

**SIMONSBERG**  
**CONSTITUTION**

Reviewed  
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2008

# **PREAMBLE**

In the belief in the order of the divine creation we are aware of the need for an organised community in order to:

act in a unified manner;  
ensure our welfare;  
remain in close contact and cooperation with our authorities;  
represent and promote our highest interests in all areas.

WE, the residents of Simonsberg, declare our desire to unite as a house **under the banner of our THREE VALUES, namely**

**Respect for the place**  
**Respect for the name of the place**  
**Respect for our fellow Simonsbergers**

# ART. 1

## Definition of House

	1) <u>NAME:</u>	Simonsberg
.		Noblesse Oblige
	3) <u>COLOUR:</u>	Red
	4) <u>EMBLEM:</u>	

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.)

### 5) 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 with 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.

### 6) HOUSE ANTHEM (Music: Ryno Otterman; Lyrics: Abraham de Vries)

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

Koor:

O! Simonsberg wat wit en helder  
teen die blou die songlans vang,  
waarna ons harte deur ons monde,  
deur die jare t'rugverlang.

## 7) CODE OF CONDUCT

- a) As part of the Stellenbosch University every Simonsberger is subject to the rules and regulations of the University as laid down in the Student Regulations.
- b) The constitution underwrites no formalistic codes of conduct, but does confirm the broad guidelines to be pursued by every Simonsberger. See Annexure A for Simonsberg's internal policy statement with respect to the values we pursue.
- c) **The ethos contained in Annexure A is in no way a closed list, but only a rough breakdown of the purport and intention of the THREE VALUES, subject to the provisions in art. 2.**

## ART. 2

### **Interpretation**

- 1) The interpretation of this document rests exclusively with the Internal Disciplinary Committee (IDC). The chairperson of the IDC may consult anyone in order to facilitate interpretation. Should any steps be taken or decisions be made outside the provisions of this document, the IDC may declare such action invalid, rectify it or condone it.
- 2) **Although this text will be available in Afrikaans, English and isiXhosa with the Residence Head at reasonable times, the Afrikaans text applies in all cases where there are differences between the languages.**
- 3) **Any interpretation of the scope and meaning of this document is subject to the applicable rules and regulations as prescribed by the University authorities.**

## **ART. 3**

### **Residents**

1) **DEFINITION:**

A student is regarded and accepted as a Simonsberger from the day he takes up residence in Simonsberg until the day he finally leaves the residence.

2) **VOTING RIGHTS:**

- a) Voting rights are the right to vote at house meetings and in elections.
- b) A member acquires a 1/3 vote after one semester in Simonsberg and a full vote after two semesters.
- c) A former voting member's voting rights are revived when he becomes a resident again.

## ART. 4

### Office-bearers of the House

#### 1) THE RESIDENCE HEAD

- a) The Residence Head of Simonsberg is the official head of the House and the official liaison between the House Committee and the University Council.
- b) The Residence Head is an ex officio member of the House Committee, but without voting rights.
- (c) The Residence Head may, in consultation with the Primarius, convene a meeting of the House Committee or the Executive Committee when he deems it necessary.
- (d) The Residence Head receives a copy of all resolutions of the House and House Committee immediately.
- (e) The Residence Head may, in consultation with the Primarius, convene a meeting of the House Committee on resolutions he deems to be in conflict with the policy of the University Council or the interest of the House.
- (f) All resolutions by the House and House Committee will come into effect immediately, unless the Residence Head insists on a meeting as indicated in (e).
- (g) The Residence Head is entitled to be present at any disciplinary hearing by the Internal Disciplinary Committee, unless the chairperson is of the opinion that his presence constitutes a conflict of interest [see art. 4(1)(c) below].

#### 2) OTHER OFFICE-BEARERS

- a) The Primarius, the Deputy Primarius, the ten additional members of the house committee, the Advisers and members of the Central Disciplinary Committee are office-bearers of the House.
- b) Only voting members may be elected as office-bearers.
- c) The term of office of office-bearers commences on the termination of the term of office of their predecessors, except where office-bearers have been elected in a by-election, in which case their term of office commences when they are elected.
- d) Office-bearers cease to be office-bearers
  - (i) when they finally cease being members of the House, and
  - (ii) when they resign in writing.

