Sport Council**

- (1) The Sport Council shall be made up of five (5) members.
- (2) The composition of the Sport Council shall be as follows:
  - (a) Chairperson (the member of the SRC responsible for sport, *ex officio*)
  - (b) Deputy Chairperson
  - (c) Secretary
  - (d) Deputy Secretary
  - (e) Treasurer
- (3) Functions of the Sport Council
  - (a) Compile an annual Sport plan;

- (b) Organise sport meetings and events;
- (c) Liaise with relevant sport stakeholders;
- (d) Advise all relevant stakeholders on sport-related issues;
- (e) Address students' complaints and needs regarding sport issues; and
- (f) Attend to ad hoc issues on sport issues;

## **21. Duties of the Sport Council members**

- (1) The Chairperson shall -
  - (a) Represent the Sport Council in all student sport committees;
  - (b) Chair Sport Council meetings; and
  - (c) Liaise with all the relevant stakeholders on sport issues.
- (2) The Deputy Chairperson shall -
  - (a) Assume all the duties and the responsibilities of the Chairperson in his absence;
  - (b) Head the disciplinary committees of the Sport Council except in a case of alleged misconduct against the Chairperson;
  - (c) Attend the students' sport meetings; and
  - (d) Liaise with all the relevant stakeholders on sport-related matters.
- (3) The Secretary shall -
  - (a) In charge of and accepts responsibility for all Sport records;
  - (b) Organising meeting, drafting minutes and compile agendas;
  - (c) Files minutes and all the relevant documents on sport issues for future records; and
  - (d) Compile reports and other relevant documents.

- (4) ) The Deputy Secretary shall -
- (a) Compile reports from the sporting codes;
  - (b) Liaise with the Sport manager and students;
  - (c) Attend to student sport complaints;
  - (d) Attend sport committee meeting; and
  - (e) Handle any matters referred by the Sport Committee.
- (5) The Treasurer shall -
- (a) Be responsible for open and transparent financial administration of the Sport Council in accordance with the University policies, rules, and regulations;
  - (b) Fundraising;
  - (c) Be accountable to members of the Sport Council and the University on every financial transaction of the residence council;
  - (d) Develop the budget for the Sport Council;
  - (e) Record and control every financial transaction undertaken by the Sport council;
  - (f) Allocate funds to structures entitled to funds, in accordance with the approved Sport Council budget;
  - (g) Lead any fundraising process of the Sport Council whenever necessary in accordance with University policy, rules and regulations;
  - (h) Convene and head the Finance Committee of the Sport Council;
  - (i) Expose and report any financial irregularities at the Sport Council or subordinate structure; and
  - (j) Act as a signatory to all financial transactions of the Sport Council subject to University policies, procedures and rules.



## **22. SRC SUBCOMMITTEES**

- (1) The SRC in consultation with Student Support and all other relevant stakeholders may establish SRC subcommittees as necessary.

## **CHAPTER 5**

### **ELECTION RULES AND PROCEDURES**

#### **23. The appointment of external electoral scrutinisers (EES)**

- (1) The Vice-Chancellor shall appoint, after consultation with the SRC Executive, the EES to manage the SRC and School Council elections in accordance with the Constitution;
- (2) The EES shall be appointed to manage the SRC and School Council elections on the same date, determined by the Vice-Chancellor in accordance with the provisions of clause 23(4).
- (3) The University management, University community and members of the student body must endeavour to enable the SRC elections to take place in the second semester of each academic year.
- (4) The Vice-Chancellor, after consultation with the EES and the SRC Executive, must draw up a procedural timetable in terms of this Constitution and the Electoral Rules for conducting the elections.
- (5) Elections shall take place in August / September of each and every year.
- (6) The Vice-Chancellor may provide the Chief Electoral Officer with an amount of money to be allocated equally to each individual student organisation taking part in the elections, to be disbursed on the production and printing of pamphlets and posters. Such pamphlets and posters shall be produced by the University printing office or any office designated by the EES in consultation with the Vice-Chancellor.
- (7) The University management, after consultation with the SRC Executive, shall designate notice board(s) as the EES notice board(s) on which all

communications, notices and matters concerning the SRC elections will be posted.

