



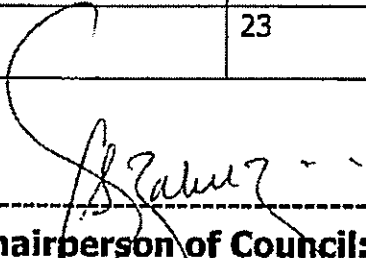
**WALTER SISULU UNIVERSITY  
SRC CONSTITUTION POLICY**

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## SRC CONSTITUTION POLICY

<b>Sponsor Division</b>	Student Affairs Division
<b>Responsible Department</b>	Student Development & Support Services
<b>Related WSU Policies</b>	
<b>Policy name</b>	<b>Policy Name</b>
SRC Constitution Policy	Student Governance Standard Operation Procedure Manual
WSU STATUTE	
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## **PREAMBLE**

We, the students of Walter Sisulu University:

**Recognize** the need to provide optimal opportunities for learning and the creation of knowledge.

**Respect** and encourage democracy, academic freedom, freedom of speech and expression, creativity, scholarship and research;

**Pursue** excellence, promote the full realisation of the potential of every student, tolerance of ideas and the appreciation of diversity;

**Contribute** to the advancement of all forms of knowledge and scholarship, in keeping with international standards of academic quality;

**And whereas** it is desirable for the University to enjoy freedom of and autonomy in their relationship with the State within the context of public accountability and the national need for advanced skills and scientific knowledge.

## **DEFINITIONS**

- “ACADEMIC YEAR”** means that part of a calendar year recommended by the Senate for the academic activities of the University, and approved by the Council.
- “CAMPUS (ES)”** means the divisions of the University, other than the institutional office, being the physical sites and tangible or intangible infrastructure of the University where teaching, training and research is delivered, as are established by the Council from time to time after consultation with the Senate, with the approval of the minister.
- “CAMPUS HEAD”** means the senior manager accountable to the vice-chancellor for the management of all the affairs of a specific campus of the University, contemplated in paragraph 64 of the Statute.
- “CAMPUS SRC”** means the committee established to represent the students at a campus of the University, contemplated in paragraph 45 (2) of the Statute.
- “COUNCIL”** means the Council of the University contemplated in paragraph 7 of the Statute.
- “ELECTION”** means the annual election that take place on a ballot or through electronic vote in accordance with the Rules.
- “FIRST PAST THE POST ELECTORAL SYSTEM”** is the system where the highest polling student is deemed elected.
- “PROPORTIONAL REPRESENTATION”** is a system of voting in which each recognised political party is represented in proportion to the number of people who vote for it in an election.
- “RECOGNISED POLITICAL PARTY”** means a political party which is recognised and registered in terms of the Rules.

<b>"RULES"</b>	means any Rules of the University made in terms of Section 32 of the Act and published after approval by the Council.
<b>"SRC"</b>	means the Students Representative Council of the institution contemplated in paragraph 40 of the Statute, established by the Council in accordance with the Rules, and includes a campus SRC as contemplated in paragraph 45 (2) of the Statute.
<b>"STUDENT"</b>	means any person registered by the University in terms of the Rules, for full time or part time study for a degree, diploma or certificate of the University, or registered or enrolled for any course or programme of instruction offered by the University, provided that a person so registered or enrolled who is also a full time or part time employee of the University is not a student for the purpose of membership of the SRC.
<b>"STUDENT GENERAL COUNCIL"</b>	means the forum which serves as the collective voice of all the student governance sub-structures on each campus.
<b>"THE ACT"</b>	means the <u>Higher Education Act</u> No. 101 of 1997 (as amended).
<b>"THE UNIVERSITY"</b>	means the Walter Sisulu University.
<b>"THE STATUTE"</b>	means the statute of the Walter Sisulu University as published by the Minister of Higher Education and Training in Government Notice No. 13 dated the 17 <sup>th</sup> January 2014.
<b>"THE PRESIDENT"</b>	means the SRC president of WSU.
<b>"THE CAMPUS PREMIER"</b>	means the student head of each campus SRC.
<b>"VICE-CHANCELLOR"</b>	means the principle of the University as contemplated in Section 26 (2)(c ) of the Act.
<b>"WRITTEN NOTICE"</b>	means any notice in writing and includes any notice contemplated in terms of the electronic communications and transactions Act No. 25 of 2002, or any Act that amends or repeals it.

