

SIMONSBERG
CONSTITUTION

Reviewed by J van Helsdingen and D Arnoldus
2021

PREAMBLE

We, the residents of Simonsberg, stand together to create an environment of excellence on all levels.

We respect those who have paved the way for our success.

We believe that this residence belongs to all those who live in it, and we are united in our diversity.

We, therefore, through our freely elected representatives, adopt this Constitution as the guiding code of this residence to accomplish the following:

Respect the values of the residence and those with whom we share these special grounds.

Honour the traditions of this residence and those who have laid the foundations for our success as well as those who shall come after.

Ensure that we hold each other accountable for cultivating an environment that improves the quality of life and experience for all Simonsbergers, present and future.

Hold aloft the value of integrity in all aspects of residence life, without which the four walls of our home shall not stand.

May we be guided on our journey.

We, the residents of Simonsberg, declare our desire to unite as a House under the banner of our four values, namely:

Respect

Accountability

Integrity

Honour

Definitions

1. 'Simonsberger': A student is regarded and accepted as a Simonsberger from the day they arrive at Simonsberg and will remain a resident until the day they leave the residence.
2. 'Resident': Any student who is currently residing in Simonsberg.
3. 'House': The physical residence building of Simonsberg – also the collective residents of Simonsberg.
4. 'Senaat': The physical section where elected residents reside during their term – also the collective group of eight elected residents.
5. 'House Committee': The House Committee consists of 15 elected members, namely the Primarius, the Vice-Primarius, 12 additional members and a Strategic Advisor.
6. 'Primarius': The elected resident who is the executive chairperson of the House and the House Committee.
7. 'Vice-Primarius': The elected resident who is the vice-chairperson of the House and the head of the Senaat.
8. 'Strategic Advisor': The elected individual who was previously a House Committee member of a women's residence on the Stellenbosch campus.
9. 'Residence Head': The appointed individual who is the official head of the House and the liaison between the House Committee, the House and the University.
10. 'Dagbestuur' (or Executive Committee): A group that can call and hold emergency meetings regarding urgent matters that affect the residence. The Dagbestuur consists of the Primarius, Vice-Primarius, Residence Head and any House Committee member who has served one or more full term(s) as a House Committee member in Simonsberg.
11. 'Internal Disciplinary Committee' (IDC): A committee consisting of the chairperson (the Vice-Primarius), the eight members of the Senaat and no more than two additional members that has jurisdiction over matters of residence misconduct. By virtue of his office, the Residence Head is a permanent member of the IDC.
12. 'Mentors': A number of Simonsbergers, deemed appropriate in proportion to the number of first years, appointed and responsible for psycho-social support of first years in all required matters, from the start of the Welcoming period until the end of the academic year.
13. 'Portfolio': The specific role that any House Committee member must play in the running of the residence.

14. 'University': Stellenbosch University (SU).
15. 'General procedure': Procedure as per the discretion of the chairperson.

ARTICLE 1

Interpretation

- 1) The interpretation of this document rests exclusively with the House Committee, Senaat and Residence Head. Any of these parties may consult the House in order to facilitate further interpretation. Should any steps be taken or decisions be made outside the provisions of this document, such action may be declared invalid or may be rectified and/or condoned.
- 2) The primary version of this document is available in English, with supplementary versions available in Afrikaans and isiXhosa. Supplementary versions should be updated accordingly.
- 3) Any interpretation of the scope and meaning of this document is subject to the applicable rules and regulations as prescribed by the relevant University authorities.

ARTICLE 2

Residents

1) Definition

A student is regarded and accepted as a Simonsberger from the day that they arrive at Simonsberg and will remain a resident until the day that they leave the residence.

2) Rights and responsibilities of Simonsbergers

Every Simonsberger has the right to do the following:

- a) Raise motions and vote at House discussions.
- b) Serve in leadership positions (including subcommittees).
- c) Vote and participate in leadership elections.
- d) Propose amendments to the Constitution.

Every Simonsberger has the responsibility to act in accordance with the following:

- a) The values of the Constitution of the Republic of South Africa including the Bill of Rights enshrined therein.
- b) The values of the University.
- c) The values of Simonsberg: Honour, Accountability, Integrity and Respect.
- d) This Constitution.
- e) The disciplinary processes set out by the IDC, judgements passed by the IDC in a matter concerning the accused and recognition of the right of the accused to appeal.

ARTICLE 3

Office-bearers of the House

1) General

- a) The Residence Head, the Primarius, the Vice-Primarius, the 12 additional members of the House Committee, the Dagbestuur, the Strategic Advisor, the mentors and the members of the Senaat are office-bearers of the House.
- b) Only Simonsbergers may be elected as office-bearers, except for the role of the Strategic Advisor and the Residence Head.
- c) The term of office of office-bearers commences on the termination of the term of office of their predecessors, except when office-bearers have been elected in a by-election, in which case their term of office commences when they are elected.

2) The Residence Head

- a) The Residence Head of Simonsberg is the University-appointed head of the House and the official link between the House and the University structures. The Residence Head represents the University through his role in the House.
- b) The Residence Head is an ex-officio member of the House Committee and is therefore present in all the official meetings of the House.
- c) Given the nature of his role, the Residence Head does not vote during elections and in other matters that require voting and aims to mediate decision making within the House.
- d) The Residence Head may, in consultation with the Primarius, convene a meeting of the House Committee or the Dagbestuur when he deems it necessary.
- e) The Residence Head is consulted on resolutions of the House and decisions made by die House Committee and through his role partakes in decision-making processes as representative of the University in the House.

- f) The Residence Head fulfils an official role in disciplinary processes of the House as outlined in the SU Student Disciplinary Code.

