

RULES FOR STUDENT FORUM AT THE UNIVERSITY OF PRETORIA



Explanatory Note:

The approach of 'simplification' resurrects the very problem that any rules attempt to solve. Gaps in the rules lead to several major problems, namely: much time is spent in debating what the rules are or should be; the chair unilaterally imposes a result; or the majority imposes a result that frequently disregards the rights of the minority. When virtually everyone agrees, an assembly may be able to get by without resort to elaborate rules. When there is serious division, however, it is in human nature that each side will attempt to construe any ambiguity in the rules in such a way as to further its own exclusive aims. It is therefore ideal that the rules applicable to a subject are so clear that the contending sides cannot plausibly and significantly differently interpret them to their own unfair advantage. Only then do rules fully play their role as the neutral arbiter that channel disputes into productive debate or determinations over substance, instead of time-wasting manoeuvring over procedure.

The object of this Rules-scheme is to act as a roadmap. Put simply, it is meant to: clear up confusion about who has what power and the limits of that power; delineate who has what rights, the content of such rights, how such rights are to be exercised, and the limits of such rights; and to protect the rights and interests of stakeholders or offer them means of recourse. It is meant to establish a framework for orderly and equitable interaction, in what can be, and often is, an adversarial ecosystem.

*These Rules were drafted and compiled by the Chief Justice of the Constitutional Tribunal through a consultative process with the Department of Student Affairs and the SRC Executive.

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PART I

DEFINITIONS AND TERMS

Rule 1. Definitions. – In these Rules, unless the context otherwise indicates —

(1) '*Attendance*' means a member's physical presence within or at the venue of the meeting sufficient that they are able to adequately participate in the meeting without impediment;

(2) '*Chamber*' means the room or venue in which the proceedings of the Student Forum and its business are conducted;

(3) '*Constitution*' means the Constitution for Student Governance (CSG) of the University of Pretoria;

(4) '*CSG*' means the Constitution for Student Governance (CSG) of the University of Pretoria;

(5) '*Document*' means any written instrument, and includes any electronic or other device or instrument in or on which information, including visual material, is recorded, stored or kept;

(6) '*Forum*' refers to the Student Forum established and contemplated by the CSG;

(7) '*Member*' means any person in attendance, in any role or capacity whatsoever, at the Student Forum or any person who should be in attendance;

(8) '*Questions with notice*' means any question focused on the SRC plan of action or portfolios and submitted at least 48 hours in advance;

(9) '*Questions without notice*' means any question posed without submitting the question 48 hours in advance and which may be allowed or disallowed by the presiding officer in accordance with these Rules.

PART II

GENERAL PROVISIONS

Rule 2. Sources of Authority. – (1) The sources of authority at Student Forum are

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- (a) The Higher Education Act 101 of 1997 and any other applicable legislation or laws of the Republic;
 - (b) The Statute of the University of Pretoria;
 - (c) The Institutional Rules of the University of Pretoria as contemplated in the Higher Education Act and the Statute of the University of Pretoria;
 - (d) The University of Pretoria Constitution for Student Governance;
 - (e) These Rules of Student Forum;
 - (f) The judgments and orders of Constitutional Tribunal of the University of Pretoria;
 - (g) Rulings of the presiding officer.
- (2) These Rules are subordinate and subject to:
- (a) The Constitution of the Republic of South Africa, 1996;
 - (b) The Higher Education Act 101 of 1997 and any other applicable legislation or laws of the Republic;
 - (c) The Statute of the University of Pretoria;
 - (d) The Institutional Rules of the University of Pretoria as contemplated in the Higher Education Act and the Statute of the University of Pretoria;
 - (e) The University of Pretoria Constitution for Student Governance.

Rule 3. Rules of Student Forum (These Rules). – (1) The Rules of Student Forum are promulgated under the CSG and the authority of the Office of the Chief Justice of the Constitutional Tribunal (Chairperson of Student Forum).

(2) These Rules were promulgated by the Chief Justice of the Constitutional Tribunal on 15 March 2020.

(3) The Rules remain in force until amended or repealed.

(4) The Rules must be strictly adhered to by members.

(5) Any person attending any meeting of the Student Forum in any role or capacity whatsoever is subject to these Rules.

Rule 4. Non-diminution or Non-limitation of Rules and Orders. – No convention or practice may limit or inhibit any provision of these Rules or any discretion, ruling or order by the presiding officer or of any other competent authority.

PART III

THE PRESIDING OFFICER

Rule 5. General Authority of the Presiding Officer and Unforeseen Eventualities.