## **CHAPTER 1**

### **1. FOUNDING PROVISIONS**

- 1.1. Walter Sisulu University is founded on the following values:
- 1.1.1. The right to exercise academic freedom in a responsible way; in teaching and learning, in research and in community service;
  - 1.1.2. A commitment to institution wide quality management to value and reward excellence and to uphold and protect the integrity of the University;
  - 1.1.3. The provision of equitable access to higher and continuing education to those who have the potential to succeed.
  - 1.1.4. A commitment to addressing equity imperatives, diversity, entrepreneurship and democratic governance.

### **2. LEGAL STATUS**

- 2.1. The SRC is established in terms of the Higher Education Act 101 of 1997 [as amended] as read with the WSU Statute, WSU Policies, Rules and Regulations.
- 2.2. The SRC derives its power from the Council, is not a legal entity separate from the University and is not a bearer of its own rights.
- 2.3. The constitution of the SRC will have not legal force and effect unless such constitution or amendments thereto, is approved by Council.
- 2.4. The constitution must always be interpreted subject to the Higher Education Act 101 of 1997 , the WSU Institutional Statute and WSU Rules and Regulations; all of which shall take precedence over the provisions of the constitution in the event of there being conflicting provisions.
- 2.5. Not assume any power or function except those conferred upon them in terms of the Higher Education Act, the WSU Statute, and this constitution.  
[removed from Co-operative Governance]
- 2.6. This Constitution shall be binding on the SRC, Student organizations, substructures and student community.



- 2.7. In the event of the matter not being resolved, the Executive Director: Student Affairs, shall, where appropriate, provide for a dispute resolution process.
- 2.7.1. In the event of a dispute with regard to the interpretation of any of the provisions of this Constitution, the Deputy Director Student Affairs and Campus Rectors shall act as a mediator of first instance. Should the dispute remain unresolved after the mediation process, or any party having an interest in the dispute may refer it to the Executive Director: Student Affairs for resolution;
- 2.7.2. The Executive Director: Student Affairs shall take no more than seven (7) days from the date on which the dispute was referred to him/her, to issue his/ her ruling on the matter.
- 2.8. In the event of the matter not being resolved, it shall be referred to the Vice-Chancellor whose ruling shall be final and binding.

### **CHAPTER 3**

#### **3. STUDENT GOVERNANCE [MODEL]**

- 3.1. The University is constituted by 4 (four) separate campuses which are distinctive, interdependent and inter-related.
- 3.2. Students will be represented on a two tier governance model consisting of the Institutional Student Representative Council (ISRC) and 4 (four) Campus Student Representative Council's (CSR'S).
- 3.3. The 4 (four) CSRC's will be responsible for student governance on their own constituent campuses,
- 3.4. The ISRC, CSRC's and all student committees, clubs, council's and societies as contemplated in Section 40 (c) of the Statute shall be governed by this Constitution.

#### **4. CO-OPERATIVE GOVERNANCE [Objectives]**

- 4.1. Preserve the peace and unity of the University;

- 4.2 Provide effective, transparent, accountable and coherent student governance for the University;
- 4.3 Co-operate with one another in mutual trust and good faith by:
- 4.4. Fostering friendly relations, assisting and supporting one another; and
- 4.5 Informing one another of and consulting one another on matters of common interest;
- 4.6 Adhering to agreed procedures and;
  
- 4.7 In the event of there being a dispute in respect of student governance, the parties must make every reasonable effort to settle the dispute by means of mechanisms and procedures provided for that purpose and must exhaust all other remedies before approaching a court to resolve the dispute.

## **CHAPTER 5:**

### **STUDENT REPRESENTATIVE COUNCIL**

#### **5. SRC MEMBERSHIP**

- 5.1. The composition of the SRC is determined by the Council in the Rules, after consultation with the SRC.
- 5.2. Only full time students, registered for at least one academic year are eligible for SRC membership.
- 5.3. Only students of good academic standing who have passed at least sixty (60) percent of their registered subjects in the previous year or semester are eligible.
- 5.4. The following students are not eligible:
  - 5.4.1. a student employed by the University for more than twenty (20) hours per week;
  - 5.4.2. a student practising a career outside of the University on a full time basis;
  - 5.4.3. a student under-going practical training outside of the University for a period exceeding one month during his/her tenure as an office bearer

will not be eligible in an academic year; [If a student has to attend experiential training for 6 months he/she has to resign from the SRC]

- 5.4.4. a student convicted of a criminal offence without an option of a fine, either in the Republic, or outside the Republic if the conduct constituting the offence would have been an offence in the Republic; but no one may be regarded as having been sentenced until an appeal against the conviction or sentence has been determined, or until the time for an appeal has expired;
- 5.4.5. a student found guilty of an offence in the University or SRC disciplinary committee is not eligible.
- 5.4.6. notwithstanding the above, the Institutional policies governing student's code of conduct shall apply and render people not eligible.