3) The Primarius

- a) The Primarius is the executive chairperson of the House.
- b) The Primarius serves as the link between the House, student communities and committees, and the Residence Head.
- c) By virtue of his position, the Primarius is a member of the House Committee.
- d) By virtue of his position, the Primarius is the chairperson at all House, House Committee and Dagbestuur meetings.
- e) The Primarius may delegate the role of chairperson of an official House, House Committee or Dagbestuur meeting to the Vice-Primarius and/or a member of the House Committee should he be unable to attend such a meeting.
- f) In consultation with the Residence Head and the Vice-Primarius, the Primarius allocates each member of the House Committee portfolios for which he will be responsible.
- g) The Primarius ensures that each House Committee member drafts a report for each of his portfolios and submits these to be archived.
- h) The Primarius represents the House at Prim Committee and other relevant, external meetings and facilitates Simonsberg's public relations with other residences, Private Student Organisations (PSOs), the Validus Cluster, the Student Representative Council and other relevant structures.
- i) In conjunction with the Residence Head, the Primarius ensures that House Committee members perform their duties.
- j) The Primarius ensures that official University information is efficiently communicated through the House.
- k) The election of the Primarius is regulated by Article 5 of this Constitution.

4) The Vice-Primarius

- a) The Vice-Primarius is the vice-chairperson of the residence.

- b) The Vice-Primarius acts as Primarius when the latter is absent for whatever reason.
- c) By virtue of his position, the Vice-Primarius is a member of the House Committee.
- d) The Vice-Primarius is the head of the Senaat, unless otherwise determined.
- e) The Vice-Primarius is the chairperson of the IDC, unless otherwise determined.
- f) The Vice-Primarius serves as the Safety and Compliance Officer for the residence (linked to the 'Safety' portfolio).
- g) The Vice-Primarius serves as the official link between the residence and the alumni of the House.
- h) The election of the Vice-Primarius is regulated by Article 5 of this Constitution.

5) The House Committee

- a) The House Committee consists of 15 members, namely the Primarius, the Vice-Primarius, 12 additional members and the Strategic Advisor.
- b) The Primarius and Vice-Primarius together with the Residence Head and any House Committee members who are serving more than one term constitute the Dagbestuur (see point 7 below).
- c) The term of the House Committee will commence once the election results have been finalised and announced. This should be no later than at the start of the fourth academic term.
- d) It is expected of the House Committee to act in accordance with the values and ethos of the House at all times.
- e) Each House Committee member will be responsible for fulfilling a portfolio (or set of portfolios) during his term, which will be determined by the Primarius in consultation with the Vice-Primarius and the Residence Head. These portfolios may vary from year to year. However, the following principles will apply:
 - (i) At least one member will fulfil the role of treasurer of the residence, taking responsibility for the financial affairs of the House (in cooperation with the Primarius and Residence Head).
 - (ii) At least one member will fulfil the role of secretary, taking responsibility for effective communication between the House Committee and the residence and keeping a record of the minutes of official House and House Committee meetings.

- (iii) At least one member will be responsible for the yearly review of this Constitution so that it may accurately reflect the beliefs and values of the members of the House.

6) The Strategic Advisor

- a) The Strategic Advisor is an ex-officio member of the House Committee.
- b) The Strategic Advisor position was instituted to include, amongst others, a female perspective in the context of a men's residence.
- c) The position is therefore fulfilled by a woman student who has in the past two years served as a House Committee member and/or Vice-Primaria and/or Primaria in an SU residence on the Stellenbosch campus.
- d) The role includes advising and supporting the House Committee on matters (as she sees fit) as well as running any portfolios as requested by the Primarius.
- e) Candidates and the election of these candidates are regulated by section 5.5 of this Constitution.
- f) The term of the Strategic Advisor will
 - i) commence after Strategic Advisor election results are announced to the House; and
 - ii) end on the same day as the House Committee's term, as regulated by Subsection 5 above.

7) Dagbestuur

- a) The Dagbestuur acts on behalf of the House Committee in urgent matters that may be time sensitive and therefore need urgent consideration and/or intervention.
- b) The Dagbestuur must advise the House Committee and/or bring a matter for further consideration and/or decision making to the House Committee.
- c) The Dagbestuur is not a decision-making body in itself and can thus not act separately from the House Committee.

8) The mentors

- a) Every mentor is responsible for the psycho-social support of first years in all required matters, from the start of the Welcoming period until the end of the academic year.
- b) A number of mentors deemed appropriate in proportion to the number of first years are appointed from applications submitted to the mentor selection panel. This annual ratio (mentors: first years) is determined by the Centre for Student Communities (CSC).
- c) Candidates and the appointment of these candidates are regulated by Article 5 of this Constitution.
- d) A Head and Deputy Head Mentor will lead the rest of the mentors.
- e) The Deputy Head Mentor is a nonofficial position, and it is required of the appointed candidate to stand in for the Head Mentor in his absence.
- f) The duties and responsibilities of the mentors are determined by the CSC.

9) The Senaat

- a) The Senaat is a leadership body consisting of eight Simonsbergers plus the Head of the Senaat.
- b) Unless otherwise determined, the Vice-Primarius serves as the Head of the Senaat.
- c) Candidates and the election of these candidates are regulated by section 5.8 of this Constitution.
- d) The Senaat has two main purposes:
 - i) To foster a culture of camaraderie, friendship and residence unity by hosting internal residence events and engagements.
 - ii) To serve as the IDC of the residence.
- e) Each member of the Senaat will be responsible for fulfilling a portfolio (or set of portfolios) during his term, which will be determined by the Head of the Senaat.
- f) Senaat members are Simonsbergers who strive to serve, further and enhance Simonsberg and the experiences that come with living in this House. The mission, values and responsibilities of the Senaat are highlighted in Annexure D of this document.

12) Subcommittees

- a) The House Committee has the power to recognise, appoint and elect subcommittees from residents of the House. The subcommittees link with House Committee portfolios, events and/or engagements during the academic year.
- b) The House Committee encourages members of the House to take the initiative with regard to the forming of new subcommittees. These subcommittees will serve as creative platforms for members of the House to fulfil their potential in relation to other members of the Simonsberg community and further.
- c) The chairpersons of such subcommittees must be appointed by the House Committee and/or a House Committee member and/or may be House Committee members.

