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The Constitution of the Student Disciplinary Advisory Panel

University of Pretoria

October 2012

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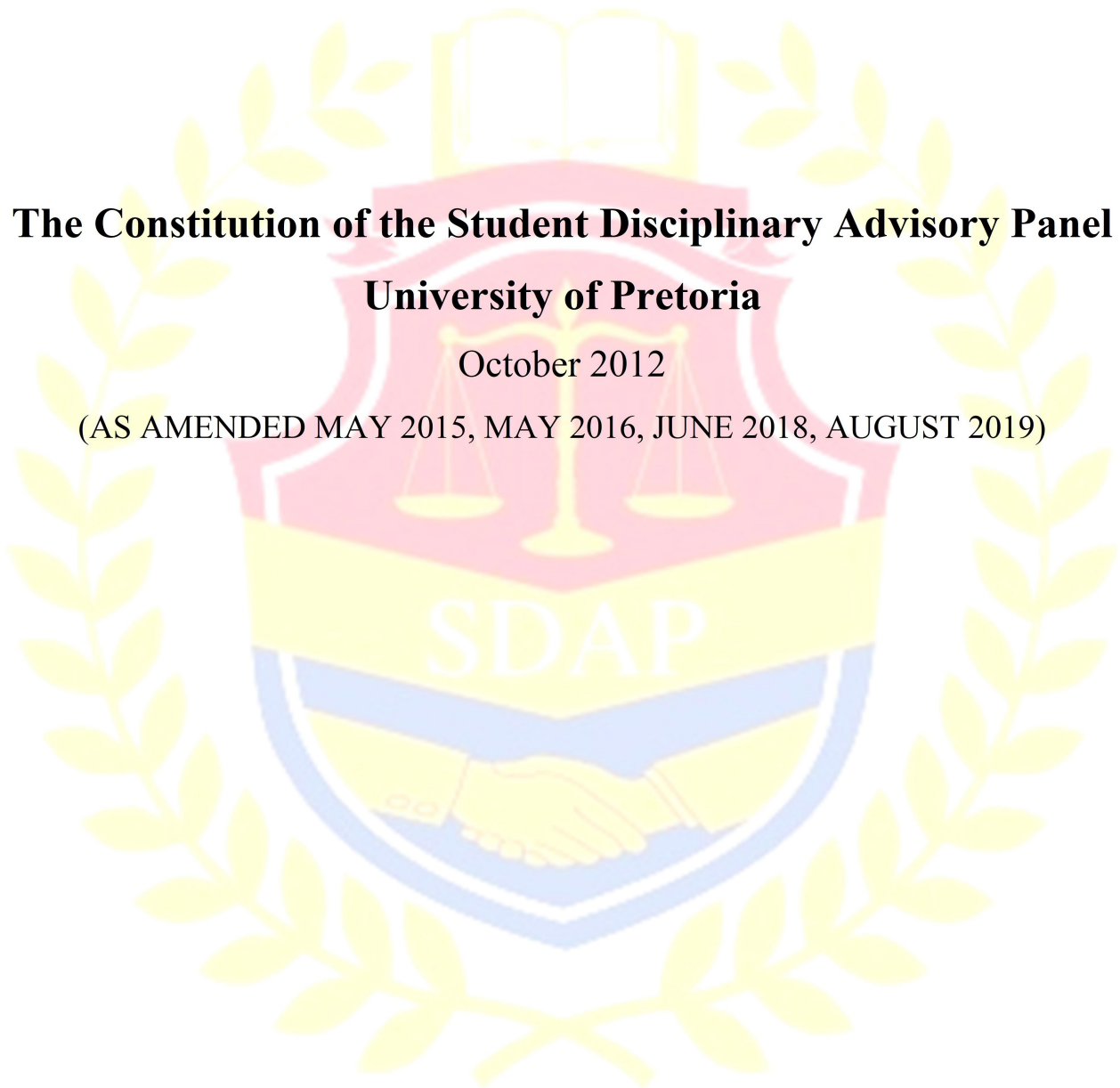


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Preamble

We, the Student Disciplinary Advisory Panel (SDAP) of the University of Pretoria, recognise the unequal power relations that exist between students of the University of Pretoria and the University of Pretoria in the Disciplinary Process. We aim to protect the interests of accused students. We therefore, through our role as a service provider to the University of Pretoria, adopt this Constitution so as to –

- Assist students charged with misconduct by explaining the procedure followed from receipt of a charge sheet, through to the different stages of a disciplinary hearing;
- Prepare and accompany students to settlement hearings;
- Improve awareness of the University of Pretoria's code of conduct in order to reduce the amount of transgressions committed by students;

May our purported aim be realised.

