

Rules for Student Forum at the University of Pretoria

(Effective From: 24\_05\_2023)

# **RULES FOR STUDENT FORUM AT THE UNIVERSITY OF PRETORIA**

**CONTENTS**

<b>Chapter I</b>	<b>Definitions and Terms</b>
<b>Chapter II</b>	<b>Composition and Attendance</b>
<b>Chapter III</b>	<b>Presiding officer</b>
<b>Chapter IV</b>	<b>Meetings of Student Forum</b>
<b>Chapter V</b>	<b>Order in Meetings and the Chamber</b>
<b>Chapter VI</b>	<b>Conduct during Meetings</b>
<b>Chapter VII</b>	<b>Disciplinary Measures</b>

## PART I

### DEFINITIONS AND TERMS

#### Rule 1. Definitions and Terms. –

(1) In these Rules, unless the context otherwise indicates —

- (a) '*Attendance*' means a member's being physical present at and able to participate in the forum;
- (b) '*CSG*' means the Constitution for Student Governance of the University of Pretoria;
- (c) '*Decorum*' means appropriate behaviours and etiquette as required for the functioning and proceedings of the Forum per the provisions on conduct, and can be utilised as a verb in that the Presiding Officer may call for decorum thereby calling the Forum to order;
- (d) '*Forum*' refers to the Student Forum established and contemplated by the CSG;
- (e) '*Member*' means any person who forms part of the composition of the forum and who is in attendance;
- (f) '*Presiding Officer*' means the Chief Justice or alternate designated Judge who chairs the Forum;
- (g) '*Rules*' or '*These Rules*' refer to this document and which is binding on the Forum and its' Members; ▲
- (h) '*SRC*' means the Student Representative Council of the University of Pretoria; ▲
- (i) '*Venue*' means the room in which the meeting proceedings is held or the platform on which the meeting is hosted.

(2) Provided that such construction does not negate or frustrate the specific purpose of the Rule or Rules in question, these Rules must be construed:

- (a) in favour of greater inclusivity of the student population;
- (b) in favour of participation by the student population; and
- (c) to increase legality, accountability, responsiveness and openness.

## **Rule 2. Sources of Authority. –**

- (1) The sources of authority at Student Forum are —
- (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 for Student Forum (These Rules). –**

- (1) The Rules for Student Forum are promulgated in terms of section 43(4) the Constitution for Student Governance (CSG) and the authority of the Office of the Chief Justice of the Constitutional Tribunal.
- (2) These Rules were promulgated by the Chief Justice of the Constitutional Tribunal on 23 May 2023, to commence on 24 May 2023.
- (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. Appeal**

- (1) All decisions and rulings of the Presiding Officer which transpire before, during or after the Forum is subject to Appeal to the Constitutional Tribunal in the form of an adjudication.
- (2) All events which occur during the forum between students or student structures are subject to the jurisdiction of the Constitutional Tribunal for adjudication or appeal.

#### **Rule 5. 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 speech of members is subject to these Rules and the relevant sources of authority.

## **PART II**

### **COMPOSITION AND ATTENDANCE**

#### **Rule 6. 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 members of the SRC.
- (3) The Student Forum further consists of:
  - (a) All Faculty House Chairs and Deputies;
  - (b) Two Rag Committee Executive committee members selected 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 selected by the Sport Committee;
  - (e) Six Residence Sub-Council Members selected by the Residence Sub Council;
  - (f) 24 Societies Sub-Council Members, with two (2) members selected from each of the 12 categories as defined in section 40(1)(c) of the CSG;
  - (g) All 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.
- (5) The members outlined in Rule 4(3) above may appoint proxies in their place to act ex officio by providing a completed proxy form, as per Annexure A, to the SRC Deputy Secretary no later than 48 hours before the Forum. Any such proxies must be disclosed to the Presiding Officer no later than 24 hours before the Forum for register and quorum purposes.

#### **Rule 7. 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 6(3) above must attend all Forums except when valid excuses are provided as per Rule 6(5) and failure to do so may result in disciplinary actions.

