

National Student Governance Framework – Final Draft

June 2021

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Foreword

In 2020, the National Executive Committee (NEC) of the South African Association of Senior Student Affairs Professionals (SAASSAP) held numerous engagements on the need for some form of uniformity in student governance within Higher Education Institutions (HEIs) of South Africa. These discussions were in line with SAASSAP Strategic Plan focus areas seven and nine, namely, Influence Policy Development and Practice; and Engage and Mobilise Stakeholders).

The idea of the framework started as a discussion in a SAASSAP National Executive Committee (NEC) meeting, amid the peak of COVID-19 as institutions were preparing for SRC elections and were confronted by numerous challenges. In accordance with focus area seven, a task team convened and led by the Secretary-General, Mr Pura Mgolombane, started the work of drafting the framework.

Through the Policy Desk Team, in consultation with the NEC, the first draft framework was consolidated and circulated to stakeholders in the higher education sector. The document was sent to Higher Health (HH), South African Union of Students (SAUS), Universities South Africa (USAf), Department of Higher Education and Training (DHET) and the National Association of Student Development Practitioners (NASDEV). The inputs from the sector have been consolidated into the framework below, and the document will be presented to the Minister of Higher Education, Science and Technology, for his consideration.

Below is the end product of the critical engagements that the SAASSAP Policy Desk and NEC spearheaded, for which we are extremely proud.

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DEFINITION OF TERMS

Association/Society – any Student Life Association/Society registered with the Student Representative Council (SRC) on the Campus on which the Association/Society finds expression, and meets the SRC requirements for recognition and affiliation as an Association/Society.

Student Councils – are sub- councils of the SRC. They are constituted by different associations, societies and/or organisations (e.g. faculty council, sports council, residence council etc).

Faculty Councils – a body representing a specific Faculty and elected by the students of that Faculty.

ISRC – the Institutional Student Representative Council established in terms of section 35 of the Higher Education Act 101 of 1997, as amended.

SRC – Student Representative Council is a sub-structure of the ISRC at the respective institutional campuses.

LSRC – Local Student Representative Council is an SRC that is responsible for a campus in a multi-campus context. In this context, the Institutional/Central SRC becomes the SRC for the institution as per the Higher Education Act.

Student – any person who is registered at an institution for the current academic year. Students who are registered for occasional studies may or may not be eligible to stand for their SRC election. Accordingly, their eligibility should be determined by their institutional status, academic rules and the SRC constitution.

Residence Council – is constituted by elected chairpersons of the house/residence committees in residences, who become a sub-structure of the SRC.

Residence/House Committee – elected students in a residence who become a sub-structure of the residence council.

Organisation - refers to organised students whose primary interest is student governance (e.g. political organisations).

Student Governance – a collective of organised student organisations/associations who are the constitutive structures of the SRC. In addition, only in cases of special circumstances and



conditions during SRC elections, individuals can stand as candidates for elections, and are elected to become SRC members.

Student Life – is constituted by those student associations whose primary interest is in environmental, academic, developmental, community and entrepreneurial endeavors.

BACKGROUND

For many years, Student Governance has existed as an integral part of the Higher Education system. Nonetheless, it was only legislated in 1997. Student Governance Structures, by virtue of their composition and constitution, are entitled to contest elections within their respective university campuses. Students have a right to participate in governance through democratically elected student bodies/structures of the university. Over the years, student challenges have evolved, becoming more complex in nature, while university governance also grew in complexity. Student Governance has become one of the most debated areas of institutional governance and has gained prominence in enhancing cooperative governance.

The proposed National Student Governance Framework (NSGF) provides a foundation from which an ideal functional National Student Governance can be achieved, with a view of contributing towards an efficient and effective Student Governance model. Its purpose is, therefore, to ensure that the tenets of Student Governance are properly constituted across all Post-School Education & Training (PSET) institutions.

LEGAL FRAMEWORK

On 11 June 2020, the Constitutional Court of South Africa delivered a judgment in the case of *New Nation Movement NPC and Others v President of the Republic of South Africa and Others* [2020] ZACC 11, declaring Section 57A and Schedule 1A of the Electoral Act unconstitutional and providing instruction to the South African legislative organs to remedy the unconstitutionality of these provisions within a period of 24 months.