Chapter 1

Section 1: Founding Provisions

- (1) The Student Disciplinary Advisory Panel of the University of Pretoria is herewith established in terms of section 44(1)(b) of the University of Pretoria Constitution for Student Governance.
- (2) The Student Disciplinary Advisory Panel (hereafter referred to as the SDAP) is mandated to empower students by informing them of their rights throughout the disciplinary process and by explaining the formalities of the disciplinary procedure.
- (3) The SDAP has the powers, functions and duties given to it in terms of this Constitution and in terms of any other Student Constitution or University Code.
- (4) This Constitution is subject to the Statute of the University of Pretoria. In the event of a conflict between this Constitution and the Statute of the University of Pretoria, the Statute prevails.
- (5) This Constitution is subject to the Constitution for Student Governance. In the event of a conflict between this Constitution and the Constitution for Student Governance, the Constitution for Student Governance prevails.
- (6) The SDAP undertakes to maintain the strictest confidentiality when handling student cases.
- (7) The SDAP seeks to affirm and uphold the reputation and dignity of the University of Pretoria at all times.

Chapter 2

Section 2: Definitions and Interpretation

- (1) In this Constitution unless the context indicates otherwise:
- (a) **Accused student** means a student summoned to appear in a Settlement Hearing or before the Disciplinary Committee;
 - (b) **Constitutional Tribunal** means the Constitutional Tribunal as set out in Chapter 4 of the Constitution for Student Governance;
 - (c) **Constitution for Student Governance (CSG)** means the University of Pretoria Constitution for Student Governance 2018, as amended by the SRC and approved by the Council of the University from time to time;
 - (d) **Day** means a business day excluding Saturdays, Sundays, Public holidays and University holidays;
 - (e) **Department of Student Affairs (DSA)** means the Department of Student Affairs of the University of Pretoria;
 - (f) **Disciplinary Committee (Students)** means the committee established by the University of Pretoria to hear matters relating to student misconduct and to make verdicts regarding such students. Such committee derives its power from the General Rules and Regulations of the University of Pretoria;
 - (g) **Executive Committee** means the Executive Committee of the SDAP as defined in section 13 of this Constitution;
 - (h) **Management** means the management of the University of Pretoria and includes, but is not limited to, the Senate, Council, Chancellor, Vice Chancellor, Registrar and Dean of Students;
 - (i) **Prior written excuse** means an excuse furnished by means of the official SDAP excuse forms, as provided for and in such time periods prescribed in section 17 of this Constitution;
 - (j) **SDAP Disciplinary Committee** means the Executive Committee of the SDAP as defined in section 13 and as empowered in section 18 of this Constitution;
 - (k) **SDAP Guardian** means the Director: Student Affairs of the University of Pretoria and who is empowered as the SDAP Guardian in section 25 of this Constitution;
 - (l) **Simple majority** means fifty percent (50%) plus 1 vote;
 - (m) **Student** means any full-time or part-time student duly registered for an undergraduate or postgraduate degree or a diploma approved by the Senate, but excludes (i) all distance education students, (ii) all students who are only registered for modules for non-degree purposes and (iii) all students who are only registered for a course at the campus company Continuing Education at University of Pretoria (CE at UP);
 - (n) **Student Advisor** means a member of the University of Pretoria Student Disciplinary Advisory Panel;

- (o) **Student Disciplinary Advisory Panel** means the student-led advisory body as established by this Constitution, and as recognised as a service provider in terms of section 44(1)(b) of the Constitution for Student Governance;
 - (p) **Student Representative Council (SRC)** means the student governing body of the University as established in Chapter 3 of the Constitution for Student Governance; and
 - (q) **The University** means the University of Pretoria as regulated in terms of the Higher Education Act as periodically amended.
- (2) Words in the plural refer to the singular and vice versa, and reference to any one gender includes the other, unless the context indicates differently.

