



THE STUDENT ELECTORAL COMMISSION 2024

STATEMENT: DISCLOSURE FORM IMPLEMENTATION BY THE STUDENT ELECTORAL COMMISSION FOR THE 2024/2025 SRC ELECTIONS

Dear Maties

The Student Electoral Commission remains committed to fostering a process that upholds the highest standards of integrity, fairness, and transparency. These principles are fundamental in ensuring that our student leadership elections truly reflect our collective values as a student community and are in line with the soon to be implemented student leadership Code of Ethics and the SU Code 2040 on integrated ethics in the University environment, which was approved in 2022.

New Policies and Rules:

In alignment with the commitment to ethical leadership, the Division of Student Affairs is finalising a new Code of Ethics that will guide student leadership structures. This code includes the importance of addressing conflicts of interest, particularly for individuals holding multiple leadership positions simultaneously. As part of our commitment to ethical conduct, the Student Electoral Commission has also introduced a new disclosure section in the election applications for the SRC and its *ex-officio* members, as well as any other student leadership elections that the Student Electoral Commission is constitutionally empowered to preside over. The disclosure section is implemented to ensure transparency regarding any concurrent leadership roles.

Nature: The Conflict-of-Interest Disclosure Form is part of the SRC election process to ensure transparency and fairness.

Status: This form is a mandatory component introduced during the SRC elections for 2024/2025.

Effect: The form aims to maintain the integrity of the elections for the SRC and its *ex-officio* members, as well as any other student leadership elections that the Student Electoral Commission is constitutionally empowered to preside over. It is aimed at ensuring that elections are free, fair, credible, and transparent. **Completing the form does not prevent any student from participating in the elections of house committees or societies.** Any disclosed conflicts will be reviewed and addressed individually by the Division of Student Affairs after the elections. **Candidates are encouraged to be as transparent as possible when filling out the form.**

A clear distinction must be made between eligibility to run for an election and eligibility to hold office after an election. The additional rule is set in place to disclose any conflict of interest, it does not impact any student's ability to avail themselves for any of the elections currently taking place on any of the Stellenbosch University campuses.

Furthermore, the Code of Ethics soon to be implemented by the Division of Student Affairs, will impact the eligibility to hold office in our student leadership structures. After the elections conclude, the Student Electoral Commission's involvement ends, and matters pertaining to holding office must be addressed with the relevant institutional structures.

Declaring Conflict of Interest:

We recognise the importance of transparency regarding any potential conflict of interest that may arise. Each conflict-of-interest case will be carefully considered on its own merits. Should you be a candidate who finds themselves in a position where additional roles may potentially conflict with your duties or responsibilities, we encourage you to declare such potential conflicts transparently.

Promoting Ethical Conduct:

It remains imperative that candidates adhere to the election guidelines pertaining to the relevant structures they are availing themselves for. These guidelines have been designed to ensure a free, fair and credible election for all candidates. We encourage respectful campaigning, constructive dialogue, and the avoidance of misinformation to create a positive environment for our student community elections.

CASE SUMMARY:

It cannot be emphasised enough how much we as the Student Electoral Commission value transparency as the bedrock of our constitutional mandate, and as such, it is important that we bring to light the recent court judgement in a matter against the Student Electoral Commission and its Officials at Tygerberg Campus, where there has been some confusion regarding the effect of the new disclosure form that has been retrospectively implemented for the underway TSRC elections.

The court in *Speaker: Tygerberg Students Assembly v Tygerberg Electoral Commission and Electoral Commission* 18/06/24 in paragraphs 27-29, held that:

“The Code of Ethics ultimately emanates from the Division of Student Affairs, not the TEC. The requirement of completing a Disclosure Form is itself no bar on the eligibility of a student to stand for election. Rather, it is a pre-emptive step in anticipation of the forthcoming Code of Ethics.

This is further illustrated in the Disclosure Form itself, which states the following:

“I affirm that upon the approval of the code of ethics, the Division for Student Affairs may request me to select a single student leadership position to hold, and I will promptly resign from any other positions I may hold. I will notify the Division of Student Affairs immediately when I am offered a paid position such as a student assistantship or any other position where

I receive money in exchange for services rendered. I accept that in the case of such a position I will only accept it if the Division of Student Affairs is of the opinion that it will not be a conflict of interest or will have an influence on the time available to devote to my TSRC leadership duties.”

This point cannot be overemphasised. The decision which the Speaker of the Tygerberg Students Assembly seeks to have set aside is the decision of the TEC to include the Disclosure Form as a requirement in the nomination process. The requirement that a prospective nominee complete the Disclosure Form does not bar sitting student leaders in any position or structure from standing for election. It also does not bar students from running in multiple offices. It merely requires students to acknowledge the pending Code of Ethics and its authority when it is officially approved. It serves as a safeguard against student leaders averring that they were unaware that they are not allowed to hold more than one student leadership position.”

The court then went further as to **dismiss the case** and it cannot be stressed enough that this case serves as precedent for the SRC 2024/2025 elections as well. For the **full case report**, please click [here](#).

Your active participation and commitment to ethical principles is essential in creating a community where integrity, fairness, and accountability remains important.

For more info regarding nominations, campaigns, and all things related to the election, follow the Student Electoral Commission on our Instagram page [@maties_elections](#) and please also be sure to send inquiries to our mailbox at: electoralcommission@sun.ac.za or visit our [website](#).

Thank you for your dedication to these principles and for your commitment to ethical governance.

Yours Sincerely,
Fina Macuacua
Student Electoral Commission Chairperson

*Issued on behalf of:
The Student Electoral Commission
Dated: 15 July 2024*