



**SRC MEETING WITH CONSTITUTIONAL TRIBUNAL MINUTES FOR THE 19TH APRIL 2018 AT 19:00PM
IN THE SEMINAR ROOM**

1. OPENING AND WELCOME

1.1 Kwena welcomed all present and officially opened the meeting.

2. ATTENDANCE

2.1 PRESENT:

Kwena Moloto	Mamello Molotsi
Jodi Chikowi	Kyle Goosen
Mone Erasmus	Janie Geldenhuys
Phindile Makhombothi	Duane van Wyk
Obakeng Sepeng	Kutlwano Mositi
Heidi Davis	Soraia Machado
Aaron Masemola	Lindi Mtsweni
Akhona Mdunge	Lihle Ngubane
Romario Roman	

2.2 ABSENT WITHOUT APOLOGY:

Therese Roddink

2.3 ABSENT WITH APOLOGY:

Standford Ndlovu

2.4 EXCUSED TO LEAVE EARLY:

Obakeng Sepeng

2.5 LEFT EARLY WITHOUT EXCUSE:

Phindile Makhombothi

2.6 CONSTITUTIONAL TRIBUNAL MEMBERS PRESENT:

Neo Mokoka	Emma Bleeker
Mpho Mogodime	Ashleigh Laurent

Johan Coetze
Tebello Mosoeu
Rethabile Shabalala

Antonie Klopper
Marcia van der Merwe
Kelsey Lorentz

3. ACCEPTANCE OF PREVIOUS MINUTES AND COFIRMATION OF AGENDA

3.1 The previous minutes were accepted and the agenda was adopted.

4. MATTERS TO BE DISCUSSED

4.1 CSG AMENDMENTS:

4.1.1 Section 24 (1) (b): Mamello said that we should include year modules as part of the eligibility requirement to serve on the SRC.

JUSTIFICATION: The situation arises when a student has a year module and cannot run for SRC as no progress marks are made available. This amendment will ensure students with a year module may run for SRC.

The Chief Justice said that we must specify exactly who would ask for the progress marks. Mamello said that the Chief Electoral Officer would be responsible for this responsibility.

The Chief Justice said that a procedure should be put in place with regards to time limits as to when the progress marks of the year modules be requested. It was decided that in **item 8 of Annexure A** we would include: "this includes cut off time for obtaining progress marks".

Vote for amendment: 17 votes- amendment passed

4.1.2 Section 39 (A) Postgraduate Sub-Council: Jodie wished to include a section that made provision for a post-graduate sub-council.

JUSTIFICATION: BY HAVING A SUB-COUNCIL WITH REPRESENTATIVES FROM EACH FACULTY HOUSE, THE MATTERS THAT AFFECT POST-GRADUATE STUDENTS CAN BE DEALT WITH MORE EFFICIENTLY.

The Deputy Chief Justice asked whether the section for the roles of the SRC for Post Graduate and International Student Affairs will also be amended to include this sub-council as it could make the portfolio redundant.

The Chief Justice suggested that we make post-graduate representations for faculty houses under section 37 A for Academic Affairs Sub-Council where the elected members would report directly to the post-graduate SRC Representative.

It was rather suggested that the responsibility be included as **Section 23 (7) (d) (iv)**: “Liaise with the post graduate representatives from each Faculty Houses and the post graduate representative from post graduate residences.”

Vote for amendment: 17 votes- amendment passed

The Deputy Chief Justice said that the role of the representatives for post graduates also needs to be included in this section of the CSG.

Section 23 (7) (d) (v): “Ensures that the responsibilities of the post-graduate representatives are updated publically as he/she deems necessary.”

Votes for amendment: 17 votes- amendment passed

4.1.2 **Section 40 Transformation Sub-Council**: Lihle introduced the proposal of a transformation sub-council.