Chapter 3

Section 3: Composition

- (1) The SDAP shall consist of:
 - (a) The Chairperson;
 - (b) The Vice-Chairperson;
 - (c) The Secretary;
 - (d) The Treasurer;
 - (e) The Student Governance Liaison;
 - (f) The Public Relations Officer(s);
 - (g) The Webmaster;
 - (h) The Outreach Coordinator(s); and
 - (i) The Consult Coordinator(s).
- (2) The SDAP shall consist of a maximum of twenty (20) members and a minimum of ten (10) members.

Section 4: The Chairperson

- (1) The Chairperson is responsible for the day-to-day management of the SDAP.
- (2) The Chairperson must be transparent, responsible and accountable to all the members with regards to her or his decisions and actions.
- (3) The Chairperson has the following powers, duties and functions:
 - (a) Facilitating communication between the SDAP and any other student body, University structure or any other relevant person or body;
 - (b) Allocating student advisors to students who have been summoned to appear before the Disciplinary Committee (Students);
 - (c) Holding members of the SDAP accountable for any failures concerning the code of conduct or any other duty contained in this Constitution;
 - (d) Ensuring that she or he is well-informed of matters pertaining to student governance; and
 - (e) Any other power, duty or function assigned to the Chairperson in terms of this Constitution.
- (4) The Chairperson may delegate any of the above duties to any other person or portfolio in the SDAP.
- (5) Should the Chairperson be unable to fulfil any of his or her duties, for whatever reason, the Vice-Chairperson shall fulfil them in her or his stead.
- (6) In the event that both the Chairperson and the Vice-Chairperson are absent or unable to fulfil their functions:
 - (a) The Chairperson may elect a member of the SDAP to act as Chairperson; or

- (b) If the Chairperson makes no such election, the remaining members of the SDAP may elect any member from their ranks, by a simple majority, to act as Chairperson for the duration of the absence or inability.

Section 5: The Vice-Chairperson

- (1) The Vice-Chairperson is responsible for assisting the Chairperson in the day-to-day management of the SDAP.
- (2) The Vice-Chairperson must be transparent, responsible and accountable to all the members with regards to her or his decisions and actions.
- (3) The Vice-Chairperson has the following powers, duties and functions:
 - (a) Assisting the Chairperson and any other member of the panel in the fulfilment of their duties and functions;
 - (b) Performing any tasks assigned to her or him by the Chairperson;
 - (c) Ensuring that she or he is well-informed of matters pertaining to student governance; and
 - (d) The powers, duties and functions of the Chairperson as contained in section 4(5).
- (4) In the event that the Vice-Chairperson is absent or unable to fulfil her or his obligations in terms of section 5(3), section 4(6) of this Constitution will apply.

Section 6: The Secretary

- (1) The Secretary has the following powers, duties and functions:
 - (a) Compiling an agenda for every meeting of the SDAP and sending it out no later than the day before the next meeting or subject to such other time period as determined by the Chairperson;
 - (b) Taking the minutes of every meeting of the SDAP and sending them out at least two days before the next meeting, or subject to such other time period as determined by the Chairperson;
 - (c) Sending out any notices or information to the members of the SDAP and any other relevant bodies including:
 - (i) The Administrative Officer of the Department of Student Affairs;
 - (ii) The SDAP Guardian as defined in section 25;
 - (iii) Any relevant person at the Law Faculty;
 - (d) Monitoring meeting attendance;
 - (e) Together with the Chairperson, controlling the excuse forms of SDAP members;
 - (f) Liaising with Legal Services to obtain any relevant administrative information and to arrange the training of SDAP members; and
 - (g) Performing any other duty assigned to the Secretary by the Chairperson.