- (8) The University management shall supply the EES with an official office and any other resource that will reasonably assist in delivering free and fair elections.
- (9) The University management may make arrangements regarding the partial suspension of teaching activities on the day reserved for elections in accordance with the provision of clause 23(4).

## **24. Duties and responsibilities of the EES**

- (1) The EES must be an independent structure from the University.
- (2) The EES shall conduct, manage and administer the elections in accordance with the provisions of the Constitution.
- (3) The EES shall have one Chief Electoral Officer appointed from amongst its members.
- (4) The EES, with the assistance of the University management and general members of the student body, must ensure that elections of the SRC proceed in a constitutional and orderly fashion.
- (5) The EES shall exercise control over all aspects of the elections of the SRC and must make all necessary practical arrangements to ensure that the SRC election is free, fair and credible.
- (6) The EES must take all reasonable measures to ensure that no campaigning is done within twenty (20) metres of a polling station.
- (7) The EES, with the assistance of the University management, must safely store all documents concerning the SRC election for a period of one (1) month after the announcement of the election results.

- (8) The EES, with the assistance of the University management, must safely store all documents concerning the SRC elections for more than one (1) month if any participant structure to the elections has raised an objection.
- (9) The EES shall destroy all documents concerning the SRC elections one (1) month after the announcement of the SRC election results or resolution of the objection.
- (10) The EES shall publish an Electoral Code of Conduct for conducting the elections, and conducting canvassing and electioneering for each separate election.
- (11) The EES must ensure that the Electoral Code of Conduct is read together with any available SRC Electoral Rules and this Constitution.

## **25. Duties and responsibilities of the Chief Electoral Officer**

- (1) The Chief Electoral Officer shall serve as the head of the EES and principal manager of the SRC elections.
- (2) Any objection or complaint regarding the SRC elections must be lodged with the Chief Electoral Officer.
- (3) The Chief Electoral Officer shall be responsible for the introduction and supervision of an effective control system to ensure free and honest elections.
- (4) The Chief Electoral Officer shall convene and preside over the SRC Election Screening Mass meeting (which can be held face-to-face or virtually).
- (5) The Chief Electoral Officer shall convene and preside over the extraordinary meetings of the SRC, the SRC and School and/or School Council.

## **26. Eligibility for election to the SRC and a School Council**

- (1) Subject to the provisions of the Higher Education Act and the Statute of the University, a person shall be eligible for election to the SRC and the School Council if he/she:

- (a) Is a registered student of the Sefako Makgatho Health Sciences University;
- (b) Has been a registered University student for at least one (1) year preceding the elections and if his/her name appears on the final voters' roll;
- (c) Has not been convicted of any criminal offence by a court of law without an option of a fine, or, regardless of the sentence, has been found guilty by an authorised authority of an offence of which violence, intimidation, dishonesty or the infringement of the constitutional rights of any person is an element;
- (d) Has not been barred from seeking election by the Disciplinary Committee of the University;
- (e) Has not already held two (2) terms of office as an SRC member. The term of office in the School Council not resulting in membership of the SRC shall not be counted;
- (f) Is not a permanent staff member of the Sefako Makgatho Health Sciences University;
- (g) Does not seek election to the SRC and School Council at the same time;
- (h) In the case of undergraduate and honours students, has been promoted to the next academic year based on the end-year examination results of the previous academic year and had passed 100% of all his/her modules prescribed for the semester or the academic year, as the case may be, in the previous examination, and provided that he or she had enrolled for the full load of modules for the said semester or the academic year; and in the case of postgraduate students, excluding honours students, has submitted a report of satisfactory academic progress issued by the supervisor or promoter, as the case may be. Has been endorsed by a student organisation accredited with the SRC to serve as a proportionally elected candidate of the SRC.