JUSTIFICATION: THE ROLE OF THE TRANSFORMATION SUB-COUNCIL WOULD BE TO ALIGN THE GOALS OF THE TRANSFORMATION REPRESENTATIVES OF FACULTY HOUSES, DAY HOUSES AND RESIDENCES WITH THE UNIVERSITY’S 2025 TRANSFORMATION GOAL.

The Chief Justice said that a sub-council is normally constituted of Chairpersons and having a sub-council constituted of transformation representatives could cause a power imbalance within structures.

Judge Mpho suggested we include a liaising responsibility with the SRC transformation member and the transformation representatives of faculty houses, day houses and representatives.

Heidi suggested that the transformation SRC member attend residence sub-council to discuss important transformation issues.

The Deputy Chief Justice suggested that a constitution be drafted for the Transformation Sub-Council to ensure that members of the sub-council are empowered with responsibilities. This first draft of the constitution should be drafted with the academic and residence sub-councils with the transformations representatives of these councils and the SRC transformation representative.

Section 40 (4) (a) of the Transformation Sub-Council: “The transformation sub council may, after consultation with the residence sub council and the academic affairs sub-council, upon approval by the SRC adopt any constitution to organise its activities.”

Votes for amendment: 15 votes- amendment passed

- 4.1.3 Section 41 Student Forum:** Mamello introduced amendment proposals for this section.

Section 41 (1) (a): Change to “the SRC”.

JUSTIFICATION: THE ENTIRE SRC SHOULD BE PRESENT NOT JUST THE SRC EXECUTIVE

Votes in favour: 16 votes-amendment passed

Section 41 (2) (h): change to 41 (1) (a) to (h) to “section 41(1) (b) to (h)”

JUSTIFICATION: THE SRC SHOULD BE PRESENT AT ALL STUDENT FORUMS NOT JUST TWO OF THE FOUR.

Votes in favour: 15 votes-amendment passed

The addition of **Section 41 (2) (i):** “Members of the SRC are required to attend all Student Forum meetings unless a valid excuse has been submitted to the chairperson of the Student Forum”

JUSTIFICATION: A SITUATION MAY ARISE WHERE NOT ALL SRC MEMBERS MAY BE PRESENT DUE TO UNFORSEEN CIRCUMSTANCES.

Votes in favour: 16 votes- amendment passed

All SRC members agreed that subsequent paragraphs will move up a letter in the alphabet to compensate for the new addition.

The addition of **Section 41 (2)(n):** “a member of the student forum can mandate any SRC member to add/remove item from their POAs if the said mandate is accompanied by a petition (50% of the number of votes casted in the previous SRC elections) with valid student number and names. If the SRC disagrees with proposed amendments to the POA, they may appeal to the Director of Student Affairs within a reasonable time. Only once the amendments have been approved by either the SRC, or in the case of an appeal, the Director of Student Affairs, can any amendments be finalized.”

JUSTIFICATION: THIS WILL ENSURE COUNTABILITY TO THE STUDENT BODY AND IT WILL ALSO ENSURE THAT THE SRC’S POA IS IN LINE WITH WHAT THE STUDENTS NEED/WANT.

Votes in favour: 8 votes- amendment not passed

- 4.1.4** The addition of **Section 48 (6)** to procedural arrangements for mass meetings: “A student present at the mass meeting can mandate any SRC member to add/remove item from their POAs if the said mandate is accompanied by 4000 signatures with valid student numbers. If the SRC disagrees with proposed amendments to the POA, they may appeal to the Director of Student Affairs/Constitutional Tribunal within reasonable time. Only once the amendments have been approved by either the SRC, or in the case of an appeal, the Director of Student Affairs/Constitutional Tribunal, can any amendments be passed”.

JUSTIFICATION: THIS WILL ENSURE COUNTABILITY TO THE STUDENT BODY AND IT WILL ALSO ENSURE THAT THE SRC'S POA IS IN LINE WITH WHAT THE STUDENTS NEED/WANT.