Section 7: The Treasurer

- (1) The Treasurer has the following powers, duties and functions:
 - (a) Controlling and keeping a record of the budget of the SDAP;
 - (b) Accessing the funds of the SDAP;
 - (c) Advising the SDAP on the feasibility of any proposed financial action;
 - (d) Communicating with Toonbank, or should the treasurer be unavailable to do so, delegating such authority to the:
 - (i) Chairperson; or
 - (ii) Vice-Chairperson; or
 - (iii) Any other person determined by the Chairperson;
 - (e) Accounting to the SDAP every quarter with regards to financial statements reflecting all financial transactions made that quarter; and
 - (f) Performing any other duty assigned to the treasurer by the Chairperson.
- (2) The Treasurer is accountable to the Chairperson for any actions that she or he takes with regard to the finances of the SDAP.

Section 8: The Student Governance Liaison

- (1) The Student Governance Liaison has the following powers, duties and functions:
 - (a) Establishing and maintaining relationships with the chairpersons of all faculty houses, sub-houses, tribunals, committees and political parties at the University;
 - (b) Presenting the goals and functions of the SDAP to various student groups;
 - (c) Ensuring that she or he is well-informed of matters pertaining to student governance;
 - (d) Sitting in on the meetings of various student bodies where possible; and
 - (e) Assisting the Public Relations Officers in the dissemination of information regarding the SDAP to all the relevant bodies mentioned in section 8(1)(a).

Section 9: The Public Relations Officer(s)

- (1) The Public Relations Officer has the following powers, duties and functions:
 - (a) Leading the marketing ideas of the SDAP;
 - (b) Designing and maintaining the branding of the SDAP;
 - (c) Liaising with the relevant parties concerning the image of the SDAP;
 - (d) Sufficient and comprehensive advertising of the functions of the SDAP;
 - (e) Sufficient and comprehensive advertising of the vacancies in the SDAP for the new incoming panel at the appropriate time, for a period of no less than two weeks and not falling over a recess period; and
 - (f) Performing any other duty assigned to the Public Relations Officer by the Chairperson.

Section 10: The Webmaster

- (1) The Webmaster has the following powers, duties and functions:
- (a) Working with the Public Relations Officer(s) to promote the image of the SDAP;
 - (b) Working with the Web Office of the University to establish and maintain a link to the SDAP on the University Website;
 - (c) Monitoring and controlling all electronic advertisement campaigns;
 - (d) Liaising with the relevant librarians on the main campus of the University concerning advertisements and notices to be placed in the various libraries;
 - (e) Liaising with the various faculties concerning advertisements and notices to be placed in the various faculties;
 - (f) Working with the relevant person at the various faculties in order to arrange the sending of mass emails to students;
 - (g) Maintaining a strong presence on social media and regularly updating the SDAP's website; and
 - (h) Performing any other duty assigned to the Webmaster by the Chairperson.

Section 11: The Outreach Coordinator(s)

- (1) The Outreach Coordinator(s) have the following powers, duties and functions:
- (a) Formulating ideas for an outreach program and presenting it to the rest of the SDAP for approval;
 - (b) Structuring the program chosen by the SDAP;
 - (c) Managing the implementation of the project;
 - (d) Forming and leading a sub-committee with a minimum of five (5) members and a maximum of fifteen (15) members;
 - (i) In the year she or he wishes to be appointed for the sub-committee, she or he must at least be in the second year of their law degree, whether it is an LLB, BCom (law), or BA (law) degree;
 - (e) Sourcing partnerships and sponsorships for the project;
 - (f) Liaising with the relevant bodies with regard to project implementation;
 - (g) Providing the SDAP members with regular updates on the progress of the project; and
 - (h) Performing any other duty assigned to the Outreach Coordinator by the Chairperson.

Section 12: The Consult Coordinator(s)

- (1) The Consult Coordinator(s) have the following powers, duties and functions:
 - (a) Specialising in consultations;
 - (b) Attending settlement hearings where possible;
 - (c) Attending disciplinary hearings where possible;
 - (d) Ensuring that all members of the SDAP are well acquainted with the disciplinary procedure;
 - (e) Assisting the other portfolios where necessary; and
 - (f) Performing any other duty assigned to the Consult Coordinators by the Chairperson.
- (2) All members of the SDAP are Student Advisors and are not precluded from assisting in the general advisory functions.
- (3) The Vice-Chairperson is responsible for the management of the Consult Coordinators.