## **27. Eligibility to vote for the SRC or a School Council**

- (1) Every person shall be allowed to vote during SRC and School Council election, provided he/she:

- (a) Is a registered student of the University; and
- (b) Appears on the final voters' roll and the EES has not indicated that there is an impediment to his/her being eligible to vote.

## **28. The voters' roll**

- (1) Before an election, the EES shall obtain from the University management a list of names of all students eligible to vote in the SRC elections.
- (2) The draft voters roll shall be placed on the EES notice boards for public inspection and subsequent objections for a period stipulated by the EES.
- (3) All objections shall be lodged with the office of the EES and adjudicated by the Chief Electoral Officer within a period designated by the EES. The decision of the Chief Electoral Officer on issues concerning the voters' roll shall be final.
- (4) The Chief Electoral Officer shall publish the final voters' roll on the EES notice boards for public information.

## **29. Registration of student organisations for SRC elections**

- (1) Within two (2) days after the publication of the final voters' roll, the EES shall invite registration of prospective candidates per student organisation who wish to take part in the SRC elections, by issuing a notice stipulating the requirements and periods within which such registration must be done.
- (2) Only student organisations that registered with the SRC one year prior to the elections shall be allowed to participate in the SRC elections.
- (3) The office of the EES shall receive all registration and/or nomination forms.
- (4) A registration or nomination form is not valid unless it complies with the provisions of clause 29. Furthermore, the nomination should contain the surname, full name(s), student number, and the School of the prospective candidates.

- (5) All candidates seeking election in the SRC or School Council must sign the nomination form to indicate acceptance. No candidate shall be allowed to be nominated by more than one student organisation. The Chief Electoral Officer shall verify accurate nomination in the event of a candidate being nominated by more than one student organisation.
- (6) The EES shall, within two (2) days after the closure of registration, publish a list of all qualified candidates per student organisation and the names of student organisations that have passed the audit. The Chief Electoral Officer shall declare invalid and disqualify any nomination or registration of student organisation that had failed the audit.
- (7) The Chief Electoral Officer shall publish the period for official campaigning and canvassing. Any campaigning or canvassing that threatens or interrupts the academic activities of the University shall be invalid and punishable in accordance with the provisions of the Disciplinary Code of the University.
- (8) The University shall develop a policy on the recognition of student clubs, societies and organisations.

### **30. SRC Election Screening Mass Meeting**

- (1) The Chief Electoral Officer shall publish two (2) days' notice of the date of the SRC Election Screening Mass Meeting.
- (2) At the SRC Election Screening Mass Meeting, the Chief Electoral Officer shall introduce the names of the participating student organisations and the number of candidates they have forwarded.
- (3) At the SRC Election Screening Mass Meeting, participating student organisations shall present, through one of the candidates, any form of information to mobilise voters and respond to any question raised by voters.

### **31. Voting**

- (1) In terms of the election procedures, the Director: Student Affairs will determine the voting platform for the election (manual, electronic or hybrid) based on options available to the University.
- (2) The Chief Electoral Officer shall announce the time, voting hours and designated voting station(s) for an SRC election and the percentage required to meet the minimum percentage poll at least two (2) days before the voting date.
- (3) The Chief Electoral Officer shall ensure that all polling stations are open between 09:00 and 20:00. It is the discretion of the Chief Electoral Officer, after consultation with the participating student organisations, to extend the time of voting in any form he/she deems proper.
- (4) The Chief Electoral Officer shall inform all parties present at the voting station(s) about their respective responsibilities and the responsibilities of the other parties.
- (5) At any time before voting starts, the Chief Electoral Officer shall inform participating student organisations through observers about the procedure to lodge a complaint during any stage of voting until the announcement of the election results.
- (6) The University management shall provide the Chief Electoral Officer with ballot boxes, unless the latter has proper alternative ballot boxes that are endorsed by all participating student organisations.
- (7) The Chief Electoral Officer shall inform participating student organisations and candidates for Schools through observers about the number of ballot papers printed for the SRC and School Council elections respectively. The Chief Electoral Officer shall ensure that sufficient ballot papers are printed for all categories of the elections.
- (8) The names of all participating student organisations and candidates shall appear on the ballot paper in a random order.
- (9) Only the name and the logo of participating student organisations shall appear on the ballot paper for the SRC. Only the name and picture of the candidate participating in the School Council elections shall appear on the ballot paper for School elections.