ARTICLE 4

Disciplinary issues in residence

1) Composition of the Internal Disciplinary Committee

- a) By virtue of his office, the Vice-Primarius is chairperson of the IDC.
- b) The IDC consists of the chairperson, the eight members of the Senaat and no more than two additional members.
- c) The role and responsibilities of the IDC are determined by the SU Student Disciplinary Code.
- d) By virtue of his office, the Residence Head is a permanent member of the IDC.
- e) By virtue of his office, the Primarius has the right to attend any internal disciplinary hearing.
- f) The chairperson may, using his own discretion, appoint (no more than) two additional House Committee members to serve on the IDC.
- g) The chairperson will be responsible for thorough record keeping of the IDC's actions and decisions during his term.
- h) The chairperson must communicate the decisions of the IDC to the Residence Head (should he be absent from IDC meetings) and the House Committee.
- i) It is the responsibility of the chairperson to consider the different languages, cultures and particularly social customs of the residents of the House.
- j) The IDC must be diverse enough to represent everyone in the House.

2) Operation

- a) All disciplinary processes in the residence will be subject to the SU Student Disciplinary Code.
- b) These rules and regulations are set out in Annexure E of this document.
- c) A perceived perpetrator must receive written or electronic notice at least 48 hours before the hearing of the complaint against him, of the time of the hearing and that he is entitled to representation by any resident of Simonsberg should he deem it

necessary.

- d) During the hearing, the IDC follows a procedure similar to that of the Central Disciplinary Committee (CDC) of the University:
 - (i) The chairperson makes sure that the accused understands the procedure.
 - (ii) The charge is read out to the perceived perpetrator.
 - (iii) The accused is given the opportunity to indicate whether or not he is guilty of the offence.
 - (iv) Regardless of the plea, the perceived perpetrator is given the opportunity to share his version of the matter. It is required of the IDC to familiarise itself with the facts, after which it has to make a ruling.
- e) Should a sanction befall the perpetrator, he has the opportunity to appeal to the Residence Head and the House Committee. If necessary, the appeal will be forwarded to the University CDC for further consideration. This will be done in accordance with the stipulations in the SU Student Disciplinary Code.
- f) Should the IDC be unable to come to a unanimous decision, it will have to vote on the matter. The chairperson has a casting vote when there is a tie of votes among the other members. Should the number of the IDC members require this, the Primarius may at the chairperson's discretion be permitted to vote.

3) Powers and competencies

- a) The IDC is competent to impose a relevant sanction as provided in the SU Student Disciplinary Code.
- b) The IDC and the House Committee have the responsibility to establish, for the purposes of the process, whether an action constitutes a violation of the four values of the House, subject to the provisions of Annexure E.
- c) Any ruling and (where applicable) sanction of the IDC must be confirmed and communicated to the perceived perpetrator within 24 hours of such ruling or sanction.
- d) The above notice must inform the accused of his right to appeal to the Residence Head and House Committee. An application for appeal must be lodged with the chairperson in writing within 48 hours. If necessary, the appeal will be forwarded to the CDC for further consideration. This will be done in accordance with the

stipulations in the SU Student Disciplinary Code.

- e) The competencies of the IDC are supplemented and limited by the relevant provisions of the SU Student Disciplinary Code.

4) Procedure

- a) Subject to the approval of the House Committee, the IDC has sole competence to determine procedure, subject to the same limitations and supplements as in Article 3(3)(e) above.
- b) At the start of its term, the IDC will compile a document in which procedure together with the punitive jurisdiction of the IDC will be set out and approved by the House Committee, and this document will be communicated to the House. If the IDC at the start of its term decides that it will make use of the document compiled by the previous IDC, it may do so.
- c) After the document has been approved by the House Committee, it will serve as a binding annexure, named Annexure E, to this Constitution.
- d) Every perceived perpetrator will receive a copy of Annexure E together with the letter contemplated in Article 4(2)(c).

ARTICLE 5

Elections

1) Election Committee

- a) At the first House Committee meeting of the third term, the House Committee must appoint an Election Committee, which will comprise a chairperson and four additional members.
- b) The outgoing Primarius automatically serves as chairperson of this committee, unless they avail themselves for reelection as Primarius, Vice-Primarius or member of the House Committee, in which case a suitable chairperson should be determined by the House Committee.
- c) This committee is responsible for the election of the incoming Primarius, Vice-Primarius and House Committee.
- d) No member of the Election Committee may stand for one of these positions.
- e) The committee must communicate the dates and requirements for leadership caucuses to the House at least one week in advance.
- f) The chairperson will be responsible for facilitating the leadership caucuses of the incoming Primarius, Vice-Primarius and House Committee.
- g) In the event that a leadership caucus cannot take place in person, the Election Committee may hold it online.
- h) This committee can co-opt additional members to assist it in carrying out its duties.

2) The voting process

This subsection regulates the voting process to be followed for the election of Primarius, Vice-Primarius and House Committee.

- a) Every Simonsberger has one equally weighted vote.
- b) Every Simonsberger will have the opportunity to abstain from voting.

- c) Under normal circumstances, voting must take place according to an in-person secret ballot box system, arranged, managed and regulated by the Election Committee.
- d) The Election Committee must share the outcomes of the abovementioned elections with the Residence Head before the official announcement to the House.
- e) If the procedure set out in (c) above cannot be followed, an anonymous electronic voting process, as regulated by the Election Committee in accordance and with the support from the CSC, will be followed. The CSC will then share the outcomes of the election with the Election Committee and the Residence Head.

2) Election of the Primarius

- a) Eligibility for the position of Primarius is subject to the candidate's having served on the House Committee in a previous term.
 - i) If the condition in (a) cannot be fulfilled, the Election Committee may open applications to Simonsbergers who have previously served as Senaat members or mentors.
- b) Every Simonsberger may vote for one candidate in any round of voting.
- c) Election results:
 - i. If two candidates are standing for this position, the candidate with the majority of the votes will be the elected Primarius.
 - ii. If three or more candidates are standing for this position, the candidates will be reduced to two by repetitive rounds of voting.
 - iii. If four or more candidates are standing for this position, the candidate with the least number of votes will be removed after each voting round. However, the Election Committee may consult with the remaining candidates to determine whether they wish to proceed to further rounds of voting.
 - iv. If one candidate receives more than 50% of the votes in any round of voting, this candidate will be the elected Primarius.