#### 3) THE PRIMARIUS:

- a) The Primarius is the executive director of the House.
- b) By virtue of his office, the Primarius is a member of the House Committee and entitled to attend any internal disciplinary hearing [see art.4 (1)(c) below].
- c) By virtue of his office, the Primarius is the chairperson at all House, House Committee and Executive Committee meetings.
- d) At the annual meeting the Primarius delivers a written report, drafted in triplicate, of the year's activities of the House and, if necessary, makes recommendations to his successors. Two copies of the report are handed to the Residence Head (one for the Rector) and one copy remains in the archives.

#### 4) THE DEPUTY PRIMARIUS

- a) Acts as Primarius when the latter is absent.
- b) By virtue of his office, he is a member of the House Committee.
- c) Is chairperson of the Internal Disciplinary Committee (see art. 4 below).
- d) Handles administration with respect to Advisers.

#### 5) THE HOUSE COMMITTEE

- a) The House Committee consists of twelve (12) members, namely the Primarius, Deputy Primarius and ten (10) additional members.
- b) The Primarius and Deputy Primarius, together with the Residence Head, constitute the Executive Committee.
- c) A House Committee elects from its ranks a secretary and a treasurer within three (3) days after its election.
- d) The duty of the secretary is to:
  - (i) Keep the minutes of all House and House Committee meetings.
  - (ii) Post official notices on the notice boards.
- e) The duty of the treasurer is to:
  - (i) Administer the finances of the House.
  - (ii) Submit a report on his administration at the Annual Meeting.
- f) **According to custom, the House Committee must appoint a House Committee member who is in his second year as House Committee member to the portfolio for First Years. This House Committee member must, subject to the authority of the Primarius, the Residence Head and the House, be responsible for the functions contemplated in art. 9(3) of this document, subject to the provisions in that subarticle.**

#### 6) 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:
  - (i) In all matters affecting the House, act on behalf of the House.
  - (ii) Take all the necessary steps to organise the House Life effectively and promote a healthy spirit.
- b) The House Committee is obliged to:
  - (i) In collaboration with the Internal Disciplinary Committee, ensure that the good order in the House is preserved.
  - (ii) Ensure that the provisions of the Constitution, the Student Rules of the University and all resolutions of the House Committee are carried out.



## 7) THE EXECUTIVE COMMITTEE

- a) The Executive committee acts on behalf of the House Committee in cases requiring speed.
- b) The Executive Committee must report to the House Committee as soon as possible on the decisions made.
- c) The Executive Committee determines the portfolios of the various House Committee Members at the beginning of every term of office.

## 8) THE ADVISERS

- a) Every Adviser is responsible to the Residence Head for counselling the first years.
- b) Eleven Advisers are appointed from applications submitted to the House; one of them serves as the Chief Adviser and as convenor and coordinator.
- b) The duties and responsibilities of the Advisers must be complied with as laid down by the University Council.
- c) The Deputy Primarius handles administration with respect to Advisers.

## 9) SUBCOMMITTEES AND ASSOCIATIONS

- a) The House Committee has the power to recognise clubs or associations in the House.
- b) The House Committee has the power to appoint subcommittees for matters that in its view justifies such committees.
- c) Chairpersons of such subcommittees must be appointed by the House Committee or a House Committee Member and may be House Committee Members.
- d) **An Annexure C to this document will be created in which all the provisions with respect to subcommittees in the House will be listed. The Primarius will be authorised to amend this document at the end of his term with the approval of the outgoing House Committee and must hand this over to his successor in his official annual report. The aim of this document is not to be binding, but to ensure continuity.**