Votes in favour: 13 votes- amendment passed

- 4.1.5 **Annexure A** amendment proposals: Mamello introduced the proposals for amendments of Annexure A.

Item 8 (1): "After the closing of nominations and where the IEC continues with the SRC Elections, the Chief Electoral Officer must announce the list of candidate submissions for each SRC portfolio after attaining any outstanding eligibility requirements as mentioned in section 24 (1)"

JUSTIFICATION: THOSE WITH YEAR MODULES WILL NOW BE ALLOWED TO RUN FOR SRC AS AN OBLIGATION IS PLACED ON THE CEO TO OBTAIN PROGRESS MARKS.

Votes in favour: 15 votes- amendment passed

Item 9 (9): "...Only posters issued by the IEC may be used. Posters may not be larger than A3 in size. Candidates may only disclose affiliation on poster if said organization is a registered University of Pretoria Society".

JUSTIFICATION: THIS INCLUSION IN THE ORIGINAL PARAGRAPGH WOULD MEAN THAT A STUDENT MAY ONLY DISCLOSE AFFILIATION TO A SOCIETY IF THE SOCIETY IS REGISTERED AND RECOGNISED BY THE UNIVERSITY (THIS WILL ENSURE THAT THE SRC ELECTIONS ARE REGULATED IN THE INSTANCE THAT A SOCIETY BREAKS CAMPAIGNING RULES AND CAN THEN BE HELD ACCOUNTABLE).

Votes in favour: 15 votes-amendment pending on council's decision.

The Constitutional Tribunal however noted this amendment is unconstitutional (it limits a student's right to association) and they object to this amendment.

Item 9 (15): change 48 hours to "24 hours".

JUSTIFICATION: CAMPAIGNING MATERIAL WILL BE APPROVED IN A SHORTER TIME PERIOD TO ASSIST CANDIDATES CONSIDERING HOW SHORT THE CAMPAIGNING PERIOD IS.

Votes in favour: 15 votes-amendment passed

Item 10 (6): "...this may include an indication of affiliation (if the society is a registered of the University of Pretoria)"

JUSTIFICATION: THIS INCLUSION IN THE ORIGINAL PARAGRAPGH WOULD MEAN THAT A STUDENT MAY ONLY DISCLOSE AFFILIATION TO A SOCIETY IF THE SOCIETY IS REGISTERED AND RECOGNISED BY THE UNIVERSITY (THIS WILL ENSURE THAT THE SRC ELECTIONS ARE REGULATED IN THE INSTANCE THAT A SOCIETY BREAKS CAMPAIGNING RULES AND CAN THEN BE HELD ACCOUNTABLE).

Votes in favour: 11 votes- amendment pending decision of council

The Constitutional Tribunal however noted this amendment is unconstitutional (it limits a student's right to association) and they object the proposed amendment.

4.1.6 Submission from a student: **Student Parliament**

The Chief Justice said this is a structural change to the Constitution and that it would have to be done by a referendum and not amendments through the SRC.

4.1.7 **Kutlwano Mositi's** amendment proposals: Kutlwano introduced his proposals for amendment.

Preamble amendment: "Furthermore, the Student Governance Structures should aim and encourage exemplary student leadership which promotes equality of opportunities through effective, accountable and transparent student leadership. In striving for holistic advancement and development of the student community, it will uphold and safe guard the rights of all the students of the University of Pretoria."

JUSTIFICATION: THESE FOUNDING PRINCIPLES WILL ENSURE THAT STUDENT GOVERNANCE STRUCTURES APPLY THEM TO THEIR LEADERSHIP ROLES.

Votes in favour: 16 votes- amendment passed

Section 1 definition: SRC Notice Board: means the notice-board that is situated outside the building in which SRC offices are located.