The primary constitutional challenge, as unpacked by the Court,

“...concerns the question whether, to the extent that it allows individuals to be elected to the National Assembly and Provincial Legislatures only through membership of political parties, the Electoral Act[2] is constitutional. Put differently, does this channelling to membership of

political parties infringe certain rights enjoyed under the Bill of Rights by individuals or, more specifically, would-be independent candidates? In addition to this broad challenge, the applicants seek the invalidation of section 57A of, and Schedule 1A to, the Electoral Act. Section 57A provides that Schedule 1A applies in general to National Assembly and Provincial Legislature elections. Schedule 1A provides for a party proportional representation system which is achieved through party lists.”

The court found that it is unconstitutional for the Electoral Act to prescribe that in order to be elected to office, a candidate must be affiliated to a political party. The operation of the order was suspended for 24 months in order to allow parliament an opportunity to remedy the unconstitutionality. Consequently, electoral systems nationally will have to align their processes to these new provisions. An implication of the judgement would be that a person with the right to vote in a particular election would have the right to vote for the candidate of their choice directly and would not be limited to voting for a candidate based on the candidate’s affiliation with a political party (Wolf 2021, p. 80)

The Higher Education Act 101 of 1997, as amended, provides autonomy to institutions on how the election of SRC members should be conducted; these systems are meant to align with the institution’s rules and statutes. All legislation must align with the provisions of the Constitution of the Republic of South Africa and wherever this is not the case, the provision will be declared invalid in as far as it is inconsistent with the provisions of the Constitution [S 172(1) Act 101 of 1996]. Institutions now have an opportunity to begin the process of reimagining, reviewing and where applicable updating their internal electoral processes with what is to become the standard nationally.

1. Class Representatives

The main role of the class representatives (hereafter referred to as CRs) is to gather views from peers/classmates regarding the various aspects of their daily student experiences pertaining to their course or module for which they are registered, and to communicate those matters to members of the academic support staff for those courses/modules. CRs) work directly and regularly with the teaching staff to advance student issues related to their class activities. Thus, they have the power to advocate on issues related but not limited to: lecturers' class attendance, lecturers' efficient meeting of deadlines, lecturers' fairness, lecturers' lecturing style, lecturers' behaviour, curriculum, learning resources, learning and teaching, assessment and feedback, student progression and achievement, guidance, and support. Each course/module should have a CR.

1.1 The Process for Electing Class Representatives

To encourage and sustain student engagement, it is important to ensure that CRs are elected and not appointed. The election of the CRs should follow the standard democratic principles. To this effect, the elections should either be through an online platform, secret ballot or through the show of hands. Each class shall elect two CRs in the form of a head and a deputy CR.

The electoral process shall run as follows:

- 1.1.1. The floor must be open for those who seek to volunteer;
- 1.1.2. The floor shall be opened for nominations;
- 1.1.3. The nomination must be seconded, according to a threshold as determined by the Faculty Student Council Policy;
- 1.1.4. A nominee shall either accept or decline the nomination;
- 1.1.5. The nominees shall be afforded the opportunity to present a short motivational speech to the class;
- 1.1.6. The nominees are to leave the room if the class casts their votes by a show of hands;
- 1.1.7. If the elections are online or through secret ballot, it may not be necessary for the nominees to leave the room;
- 1.1.8. This process can be conducted by the lecturer; and
- 1.1.9. As this is a sub-structure of the SRC, all objections and appeal processes should be managed in line with the provisions of the Faculty Student Council Policy.

1.2. Membership Eligibility

- 1.2.1. Eligible candidates must be registered with the University for the current academic year and/or semester;
- 1.2.2 They must not have been found guilty by a disciplinary committee of the University for transgression of the Code of Conduct or other rules and regulations of the University;
- 1.2.3 They must not have been convicted of a criminal offense in terms of any laws of the Republic of South Africa or elsewhere; and
- 1.2.4. Their eligibility is determined by the SRC constitution.

2. Student Faculty Councils

2.1 Establishment of Student Faculty Council

The Student Faculty Council (SFC) shall be the highest student governance body in a Faculty. The SFC shall be constituted as follows:

- The election of class representatives.
- The collective of class representatives will constitute a Departmental/School Council.
- The SFC will be elected from the School/Departmental Council.
- A student must be registered within the Faculty for which they intend to be elected as a Faculty Representative. Therefore, being a class representative within a particular course/module that forms part of a course/module in another Faculty would not qualify the representative to stand as an SFC member.

2.2 Election

A Student Faculty Council policy should outline the election procedures. This Student Faculty Council policy should be an annexure to the SRC Constitution.

- The Student Faculty Council must be composed of four (4) members, which shall be the Chairperson, Deputy Chairperson, Secretary and Treasure. They will be elected from the existing class representatives.