- d) The candidates who are eliminated automatically qualify as candidates for the Vice-Primarius election, should they wish to make themselves available for this position.
- e) When the Primarius is elected, a voting percentage of at least 75% of all Simonsbergers must be maintained throughout and within the time allocated for the election by the Election Committee. The Election Committee must use its discretion to extend and/or close the voting period.
- f) The Primarius-elect must be announced within 24 hours of the closure of the voting period.
- g) If there is a tied vote (equal number of votes for candidates) two times, the deciding vote rests with the Election Committee and the House Committee members who are not candidates in the election.

3) Election of the Vice-Primarius

- a) Eligibility for the position of Vice Primarius is subject to the candidate's having served on the House Committee in a previous term.
 - i) If the condition in (a) cannot be fulfilled, the Election Committee may open applications to Simonsbergers who have previously served as Senaat members or mentors.
- b) Voting for the position of Vice-Primarius may only commence after the announcement of the Primarius-elect.
- c) Every Simonsberger may vote for one candidate in any round of voting.
- d) Election results:
 - i. if two candidates are standing for this position, the candidate with the majority of the votes will be the elected Vice-Primarius.
 - ii. if three or more candidates are standing for this position, the candidates will be reduced to two by repetitive rounds of voting.
 - iii. if four or more candidates are standing for this position, the candidate with the least number of votes will be removed after each voting round. However, the Election Committee may consult with the remaining candidates to determine whether they wish to proceed to further rounds of voting.

- iv. if one candidate receives more than 50% of the votes in any round of voting, this candidate will be the elected Vice-Primarius.
- e) The candidates who are eliminated automatically qualify as candidates for the House Committee election, should they wish to make themselves available for a position on the House Committee.
- f) When the Vice-Primarius is elected, a voting percentage of at least two-thirds of all Simonsbergers must be maintained throughout and within the time allocated for the election by the Election Committee. The Election Committee must use its discretion to extend and/or close the voting period.
- g) If there is a tied vote (equal number of votes for candidates) two times, the deciding vote rests with the Election Committee and the House Committee members who are not candidates in the election.

4) Election of the House Committee

- a) Voting for House Committee members may only commence after the announcement of the Primarius-elect and the Vice-Primarius-elect.
- b) Candidates will be eligible to stand for the position of House Committee member from their second year in the residence or unless otherwise determined.
- c) Every Simonsberger may vote for a maximum of 12 candidates. This will apply unless the number of individuals who are elected to serve on the House Committee changes.
- d) The 12 candidates who receive the most votes form the new House Committee.
- e) When the House Committee is elected, a voting percentage of at least two-thirds of all Simonsbergers must be maintained throughout and within the time allocated for the election by the Election Committee. The Election Committee must use its discretion to extend and/or close the voting period.
- f) Should a tied vote occur once with respect to the 12th member, the Election Committee must coordinate a further vote between only the tied candidates to determine the final members.
- g) The Election Committee must minute all results and preserve them for the

full House Committee term that commences at that point as the candidates who are eliminated may be taken into consideration again for House Committee members at a later stage (see subsections 9(d) and 9(e) below). This must be done in conjunction with the Residence Head.

- h) When the names of the new House Committee members are announced, the Senaat is responsible for giving every new member a rock. These rocks should be placed at the top of Simonsberg Mountain within a reasonable period after the announcement of the new House Committee but before the start of the following academic year.

5) Appointment of the Strategic Advisor

- a) The Strategic Advisor must be appointed as soon as possible after the announcement of the House Committee-elect.
- b) The Dagbestuur will be responsible for facilitating the appointment of the Strategic Advisor (see Article 3 subsection 6 above).
- c) The Dagbestuur will be responsible for advertising the position, considering applications and inviting at least two candidates for an interview with the House Committee.
- d) Subject to (c) above, the Dagbestuur will manage the voting for the position:
 - i) Each member of the House Committee will have one vote per voting round. This vote may take place via a secret ballot box or online if necessary.
 - ii) The Strategic Advisor will be the candidate who receives at least eight votes, and the Dagbestuur must facilitate multiple voting rounds if necessary.
 - iii) If there is a tied vote (an equal number of votes) three times, the casting vote lies with the Primarius.

6) Appointment of the Head Mentor

- a) The appointment of the Head Mentor must take place within a reasonable time after the announcement of the House Committee and before the election of the mentors.
- b) The Primarius-elect will be responsible for the facilitation of interviews for this position and the facilitation of this appointment.
- c) The Head Mentor selection panel consists of the Primarius-elect, the Vice-Primarius-elect, the outgoing Head Mentor and the Residence Head.
- d) The mentioned panel is responsible for appointing the Head Mentor. The panel has the discretion to co-opt additional members to assist in this process.
- e) Only residents who have served as a mentor in a previous term(s) may be considered for the position of Head Mentor.
- f) If this condition cannot be fulfilled, applications should be opened to the previous House Committee members and, failing that, the House at large.

7) Appointment of the mentors

- a) The mentors must be appointed within a reasonable time after the announcement of the Head Mentor and before the start of the official University mentor training programme.
- b) The Primarius-elect will be responsible for the facilitation of this election process and the facilitation of interviews for these positions.
- c) The Mentor Election Panel consists of the Primarius-elect, the Vice-Primarius-elect, the Head Mentor-elect, the outgoing Strategic Advisor and the Residence Head. The panel has the discretion to co-opt additional members to assist in this process.
- d) The panel is responsible for electing the mentors.
- e) If there are a substantial number of applications, the Mentor Election Panel can use its discretion to decide which of these applicants will be interviewed and considered for the positions.
- f) Any Simonsberger is eligible for the position of mentor.
- g) A Deputy Head Mentor will be appointed by the Mentor Election Panel from the

ranks of the newly elected mentors.