– (1) The presiding officer has the necessary discretion and powers, subject to these Rules, to maintain order and manage meetings.

(2) The presiding officer may give a ruling or frame a rule in respect of any eventuality for which these Rules do not provide, having regard for the provisions of the CSG and other applicable authorities, as well as the principles of justice, fairness and the rule of law.

(3) The presiding officer has the power and authority to interpret, apply and enforce these Rules and/or any other applicable source of authority.

Rule 6. Precedence of Presiding Officer. – (1) Whenever the presiding officer addresses the meeting, any member then speaking or offering to speak must cease their engagement or address, and the presiding officer must be heard without interruption.

(2) The presiding officer may interrupt any member at any time in order to address an issue, attend to matter, perform a function or exercise a power.

Rule 7. Rulings of the Presiding Officer. – (1) The presiding officer may make rulings in applying and interpreting these Rules and other applicable authorities;

(2) All persons in attendance at the meeting in whatever role or capacity must abide by the rulings of the presiding officer.

(3) Rulings by the presiding officer are final and binding, subject to Rule 7(4) below.

(4) Appeal of a ruling by the presiding officer:

(a) A member may challenge a ruling of the presiding officer by applying to the Constitutional Tribunal for an adjudication of the ruling;

(b) In accordance with the provisions of the Constitution of the Constitutional Tribunal and the Tribunal's Rules relating to bias and conflicts of interest, if applicable: The presiding officer of the Student Forum may not play any role in the composition or determination of the adjudication or any preliminary question.

- (c) The ruling of the presiding officer will remain in force and remain effective until or unless set aside by an adjudication panel of the Constitutional Tribunal or repealed or altered by a provision of these Rules.

PART IV

ORDER IN MEETINGS AND THE CHAMBER

Rule 8. Freedom of Speech. – (1) In accordance with section 16 of the Constitution of the Republic of South Africa, 1996 and section 14 of the CSG, members of the Student Forum have freedom of speech in the chamber.

(2) The freedom of expression of members is subject to these Rules and the relevant sources of authority.

Rule 9. Recognition of Members to Speak. – (1) A member may speak only when recognised and once recognised by the presiding officer;

(2) Subject to Subrule (1) above and any other provisions of these Rules: a member may draw the attention of the presiding officer to a point of order at any time in a non-disruptive manner by standing quietly and/or raising their hands;

(3) Where there are several persons indicating they want to be recognised to address the meeting, the presiding officer will recognise them, to the best of their ability, in the sequence that they first indicated;

(4) The presiding officer may order a member addressing the forum to stop speaking if that member, despite warnings from the presiding officer, persists in irrelevant or repetitive arguments or where

Rule 10. Member to Address the Presiding Officer. – (1) Every member must make any address, and must address the meeting or any other member, through the presiding officer;

(2) The presiding officer must be referred to as ‘Presiding officer’, or ‘Chairperson’ or ‘Chair’ or with reference to the relevant official title of the person presiding, as the case may be.

Rule 11. Points of Order. – (1) A member may raise a point of order at any time during the proceedings (and except where limited by these Rules).

(2) When recognised by the presiding officer, the member must state that they are rising on a point of order;

(3) The presiding officer may recognise a member rising on a point of order:

- (a) immediately upon the point of order being raised; or
 - (b) delay recognising a member on a point of order: Provided that the presiding officer may not move on to the next item of business as contemplated in Rule 32 below or as set out in the order paper without recognising members to raise their points of order where the presiding officer has decided to delay recognition: Provided further that the presiding officer may move on to the next item without hearing points of order in instances permitted under these Rules, such as in the instance of exclusions being applied to specific members under Rules 20 below.
- (4) A point of order must be confined only to a matter of procedure or practice, or a matter relating to conduct;
- (5) Statement of authority:
- (c) The member raising the point of order must commence by quoting the exact rule, or at least the principle or spirit of the rule, upon which the point of order is based. If the member does not do so, the presiding officer may insist on them doing so;
 - (d) If the member fails to adequately anchor their point on relevant authority, namely a provision of these Rules, the presiding officer may summarily rule that the (ostensible) point of order as raised and articulated does not amount to a point of order or that it is out of order.
- (6) The presiding officer may, at their discretion, allow other members to address the presiding officer briefly on the substance of point of order that has been raised before ruling on the point.
- (7) The presiding officer may give their ruling on the point of order immediately, or defer the final ruling a time thereafter by way of a considered ruling.
- (8) No member may raise another point of order before the presiding officer has ruled on the point of order being heard.
- (9) No member may raise a point of order again or a similar point of order, if the presiding officer has ruled that it is not a point of order or that the matter is out of order.
- (10) When a point of order is raised, all other members must be quiet.
- (11) After the point of order has been stated to the presiding officer by the member raising it, the member raising the point of order must likewise immediately be quiet.