## **6. SRC TERM OF OFFICE**

- The term of office of the Student Representative Council shall be one year from the date that the election results are officially pronounced until the date of the next election. No person may serve in the SRC for more than two terms whether consecutively or separately.
- The term of office for members will have commenced once the hand-over and constituting meeting is concluded. This meeting must take place within the first 7 working days after the elections each year. This will imply that the election of SRC must have been concluded before this deadline.
- If for whatever reasons, the election and constituting of one or more of the SRC are delayed beyond the term of the outgoing SRC, the term of the outgoing SRC and its members is extended for a reasonable period, after which the WSU Council on the advice of the Vice Chancellor appoints the SRC.

## **7. TERMINATION OF MEMBERSHIP OF THE SRC**

- 7.1. A member loses membership of the SRC if that member:
  - 7.1.1. ceases to be a student at the University;
  - 7.1.2. is no longer illegible in terms clause 5.4 above;
  - 7.1.3 resigns from being a member in writing
  - 7.1.4. fails to attend three consecutive ordinary meetings of the SRC without a valid reason;

7.1.5. in the case of proportional representation a member ceases to be a member of the party that nominated that member.

## 8. **DISSOLUTION OF THE SRC**

8.1. The council may dissolve the SRC, after consulting with the SRC if:

8.1.1. The SRC cannot, or does not fulfil its primary function to serve and promote the interests of the University and its student community;

8.1.2. the council may not take action under sub-section 19.1.1 unless it has:

8.1.2.1. informed the SRC of its intention to act and the reasons therefore;

8.1.2.2. granted the SRC a reasonable opportunity to make representations to it relating to such intentions; and

8.1.2.3. given due consideration to any such representations received.

## 9. **GENERAL MEETING OF STUDENTS (MASS MEETING)**

The SRC must convene at least one general (mass) meeting of students per campus per semester as outlined in the Standard Operational Procedures. Provision will be made for Special meetings when the need arises.

Students may sanction a seating of a mass meeting through a petition provided that such students constitute at least 25% of registered students.

## 11. **MOTION OF NO CONFIDENCE**

A motion of no confidence in the SRC, or in an individual member(s) of the SRC may be passed at a general meeting of students, provided that:

11.1. the motion is supported, in writing, by at least five percent of the students, proportionally representing that specific campus of the University;

11.2. the motion is published as part of the agenda for the meeting at least ten working days prior to the date of the meeting;

- 11.3. a quorum of at least five percent of students, proportionally representing that campus, are present at the meeting;
- 11.4. The students, by a vote supported by a majority of those present, pass the motion of no confidence in the SRC, the University Council must reconstitute the SRC;
- 11.5. The students, by a vote supported by a majority of those present, pass a motion of no confidence in an individual member(s) of the SRC that member must automatically cease to be a member of the SRC.
- 11.6. If a motion of no confidence in an individual SRC member(s) is passed, then:
  - 11.6.1. if the resigning member was directly elected, the runner up in the election shall be co-opted according to the results of the previous election;
  - 11.6.2. in the event that the runner up is unwilling or ineligible to be co-opted the council will convene a further election in terms of the Rules;
  - 11.6.3. the SRC shall convene a meeting within ten days of the member resigning, and follow the procedures set out in paragraph 11.6.1 & 2 above, alternatively 11.6.4 below in order to fill any vacated portfolio's;
  - 11.6.4. in the event of a proportional representative's seat in the CSRC becoming vacant, the Executive Director: Student Affairs shall notify the relevant student political structure in writing, within two days of the position becoming vacant, to nominate a replacement within seven days of having received the notification.