8) Election of the Senaat

- a) The election of the Senaat must take place within a reasonable time after the announcement of the mentors but must be complete by the end of the third week of the fourth term.
- b) Candidates will be eligible to stand for the position as Senaat member from their second year in the residence.
- c) The Vice-Primarius-elect will be responsible for the facilitation of the Senaat caucus and election, which are open for all Simonsbergers to attend in person or, where applicable, virtually.
- d) The outgoing Senaat, the outgoing House Committee and the House Committee-elect will be responsible for the selection of the Senaat.
- e) Each of the abovementioned parties may vote for a maximum of eight candidates.
- f) The Senaat caucus as well as the voting procedure may take place online if necessary.
- g) The eight candidates who receive the most votes will form the new Senaat.
- h) Should a tied vote occur once with respect to the eighth member, the Vice-Primarius must coordinate a further vote between only the tied candidates to determine the final members.

9) By-elections

- a) Should the position of Primarius become vacant, the Vice-Primarius acts as the Primarius. The House Committee must hold an election for a new Primarius within seven days of the position of Primarius becoming vacant or as soon as possible thereafter (see subsection 3 above).
- b) Should the position of Vice-Primarius become vacant, the House Committee must hold an election for a new Vice-Primarius within seven days of the position becoming vacant or as soon as possible thereafter (see subsection 3 above).

- c) Should both these positions become vacant at the same time during the academic year, the House Committee or, failing the House Committee, the Residence Head and/or a representative of the CSC must hold an election within seven days.
- d) Should only one House Committee member resign, be dismissed or if his position become vacant in any other way, the House Committee, if it deems it necessary to fill the position, in consultation with the chairperson of the Election Committee may appoint the next candidate who was eliminated first in the immediate past election to the vacant position.
- e) Should multiple House Committee members resign, be dismissed or if their positions become vacant in any other way but the remaining number of House Committee members form a quorum, these members may, if they deem it necessary, decide to do the following:
 - i) They may hold a by-election to fill the vacant positions.
 - ii) In consultation with the chairperson of the Election Committee, they may appoint candidates according to vote tallies from the immediate past House Committee election.
- f) Should multiple House Committee positions become vacant and the remaining members not form a quorum, the remaining members must make arrangements for a by-election.
- g) Should the House Committee as a whole resign or be dismissed, the Residence Head and/or a representative from the CSC must hold an election.
- h) In a by-election, the provisions of sub-articles 3, 4 and 5 apply.

ARTICLE 6

House discussions

1) General

- a) The purpose of a House discussion is as follows:
 - i) To allow the House the opportunity to discuss and consider any important residence-related matter.
 - ii) To consider, debate and vote on motions raised by Simonsbergers.
 - iii) To vote on amendments to this Constitution.
 - iv) To allow the House Committee and, where applicable, other leadership bodies the opportunity to communicate and report to the House on their past actions and future plans.
 - v) To allow the House the opportunity to assess and oversee the actions of the House Committee and, where applicable, other leadership bodies.
- b) An ordinary House discussion must be held at least once per academic term.
- c) Notice of an ordinary House discussion must be given by means of formal communication, electronically or otherwise at least five days (120 hours) before the time of commencement.
- d) Any Simonsberger may request to raise a motion at a House discussion. Such a motion must be submitted in writing or via electronic mail to the secretary of the House Committee no later than 48 hours before a House discussion. No late motions shall be considered during the House discussion.
- e) The agenda of the House discussion will be determined by the House Committee and brought to the attention of the House by the secretary at least 24 hours before the meeting.
- f) Attendance of House discussions is compulsory, and Simonsbergers will only be excused by a written apology to the Primarius no later than 24 hours before the meeting begins.
- g) The chairperson will be responsible for coordinating the proceedings of a House discussion. During debates or discussions, the chairperson must use his judgment to authorise speaking turns. All Simonsbergers may request to participate in

discussions by raising their hands.

- h) The secretary must ensure that all motions, discussions, debates, decisions and votes that take place during a House discussion are noted in detail in the minutes for future reference. These minutes must be communicated to the House within one week of the meeting.
- i) All Simonsbergers are expected to behave in an orderly manner; the chairperson may request any person who conducts himself in an inappropriate or improper manner to leave the meeting.
- j) The House Committee must ensure that any decisions made at a House discussion are implemented and must report to the House on the progress of such decisions.

2) Extraordinary House discussions

- a) An extraordinary House discussion is held when the House Committee deems it necessary or at the written request of at least one-third of the members of the House.
- b) Notice of an extraordinary House discussion must be given at least 24 hours before the time of commencement.

3) Quorum

- a) The quorum at an ordinary or extraordinary House discussion is 50% of the members of the House.
- b) Matters taken to a vote at a House discussion will be supported or rejected according to the rule of 50% + 1 of the attending members, provided that a quorum is reached.
- c) House discussions are held according to the general procedure followed at meetings.

ARTICLE 7

Amendment of the Constitution

- a) Apart from anything to the contrary in this Constitution, any amendment to this Constitution must have the approval of at least two-thirds of the House.
- b) Proposed amendments must be submitted to the House Committee in writing by way of a motion at least 36 hours before the House discussion concerned.
- c) The Primarius must give notice of the proposed amendment at least 24 hours before the House discussion concerned.
- d) Approved amendments will come into effect immediately upon approval.
- e) The House Committee member responsible for the Constitution must ensure that any approved amendments are realised in writing in the English version (primary version) of this document. He will also ensure that these amendments are reflected in the Afrikaans and isiXhosa translations of the Constitution before the end of his House Committee term.

ARTICLE 8

General

1) Powers and obligations

In addition to other powers and duties derived from the provisions of this Constitution and subject to the provisions thereof:

- a) The House Committee is competent to do the following:
 - (i) Act on behalf of the House in all matters affecting the House.
 - (ii) Take all the necessary steps to organise residence life effectively and to promote a strong sense of comradery amongst Simonsbergers.