(This will be on the conclusion of the submission of the point of order or if the presiding officer directs them to do so.)

(12) The presiding officer's ruling on a point of order is final and binding, and may not be challenged or questioned in the meeting.

(13) A member who is aggrieved by a presiding officer's ruling on a point of order may appeal the ruling as set out in Rule 7 above.

(14) Members may not disrupt proceedings by raising points of order that do not comply with this Rule.

Rule 12. Reference to Members. – (1) In the chamber and in meetings, members must refer to one another in respectful terms.

(2) Members may refer to each other: with reference to surnames, but not first names, and must otherwise make use of the relevant member's official titles, as the case may be.

(3) No name or term to impugn the dignity of any member may be used.

(4) Any person attending a meeting of the Student Forum or present in the chamber will be deemed to be a member of the Student Forum, in line with Rule 3(4) above.

Rule 13. Conduct of Members. – (1) Members must at all times accord the presiding officer and other members due respect and conduct themselves in accordance with the objective standard of good decorum of the Student Forum.

(2) Members are required —

(a) to enter or leave the meeting with decorum;

(b) to conduct themselves during the proceedings with decorum;

(c) during proceedings to not pass between the presiding officer and the member who is speaking, nor to physically block or interrupt the visibility of any members or the presiding officers;

(3) Members may not converse aloud such that the conversation disturbs the proceedings or other members while proceedings are ongoing.

Rule 14. Members Not to be Interrupted. – (1) No member may interrupt another member whilst speaking, but may only do so —

(a) to raise a point of order, subject to Rule 11 above; or

(b) at the discretion of the presiding officer, on a point of clarity; or

(c) at the discretion of the presiding officer, to request permission of the member speaking to put a question to the member speaking, which the member speaking may decline.

(2) Members may only use the exceptions to interrupt members for a legitimate purpose and may not rely on the exceptions in Rule 14(1) above to badger or spuriously or excessively interrupt a member. The presiding officer may intervene and protect members from being interrupted, including from points of order.

(3) The presiding officer may interrupt any member at any time in order to address an issue, attend to matter, perform a function or exercise a power.

Rule 15. Unacceptable Language or Gestures. – (1) No member may use offensive, abusive, insulting disrespectful or threatening words or language, nor offensive, abusive, insulting, disrespectful or threatening gestures.

(2) The presiding officer may rule conduct or words that are inconsistent or contravene these Rules as out of order and may order the relevant member to unconditionally withdraw them without qualification.

Rule 16. Reflections Upon Persons. – (1) No member may impute improper motives to any other member, or cast personal reflections upon their integrity or dignity of any member, or verbally abuse any member in any other way.

(2) A member who wishes to proceed on or report any improper or unethical conduct on the part of another member may do so only by way of a proceedings before the Constitutional Tribunal or by laying a complaint with the Director: Student Affairs, comprising a clearly formulated and properly substantiated charge.

Rule 17. Reflections Upon Judges. – No member may reflect upon the competence or integrity of, or cast personal reflections upon, a Judge of the Constitutional Tribunal, including the Chief Justice, Deputy Chief Justice and Registrar.

Rule 18. Matters *Sub Judice*. – No member may reflect upon the merits of any matter on which an adjudicative or arbitration decision by the Constitutional Tribunal or Disciplinary Committee: Students or Appeals Committee of Senate (Discipline) is pending.

Rule 19. Grossly Disorderly Conduct. – (1) Members may not engage in grossly disorderly conduct in the chamber and meetings of Student Forum.

(2) Grossly disorderly conduct includes —

- (a) deliberately creating serious disorder or disruption;
- (b) undermining the authority of the presiding officer or refusing to obey rulings of the presiding officer or disrespecting and interrupting the presiding officer;
- (c) persisting in making serious allegations or persisting in reflecting upon persons;
- (d) using or threatening violence against a member or other person; or
- (e) acting in any other way to the serious detriment of the decorum or orderly procedure of the meeting.

Rule 20. Remedial and Disciplinary Measures Against Members. – (1) If, in the assessment of the presiding officer:

- (a) a member has contravened a provision of these Rules; or
- (b) is deliberately contravening a provision of these Rules; or
- (c) a member is disregarding the authority of the presiding officer; or
- (d) a member's conduct is grossly disorderly –
 - the presiding officer may rule on the matter and apply any of the remedial action or disciplinary measures contemplated below.