Section 13: The Executive Committee of the SDAP

- (1) The Executive Committee of the SDAP consists of:
 - (a) The Chairperson;
 - (b) The Vice-Chairperson;
 - (c) The Secretary;
 - (d) The Treasurer; and
 - (e) The Student Governance Liaison.

Section 14: Powers, Duties and Functions of the SDAP

- (1) The SDAP exercises its powers, duties and functions as set out in this section and anywhere else in this Constitution, with the strictest confidentiality.
- (2) The SDAP advises and assists accused students and students who merely suspect that they may be charged with misconduct, with regard to all aspects of the disciplinary procedure in settlement cases and those before the Disciplinary Committee:
 - (a) Notwithstanding the above, no Student Advisor is permitted to appear on behalf of an accused student before the Disciplinary Committee, in their capacity as a member of the SDAP;
 - (b) The SDAP may furnish general information to any interested students or student bodies in respect of the disciplinary process, but may not give any information relating to any specific matter pending or before the Disciplinary Committee.
- (3) Student Advisors are entitled to accompany accused students to Settlement Procedures, only at the request of the accused student in question.
- (4) Student Advisors may attend disciplinary hearings at the invitation of Legal Services.

- (5) The SDAP may undertake any marketing event with the intention to disseminate information about the SDAP, its functions, the disciplinary process and any other relevant information.
- (6) The SDAP must undertake an Outreach Project each year and subject to any specifications given by the Student Representative Council (SRC).
- (7) The SDAP may, in accordance with rule 5(2) of the Constitutional Tribunal Rules, advise and assist students instituting (or responding to) action brought before the Constitutional Tribunal:
 - (a) The SDAP advises and assists such students on all aspects of the disciplinary procedures before the Constitutional Tribunal with regards to:
 - (i) Instituting proceedings;
 - (ii) Procedure of (general) mediation proceedings as per Part 3 of the Constitutional Tribunal Rules;
 - (iii) Procedure of (general) adjudication proceedings, (general) appeal proceedings, and (general) review proceedings as per Part 4 of the Constitutional Tribunal Rules;
 - (b) Notwithstanding the above, no Student Advisor is permitted to appear on behalf of a student before the Constitutional Tribunal with regards to matters of adjudication, mediation and appeal or review, in their capacity as a member of the SDAP;
 - (c) The SDAP may furnish general information to any interested students in respect of the procedures followed by the Constitutional Tribunal but may not give information relating to any specific matter pending or before the abovementioned committee.

Chapter 4

Section 15: Code of Conduct

- (1) A Student Advisor must ensure that no conflict of interest between herself or himself and an accused student arises:
 - (a) In the event that a conflict of interest could be alleged to exist:
 - (i) The Student Advisor must withdraw and inform the Chairperson of such withdrawal; and
 - (ii) The Chairperson shall appoint a suitable replacement; and
 - (iii) If a Student Advisor fails to do so, the Student Advisor will be instructed to do so by the Chairperson, and could face possible disciplinary action.
- (2) Student Advisors must maintain the strictest confidentiality at all times.
- (3) Student Advisors are expected to fulfil their duties conscientiously and to the best of their ability.
- (4) Student Advisors are required to comply with any instruction issued for the effective functioning of the SDAP by the Chairperson.
- (5) Student Advisors are expected to attend all meetings of the SDAP:
 - (a) Where it is impossible for a Student Advisor to attend a meeting, a prior written excuse form must be submitted.
 - (b) A Student Advisor may not miss more than two meetings per semester, provided the student has excused themselves.
 - (c) Upon the third missed meeting, an official written warning will be given.
 - (d) If a further two meetings are missed, upon the second missed meeting after the receipt of an official warning, the member will be called to appear before the SDAP Disciplinary Committee.
 - (e) Should a student not excuse themselves from a meeting, sections 15(5)(b) and 15(5)(c) will not apply and an official warning will immediately be issued. Such a student, upon a second unexcused absence from a meeting, will be called to appear before the SDAP Disciplinary Committee.
- (6) Student Advisors are expected to complete two hours of consultation time per week (with the exception of the Chairperson and Vice-Chairperson who are each expected to complete one hour of consultations per week) according to the schedule determined by agreement at the beginning of each semester:
 - (a) Where it is impossible for a Student Advisor to attend a consultation hour, a prior written excuse form must be submitted.
 - (b) A Student Advisor may not miss more than four consult hours per semester, provided the student has excused themselves.
 - (c) Upon the fifth missed consult hour, an official written warning will be given.