- The positions in the Student Faculty Council shall be allocated as determined by the Student Faculty Council Policy.
- The term of office of the Student Faculty Council must be one academic year.
- There must be an annual general meeting (AGM) where the Chairperson, Deputy Chairperson, Secretary and Treasurer will present reports for accountability.

2.3 Student Faculty Council Mandate

The SFC is a sub-structure of the SRC and an extension of the student governance role of the SRC. Therefore, the primary responsibility of the SFC is to represent students in all Faculty governance structures and, where applicable, strategic management structures.

2.3.1 As a sub-structure of the SFC, the CRs and Departmental/School Councils will deal with student complaints and grievances.

2.3.2 Should those complaints and grievances not be addressed to the satisfaction of the CRs and Departmental/School Council, they will be escalated to the SFC.

2.3.3 Should those complaints and grievances not be addressed to the satisfaction of the SFC, they will be escalated to the SRC.

2.3.4 The Student Faculty Council shall participate in the development of the curriculum of their School and further participate in any other policy development of their Faculty in cooperation with the Deputy Dean, Dean or any other designated person(s).

2.4 Faculty Complaints and Grievance Protocol

The Student Faculty Council will develop a complaints and grievance protocol, following a consultative process with relevant stakeholders.

2.5 Faculty Governance and Management Structures

The following are some of the governance and management structures in which the SFC (CRs and Departmental/School Councils) will represent students:

- Faculty Board
- Faculty Management Committee
- School Management Committee
- Departmental School Committee
- Re-admission Appeals Committee
- Faculty Disciplinary Committee
- And others

2.6 Faculty Assemblies

2.6.1 Definition: The Faculty Assembly is a representative body within a specific Faculty. The Assembly functions as a forum for engagement on issues of importance to the Faculty.

2.6.2 The Faculty Assemblies will be co-chaired by the Faculty Dean/Vice-Dean, Faculty Council Chairperson and SRC Academic Officer.

2.6.3 The Faculty Dean/Vice-Dean, Faculty Council Chairperson and SRC Academic Officer will decide on a date for the Faculty Assemblies.

2.6.4 The Faculty Assemblies will meet twice a year (once per semester) and as and when the need arises as determined by the SFC and Dean's Office. The Student Governance Office (SGO) will facilitate the establishment and functioning of Faculty Assemblies in collaboration with Faculty Management.

3. Student Governance Associations/Organisations/Structures

3.1 Registration

3.1.1 The registration of student governance/associations/structures will be governed by the SRC Constitution.

3.1.2 Student governance associations or structures must not be formed based on ethnic, tribal, regional, sexist and cultural motivations.

3.2 Elections

All elections of student governance associations/organisations/structures should be consistent with the electoral code of the general student governance elections (i.e., SRC election).

3.3 General Guiding Principles

3.3.1 The election of the office bearers of associations/organisations/structures must be consistent with the SRC Constitution.

3.3.2 The student governance associations'/organisations'/structures' constitutions must be in accordance with the democratic principles pertaining to the running of elections.

3.3.3 For the elections to be valid, the following pre-requisite and key principles must apply:

- All candidates must be registered students in their respective universities. Candidates must be in good standing according to the constitution of the associations/organisations/structures.
- All candidates must not be involved in any ongoing disciplinary hearings or convicted/have past ruling of criminal/legal or disciplinary battles.
- They must not be appointed into the position but be democratically elected in a healthy environment that encourages contestation.
- An attendance register and voting record are to be kept (e.g., if a show of hands was used, votes must be tallied or ballot papers must be kept).
- A post-election report must be drawn up and form part of the association's registration process with the SRC.

4. Residence Committees

Residence Committee members are elected annually by the students in their respective residences. Their main duties are to represent residence students to the residence management. They also assist new students in adjusting quickly to university and residence life through peer mentorship as well as organising social, cultural and sporting activities to create a welcoming and vibrant student life.

4.1 Elections

4.1.1 All Residence Committee elections should be consistent with the electoral code of the general student governance elections (i.e., SRC election).

4.2 General Guiding Principles

4.2.1 The RC should have a constitution that must be an annexure to the SRC Constitution.

4.2.2 The election of the office bearers of the RC must be consistent with the SRC Constitution.

4.2.3 For the RC elections to be valid, the following prerequisites and key principles must apply:

- For students to be eligible to elect or be elected, they must be registered as students of the University and be members of a university-controlled residence.