- (10) The Chief Electoral Officer shall seal each ballot box when it is full in the presence of observers and shall only unseal it during the counting period, also in the presence of observers.
- (11) Each student organization and candidate participating in the elections may nominate two students as observers and such a nominee must not be a candidate nominated to be elected.
- (12) Observers shall only observe the proceedings at the voting station(s), including the counting of the election results, without taking part in the actual counting of votes.
- (13) Observers shall only safeguard the interests of their respective student organisations without interfering with the voting or counting processes.
- (14) Observers may request the Chief Electoral Officer to extend the time of voting with reasons. However, the decision of the Chief Electoral Officer is final and binding.
- (15) Voting for the SRC and School Council election shall be held on the same day and at the same voting station.
- (16) The Chief Electoral Officer must ensure that voting is by secret ballot.
- (17) The Chief Electoral Officer must ensure that students with special needs get assistance at the voting station without compromising the imperative and secure free and fair elections.
- (18) Only members of the EES, participating student organisations and candidates, observers and specified University observers shall be present at the voting station.
- (19) The Chief Electoral Officer shall give one (1) hour notice to participating student organisations and candidate observers before the voting station may close.

## **32. Voting procedure**

- (1) The Chief Electoral Officer shall ensure that the following procedure arrangements for the election are brought to the attention of the voters:
  - (a) Every voter shall enter a polling booth after receiving two blank ballot papers for the SRC and School Council election.

- (b) Only ballot papers provided by the Chief Electoral Officer through polling officers are valid.
  - (c) Polling officers shall be present at the ballot boxes throughout the voting period, to assist voters with information concerning the demarcations or purpose of each ballot box, and shall also guard against any possible tempering with the ballotboxes.
  - (d) A voter shall vote for one student organisation for the SRC election, and one candidate for the School Council election.
  - (e) In the School Council election, a voter shall be allowed to vote for the School Council in which he/she is a student. In the event of a voter being registered in more than one (1) School, he/she shall choose one (1) School which a vote shall be cast for.
  - (f) A voter shall vote clearly, by placing a single cross or mark next to the student organisation and a single cross or mark next to the school candidate of his/her choice. The decision as to whether a ballot paper is spoilt or valid rests with the Chief Electoral Officer.
- (2) The Chief Electoral Officer shall ensure that all basic information concerning the voting procedure is made available to voters.

### **33. Complaints during the voting period**

- (1) Only participating student organisations and school candidates shall have competence through observers, to file any complaint on the SRC elections at any time during the voting period.
- (2) All complaints shall be in writing and co-signed by the observer/s of the aggrieved organisation or candidate, as the case may be.
- (3) All complaints shall be raised with the Chief Electoral Officer in the manner described by clause 33(1) and (2).
- (4) The Chief Electoral Officer shall apply his/her mind to any complaint raised, and give a ruling.
- (5) In instances where the concerned participating student organisation or candidate is not satisfied with the ruling of the Chief Electoral Officer, it or he/she may further use the complaint as a ground to declare a dispute on the outcomes of the SRC

election. Any such participating student organisation or candidate shall only lodge a dispute on the outcomes of the SRC elections after the Chief Electoral Officer has announced the preliminary SRC election results as provided for by clause 35(1) and (2).

