

CHAPTER 4

Writing and Reviewing SRC Constitutions

This section illustrates how to overhaul and write a constitution. It will also touch on the role of institutional councils in ratifying SRC constitutions and what SRCs should consider in preparing for this.

Writing an SRC Constitution

Step 1: Initial consultation

It is important to establish consensus amongst the key players on campus that constitutional review is necessary.

- The existing structures, such as the General Council, should be used at this early stage of the process of establishing consensus on this need.
- A mass meeting resolution calling upon the SRC to initiate and drive such a process could add credibility.

It is also at this stage that you need to design the process.

- Set realistic time frames.
- Obtain agreement on the process to be followed from all the key role-players.

Constitutional review is often very emotional and can be used to advance the political goals of one group of students against others.

- Avoid starting just before an election. The best time may be at the beginning of the academic year when there are lots of new students



who have just joined and who may provide an avenue for new ideas. This way there is no pressure to complete the project in a hurry.

- It is advisable to get impartial facilitators for enhanced credibility.

Step 2: Developing a common vision

A common mistake in the reviewing of constitutions is simply to build on a constitution that has been in existence for years, rather than seeking to rebuild the fundamentals, such as the vision espoused by the constitution.

A constitution last drafted or amended ten years ago when our country did not enjoy constitutional democracy cannot have the same ideals as a constitution drafted today. The challenges facing the SRC cannot be what they were ten years ago.

This step is therefore critical in putting in place the fundamentals on which your constitution must be based. Once you have agreed on this, the rest will fall into place easily.

This step can be achieved by convening a three-day constitutional summit or workshop that involves a cross section of the student stakeholders on your campus. The workshop's main aim will be to agree on the constitutional principles on the basis of which a constitution will be finalised. These will include, but are not limited to, the following:

- A situational analysis to determine challenges facing your student body.
- A clear vision for your student body. This will inform your preamble as well as your aims and objectives.
- A model of student government that can best address these challenges. This will take into consideration the size and shape of your student body and will also inform the method of elections.
- An identification and discussion of provisions, based on all three of the above, that will best constitute an SRC.

EXAMPLE

A model workshop programme

Day 1

Session 1: Organisations are allowed to state their views on what they consider to be the weaknesses and strengths of the current constitution, and what they propose as solutions. Session 2: A group session to identify



challenges that face the student body. These challenges will now be used to govern the rest of the workshop.

Day 2

Session 1: Aims and Objectives are worked out in a special session. Again these are based on the challenges. You can use the current aims and objectives as a basis and ask the question: “Will these help us to meet our challenges?”.

Session 2: The most suitable model of student government is debated in this session. Using the options in Chapter 4 above, a model can be debated according to the challenges set for your campus. If one of your challenges relates to inclusivity and maximum participation of structures in decision-making, can you sustain the argument of simply having all powers centered in the SRC executive?

Session 3: Identification of provisions that must be included in the constitution is made in plenary and agreed upon.

Session 4: The Summit breaks into smaller groups – enough to tackle the amount of provisions. With the exception of the groups dealing with Aims and Objectives, Name, Definitions and the Preamble, groups are only expected to agree on what must be in the provisions; not to attempt the exact wording.

Day 3

Session 1: Report back from all the groups and adoption of a resolution on each provision.

Session 2: Determination of the process to complete the constitution with clear time-frames.

Session 3: Evaluation of the workshop.

Step 3: Drafting the constitution

The work of drafting the constitution is a specialised task and can best be achieved by requesting external facilitators to produce a draft for discussion. This will be based on the workshop resolutions adopted at the summit.

EXAMPLE

The process can be structured as follows:

1. Production of workshop report containing all the resolutions.



- (Two weeks)
- 2. Drafting based on this report.
(Two weeks)
- 3. Circulation of the draft to all role players and the general student body.
(Two weeks)
- 4. Incorporation of comments from stakeholders, etc. [Comments to be sent directly to the facilitators to ensure fairness.] Production of Second Draft.
(Two weeks)
- 5. Second draft circulated with invitation to a one-day workshop.
(Two weeks)
- 6. Day workshop to adopt provision by provision.
(One day)

Hint: This must be facilitated in a manner that does not reopen the debates on principles adopted at the summit.

Step 4: Final adoption

A final draft of the constitution is produced, based on any changes made at the workshop.

This draft is circulated with an invitation to a Special Annual General Meeting [SAGM] to adopt the constitution.

At the SAGM, a report on the process is tabled by the SRC and a facilitated process to adopt ensues, leading to the final adoption of the constitution. Note that twenty-five per cent of the student body must vote in favour of the adoption in order for it to be legitimate.

The “constitution” of the SAGM assumes that this threshold is achieved. Clarify the status of the meeting right at the beginning to avoid future constitutional challenges.

Step 5: Ratification by Council

Once the students have adopted the constitution, a formal application or request to Council can be made for the constitution to be ratified.

In considering the SRC constitution submitted for justification, the Council will consider its provisions in relation to institutional statutes, the Higher Education



Act and the South African Constitution.

In the unlikely event of Council having specific changes it wishes to make, an SRC mass meeting can consider and debate these. If they are accepted, this will be the end of the matter. If they are rejected, Council will deliberate on them again with further motivation.

Step 6: Amending the SRC Constitution

The process of amending the SRC Constitution is relatively less complicated.

EXAMPLE

An amendment clause must outline the following procedure for the amendment of the constitution:

- The proposed amendment must be in writing.
- It must be submitted to the SRC two weeks ahead of a mass meeting or AGM.
- It must be circulated to the student body at least seven days before the AGM, where it will be a subject of discussion.
- It must be voted for by a two-thirds majority to be effected.

Hint: Any student/student organisation is entitled to propose a constitutional amendment but this should be effected by a clear majority as per SRC constitution.