(2) The presiding officer may:

- (a) Warn the member;
- (b) Name the member;
- (c) Direct the member to desist certain conduct;
- (d) Direct a member to take certain remedial steps;
- (e) Require the member to issue an apology in addition to requiring the member withdraw certain statements or conduct;
- (f) Place the member on exclusion for a portion of the meeting;
- (g) Place the member on exclusion for the whole or remainder of the meeting;
- (h) Refer the member to the Disciplinary Committee: Students for contempt of the presiding officer in the form of, namely but not limited to, a refusal to obey or acting contrary to lawful instruction/s or request/s;
- (i) Any other legally competent measure.

(3) The above listed measures may be applied singly or in conjunction with one another.

(4) 'Exclusion' as a remedial or disciplinary measure involves the suspension of some or all of the member's abilities to participate in the proceedings and rights in respect of the Student Forum and may include, but is not limited to, the suspension of the member's right/s to ask questions and/or to raise points of order.

CHAPTER V

TIME ALLOCATIONS AND LIMITS FOR MEETINGS, REPORTS AND QUESTIONS

Rule 21. Time allocations for SRC Quarterly Reports – Each SRC Quarterly Report will be presented in full.

Rule 22. Questions. – (1) Questions to the SRC on the SRC Plans of Action or on particular portfolios must be submitted in writing to the SRC Deputy Secretary at least 48 hours in advance of the particular Student Forum meeting.

(2) General questions to members of the SRC or student officials may be posed at the meeting without notice; provided that:

- (a) in the presiding officer's evaluation, the question does not require the relevant SRC member or student official to have prepared for the question such that it would be unfair to require that the SRC member or student official to fully answer the question as a question without notice and preparation; and
- (b) There must be genuine and legitimate reason why the question was not submitted 48 hours in advance; and
- (c) That where an SRC member or student official can partially answer the question and defer the remainder, they must do so.

(3) Questions with notice (and corresponding answers and follow-ups and answers) take precedence over questions without notice (and corresponding answers and follow-ups and answers).

(4) The presiding officer rules on whether a particular question has been answered and may direct a person to re-answer and/or fully answer a question where an answer is or remains insufficient or otherwise unanswered.

(5) Where a person is directed to re-answer or fully answer a question, the presiding officer will grant them time to do so, the amount allocated will be at the discretion of the presiding officer but may not exceed the time limits set out below.

Rule 23. Times Allotted and Time Limits for Primary Questions. – (1) The time to ask questions with notice is limited to two minutes and the time to reply to questions with notice is limited to three minutes.

(2) The time to ask questions without notice is limited to one minute and the time to reply questions without notice is limited to two minutes.

Rule 24. Follow-Up Questions. – (1) In respect of each question with notice, two follow-up questions may be asked.

(2) In respect of each question without notice, one follow-up question may be asked.

(3) Follow-up questions are to be posed immediately following the answer to the primary question has been given, except where the presiding officer directs or allows otherwise.

(4) The time allocated (and limited) to ask follow-up questions to questions with notice is limited to two minutes and the time to reply to such follow-up questions is limited to three minutes.

(5) The time allocated (and limited) to ask follow-up questions to questions without notice is limited to one minute and the time to reply to such follow-up questions is limited to two minutes.

Rule 25. Same Substance Rule. – The presiding officer may disallow any question or answer which is the same in substance as a question or answer already asked or given.

Rule 26. Lapsing of Questions. – Questions which are not asked at the Student Forum meeting for which they were submitted lapse.

PART VI

COMPOSITION AND ATTENDANCE

Rule 27. Composition of Student Forum. – (1) The Student Forum is established in terms of section 43 of the CSG.

(2) The Student Forum consists of all SRC members.

(3) The Student Forum further consists of:

- (a) Faculty House Chairs and Deputies;
- (b) Two Rag Committee Executive committee members elected by the Rag Committee;
- (c) Two Student Culture Committee Executive Committee members selected by the Student Culture Committee;
- (d) Two Sport Committee Executive Committee members elected by the Sport Committee;
- (e) Six Residence Sub-Council Members elected by the Residence Sub-Council;
- (f) 24 Societies Sub-Council Members, with two (2) members elected from each of the 12 categories as defined in section 40(1)(c) of the CSG;
- (g) The Day House Chairpersons.

(4) The Student Forum additionally consists of the Student Body, represented by those Students who choose to attend Student Forum meetings.

Rule 28. Attendance of Members at Student Forum. – (1) In accordance with the requirements set by the CSG, the members of the Student Forum listed in Rule 27(3) must attend at least two (2) of the four (4) quarterly meetings. Failure of these members to attend at least two (2) of the four (4) meetings is a violation of the Code of Conduct.