- (2) In accordance with the requirements set by the CSG, all members of the SRC are required to attend all Student Forum meetings.
- (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 time after the meeting. (48H)
- (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 presiding officer must take the following into account:
- (a) Proof (evidence) of the basis for the excuse;
  - (b) The genuineness and authenticity of the excuse;
  - (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 for register purposes and recording in the minutes of 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 8. Register. –**

- (1) All persons attending Student Forum, in any capacity, must sign a register.
- (2) Identities of possible and official representatives as outlined in the composition of the Forum, must be provided to the SRC Deputy Secretary no later than 48 hours before the Forum. This list must be provided to the Presiding Officer for register purposes no later than 24 hours before the Forum.
- (3) Register may be taken either electronically by the scanning of student cards or providing proof of registration at the entrance of the Forum or in the alternate by physical register where members are required to provide their full names, surnames, student numbers, and the capacity in which they are attending.

(4) The information outlined in subsection 1 above will be kept and treated confidentially, except where disclosure is necessary for proceedings before the Constitutional Tribunal or any other authority of the University.

#### **Rule 9. Constitutional Tribunal. -**

(1) The Judges and Clerks, if any are appointed, of the Constitutional Tribunal (Student Court) as set out in the Constitution of the Constitutional Tribunal (Student Court) must attend the Student Forum in an auxiliary and supportive capacity to the presiding officer.

(2) The Registrar of the Constitutional Tribunal must attend the Student Forum as a neutral and independent party to take minutes of the Forum.

(a) The Registrar must select up to two (2) Judges or Clerks from the ranks of the Constitutional Tribunal (Student Court) to assist them with the taking of minutes for the Forum.

(3) The Chief Justice of the Constitutional Tribunal (Student Court) in their capacity as Presiding Officer may select up to three (3) Judges from the ranks of the Constitutional Tribunal (Student Court) to -

- (a) assist with presiding over the Forum;
- (b) implementing the rulings of the presiding officer; and
- (c) interpreting these Rules during the Forum.

(4) All other Judges and Clerks of the Constitutional Tribunal (Student Court) must be in attendance at the Forum with the exception of -

- (a) those members providing excuses to the Presiding Officer; and
- (b) further at least three (3) Judges and one (1) Clerk selected by the Constitutional Tribunal (Student Court) will not attend the Forum, so that they may serve as members of a panel should any matters or issues be referred to the Constitutional Tribunal (Student Court) for adjudication.



### **PART III THE PRESIDING OFFICER**

#### **Rule 10. 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 in and manage forums.
- (2) The presiding officer has the power and authority to interpret, apply and enforce these Rules and/or any other applicable source of authority during the forum.
- (3) The presiding officer does not enjoy any supervisory jurisdiction over any matter related to the Forum. Any application relating to any matter or point in issue must be brought before the Constitutional Tribunal.

#### **Rule 11. Exceptional Circumstances**

- (1) The presiding officer may dispense with these Rules in exceptional circumstances where it is reasonable and justifiable to do so.

#### **Rule 12. 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 13. 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 made by the presiding officer will be published and made available by the Constitutional Tribunal.

(4) Rulings by the presiding officer are final and binding, subject to sub-rules (5), and (6) below.

(5) Appeal of a ruling issued 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) The ruling of the presiding officer will remain in force and remain effective until or unless set aside by the Constitutional Tribunal or repealed or altered by a provision of these Rules;

(6) Where a subsequent ruling issued by the presiding officer is irreconcilably inconsistent with a previous ruling, the subsequent ruling prevails and is to be construed to have implicitly amended or repealed the previous ruling to the extent of the irreconcilable inconsistency.

## **PART IV MEETINGS OF STUDENT FORUM**

### **Rule 14. Scheduling of Student Forum. –**

(1) The SRC Deputy Secretary, in consultation with the Presiding Officer, will determine an equitable date and time for the Forum.

(2) When scheduling the Forum, the ability of the Members' attendance must be considered by taking into account:

- Academic programs
- Timetables of classes, semester tests and exams
- Travelling difficulties
- Any other impediments or relevant factors

### **Rule 15. Venue for Student Forum**

(1) The SRC Deputy Secretary, in consultation with the Presiding Officer, will determine an equitable and accessible venue for the Forum.

(2) The Presiding Officer may, after consultation with the SRC Deputy Secretary, direct that Forum be held, hosted, or resumed, in a different venue.

(3) Student Forum meetings must be held physically (in-person) unless it is objectively impossible, as determined by the Presiding Officer after consultation with the SRC Deputy Secretary, to do so.