#### **34. Counting of votes**

- (1) The Chief Electoral Officer shall ensure that only members of the EES, participating student organisation observers, School candidate observers and specified University observers, including members of the SMU Security Department, are present at the voting station during the counting of votes.
- (2) The Chief Electoral Officer shall ensure that all ballot boxes are sealed after the closure of the voting station and that all ballot boxes are counted in the presence of observers.
- (3) The Chief Electoral Officer shall unseal every ballot box during the counting period for that specific ballot box, in the presence of observers.
- (4) The Chief Electoral Officer shall ensure that all cast ballot papers are counted immediately after the closure of the voting station.

#### **35. Announcement of the election results**

- (1) The Chief Electoral Officer shall immediately after counting of votes inform observers about the preliminary results of the elections and the status of the SRC election results, based on the required minimum percentage poll. The preliminary and the final results must be based on principles of proportional representation.
- (2) The Chief Electoral Officer shall invite participating student organisations and candidates' observers to raise any objection or dispute to the preliminary results within twelve (12) hours after the announcement of the preliminary results.

- (3) The Chief Electoral Officer shall immediately publish the preliminary results, notwithstanding any objection raised.
- (4) The Chief Electoral Officer shall immediately proceed to publish the final SRC election results after the lapse of the timeframe provided for by clause 36(2) if no objection is raised.
- (5) Any objection to the preliminary results must be lodged with the Chief Electoral Officer and must be in writing and co-signed by both observers of the concerned participating student organisation or school observers. The participating student organisation concerned shall write a separate letter taking ownership of the objection raised by its own observers. Any objection which is not qualified by the concerned participating student organisation or candidate shall be declared invalid.
- (6) The Chief Electoral Officer shall apply his/her mind to any objection raised and provide a ruling in writing, signed by him/her. The Chief Electoral Officer shall proceed to announce the final SRC election results within two (2) days after the ruling if the participating organisation or candidate, as the case may be, is satisfied with the ruling. Any pronouncement of the final results must be based on the principles of proportional representation.
- (7) In case the concerned participating student organisation or candidate is not satisfied with the ruling given by the Chief Electoral Officer, he/she may file the objection with the Vice-Chancellor within one (1) day after the ruling of the Chief Electoral Officer.
- (8) If the objection is based purely on the complaint raised in accordance with the provisions of clause 36(2), the participating student organisation or candidate concerned may appeal against the results of the SRC elections directly to the Vice-Chancellor. The appeal must be in writing and co-signed by both observers of the concerned participating student organisation or candidate, as the case may be. The participating student organisation or candidate concerned shall write a separate letter taking ownership of the objection raised by its or his/her own observers. Any objection that is not qualified by the concerned participating student organisation or candidate is invalid. The participating student organisation

or candidate concerned shall provide the Chief Electoral Officer with all copies of appeal letters written to the Vice-Chancellor;

- (9) The Vice-Chancellor shall give a ruling on the objections raised either in accordance with clause 36(7) within ten (10) days.
- (10) The Chief Electoral Officer shall delay the announcement of the final SRC election results until the Vice-Chancellor has given a final ruling on any objection raised.
- (11) The Chief Electoral Officer shall announce the final SRC election results within two (2) days after the Vice-Chancellor has given a ruling.

### **36. Minimum percentage poll**

- (1) For the SRC elections results to be declared valid and binding, a minimum of twenty-five per cent (25%) of the registered student body must have cast their votes for the election of the SRC.
- (2) The Chief Electoral Officer shall declare the SRC and School Council elections null and void if the elections failed to meet the required minimum percentage poll as provided for by clause 36(1).
- (3) The Chief Electoral Officer shall, immediately after declaring the SRC elections null and void, notify the Vice-Chancellor about the status of the elections. The Vice-Chancellor shall within 30 days determine a new date for SRC elections and may, as an interim arrangement, constitute an Interim SRC. The appointment, or not, of an Interim SRC is solely within the discretion of the Vice-Chancellor.
- (4) The Interim SRC constituted by the Vice-Chancellor in accordance with clause 36(3) shall only be composed of student organisations that participated in the SRC elections. The Vice-Chancellor shall invite other interested members of the student body into the Interim SRC only if one or none of the student organisations that participated in the SRC elections is/are willing to take part in the Interim SRC.
- (5) The Interim SRC shall perform the functions of the SRC.