- b) The House Committee is responsible for the following:
 - (i) Fostering good relations with other residences and PSOs as well as the Validus Cluster (student communities) of SU.
 - (ii) Fulfilling the responsibilities of the members' portfolios throughout their term of office.
 - (iii) Leading the residence with the goal of maintaining a culture that is in correspondence with the values and ethos of the House.
 - (iv) Ensuring that the provisions of this Constitution, the SU Student Disciplinary Code and all resolutions of the House Committee are carried out.
 - (v) Communicating relevant information and actions to the House, Simonsberg alumni and prospective Simonsbergers.

2) House Committee meetings

- a) The House Committee meets once a week during the term, excluding examination periods and the last week of the first and third academic terms.
- b) The Primarius, or the Vice Primarius in his absence, may convene a special House Committee meeting if deemed necessary.

- c) The Primarius, or the Vice Primarius in his absence, and seven additional House Committee members constitute a quorum.
- d) The Primarius has an ordinary as well as a casting vote.
- e) The Primarius is responsible for arranging the agenda of the meeting. This is done in consultation with the secretary of the House Committee.

3) Simonsberg Mountain

Simonsberg Mountain holds great significance for the residence and its members. As the place after which the residence is named, it has historically been viewed as a great source of pride by the residence and has thus formed the basis of many of the residence's traditions throughout its existence.

While the tradition of climbing the mountain is never enforced, it is highly recommended for residence members to take part in the activity as it presents the opportunity to be involved in some of the hallowed experiences that have become part of the collective memory of Simonsbergers past and present. At the end of the Welcoming period, the whole residence is invited to climb the mountain and to celebrate the newcomers as part of the House.

4) Rooms

- a) Every Simonsberger will be held responsible for the condition of their own room and the furniture in it.
- b) The House Committee in conjunction with the Residence Head is responsible for allocating rooms and/or for finalising processes linked to room placement.

5) Newcomers

- a) The welcoming of the newcomers occurs within the Welcoming framework as provided by the CSC and by taking into account the outcomes of the Welcoming programme prepared by the House Committee members responsible.
- b) The Welcoming leader(s) along with the House Committee takes responsibility for the organisation and execution of the Welcoming programme.

Annexure A

The House

	1) <u>NAME:</u>	Simonsberg
.	2) <u>MOTTO</u>	Noblesse Oblige
	3) <u>COLOUR:</u>	Red
	4) <u>EMBLEM:</u>	See Annexure B

The House emblem comprises a red fleur-de-lis, projected onto a black shield shaped background. At the top of the shield is the name of the House – Simonsberg – and at the bottom is the motto of the House – Noblesse Oblige – in black print on a black-edged emblem ribbon. (See Annexure B.)

FLAG:

The house flag comprises:

- a) A white background
- b) The house emblem
- c) A shield cover
- d) The size of the white background is one thousand two hundred and forty-five (1 245) millimetres in length and six hundred and ten (610) millimetres wide. In the centre of this background is the house emblem with the shield cover.

The shield cover comprises a covering cloth and a helmet. The covering cloth is a light khaki green edged in black. It encloses the shield on the left-hand side, at the top and on the right-hand side. At the top the covering cloth is interrupted by a grey helmet which is also edged in black. The helmet is upright on the top emblem ribbon and faces to the right. The top of this is decorated with a piece of the covering cloth

HOUSE SONG (Music: Ryno Otterman; Lyrics: Abraham de Vries)

Die Suiderlig stort goue sonskyn
oor sy helder kom se rand;
gooi op Simonsberg vol glorie,
laat hom blink in Matieland.

Met verstand soek ons die wysheid,
met ons hart vind ons dit saam,
Sing ons monde, soek ons harte
net een huis en net een naam.

O! Simonsberg wat wit en helder
teen die blou die songlans vang,
waarna ons harte deur ons monde,
deur die jare terugverlang.

See Annexure G for English and IsiXhosa translations of the House Song

CODE OF CONDUCT

- a) As part of the University every Simonsberger is subject to the rules and regulations of the University as laid down in the Student Disciplinary Code.
- b) The Constitution is subject to the Statute of the University as well as other codes and policies that are applicable on residences and student life. As such it should be read and interpreted in relation to the mentioned documents.
- c) The constitution underwrites no formalistic codes of conduct but should be read in relation to the Ethos of the residence as found in Annexure C.
- c) The ethos contained in Annexure C is in no way a complete list or directive but enhances a strong basis that amplifies the purport and intention of the 4 current values and guides the relation amongst Simonsbergers and the spaces that we share.

Annexure B

The house emblem



FONT: BEBAS NEUE

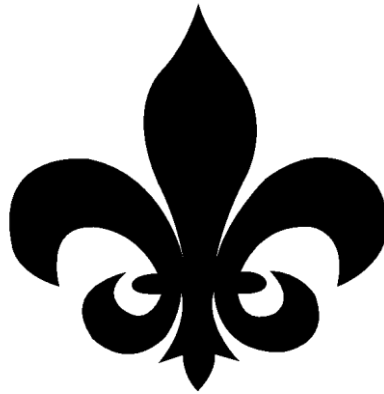
PANTONE: RED - 185C

YELLOW - YELLOW 0131C

The Logo Crest



Simonsberg Logo #2



FONT: NEW TIMES ROMAN REGULAR

PANTONE: BLACK

SIMONSBURG

Annexure C

CODE OF CONDUCT AND ETHOS: SIMONSBERG

In acknowledgement of our motto: Noblesse Oblige, and out of respect for the proud history and rich, unique traditions of Simonsberg; and

In accordance with the wider vision, rules and regulations, tradition and ethos of the Stellenbosch University of which we are proudly and inseparably a part;

We, the residents of Simonsberg, declare that we are serious about and intend to honour the following code of conduct, inculcate it in our residents and live it actively in order to:

- Create an atmosphere in which the full potential of every resident can be fulfilled, and in which every resident can experience the formative influences of Simonsberg and its traditions;
- Maintain functional order and discipline in the residence and on campus;
- Accept leadership on the campus in expanding the traditions and ethos of Simonsberg and Matieland.