## 12. INTERIM ARRANGEMENTS

- 12.1. If a motion of no confidence in the SRC is passed, or if it is dissolved by Council, appropriate steps will be taken by Council within 14 days to put in place an Interim Structure, to the extent necessary, to serve and promote the interests of the student community until a new SRC has been elected. Such a structure will be constituted from Recognised and Represented student formations in the Student General Council of that particular campus. The membership must not exceed 7 members.

### 13. THE ISRC

13.1. Subject to the Act, Statute and Rules, the ISRC will consist of twelve members, made up as follows:

13.1.1. each separate campus will elect three (3) members in terms of an electoral system that:

13.1.1.1. is democratic and transparent, in accordance with the Rules;

13.1.1.2. results in a First Past The Post Electoral System [simple majority]: this is in relation to the 5 CSRC positions (Mandatory Seats), which are the Campus Premier; Secretary General, Social & Welfare Officer, Sport & Culture, Academic Officer.

13.1.1.3 Only the Premier, Secretary General and Academic Officer shall represent the campus to constitute the ISRC.

**Note:** The ISRC will not have a budget. All of its operations will be shouldered by the Student Development and Support Services.

13.2 At the first sitting after its election (not more than 14 days after the SRC Elections), the ISRC must elect the following portfolios:

13.2.1. President

13.2.2. Secretary General;

13.2.3. Academic Officer

13.2.4. Student Services Officer;

13.2.5. Policy and Transformation Officer.

13.2.6 7 Additional members

13.3. The Executive Director: Student Affairs will preside over the first meeting.

13.4. The following procedure will apply to the election of these portfolios:

13.4.1. The members will nominate and vote by secret ballot for the five portfolios if more than one member is nominated for a portfolio

13.4.2 each member present at the meeting may cast one vote per portfolio;

13.4.3. the member who receives the majority of the votes will be elected to that portfolio.

- 13.4.4. the portfolio of President shall rotate among campuses annually, i.e., no campus can hold presidency consecutively until all campuses have had an opportunity.

#### 14. **FUNCTIONS OF ISRC**

14.1. Subject to the authority of the Council, in accordance with the Act, the Statute and the Rules the ISRC will fulfil the following functions:

- 14.1.1. Exercising the powers and functions delegated to it by the Council;
- 14.1.2. Liaising with the Council, the Senate, the management, the general public, other institutions, student representative councils of the other institutions and national or international student organisations
- 14.1.3. Advising the Council on risks pertaining to its affairs;
- 14.1.4. Recommending to the Council Rules to determine the conduct of the SRC's affairs;
- 14.1.5. Representing students in all University Statutory Bodies and National Forums.
- 14.1.6. Final decision making in all matters falling within its jurisdiction; and
- 14.1.7. Such additional functions and privileges as may be specifically conferred upon it by the Council

#### 15. **ISRC MEETINGS**

- 15.1.1. The ISRC shall meet at least once per academic term whilst the University is in session during the undergraduate term time.
- 15.1.2. All meetings shall be convened by the Secretary General in consultation with the President.
- 15.1.3. Special meetings shall be convened on request of the president;
  - 15.1.3.1. When a resolution to this effect is passed by the ISRC;
  - 15.1.3.2. When a written request, signed by not less than five members stating the business to be considered, is made to the secretary general.

- 15.1.4. The president shall take the chair at all meetings (with the exception of the first meeting after the election), and in his absence the chair shall be taken by the secretary general, or failing that, by any ISRC member mandated by the ISRC to do so.
- 15.1.5. Fifty percent plus one of the members of the ISRC shall constitute a quorum, at any given point. In the event of there not being a quorum the meeting shall be rescheduled to a later date. In the event when there is no quorum in the rescheduled meeting, those present shall continue with the business of the day.
- 15.1.6. All decisions shall be made by consensus, failing which the matter shall be put to a vote.

## 16. **CAMPUS SRC**

16.1. Subject to the Higher Education Act, WSU Statute and Rules, the CSRC on each campus will be constituted based on the following seats:

- MTHATHA = 11 members including site coordinators
- BUTTERWORTH = 7 members
- BCC = 9 including 2 site coordinators
- QUEENSTOWN = 5

16.2. WSU will use the Hybrid Model voting system to fill in the portfolios available in each campus which is as follows,

16.2.1 Each campus shall have Five (5) directly voted for portfolios [Campus Premier; Secretary General, Social & Welfare Officer, Sport & Culture, Academic Officer] with the rest of the portfolios following the proportional representation method of electing representatives. In the case of Queenstown, Three (3) portfolios will be directly voted for [Campus Premier, Secretary General, Academic Officer].