- (6) The Interim SRC shall hold office until the next SRC elections as contemplated in clause 36(3) of this Constitution, or such a shorter time as determined by the Vice-Chancellor.
- (7) Any appointment into the Interim SRC shall, amongst others, only be limited to students who comply with the provisions of clause 26 of this Constitution.
- (8) The Interim SRC shall be composed of the following members:
  - (a) Chairperson;
  - (b) Deputy Chairperson plus five(5) additional members;
  - (c) Any other additional members as determined by the Vice-Chancellor to enhance the effectiveness and operational efficiency of the interim SRC.

### **37. Constituting the SRC**

- (1) The Chief Electoral Officer shall, immediately after the announcement of the final SRC election results, invite candidates of student organisations that won seats in the SRC elections and their respective two observers to a Special Constituting Meeting of the SRC with the sole purpose of constituting the SRC. All student organisations that won seats in the SRC shall be obliged to serve on the SRC for at least four (4) months before withdrawing participation or recalling representatives.
- (2) The Chief Electoral Officer shall remind the invited candidates of student organisations about the number of votes that each won and their equivalent number of seats.
- (3) The Chief Electoral Officer shall also invite the School Council Chairpersons to the Special Constituting Meeting with full voting powers.
- (4) The Chief Electoral Officer shall issue the nomination forms for all the positions on the Executive Committee of the SRC.
- (5) The Chief Electoral Officer shall announce the names of the nominated candidates and conduct an election process, commencing with the President General, in the instance of the nomination of more than one candidate for a position.

After completion of the process described in clause 37(4) and (5), the Chief Electoral Officer shall declare the SRC duly constituted in accordance with the provisions of the Constitution.

- (7) The voting for the election of the Executive Committee of the SRC shall be by secret ballot, and to be successful, a candidate must receive a simple majority of the votes.
- (8) The Chief Electoral Officer shall count the ballot papers in full view of the invited observers and immediately announce the results.
- (9) In instances where more than two (2) candidates were nominated for a position and no candidate managed to receive a simple majority of votes, the candidate with the least number of votes will be removed from the ballot paper and the voting for the remaining candidates will proceed in accordance with clause 37(7), for two (2) more rounds. Should a tie occur between two candidates who received the least amount of votes, voting will take place to determine which candidate should be removed from the ballot paper, where after the voting will continue as determined in clause 37(7).
- (10) In the event of equal amounts of votes between the two candidates (in the instance of two nominations) only or the result of the voting process described in clause 37(7), voting will be repeated once more, and should a tie still exist, the candidate to be declared successful will be the candidate submitted by a participating organization with the highest number of total votes from the general election.
- (11) Should two political organizations that submitted the two candidates contesting for the same position have the same number of votes from the general ballots, the candidate to be declared successful will be determined by a lot from the two respective candidates. A lot can shall be repeated the lot three times to determine such a candidate.

## **38     Constituting the School Council**

- (1)     The Chief Electoral Officer shall, immediately after the election, invite the candidates who won the School elections for the purpose of constituting the School Council. The candidates who won the School elections shall be obligated to serve on the School Council for at least four (4) months before withdrawing participation. In the event of the candidate who won the School election deciding to withdraw participation after the prescribed period, the candidate that followed, in terms of the number of votes acquired during the elections, shall assume the vacated School position.
- (2)     The Chief Electoral Officer shall remind the invited candidates about the number of votes acquired during the elections.
- (3)     The Chief Electoral Officer shall declare each School Council duly constituted in terms of the Constitution.