# ART. 5

## The Internal Disciplinary Committee

### 1) COMPOSITION

- a) By virtue of his office, the Deputy Primarius is chairperson of the Internal Disciplinary Committee (IDC).
- b) The IDC consists of at least eight and no more than ten members.
- c) **By virtue of his office, the Residence Head is a permanent member of the IDC.** By virtue of his office, the Primarius has the right to attend any internal disciplinary hearing. Should the chairperson foresee a possible conflict of interests in any given circumstances, he can revoke this right of the Primarius for that particular hearing.
- d) The chairperson appoints two additional House Committee Members to serve on the IDC. The House Committee Member for First Years must be one of the two additional members.
- e) In consultation with the two additional members (see b) the chairperson appoints a secretary from the ranks of the Simonsberg Senate. The secretary must keep the minutes of every meeting and hearing. He must also keep a thorough record of the committee's actions during his term.
- f) The chairperson appoints a new committee before the end of his first term as House Committee Member, in other words before the start of the subsequent academic year. The new committee must first be submitted to the House Committee for approval.
- g) Before their appointment the House Committee Members of all the respective floors must submit two suitable candidates for that floor to the chairperson. The chairperson, in consultation with the secretary and the two additional House Committee Members, must constitute a committee from the prescribed candidates.
- h) On the constitution of the IDC the chairperson must consider the different languages, cultures and particularly social customs of the residents of the House. The committee must be as diverse as possible to represent everyone.

### 2) OPERATION

- a) An accused must receive written notice at least 48 hours before the hearing of the charge against him, the time of the hearing and that he is entitled to representation by any resident of Simonsberg. Such notice must also be posted on the notice boards, unless the chairperson decides against it on the basis of the sensitive nature of a particular hearing.
- b) During the hearing the IDC follows a procedure similar to that of the Central Disciplinary Committee of the Stellenbosch University:
  - (i) The chairperson makes sure that the accused understands the procedure.
  - (ii) The charge is read out to the accused.
  - (iii) The accused is given the opportunity to plead guilty or not guilty.

- (iv) Regardless of the plea, the accused is given the opportunity to tell his version. On a plea of guilty this serves as argument for mitigating circumstances. On a plea of not guilty it serves to familiarise the committee with the facts, after which they have to make a ruling. On his conviction the accused then receives an opportunity to plead mitigating circumstances.
- c) Should the committee be unable to come to a unanimous decision, they have to vote on the matter. The chairperson has a casting vote where there is a tie of votes among the other members. Should the numbers of the committee require this, the Primarius may at the chairperson's discretion be permitted to vote, except where there is a conflict of interests [see subart. 1(c) above].

### 3) POWERS AND COMPETENCIES

- a) The IDC is competent to impose any punishment as provided in the US Student Rules or by a majority decision at a House Meeting.
- b) **Only the IDC has the competence to establish, for the purposes of the process, whether a deed constitutes a violation of the THREE VALUES, subject to the provisions of Schedule I to this document.**
- c) Any ruling and (where applicable) sanction of the IDC must be confirmed in writing to the accused and posted on the notice boards within 24 hours.
- d) The above notice must inform the accused of his right to appeal to the US Central Disciplinary Committee. An application for appeal must be lodged with the chairperson in writing within 48 hours.
- e) The IDC has jurisdiction over any deed of a Simonsberger, regardless of where such a deed takes place, **subject to the provisions of Schedule I to this document.**
- f) **The competencies of the IDC are supplemented and limited by the relevant provisions of the Constitution of South Africa, 1996, the applicable student rules, as prescribed by the University authorities, the rules of natural justice and the principle of legality.**

### 4) PROCESS

- 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 art. 3(3)(f) above.**
- b) **At the start of its term the IDC will compile a document in which such process, together with the punitive jurisdiction of the IDC, will be set out.**
- c) **After it has been approved by the House Committee, this document will serve as a binding Schedule, numbered I, to this constitution.**
- d) **Every accused will receive a copy of Schedule I, together with the letter contemplated in art. 5(2)(a).**

# ART. 6

## Elections

### 1) BALLOT BOX COMMITTEE

- a) At least two (2) weeks before the Annual Meeting the House Committee must appoint a Ballot Box Committee comprising a chairperson and four (4) additional members.
- b) This committee can co-opt additional members to assist it in carrying out its duties.

### 2) NOMINATION OF CANDIDATES

- a) The chairperson of the Ballot Box Committee is responsible for the timely distribution of nomination forms.
- b) Every nomination must be signed by a House Committee Member.
- c) The committee is responsible for ensuring that a sufficient number of candidates are available for the election of a house committee.
- d) The committee must make any and all administrative arrangements to ensure that proceedings run smoothly.