- (d) If a further two consults hours are missed, upon the second missed consult hour after the receipt of an official warning, the member will be called to appear before the SDAP Disciplinary Committee.
- (e) Should a student not excuse themselves from a consultation hour, sections 15(6)(b) and 15(6)(c) will not apply and an official warning will immediately be issued. Such a student, upon a third unexcused absence from a consult hour, will be called to appear before the SDAP Disciplinary Committee.
- (7) Student Advisors are expected to attend all functions hosted by the SDAP, and those to which the SDAP is invited as per the instruction of the Chairperson:
 - (a) Where it is impossible for a Student Advisor to attend a function, a prior written excuse form must be submitted.
 - (b) Where a Student Advisor fails to attend a function, section 18(3) of this Constitution will apply.

Section 16: Meetings of the SDAP

- (1) The SDAP must have weekly meetings, unless a meeting is waived by the Chairperson with the consent of the Executive Committee.
- (2) The Chairperson calls and chairs the meetings and may determine the procedure to be followed at such meetings.
- (3) In the event that the Chairperson is unable to chair a meeting, the Vice-Chairperson shall chair the meeting. In the event that neither is available, the Chairperson may appoint any other member of the SDAP to administer the meeting in her or his absence.
- (4) The Secretary must ensure that all members of the SDAP are provided with adequate notice of the meeting, as well as its agenda, subject to the time periods set out in section 6.
- (5) All meetings of the SDAP are confidential and under no circumstances may the content of these meetings be disclosed to any person other than fellow members of the SDAP.

Section 17: Absenteeism

- (1) Student Advisors are expected to attend all meetings functions, consultations and any other event hosted by the SDAP or to which the SDAP has been invited.
- (2) Where it is impossible for them to do so, a prior written excuse form must be submitted, unless this requirement is waived in specific circumstances by the Chairperson.
- (3) The signed excuse form must be submitted to the Secretary at least two days before such absenteeism.
- (4) In exceptional or unforeseen circumstances the excuse form must be submitted no later than the day after such absenteeism or subject to such other time period as determined by the Chairperson in specific circumstances.

Section 18: Disciplinary Procedure

- (1) The Disciplinary Committee of the SDAP consists of the Executive Committee:
 - (a) If the misconduct involved relates to a member of the Executive Committee, the SDAP Guardian may step in to replace the member concerned.
- (2) In the event that the Chairperson or any other member of the SDAP has reasonable grounds to believe that any other member of the SDAP is in violation of any duty set out in this Constitution or any duty prescribed by the Chairperson of the SDAP, such member will firstly appear before the Chairperson and Vice-Chairperson to assess the aforementioned breach.
- (3) Should the breach be a breach of any duty contained in this Constitution, except those set out in sections 15(5) or 15(6) the matter may be dealt with by the Chairperson and Vice-Chairperson, or may be referred by the Chairperson and Vice-Chairperson to the Disciplinary Committee where it may make any order it sees fit.
- (4) Should a member fail to meet the obligation set out in section 15(5) and 15(6) the Disciplinary Committee may apply the following sanctions:
 - (a) Suspend or terminate the payment of the relevant member's honorarium;
 - (b) Suspend a member of the SDAP from all activities of the SDAP for a minimal period of time or from a specific event of the SDAP;
 - (c) Issue a warning;
 - (d) Make an order; or
 - (e) Terminate the relevant Student Advisor's membership of the SDAP.
- (5) Should such a member be aggrieved by a decision taken by the SDAP Disciplinary Committee, such a member can appeal to the SDAP Guardian within seven (7) days.
- (6) The SDAP Guardian may refer the matter for arbitration before the Constitutional Tribunal:
 - (a) Any matter relating to a violation of the Code of Conduct is deemed to be a matter of a special nature as envisaged in the Constitution of the Constitutional Tribunal;
 - (b) The Constitutional Tribunal has the power to:
 - (i) Remove or suspend such a member from the SDAP;
 - (ii) Issue warning to any member;
 - (iii) Refer the matter to the Disciplinary Committee should the breach also constitute a breach of the University of Pretoria's Rules and Regulations;
 - (iv) Make any other order it is empowered to make in terms of its Constitution or the Constitution for Student Governance; and
 - (v) Make any ruling on the implementation of the internal disciplinary procedures as set out in this Constitution.