### **Rule 16. Notice of Student Forum**

(1) The SRC Deputy Secretary must give notice for any Student Forum on the following terms:

- (a) Fourteen days written notice;
- (b) The notice must be conveyed on the University's official electronic announcement platforms, by posters and notices;
- (c) The notice must contain the following regarding the Student Forum
  - (i) The date;
  - (ii) The time;
  - (iii) The venue; and
  - (iv) Any other relevant factor

#### **Rule 17. Interruption of Forum**

(1) The Presiding Officer, after consultation with the SRC Deputy Secretary, may interrupt the Forum by calling a short recess at any time during the Forum..

#### **Rule 18. Suspension and Adjournment of Forum**

(1) The Presiding Officer may, after consultation with the SRC Deputy Secretary, suspend and adjourn the Forum if the allocated time has lapsed.

(2) The Presiding Officer, in consultation with the SRC Deputy Secretary shall reschedule a date for the re-commencement of the Forum pursuant to Rule 14.

#### **Rule 19. Close of Forum**

The Presiding Officer will draw the Forum to a close once the order of proceedings as set out in Rule 24 has been completed within the allocated time.

#### **Rule 20. Collapse of Forum**

(1)The Presiding Officer may rule the Forum collapsed if

- a) quorum has not been reached
- b) there is an irretrievable breakdown of decorum. Upon collapsing, the Presiding Officer, in consultation with the SRC Deputy Secretary, will reschedule the re-commencement of the Forum.

(2) All Members responsible for the collapsing of the Forum will be subject to disciplinary action in the form of suspension from the next Forum.

(3) Should there be two consecutive collapses of Forum, the next Forum shall be online. The decision for the online forum in light of this rule will be dependent on the Presiding Officer in consultation with the SRC Deputy Secretary.

#### **Rule 21. Timekeeping.**

- (1) The Presiding Officer may keep time themselves;
- (2) Alternatively, the Presiding Officer may designate another Constitutional Tribunal Judge or Clerk to keep time.

## **Rule 22. Record of Student Forum**

(1) Minutes of the Student Forum must be taken by the Registrar of the Constitutional Tribunal or a Constitutional Tribunal Judge selected by the Chief Justice or Registrar.

(2) The Chief Justice or Registrar may appoint additional Constitutional Tribunal Judges or Clerks to assist in keeping, and publishing of the minutes of the Forum.

(3) The minutes of the Forum must be made available within fourteen days of the held Forum.

## **Rule 23. Correction of Records**

(1) Any Member may report an error in the minutes, in writing to the Constitutional Tribunal within seven (7) days after the minutes have been published.

(2) The Constitutional Tribunal may order a notice to be published to invite interested Members to make written representations on the proposed error within seven days.

(3) After considering the matter and any written representations, the Constitutional Tribunal will make a ruling, and may order that the minutes be amended accordingly. The ruling and any amended minutes must be published accordingly.

## **PART V**

### **ORDER IN MEETINGS AND THE CHAMBER**

#### **Rule 24. 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 25. Recognition of Members to Speak. –**

- (1) A member may speak only when recognised and once recognised by the Presiding Officer;
- (2) The Presiding Officer may order a member addressing the forum to stop speaking if that Member continues, despite warnings from the Presiding Officer, to persist in irrelevant or repetitive arguments

#### **Rule 26. Points of Order. –**

- (1) A member may speak only when recognised and once recognised by the Presiding Officer at any time during the proceedings except where limited by these rules.
- (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) When recognised by the Presiding Officer, the member must state that they are rising on a point of order;

(4) Where several Members indicate that 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 so indicated;

(5) 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 at the discretion of the Presiding Officer;

(6) A point of order must be confined only to a matter of procedure or practice, or a matter relating to conduct;

(7) Statement of authority:

(a) 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;

(b) If the member fails to adequately anchor their point on relevant authority, namely a provision of these Rules, the Presiding Officer may summarily dismiss the point of order..

(8) The Presiding Officer may, at their discretion, allow other members to address them briefly on the substance of point of order that has been raised before ruling on the point.

(9) The Presiding Officer may give their ruling on the point of order immediately, or defer the final ruling a time thereafter by way of an interim ruling.