### 3) PRESENTATION OF CANDIDATES

- a) At the Annual Meeting candidates participate in a presentation parade.
- b) The chairperson of the presentation parade is the outgoing Primarius or the chairperson of the Ballot Box Committee.
- c) The chairperson, together with the Ballot Box Committee, arranges the procedure for the presentation parade.

### 4) ELECTION OF THE PRIMARIUS

- a) Candidates for the position of Primarius are reduced to two (2) by way of secret ballots immediately after the Annual Meeting. However, if one candidate receives 50% or more of the votes, a by-election is not necessary and the person can be announced as primarius immediately.
- b) The candidates who are eliminated automatically qualify as candidates for Deputy Primarius.
- c) The Primarius-elect must be announced by lunchtime on the day after the presentation of candidates.
- d) When the Primarius is elected, a voting percentage of at least 85% must be maintained throughout. Otherwise the Ballot Box Committee must use its discretion to extend the voting period.
- e) If there is a tied vote (equal number of votes for candidates) three times, the casting vote rests with the Ballot Box Committee, together with the outgoing House Committee Members and the Residence Head.
- f) Every voting member has only one (1) vote, provided that all persons who are in the residence for their first year and have a vote will have only a third (1/3) of a vote.

## 5) ELECTION OF THE DEPUTY PRIMARIUS

- a) Voting for the position of Deputy Primarius commences directly after the announcement of the Primarius-elect.
- b) The candidates must be eliminated to two in a by-election. However, should one candidate (if there are more than two candidates) receive 45% or more of the votes, it is not necessary to vote again and the person can be announced as the Deputy Primarius immediately.
- c) The candidates who are eliminated automatically qualify as candidates for the House Committee.
- d) When the Deputy Primarius is elected, a voting percentage of at least 75% must be maintained throughout. Otherwise the Ballot Box Committee must use its discretion to extend the voting period.
- e) Every voting member has only one (1) vote, provided that all persons who are in the residence for their first year and have a vote will have only a third (1/3) of a vote.

## 6) ELECTION OF HOUSE COMMITTEE

- a) Voting for house committee members commences directly after the announcement of the Deputy Primarius-elect.
- b) Every voting member has only ten (10) votes (for ten candidates), provided that all persons who are in the residence for their first year and have a vote will have only a third (1/3) of a vote.
- c) The ten candidates who receive the most votes become the additional House Committee Members.
- d) When the additional House Committee Members are elected, a voting percentage of at least **75%** must be maintained throughout. Otherwise the Ballot Box Committee must use its discretion to extend the voting period.
- e) Should a tied vote occur once with respect to the tenth member, the Ballot Box Committee must coordinate a further vote between only those candidates to determine the tenth member.
- f) The Ballot Box Committee must minute all results and preserve them for the full term that commences at that point, as the candidates who are eliminated may be taken into consideration again as House Committee Members at a later stage [see subart. 8(d) below].

## 7) ELECTION OF ADVISERS

- a) Advisers are appointed by the Deputy Primarius and the Residence Head after application forms have been circulated in the House and have therefore been considered by the above persons.
- b) Only residents who have lived in Simonsberg for more than a year may be considered as Advisers.

## 8) BY-ELECTIONS

- a) Should the position of Primarius become vacant during the academic year, the Deputy Primarius takes over his duties and a new Deputy Primarius is elected from the ranks of the House Committee through secret ballots at a House Committee meeting.
- b) Should the position of Deputy Primarius become vacant during the academic year, a new Deputy Primarius is elected from the ranks of the House Committee through secret ballots at a House Committee meeting.
- 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, must hold an election within seven (7) days.
- d) Should only one House Committee Member resign, be dismissed or his position become vacant in any other way, the House Committee, if they deem it necessary, in consultation with the chairperson of the Ballot Box Committee, may appoint the next candidate who was eliminated first in the vote in the vacant position.
- e) Should House Committee Members resign, but the remaining number of House Committee Members form a quorum, they must hold a by-election if they deem this necessary.
- f) Should the House Committee not have a quorum, the remaining members must hold a by-election.
- g) Should the House Committee as a whole resign or be dismissed, the Residence Head must hold an election.
- h) In a by-election the provisions of articles 4, 5 and 6 above apply.