16.2.2 For the proportional representation seats (Contested by Political Organisations contesting SRC Elections), campuses shall choose from the following in accordance



with the campus seat allocation in 16.1 above:

Treasurer,

Policy and Transformation Officer

Site Coordinators

Media & Publicity

Deputy Premier

Deputy Secretary

16.3. At the first sitting after its election, or when necessary to fill a vacancy, the CSRC must fill the proportional representation portfolios through nominations and voting by secret ballot.

16.4. The campus Deputy Director Student Affairs shall preside over the first seating to constitute the CSRC within Seven (7) Days after the publication of the election results.

16.6. The following procedure will apply to allocate portfolios to the Proportional Representation seats:

16.6.1. Members present in the meeting shall nominate and vote for portfolios. In the event where more than One person is nominated the following procedure shall apply:

16.6.1.1. each member shall cast One vote per portfolio by secret ballot. Whoever receives the majority of the votes will be elected to that portfolio.

## 17. FUNCTIONS OF THE CSRC

17.1. The CSRC, may, upon advice from the Vice Chancellor, the Campus Rector, and the ISRC, be given a mandate to perform certain functions for students enrolled at each campus, in accordance with the Rules, more particularly:

- 17.1.1. liaising with the campus statutory bodies such as the campus senate, campus faculty boards, campus library committee, campus student support services council committee;
- 17.1.2. keep account of all budgets paid over to it by Management and any other monies which may accrue to it in its capacity as representative of the students;
- 17.1.3. allocating or disbursing such funds for use by students, and making grants to approved student clubs, committees, societies and council's on their particular campus;
- 17.1.4. being responsible for the preservation of order at student functions, and ensuring good conduct at all approved meetings of students;
- 17.1.5. develop a plan of action (POA) and budget for its operations and activities for submission to the campus head for consideration and approval;
- 17.1.6. organising and promoting extra-mural activities for students on the campus;
- 17.1.7. co-ordinating student involvement in all community projects initiated on the campus;
- 17.1.8. assuming the responsibility for all student publications on the campus, in accordance with the Rules;
- 17.1.9. advising the ISRC and management structures on risks pertaining to its affairs;
- 17.1.10 recommending to the ISRC Rules to determine the conduct of its affairs;
- 17.1.11. final decision making on all matters falling within its jurisdiction as mandated by the ISRC; and
- 17.1.12. such additional functions and privileges as may be specifically conferred upon it by the ISRC.

## 18. **CSRC MEETINGS**

- 18.1. The CSRC shall meet at least once a month whilst the University is in session during the undergraduate term time.
- 18.2. All meetings shall be convened by the campus premier and/or the secretary general.
- 18.3. Special meetings shall be convened:

- 18.3.1. on request of the campus premier;
  - 18.3.2. when a resolution to this effect is passed by the CSRC;
  - 18.3.3. when a written request, signed by not less than fifty percent of the members stating the business to be considered, is made to the secretary general.
- 18.4. The campus premier shall take the chair at all meetings, and in his absence the chair shall be taken by the secretary general, or failing that, by any CSRC member mandated by the CSRC to do so.
- 18.5. Fifty percent of the members of the CSRC shall constitute a quorum at any given point. In the event of there not being a quorum at any meeting, the meeting shall continue with those members present and the draft minutes shall be circulated to all members of the CSRC who will be given the opportunity to object to decisions taken by those present, where after they will be taken as confirmed by the CSRC.
- 18.6. All decisions shall be decided by consensus, or failing this the majority of the members present and voting.

## **CHAPTER 4**

### **19. STUDENT GENERAL COUNCIL (ASSEMBLY)**

- 19.1. The Student General Council (SGC) is established by the SRC in terms of Section 45 (3) of the Statute. Each campus will have a separate SGC.
- 19.2. The SGC consists of the following members, namely:
- 19.2.1. Campus SRC members;
  - 19.2.2. Representatives from the following organisations:
    - 19.2.2.1. Academic council (one per faculty);
    - 19.2.2.2. Joint residence council (one);
    - 19.2.2.3. Sports council (one);
    - 19.2.2.4. Religious council (one);
    - 19.2.2.5. Developmental council (one);
    - 19.2.2.6. Recognised student political structures (one per organisation);
    - 19.2.2.7. Disability council (one).