Firstly, we believe that everyone residing in this place, regardless of religion, culture or ethnicity, enjoys inalienable basic rights, and that no practice or deed by any individual or group will be such that these rights, particularly those of participation, are not affected or alienated. This includes that we will do all we can to prevent minority groups from forming in Simonsberg.

Secondly, we reject all practices that will amount to humiliating new students, subjecting them to physical discomfort, or alienating their basic rights or human dignity. Traditionally, no initiation ceremonies exist in Simonsberg, and newcomers will only be encouraged to become part of the rich traditions of this place through voluntary participation in the approved orientation programme, the Met and the climbing of Simonsberg.

Thirdly, we expect all residents to respect the physical structure of the place, and that any deliberate damage by any individual be condemned by all residents and regarded as an infringement of others' rights and the character of the place.

Fourthly, we discourage the irresponsible use of alcoholic beverages, particularly when this leads to inconvenience for others with whom we live. We therefore respect the rights of

everyone with respect to an orderly, healthy and sober environment, and undertake to attend to fellow residents who are guilty of this, be this through rejection, reporting, punishment or disciplining.

Fifthly, we respect the right of other residents at all times to comply with their academic obligations. We acknowledge that the biggest responsibility and first priority of every Simonsberger is to become academically proficient and we strive to maintain an atmosphere in the residence in which every resident has the freedom to work.

We believe that in pursuing this code of conduct, every resident will have the opportunity to help build a proud Simonsberg tradition that has played an enormous role in shaping thousands of former residents, and in maintaining a positive Simonsberg presence on the campus.

A true Simonsberger is a top-class Matie.

Annexure D

The Senaat

The Senaat itself is a body of students in Simonsberg that is composed of students in their third year of study and above. There are two main purposes of the Senaat:

1. To host events which allow for Simonsbergers to bond and come together more often.
2. To deal with issues of discipline within the residence.

Senators are Simonsbergers who strive to serve, further and enhance Simonsberg and the experiences that come with living in this house.

Originally, the Senaat has been seen as an exclusive part of the residence where only a certain group of people spent time, but this is in the process of becoming no longer the case. The Senaat still has facilities to socialise and engage, but the main focal points of these social events are no longer directly related to alcohol focused parties.

The Senaat is involved in the welcoming period, and it specifically plays a role as a guide and mentor to the seniors during this time. The Senaat also plays a friendly role in welcoming the first years when interacting with them, making their settling as smooth as possible. The Senaat also strives to set an example to the first years, like all students in res, as Simonsbergers to aspire to.

It is a privilege to live in the Senaat and appointed members are expected to honour the res' faith in them by living up to the said duties.

Annexure E

Discipline

The Residence Head

- 1) All suspected Residence Misconduct shall be dealt with in the first instance by the Residence Head in authority over the Residence where the incident arose. The relevant Residence Head must consider whether, on the facts available at that time:
 - a) Residence Misconduct is reasonably suspected;
 - a) if so, whether the misconduct is to be dealt with as a Residence matter or as a Disciplinary Matter, taking into account the seriousness of the misconduct, the importance of issues raised, the evidentiary or conceptual complexity of the matter, and the broader interest which the University or other Residences may have in its outcome, and any other relevant consideration. 23
- 1) The Residence Head has discretion whether or not to pursue a Residence Matter, taking into account the interests of affected Students and the interest of the Residence, as well as that of the University, if applicable.
- 2) The Residence Head may furthermore Suspend a Student from the Residence with immediate effect if, on the facts available at that time, the Residence Head reasonably fears that:
 - a) the continued presence of the Student in the Residence poses an imminent threat to the order and discipline of the Residence;
 - b) the continued presence of the Student in the Residence poses a real and urgent danger to the mental or physical well-being of fellow Students in the Residence;

- c) the continued presence of the Student in the Residence poses a real and urgent risk of serious damage being done to the University's property; or
 - d) the person's continued residence may be to the detriment of the investigation by (a) interfering with evidence and/or (b) influencing of witnesses.
- 4) A Student's Suspension from the Residence is subject to confirmation by the IDC hereafter referred to as the RDC or Residence Disciplinary Committee.
- 5) The director responsible for the management of Student Residences shall have residual authority to exercise any of the functions of the Residence Head in the event that the Residence Head is absent or otherwise unable to fulfil those functions for any reason.

The House Disciplinary Committee

- 1) The House Disciplinary Committee acts through a full committee, made up of a chairperson and additional members. The Residence Head or a nominee of the Residence Head is chairperson of the House Disciplinary Committee. The additional members are appointed in terms of the constitution and House Rules of the respective Residences.
- 2) Every Residence must establish a House Disciplinary Committee. The House Disciplinary Committee has jurisdiction to deal with Residence Matters. Pending the adoption of a constitution of the House Disciplinary Committee in terms of this code, the committee, panel or Functionary currently authorised to exercise discipline over Students in the particular Residence retains its powers and jurisdiction. The HDC does not have the power to expel a Student.
- 3) The House Disciplinary Committee may request the assistance of a SDI to assist in or guide an investigation into the suspected Residence Misconduct.

- 4) The decision of the House Disciplinary Committee is taken by majority vote. In the event of a tie, the chairperson holds the deciding vote.
- 5) The chairperson of the House Disciplinary Committee must ensure that proper records are kept of all proceedings before the House Disciplinary Committee.
- 6) Any Student adversely affected by a decision of the House Disciplinary Committee may appeal that decision to the RDC.
- 7) In the absence of House Rules, or House Rules that do not provide for a House Disciplinary Committee, then the Residence Rules shall apply to such extent as required to address the deficiency, subject to the provisions and requirements of this Code.