- They must be in good standing according to the rules governing the residences (and the University).
- They must not be appointed into the position (they must be democratically elected).
- An attendance register and voting record are to be kept (e.g., if a show of hands was used, votes must be tallied or ballot papers must be kept).
- A post-election report must be drawn up and submitted to the Student Governance Office 30 days after the election.

4.2.4 The Residence Constitution must be in accordance with the democratic principles pertaining to the running of elections.

4.3 Residence Complaints and Grievances

4.3.1 As a sub-structure of the SRC in the residences, the RC will deal with student complaints and grievances, among others, within the residences.

4.3.2 Should those complaints and grievances not be addressed to the satisfaction of the RC, they will be escalated to the Residence Council.

4.3.3 Should those grievances not be addressed to the satisfaction of the Residence Council, they will be escalated to the SRC.

5. SRC Sub-Councils

The role of the SRC Sub-Councils (interchangeably used with Student Councils) is to represent students on governance matters in their primary related areas at the University.

5.1 Names of Sub-Councils

The following are Student Councils that could be established:

- 5.1.1 The Arts and Culture Student Council;
- 5.1.2 The Campus Residences Student Council;
- 5.1.3 The Civic and Social Responsibility Student Council;
- 5.1.4 The Day Residences Student Council;
- 5.1.5 The International Student Council;
- 5.1.6 The Postgraduate Student Council;
- 5.1.7 The Sports Student Council;

- 5.1.8 The Student Associations Student Council;
- 5.1.9 The Student Media and Dialogue Council;
- 5.1.10 The Student Organisations Council;
- 5.1.11 The Universal Access and Social Justice Student Council, and
- 5.1.12 Other sub-committees as determined by the SRC Constitution.

These council members could form part of the SRC as ex-officio members to ensure constituency-based and expanded student engagement.

5.2 Establishment of Sub-Councils

These Sub-Councils are established subject to the provisions of the SRC Constitution. The SRC Constitution thus formalises the above-mentioned Sub-Councils for the University (for universities with multi-campuses, this will apply to each campus).

5.3 Objectives

The Sub-Councils are to serve the following objectives:

- 5.3.1 Serve the interests of the Sub-Council constituencies, the University and Student Body, without partiality, bias, prejudice, discrimination or preference of any form. For universities with multi-campuses, this should be achieved in cooperation with the respective campus SRC.
- 5.3.2 Establish and formalise the above-mentioned Sub-Councils as recognised and established by the SRC Constitution.
- 5.3.3 To be recognised as a platform from which representatives of the Sub-Councils can advance, protect and represent the interests of their constituencies.

5.4 Functions of Ex-Officio Sub-Council

An ex-officio Sub-Council will:

- 5.4.1 Represent all Sub-Councils through their respective Chairpersons and Deputy Chairpersons.
- 5.4.2 Provide a platform for formal liaisons and consultations with University structures via its elected Chairperson.
- 5.4.4 Execute its powers in accordance with the SRC Constitution.

5.5 Membership Eligibility

To be a member of the ex-officio Sub-Council, a person must:

- 5.5.1 Be the duly elected Chairperson or Deputy Chairperson of the applicable Sub-Council.
- 5.5.2 Be nominated by their structure to serve on the ex-officio Sub-Council.
- 5.5.3 Be a registered student at the campus for which the specific Sub-Council is constituted.
- 5.5.4 Pledge to promote the SRC Constitution.

5.5.5 Not have been convicted of any crime by any court of law in the Republic of South Africa or elsewhere, or sentenced to imprisonment without the option of a fine, or with a fine of more than R5,000 (Five thousand rand). In addition, the candidate should not have any other disciplinary cases with the candidates' respective institutions i.e. being expelled from a residence for violations such as fighting, among others.

5.6 Composition of Sub-Councils

The composition of sub-councils will be determined by institutional policies and/or the SRC Constitution.

5.7 Elections

5.7.1 The guidelines and procedures governing regular student governance elections, and universally accepted democratic principles, shall be applied to all elections.

6. STUDENT REPRESENTATIVE COUNCIL

The Student Representative Council (SRC) is a statutory structure as provided for in the Higher Education Act 101 of 1997, as amended. The SRC's main mandate is that of cooperative governance within an institution of higher learning.

6.1 General Provisions

6.1.1 The SRC must be committed to the institutional values of cooperative governance and good corporate governance.

6.1.2 All registered student organisations and recognised structures shall uphold founding principles and shall cooperate with the SRC in providing democratic, transparent, effective, accountable and coherent student leadership.