19.3. The campus premier shall be the chairperson of the first seating of the SGC with the purpose of electing the SGC Office Bearers.

20. **AIMS**

The SGC shall be representative in nature, inclusive in character, consistent in its operations and shall represent the widest possible variety of views within the campus student body.

21. **TERM OF OFFICE**

The term of office of the SGC shall be for the duration of one academic year.

22. **CONSTITUTING**

22.1. During the First Term, the SGC members representing various student Societies and Structures, shall be summoned together by the campus premier to a place and at a time that has been predetermined.

22.2. At the first meeting, or when necessary to fill a vacancy, the SGC must elect a speaker, a deputy speaker and a secretary from amongst its members.

22.3. The campus head, or his nominee, must preside over the election of a speaker. The speaker presides over the election of a deputy speaker and secretary.

22.4. The following procedure will apply to the election of the speaker, deputy speaker and secretary:

22.4.1. If more than one candidate is nominated –

22.4.1.1. a vote must be taken at the meeting by secret ballot;

22.4.1.2. each member present at the meeting may cast one vote;

22.4.1.3. the person presiding must declare elected the candidate who receives the majority of the votes.

22.4.2. If no candidate receives a majority of the votes, the candidate who receives the lowest number of votes must be eliminated and a further vote taken on the remaining candidates. This procedure must be repeated until a candidate receives a majority of the votes.

## 23. **FUNCTIONS AND POWERS**

### 23.1. The SGC:

- 23.1.1. Shall act as the primary advisory body for the CSRC on behalf of the campus student body;
- 23.1.2. Shall make recommendations to the CSRC on University Policy matters;
- 23.1.3. Must be consulted by the SRC prior to any amendments to the SRC Constitution being submitted to council for its consideration.

## 24. **MEETINGS**

### 24.1. **ORDINARY MEETINGS**

- 24.1.1. Ordinary meetings of the CSP shall be held at least once per semester.

### 24.2. **EXTRA ORDINARY MEETINGS**

- 24.2.1. An extra ordinary meeting shall be held if:
  - 24.2.1.1. The chair person calls such a meeting; or
  - 24.2.1.2. At least five members submit a written request to the chair person for such a meeting, accompanied by a written motivation for consideration at the meeting.
  - 24.2.1.3. Notice of the date, time and venue of an extra ordinary meeting, including the agenda, shall be given at least twenty four hours before such a meeting.

## 25. Institutional General Council (IGC)

The IGC shall comprise of the following:

- 26.1 All members of the ISRC
- 26.2 The Speaker, Deputy Speaker and Secretary from all 4 campuses.

26.3 Members will elect the Speaker, Deputy Speaker and Secretary at the first meeting.

26.4 The Term of Office of the SRC shall be for the duration of one academic year.

## 26. Functions and Powers of the IGC

27.1 The IGC shall consolidate and recommend Policy Submissions from all campuses to the Student Services Council.

27.2 Perform all functions referred by Campuses for consideration.

## 27. **QUORUM**

27.1. A quorum shall be 50% + 1 of all members.

27.2. In the event of a quorum not being formed, the meeting shall continue with those members present, the draft minutes shall be circulated to all members of the CSP who will be given the opportunity to object to the decisions taken by those present, after which they would be taken as confirmed by the SGC; except in the confirmation of an amendment to the constitution a two thirds majority is required.

## **CHAPTER 5**

### 28. **AMENDMENTS TO THE CONSTITUTION**

28.1. The constitution will have no legal force and effect unless such constitution, or amendments thereto, is approved by council.

28.2. Any proposed amendment to the constitution by the student body must be confirmed by a majority of two thirds of each of the four separate SGC's before being forwarded to council for approval.

28.3. Council may, having consulted with the SRC:

28.3.1. amend the constitution; or

28.3.2. revoke the constitution, subject to the Act and the Statute and/or;

28.3.3. initiate a process to draft a new constitution.

28.4. Council may not take action under sub-section 3 unless:

28.4.1. it is of the opinion, on reasonable grounds, that the SRC is in operable and unable to function properly;

- 28.4.2. it has informed the SRC, in writing of its intentions so to act and the reasons therefor;
- 28.4.3. it has granted the SRC a reasonable opportunity to make representations to it relating to such intention; and
- 28.4.4. it has given due consideration to any such representations received.