(10) No member may raise another point of order before the Presiding Officer has ruled on the point of order being heard.

(11) 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 and may not further converse so as to lead to a discussion.

(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 4 above.

## **Rule 27. 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.

## **Rule 28. 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.



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

- (a) there must be genuine and legitimate reason why the question was not submitted 48 hours in advance; and
- (b) where an SRC member can partially answer the question and defer the remainder, they must do so.

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

(4) The Presiding Officer, within their discretion, may prompt the SRC member to re-answer and/or fully answer a question where an answer is or remains insufficient or otherwise unanswered.

#### **Rule 29. Times Allotted and Time Limits for Questions. –**

(1) Each SRC Quarterly Report will be presented in full with consideration to the allocated meeting time.

(2) The time to ask questions with or without notice is limited to two (2) minutes and the time to reply to questions with or without notice is limited to three (3) minutes.

#### **Rule 30. Follow-Up Questions. –**

(1) 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.

(2) In respect of each question with or without notice, one (1) follow-up question may be asked.

(3) The time allocated (and limited) to ask a follow-up question to questions with or without notice is limited to two (2) minutes and the time to reply to such follow-up questions is limited to three (3) minutes.

#### **Rule 31. Same Substance Rule. –**

The Presiding Officer may disallow any question, point of order, or answer which is the same in substance as a question or answer already asked or given.

**Rule 32. Lapsing of Questions. –**

Questions which are not asked before the close of the Student Forum meeting for which they were submitted lapse.

## **PART VI**

### **CONDUCT DURING STUDENT FORUM**

#### **Rule 33. Addressing of the Presiding Officer.**

- (1) Every member must address any other member in attendance at the Forum through the Presiding Officer;
- (2) The presiding officer must be referred to as 'Presiding Officer', or 'Chairperson' or 'Chair'.

#### **Rule 34. Reference to Members.**

- (1) Members must refer to one another in respectful terms either with reference to surnames or official titles. Addressing other members by their first names is proscribed.
- (3) Impugning the dignity of any Member either through name or term is prohibited.

#### **Rule 35. 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) to not intentionally physically block or interrupt the visibility of any Members or the Presiding Officer;
- (3) Members may not disrupt proceedings by raising points of order that do not comply with Rule 26.
- (3) Members may not disturb the proceedings or other Members with distracting behaviour such as loud conversing or indecorous gesturing.

#### **Rule 36. Unacceptable Language or Gestures**

- (1) The use of offensive, abusive, insulting, disrespectful or threatening terms or language by Members is prohibited.
- (2) The display of offensive, abusive, insulting, disrespectful or threatening gestures by Members is prohibited.
- (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 37. Grossly Disorderly Conduct.**

(1) Members may not engage in grossly disorderly conduct at the Student Forum.

(2) Grossly disorderly conduct includes but is not limited to —

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

**Rule 38. Admissible Interruptions by Members.**

(1) Members may only interrupt to raise a point of order, subject to Rule 26 above.

(2) Members may only interrupt for a legitimate purpose and may not rely on the any above rule to badger, spuriously or excessively interrupt another Member.

(3) The Presiding Officer may intervene and protect members from being interrupted in instances of untimely points of order or any other interjections of such a nature.

(4) 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 39. Reflections Upon Persons.**

(1) No member may impute improper motives to any other member, or cast personal reflections upon their integrity, dignity, 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 40. Reflections Upon Judges.**

No member may question the competence or integrity of, or cast personal reflections upon, a Judge or Clerk of the Constitutional Tribunal.

## ANNEXURE A

### Student Forum - Proxy Form

As per Rule 6(5), where a member is required to be in attendance at the Forum under Rule 6(3) but will be unavailable, they may appoint a proxy to attend on their behalf provided that an excuse has been logged as detailed in Rule 6(5) within sufficient time. This form serves as an official record of such appointment.

I, \_\_\_\_\_ with student number  
\_\_\_\_\_ in my capacity as  
\_\_\_\_\_

hereby appoint \_\_\_\_\_ with student number  
\_\_\_\_\_ to act as my proxy in attending the Student Forum of  
the University of Pretoria to be held on \_\_/\_\_/\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

This proxy form should be completed and submitted to the SRC Deputy Secretary no later than 48 hours before the forum as per Rule 6(5).