The Residence Disciplinary Committee

- 1) The RDC has jurisdiction to hear Disciplinary Matters arising from Residence Misconduct, which nevertheless does not involve a serious threat to the physical or mental wellbeing of Students or serious damage to University property. The RDC does not have the power to expel a Student.
- 2) The RDC has the further jurisdiction to confirm a temporary Suspension imposed by a Residence Head, and to review the Suspension in terms of clause 32.11. 20.15
When required to confirm a Suspension:-
 - a) The RDC shall request the Head Student Discipline to institute an urgent investigation to verify the facts on which the Residence Head's decision was based, and obtain any additional relevant evidence; and
 - b) The RDC shall confirm the Suspension if the evidence obtained in the investigation considered together with the submissions by the Student concerned

in terms of clause 32.5.2, supports the reasons provided by the Residence Head for Suspending the Student.

- 3) The RDC also has jurisdiction as an appeal body to the House Disciplinary Committee. In that case the RDC takes its decision on the record of proceedings before the House Disciplinary Committee and may confirm that decision, or set it aside and refer the matter back for reconsideration.
- 4) In all cases, the RDC acts through a full committee, made up of a chairperson and at least two other members from the RDC panel. Decisions of the RDC are taken by consensus, and if not reached, majority vote. In the event of a tie, the chairperson holds the deciding vote.
- 5) The following decisions may be taken by round robin, including electronically, initiated by the chairperson:
 - a) A decision on any application relating to an enquiry before the RDC, including an application to be allowed to take part in the enquiry (clause 28.7), an application to observe an enquiry (clause 30.2), an application by a witness to give evidence at an enquiry other than through oral evidence (clause 30.7), an application for Legal Representation (clause 31.3); and
 - b) A review of a Suspension in terms of clause 32.11.
- 6) The Director: Legal Services appoints the chairperson and additional members of the RDC from the RDC panel in respect of each particular case. All Residence Heads are members of the RDC panel by virtue of their appointment to that position.
- 7) Insofar as is practically possible in any particular case, the members of the RDC, including the chairperson, ought to be heads of a Residence or PSO ward in the same cluster as the Residence in which the matter arose, but must exclude the Residence Head of that particular Residence in instances of appeal or a review of a Student's

Suspension from a Residence.

- 8) In exceptional circumstances, the Director: Legal Services or delegate/s may appoint additional members to the RDC panel from among suitable members of the University Community. In that case, the chairperson must nevertheless be a Residence Head from the relevant cluster.

- 9) Any Student, adversely affected by a decision of the RDC, save for a decision taken on appeal from a House Disciplinary Committee, or a decision reviewing a Student's Suspension from a Residence, may appeal that decision to the DAC.
20.23 The RDC may determine its own terms of reference which must be compatible with these rules, and be confirmed by the Director: Legal Services.

Annexure F

Our Simonsberg Standards

Based on our residence values of Honour, Accountability, Integrity and Respect.

1. The building:
 - a. We respect the building, our fellow Simonsbergers and our staff by committing to keeping the residence a space that we are proud of.
 - b. We clean up after ourselves if we cause a mess (be it empty bottles in the quads, mess from doing dishes in the sinks, and anything in the bathrooms).
 - c. We inform the House Committee member responsible for maintenance if something is broken and take responsibility for any consequences that may result (e.g., paying for the repairs).

2. Noise:
 - a. We realise that given the hybrid approach to academics the majority of Simonsbergers study from their rooms in the residence. Therefore, we respect each other by limiting noise levels.
 - b. We are quiet after 11pm in the evenings (this involves turning off music and lowering our voices) and respect any request from a House Committee member to lower the noise after 11pm. This includes noise in the greater Simonsberg vicinity – including the gym, Voorgras, parking lots and tennis courts.

3. Alcohol:
 - a. If we choose to drink, we do so responsibly. Alcohol is no excuse for a lack of judgement or poor behaviour.

4. Smoking:
 - a. If we smoke, we do so in the quads or outside the building - not inside. Further, if we smoke marijuana, we do so outside of Simonsberg.

5. Safety and security:
 - a. We all take responsibility for safety in Simonsberg by closing entrance doors

that are open and refraining from wedging/holding doors open with doorstops, rocks, etc.

- b. We introduce ourselves to people we do not recognise in the building and ask them what they are up to. Visitors should always be accompanied, so we show any stranger out of the building immediately. Staff and maintenance workers should be clearly recognisable from their clothing.

6. External:

- a. We strive to uphold and respect the name of Simonsberg in our conduct outside of the residence (in town, on campus, etc.).

7. General:

- a. We live in a residence of knowledge, not assumptions. If we are unsure about anything, we ask a House Committee member.
- b. We are people of integrity who hold ourselves and each other accountable for our actions. If we mess up, we take responsibility.

Behaviour that is out of line with these standards should be reported to the Senaat or House Committee.

1 April 2021

Annexure G

The House Song

English Translation

The Southern light showers golden sunshine
over the bright edge of its basin;
casts Simonsberg in full glory,
lets it shine in Matieland

With our minds we look for wisdom,
with our hearts we find it among us,
Our mouths sing of, our hearts search for
one house and one name only.

Oh! Simonsberg, white and bright
you catch the sun's lustre against the blue sky,
our mouths pour out our heart's yearning
for you as the years go by.

IsiXhosa Translation

Ingoma yeKhaya

Ukukhanya kwaseMazantsi kuzisa ukuqaqamba kwelanga okugolide
ngaphaya komphetho oqaqambileyo wesidibi sawo;
kuthumela uzuko lonke eSimonsberg,
mayikhanye eMatieland.

Ngeengqondo zethu sikhangelela ukubulumko,
ngentliziyo zethu sibufumana phakathi kwethu
Imilomo yethu intyiloza ngabo, intliziyo zethu zikhangelela

ikhaya negama elinye kuphela.

Owu! Simonsberg, emhlophe neqaqambileyo
ubamb'ukukhazimla kwelanga kwisibhakabhak'esiluhlaza,
imilomo yethu iyakhala iintliziyo zethu ziyakulangazelela,
nanjengoko iminyaka ihamba.

This document was amended in 2021 by Jan-Harm van Helsdingen and Dorian Arnoldus in conjunction with The Constitution Committee, the Primarius, Vice-Primarius and Residence Head.