6.1.3 Subject to exceptions provided for in the SRC Constitution, all registered student organisations and recognised structures are beholden to the provisions of the SRC Constitution.

6.2 Membership Eligibility

To be eligible for nomination as a candidate for the SRC in any SRC election, for either the elective portfolios or the ex-officio portfolios, a candidate must meet all the eligibility requirements as prescribed by the SRC Constitution.

6.3 Elective Portfolios

The SRC Constitution will determine the number of elective portfolios, the manner of their election and the qualifying criteria.

6.4 SRC Standing Committees

The SRC has the full discretion to establish task teams or committees when deemed necessary. The SRC executive committee will nominate the members to the committees. The following are examples of possible standing committees that could be established:

- 6.4.1 The Finance Committee;
- 6.4.2 The Policy Committee;
- 6.4.3 The Projects Committee;
- 6.4.4 The Media and Communications Committee;
- 6.4.5 The Appeals Committee;
- 6.4.6 The Disciplinary Committee, and
- 6.4.7 Any other committee as determined by the SRC Constitution.

6.5 The Student Assembly| Student Parliament | Student General Council

6.5.1 The above-mentioned will be implemented based on a particular model of student governance that a university is using. Depending on the student governance model, the institution may use the Student Assembly (SA), Student Parliament (SP), or Student General Council (SGC) structure to hold the SRC accountable.

6.5.2 The SA/SP/SGC should establish terms of reference which must serve as an annexure to the SRC constitution.

6.5.3 The general sittings and special sitting of the Student Assembly/Student Parliament/Student General Council will be determined by the terms of reference.

6.6 Student Assembly

The Student Assembly (SA) is mandated to hold the SRC accountable, examine matters of interest to the student community and make proposals to the relevant officers or decision-making bodies of the University. The SRC Constitution will determine the functions and election of members of the SA.

6.7 Student Parliament

The Student Parliament (SP) is mandated to hold the SRC accountable, examine matters of interest to the student community and make proposals to the appropriate officers or decision-making bodies of the University. The SRC Constitution will determine the functions and the election of the SP.

6.8 Student General Council

The Student General Council (SGC) is mandated to hold the SRC accountable, examine matters of interest to the student community and make proposals to the appropriate officers or decision-making bodies of the University. The SRC Constitution will determine the functions and the election of the SGC.

7. Electoral System Options for SRC Elections

The electoral system will be determined by any of the above governance models used by the University. The main guiding principle should be a universally accepted democratic ethos. These democratic principles include, but are not limited to, fair representation of its contexts, transparency in the election process and inclusiveness. To advance and support these democratic principles, the electoral system should encourage as many eligible students as possible to participate in the SRC elections.

7.1 The Divisional Governance Model (Multi-Campus Model)

The SRC Constitutions will determine the seat allocation according to the number of students per campus. The implementation of the model should be sensitive to the institutional context.

7.2 The Proportional Representation Governance Model

Proportional representation (PR) is a term used to describe a range of electoral systems in which the distribution of seats corresponds closely with the proportion of the total votes cast for each party or individual candidate.

7.3 Open Party List Ballot

This approach allows voters to express a preference for particular candidates, and not only parties and/or associations. Voters are presented with unordered or random lists of candidates. Voters cannot vote for a party directly, but must cast a vote for an individual candidate. This vote counts for the specific candidate as well as for the party.

7.4 Mixed-Member Proportional Voting

Votes can be cast on a double ballot. For example, if the National and Provincial Government Elections of South Africa are coherent, voters receive two ballots to vote for both national and provincial party representatives.

The party-centred approach of PR is, however, accompanied by certain reservations, which include the parties placing the interests of their constituency as a priority to non-affiliated members. Furthermore, there is the concern of possible coalitions that PR can produce, leading to an unworkable situation due to each party attempting to get its own way.

7.5 Mixed Governance Model

The approach allows independent candidates to contest elections. In addition, it allows registered structures to support independent candidates of their choice. In this case, the independent candidate can use the colours of the supporting structure for the purposes of campaigning and for use on the ballot papers. The independent candidate does not have to be a member of the recognised structure to be supported by the structure. The SRC Constitution will determine the conditions of support for independent candidates in accordance with the registered structures.

8. (Institutional) Student Representative Council

The (Institutional) Student Representative Council (SRC) is the highest student representative body in Universities, including Universities of Technology, in respect of student matters of common interest across all campuses of the University. The SRC Constitution shall determine the functions and roles of the SRC.

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