JUSTIFICATION: PROVIDES CLARITY AS TO WHERE THE SRC NOTICE BOARDS ARE

Votes in favour: 16 votes-amendment passed

Section 1 definition: Student Governance Structure: Faculty Houses and Residence House Committees.

JUSTIFICATION: THE FACULTY AND RESIDENCE HOUSES ARE PART OF STUDENT GOVERNANCE AND NEED TO BE INCLUDED IN THE DEFINITION.

Votes in favour: 16 votes-amendment passed

Section 1 definitions: Structures under the Jurisdiction of the SRC: includes 1. SRC Sub-Committees 2. Faculty Houses 3.

Residence House Committees 4. All registered Student Societies

JUSTIFICATION: ALL THESE STRUCTURES NEED TO BE INCLUDED IN THE DEFINITION AS THEY ARE UNDER THE JURISDICTION OF THE SRC.

Votes in favour: 15 votes-amendment passed

Section 3 Objectives (4): "The University management accepts the authority and given to the SRC by the Statute of the University and the Higher Education Act

will create an enabling environment to facilitate the furtherance of the objectives of the SRC”

JUSTIFICATION: THE CSG APPLIES TO MANAGEMENT AS WELL AND SHOULD THEREFORE ALLOW AN ENABLING ENVIRONMENT SO THE OBJECTIVES OF THE SRC.

Votes in favour: 16 votes-amendment passed

Section 3 Objectives (5): “The SRC / SGS will commit to recognizing and address the injustices of the past within the University of Pretoria and in society”.

JUSTIFICATION: THIS PRINCIPLE IS IN LINE WITH THE UNIVERSITY’S 20125 VISION

Votes in favour: 16 votes-amendment passed

Chapter 5- Insert new section 36 A: Structures under the jurisdiction of the SRC

JUSTIFICATION: ENSURES THAT THESE STRUCTURES ARE ACCOUNTABLE TO THE SRC AND STUDENT BODY.

Votes in favour: 16 votes- amendment passed

Section 41 (1) (d): replace selected with “elected”

JUSTIFICATION: MEMBERS ARE ELECTED AND NOT SELECTED.

Votes in favour: 16 votes- amendment passed

Section 41 (1) (i): remove elect and change it to “choose to”

JUSTIFICATION: STUDENTS MAY CHOOSE TO ATTEND STUDENT FORUM.

Votes in favour: 16 votes-amendment passed

Section 41 (2) (b): change Secretary to Deputy Secretary

JUSTIFICATION: THE RESPONSIBILITIES OF THE DEPUTY SECRETARY INCLUDES STUDENT FORUM, THEREFORE THIS SECTION SHOULD SPECIFICALLY STATE DEPUTY SECRETARY IS RESPONSIBLE.

Votes in favour: 16 votes- amendment passed

Section 41 (2) (c): change Secretary to Deputy Secretary

JUSTIFICATION: THE RESPONSIBILITIES OF THE DEPUTY SECRETARY INCLUDES STUDENT FORUM, THEREFORE THIS SECTION SHOULD SPECIFICALLY STATE DEPUTY SECRETARY IS RESPONSIBLE.

Votes in favour: 15 votes- amendment passed

Section 41 (2) (d): change Secretary to Deputy Secretary

JUSTIFICATION: THE RESPONSIBILITIES OF THE DEPUTY SECRETARY INCLUDES STUDENT FORUM, THEREFORE THIS SECTION SHOULD SPECIFICALLY STATE DEPUTY SECRETARY IS RESPONSIBLE.

Votes in favour: 16 votes- amendment passed

Section 41 (2) (f): “...in accordance with procedures prescribed in the constitution of the Constitutional Tribunal”

JUSTIFICATION: THE PROCEDURE TO CHAIR STUDENT FORUM WILL BE PROVIDED FOR IN THE CONSTITUTION OF THE CONSTITUTIONAL TRIBUNAL

Votes in favour: 16 votes-amendment passed

Section 26 (4): “the newly elected SRC may only commence with their term when they have taken oath of office and may assume their full role on completion of the training...”