## **CHAPTER 6**

### **AMENDMENTS TO THE CONSTITUTION**

#### **39. Amendment to the SRC Constitution**

- (1) The amendment of the Constitution shall be published by the SRC if:
  - (a) An absolute majority of members voting in an ordinary or Special SRC meeting vote in favour of the proposed amendment.
  - (b) The SRC Secretary General shall publish the proposed amendment on the University SRC notice boards for objections by members of the student body. If the SRC Secretary General receives less than one thousand (1 000) written objections to the proposed amendment from the student body within ten (10) days, the proposed amendment shall be regarded as having been accepted by the student body.
  - (c) The SRC Secretary General together with the President General shall submit any proposed amendment to the University management for consideration and submission to the University Council, who shall decide on the said proposed amendment. All proposed amendments of the SRC Constitution must be approved by the University Council before becoming valid and binding.

#### **40. Effective date of this Constitution**

- (1) This Constitution shall come into operation on the date and time determined by the University Council.
- (2) The repeal of the previous Constitution shall not affect the operation of it prior to the coming into operation of this Constitution or affect any resolution of the SRC or anything done under the previous Constitution.

#### **41A. Appeals against recognition decisions**

- (1) *The club, society or structure aggrieved by the SRC's decision to refuse or decline to extend recognition to may appeal the SRC's decision to the Recognitions Appeal Committee.*

- (2) *The appeal by the club, society or structure setting out in full its grounds of appeal shall be submitted to the Registrar and Secretary of the SRC within five business days of receipt of the decision of the SRC's decision by the club, society or structure.*
- (3) *Upon receipt of the appeal by the club, society or structure, the Secretary of the SRC shall urgently furnish the Registrar with all the documents which were considered by the SRC in arriving at the decision which is the subject of the appeal and the minutes of the SRC's deliberations and reasons for the decision which is the subject of the appeal.*
- (4) *The Recognition Appeals Committee shall:*
- (a) *be constituted by the Registrar and Director: Student Affairs only;*
  - (b) *consider the appeal solely based on the:*
    - (i) *grounds of appeal submitted by the club, society or structure;*
    - (ii) *SRC's reasons for the decision; and*
    - (iii) *documents considered by the SRC in arriving at the decision which is the subject of the appeal;*
  - (c) *decide on the appeal lodged by the club, society or structure by way of consensus. If no consensus is reached, the Registrar shall have both the deliberative and casting vote;*
  - (d) *promptly communicate its decision and reasons thereof to the club, society or structure, and Secretary of the SRC;*
- (5) *The decisions of the Recognitions Appeal Committee shall be final and binding, and no other person, committee or structure internal to the University can overrule them.*

#### **41B. Delegation of powers and functions of the Vice-Chancellor**

The Vice-Chancellor may, in writing and on such terms and conditions as he may determine, delegate any of his powers and functions in this Constitution to the Deputy Vice-Chancellor, or any employee of the University as may be determined by the Vice-Chancellor in his or her discretion.

## **SCHEDULE 1**

Sample of ballot paper

1. Sample of the SRC ballot paper

<b>Name of the student organisation</b>	<b>Logo of the student organisation</b>	
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2. Sample of the School Council ballot paper

<b>Name of the candidate</b>	<b>Picture of the candidate</b>	
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The blank space on the third (3rd) stated sample of ballot papers shall be reserved for the marking of the vote.

## **SCHEDULE 2**

### **41. Registration of student organisations, clubs and societies**

- (1) All student organisations, clubs and societies must register with the SRC.
- (2) All student organisations, clubs and societies must provide the SRC with their respective constitutions and the list of elected executive members in order to qualify for registration with the SRC.

## **SCHEDULE 3**

### **42. Settling of disputes**

Any dispute regarding the interpretation of this Constitution which cannot be resolved internally and within the ambit of this Constitution may be referred to mediation by a party identified by the Vice- Chancellor in consultation with the SRC President.