Section 19: Appointment Procedure

(1) The Chairperson:

- (a) Must be appointed from the ranks of the SDAP members who have previously served a term on the SDAP and are to serve a further term in the coming year, by way of a simple majority of the entire panel.
- (b) Where it is impossible to appoint a Chairperson from the current SDAP, a Chairperson must be elected from amongst the candidates who have been successfully chosen to be a member of the SDAP in the coming year.
- (c) If a current member should wish to be Chairperson in the coming year, she or he must submit their Curriculum Vitae, academic transcript and motivational letter to all members of the SDAP and make a verbal representation to the current SDAP as to why she or he should be Chairperson.

(2) The Vice-Chairperson:

- (a) The Vice-Chairperson may be appointed from the ranks of one of the SDAP members who have previously served a term on the SDAP and are to serve a further term in the coming year, by way of a simple majority.

(3) Current members wishing to serve a second term in a portfolio other than the Chairpersons portfolio:

- (a) If a current member of the SDAP wishes to serve a further term on the SDAP in the same portfolio as in the current year, she or he must submit her or his Curriculum Vitae to the Executive Committee and the incoming Chairperson of the SDAP and a brief motivational letter as to why she or he would like to serve a further term; or
- (b) If a current member of the SDAP wishes to serve a further term on the SDAP in a different portfolio to the one held in the current year, she or he must submit her or his Curriculum Vitae to the Executive Committee and the incoming Chairperson of the SDAP and a full motivational letter as to why she or he would like to serve a further term and why she or he wishes to change to a different portfolio; and
- (c) The Executive Committee and the incoming Chairperson will appoint such member to serve a second term if a simple majority is held by the Executive Committee and the incoming Chairperson in favour of such member's appointment.

(4) New members:

- (a) The outgoing Chairperson of the SDAP must organise a meeting of the interview panel for the panel to decide on the necessary administrative arrangements to facilitate implementation of the procedure set out below. This must be done before the end of the first week of August or such other deadline determined by the Chairperson.
- (b) The Chairperson of the SDAP is the Chairperson of the Interview Panel.
- (c) The Chairperson, or any other person elected at the Chairperson's discretion, of the interview panel is responsible for:
 - (i) The collection of the applications;

- (ii) Organising a meeting of the interview panel at which all applications are considered and a short-list is compiled;
 - (iii) Contacting all the short-listed candidates with the detail of their interviews;
 - (iv) Contacting successful applicants as soon as possible with the details of their inauguration;
 - (v) Organising the inauguration; and
 - (vi) Informing unsuccessful candidates as soon as possible that their application has been unsuccessful.
 - (d) The interview panel consists of:
 - (i) The entire outgoing SDAP, including those members who shall remain on the SDAP for a second term;
 - (ii) The SDAP Guardian or should he or she be unavailable, a person acting on behalf of the SDAP Guardian;
 - (iii) A member of the executive of the SRC; and
 - (iv) A member of Legal Services should they wish to attend the interviews.
 - (e) As far as is possible, all members of the interview panel must attend all interviews:
 - (i) If this is not possible, the absent member may not be replaced.
 - (ii) A member of the interview who is absent from an interview may not vote for the applicant whose interview he failed to attend.
 - (iii) Should there be a conflict of interest between any interviewer and interviewee, such interviewer must recuse herself or himself from the interview in question.
 - (f) The quorum for interviews is two thirds of all panel members;
 - (g) During the interviews, members of the interview panel may ask any question relating to the competence of the applicant to serve as a Student Advisor and to serve in the relevant portfolio.
 - (h) After all the interviews have been concluded, the interview panel must appoint the number of applicants required to fill the vacancies in the SDAP.
 - (i) Each member of the interview panel has an equal number of votes to the number of positions to be filled. Applicants must be ranked according to the number of votes in favour of their appointments and then those ranked highest shall be appointed.
 - (j) In the event of a tie, a vote shall take place only on those candidates tied, with each member of the panel voting once only. In the event of such a procedure failing to resolve the tie, the interview panel may create its own procedure.
- (5) All proceedings of the interview panel are strictly confidential.