(2) In accordance with the requirements set by the CSG, members of the SRC are required to attend all Student Forum meetings unless a valid excuse has been submitted to the presiding officer of the Student Forum.

(3) Any member failing to attend a meeting where required to attend must submit a valid excuse in writing to the presiding officer a reasonable time prior to the meeting, and in exceptional circumstances, within a reasonable after the meeting.

(4) The presiding officer will assess the validity of an excuse and may certify an excuse as valid or reject an excuse as invalid.

(5) In assessing the whether to certify an excuse as valid or reject it as invalid, the following must be taken into account:

- (a) Proof (evidence) of the basis for the excuse;
- (b) The genuineness and authenticity of the excuse (examples include but are not limited to: class clashes, assessments, health emergencies or health reasons etc);
- (c) Whether the excuse is sufficiently and/or proportionately serious in light of the constitutional duty to attend the meeting;
- (d) Any other relevant factor.

(6) Members who fail to satisfy the attendance requirements, or who have submitted an invalid excuse, will be named by the presiding officer at the Student Forum.

(7) Disciplinary or other action may be taken against any member who fails to satisfy the attendance requirements and/or who have not submitted a valid excuse.

Rule 29. Register. – All persons attending in whatever capacity must sign a register and provide their name, surname and student number or identity number. Such information must be kept and treated confidentially except where disclosure is necessary for proceedings before the Constitutional Tribunal or any other authority of the University.

Rule 30. Persons Presiding. – (1) In accordance with the CSG, the Chief Justice will preside over meetings of Student Forum;

(2) Whenever the Chief Justice is absent or unable to perform the functions of the presiding officer, an alternative serving Judge of the Constitutional Tribunal must preside.

(3) The Chief Justice or the Acting Chief Justice will be responsible for appointing the alternate serving Judge as the presiding officer.

PART VII

MEETINGS OF STUDENT FORUM

Rule 31. Venue. – (1) The SRC Deputy Secretary, in consultation with the Chief Justice or, as the case may be, the presiding officer, will determine and set the venue.

(2) The presiding officer may, after consulting the SRC Deputy Secretary, direct that the Student Forum be held, or resumed, in a different venue.

Rule 32. Order of Proceedings. – (1) The order of business for each meeting will be as set out in the order paper which is determined by the presiding officer in consultation with the relevant member of the SRC, failing which it will be as follows:

- (a) Greeting and invitation to be seated;
- (b) Apologies and attendance register by the Deputy Secretary of the SRC and quorum check by the presiding officer;
- (c) Announcements and rulings from the Chair;
- (d) Presentation of quarterly reports by the SRC Secretary and members of the SRC;
- (e) Other business scheduled on the agenda;
- (f) Questions with notice and answers;
- (g) Questions without notice and answers;
- (h) Matters arising.

(2) The order of business for each meeting may be varied by the presiding officer: Provided that all items set out above or in the order paper are acted upon.

Rule 33. Interruption, Suspension and Adjournment or Close of Proceedings. –

(1) The presiding officer may interrupt, adjourn and suspend or close the proceedings.

(2) The presiding officer may, after consultation with the SRC Deputy Secretary, suspend and adjourn the meeting to another day: provided that during such suspension and adjournment the presiding officer may move the date for the resumption of business.

(3) The presiding officer may call a short recess at any time.

Rule 34. Record of Proceedings. – (1) Minutes of Student Forum meetings must be taken by the Registrar of the Constitutional Tribunal or a Constitutional Tribunal Judge

selected by the Chief Justice or Registrar, provided that such Judge does also not act as the presiding officer of the meeting.

(2) The Chief Justice or Registrar may appoint additional fit, proper and competent persons to assist in keeping, making and publishing of the minutes of the Student Forum meeting.

(3) Such minutes must be made available within two (2) weeks of the meeting.

Rule 35. Correction of Records. – (1) If any member, in writing to the presiding officer within 5 University days after the minutes have been published, reports that there is an error in the record reflected in the minutes, provides adequate substantiation of this, and proposes a correction, the presiding officer may consider the matter;

(2) The presiding officer may order a notice to be published to invite interested parties to make written representations on the proposed correction within a reasonable time;

(3) After considering the matter and any representations, the presiding officer will rule on the matter, and may order that the minutes are amended accordingly. The ruling of the presiding officer as well as any amended minutes must be published accordingly.

Rule 36. Timekeeping. – (1) The presiding officer may keep time themselves; or

(2) The presiding officer may designate another fit and proper person to keep time.