JUSTIFICATION: THIS WILL PREVENT POWER IMBALANCES BETWEEN THE CURRENT SRC AND THE NEWLY ELECTED SRC.

Votes in favour: 16 votes-amendment passed

Annexure A- item 15: addition of paragraphs (4)The new SRC members shall be addressed as elect’s and should be sworn in December each year (5) The SRC elect shall receive an adequate handover period from the outgoing SRC and (6) Once elected into office, the SRC elect must participate in a mandatory training by the Director: Student Affairs in consultation with the SRC-elect.

JUSTIFICATION: THIS WILL PREVENT POWER IMBALANCES BETWEEN THE CURRENT SRC AND THE NEWLY ELECTED SRC.

Votes in favour: 16 votes-amendment passed

Annexure A- item 10 (2): “In the event that the Director of Student Affairs decides to conduct the SRC elections electronically, the results should be made public twice a day before elections are concluded.”

JUSTIFICATION: THIS WILL IMPROVE TRANSPARENCY OF THE SRC ELECTIONS AND ENSURES THE ELECTIONS ARE FAIR AND JUST.

Votes in favour: 4 votes- amendment NOT passed

4.1.8 **Annexure A- Item 3 (2) (h):** (12 votes)

“Before declaring an election free and fair, the Independent Monitoring Body must attend to all complaints and objections and must also declare whether the newly elective SRC is representative of the student body. The Independent Monitoring Body has the authority to declare the entire elections free and fair. It also has the power to declare the election process in part of the poll as null and void, after which the election process in the affected part must start anew as soon as possible.”

JUSTIFICATION: THE IMB WILL DETERMINE IF THE NEWLY SRC IS REPRESENTATIVE OF THE STUDENT BODY AND NOT THE DSA.

Votes in favour: 12 votes- amendment passed

4.1.9 **Annexure A-Section 3 (2) (i):** “The IMB must oversee the process of item 12 and must ensure that the SRC after the election of the ex-officio portfolios is representative of the student body and if so must submit a report to council.”

JUSTIFICATION: THE IMB WILL OVERSEE THE ELECTION PROCESS OF THE EX-OFFICIO PORTFOLIOS

Votes in favour: 13 votes- amendment passed

4.1.10 **Item 12 (1):** The Chief Justice suggested that the percentages are removed and the shift will move to representation rather than a strict quota system.

“If the situation arises that the elective portfolios are not representative of the student body, the Chief Electoral Officer must convene and chair successive meetings with the Sub-councils and Committees being mindful of section 33 (2) of the Constitution, these meetings must aim to resolve to elect such representatives to the SRC to address the racial or gender imbalance (s) of the elective portfolios.”

JUSTIFICATION: THE IMB WOULD DETERMINE IF THE NEWLY ELECTED SRC IS REPRESENTATIVE OF THE STUDENT BODY AND ALSO DETERMINE IF THE EX-OFFICIO PORTFOLIOS ARE REPRESENTATIVE OF THE STUDENT BODY.

Votes in favour: 13 votes- amendment passed

5. OTHER MATTERS ARISING

5.1 There were no matters arising.

6. TIME AND DATE OF NEXT MEETING

6.1 26th of April at 18:00pm in the SRC seminar room.

7. CLOSURE

7.1 Kwena thanked the Constitutional Tribunal for their time and officially closed the meeting.

I, KWENA MOLOTO (SRC PRESIDENT) AND SORAIA MACHADO (SRC SECRETARY), DECLARE THAT THESE MINUTES ARE A TRUE REFLECTION OF THE EVENTS THAT TRANSPIRED IN THE SRC MEETING HELD ON THE 19TH OF APRIL AT 19:00PM IN THE SRC SEMINAR ROOM.

KWENA
PRESIDENT

SORAIA
SECRETARY