Section 20: Requirements to be Eligible for Appointment

- (1) In order to be eligible for appointment as a Student Advisor, the applicant must:
 - (a) Satisfy the following academic requirements:
 - (i) In the year she or he wishes to be appointed, be in at least the penultimate year of the LLB degree;
 - (ii) Have a cumulative academic average of no less than 65%;
 - (iii) Where the student's overall cumulative average in the case of a BCom (law) or BA (law) degree is below 65%, the student may still be eligible for appointment if the cumulative average of her or his law degree, excluding BCom or BA subjects, is no less than 65%; and
 - (iv) Not have failed more than three (3) subjects in the degree course for which the applicant is currently registered.
 - (b) Not be appointed to serve on the Constitutional Tribunal during the same term;
 - (c) Not have been found guilty of an offence by the Disciplinary Committee; and
 - (d) Be a fit and proper person to hold office.

Section 21: Term of office

- (1) Student Advisors are appointed for one year term, from 1 October to 15 December of the following year.
- (2) Applicants appointed to the SDAP must take an oath or solemn declaration of confidentiality and commitment under direction of the Chairperson of the outgoing panel at the inauguration.
- (3) The term of office for Student Advisors is independent of the terms of office of any other student structure, and is in no way affected by the dissolution or restructuring of any other structure.

Section 22: Termination of office

- (1) A student ceases to be a member of the SDAP if she or he:
 - (a) Ceases to be registered student of the University of Pretoria;
 - (b) Ceases to be registered for the BCom (Law), BA (Law) or LLB degree;
 - (c) Pleads guilty or is found guilty of any charge by the Disciplinary Committee;
 - (d) Resigns from the SDAP by submitting her or his written resignation to the Chairperson;
 - or
 - (e) Is removed from the SDAP in terms of section 18(4).
- (2) If a member's office terminates prematurely, the Chairperson or Secretary must convey this to the SDAP Guardian.

Section 23: Finance

- (1) The SDAP is allocated funding by the SRC.
- (2) Such funding shall in no way compromise the independence, impartiality and objectivity of the SDAP.
- (3) All expenditure incurred by the panel must be confirmed by the Chairperson, Treasurer and any relevant person on the SRC.

Section 24: Liaison Meetings

- (1) Every semester, liaison meetings should be set up between the SDAP and the SDAP Portfolio on the Constitutional Tribunal to discuss any strategic matters arising from the disciplinary procedure.
- (2) The purpose of these strategic planning meetings is to improve the functionality and effectiveness of both the SDAP and the Constitutional Tribunal.

Section 25: The SDAP Guardian

- (1) The SDAP has as its Guardian the Director: Student Affairs or such other member(s) of the Department of Student Affairs as designated by the Director: Student Affairs.
- (2) The SDAP Guardian should be invited to attend all functions hosted by the SDAP and to any other relevant meeting.

Section 26: Amendments

- (1) This Constitution may be amended by the members of the SDAP, provided that two thirds of all members vote in favour of the amendment.
- (2) The quorum for an amendment of the Constitution is two thirds plus one of all members.
- (3) Any amendment to this Constitution must be sent to the SDAP Guardian for confirmation.
- (4) No amendment of this Constitution shall have retrospective effect.

Schedule A: Solemn Declaration

I do hereby freely and solemnly swear that I will, in my capacity as a member of the Student Disciplinary Advisory Panel, obey, maintain, and protect the Student Bill of Rights and the Constitution of the SDAP, and perform the duties of my office to the best of my ability in the interest of students and the University of Pretoria.