# ART. 7

## House meetings

### 1) GENERAL

- a) An ordinary House meeting must be held at least once (1) per term during the first three (3) terms.
- b) Notice of an ordinary House meeting must be given at least five days (120 hours), excluding Saturdays, Sundays and public holidays, before the time of commencement.
- c) Attendance of the meeting is compulsory and only written apologies to the Primarius are accepted.

### 2) EXTRAORDINARY HOUSE MEETINGS

- a) An extraordinary house meeting is held when the House Committee deems it necessary or at the written request of at least one-third (1/3) of the voting members of the House.
- b) Notice of an extraordinary House meeting must be given at least twenty-four (24) hours (excluding Saturdays, Sundays and public holidays) before the time of commencement.

### 3) QUORUM

- a) The quorum at an ordinary or extraordinary House meeting is one-third (1/3) of the number of voting members of the House.
- b) House meetings are held according to the general procedure followed at meetings.
- c) **A quorum at a meeting of the House Committee is half the twelve members plus one.**

### 4) HOUSE COMMITTEE MEETINGS

- a) The House Committee meets once (1) a week.
- b) When the Primarius, or in the absence of the Primarius, the Deputy Primarius, deems it necessary, he is competent to convene a special House Committee meeting.
- c) The Primarius or Deputy Primarius and seven additional House Committee Members constitute a quorum.
- d) The Chairperson has an ordinary as well as a casting vote.
- e) The Chairperson arranges the procedure of the meeting himself.

## ART. 8

### Amendment of the Constitution

- 1) **Apart from anything to the contrary in this Constitution**, any amendment to this Constitution must have the approval of at least two-thirds (2/3) of the voting members present at the House meeting concerned.
- 2) Proposed amendments must be submitted to the secretary of the House Committee in writing by way of a motion at least thirty-six (36) hours (excluding Saturdays, Sundays and public holidays) before the House meeting concerned.
- 3) The secretary of the House Committee must give notice of the proposed amendment at least twenty-four (24) hours (excluding Saturdays, Sundays and public holidays) before the House meeting concerned.
- 4) **Where this is deemed necessary, the Constitution may be amended by the House Committee, provided the amendment is accepted unanimously at a meeting of the full House Committee; provided that such amendments must be approved by the House Members at the first subsequent House meeting in the manner prescribed in article 8(1).**
- 5) **Approved amendments will come into effect immediately upon approval.**



# ART. 9

## General

### 1) ROOMS

- a) Every person or persons will be held responsible for the condition of their own rooms and the furniture in them.
- b) The House Committee in collaboration with the Residence Head is responsible for allocating rooms.
- c) See Annexure D for the criteria for allocating rooms.

### 2) TUCKSHOP

- a) The House Committee is responsible for the management and administration of the tuckshop.
- b) The House Committee has the discretion to allocate the management of the tuckshop to **any Simonsberger or legal entity** every year. The House must be informed beforehand of the decision and everyone must be granted an equal opportunity by tender to run the tuckshop.
- c) Any income earned through such a tender accrues to the House treasury.
- d) Although an individual runs the tuckshop, the ultimate responsibility for a well-functioning tuckshop remains that of the House Committee.

### 3. FIRST YEARS

- a) The induction of the first years occurs strictly within the framework of the Student Rules (see par. 9, Residence Rules).
- b) No member of the House except the House Committee may participate in the official induction of first years.
- c) First years are never deprived of any rights or privileges, except
  - that during the first two weeks they are not permitted to visit pubs in town;
  - **that they may not be members of the Sports Club or attend functions of the Sports Club during their first year of residence, apart from a possible unanimous decision to the contrary by the HC, which decision will apply to only one function per decision.**
- d) The climbing of Simonsberg, which occurs on a completely voluntary basis after the official induction week, is a proud tradition and first years, the House Committee and any other House member may participate in this.
- e) No form of physical welcome or initiation is permitted at the top of the mountain.
- f) First years are welcomed as Simonsbergers during a ceremony in the Sports Club before the end of the first term. During this event residence ties are handed to everyone.

#### **4. INITIATION CEREMONY**

- a) The only initiation ceremony that is recognised by the Constitution is that of new House Committee Members.
- b) When the names of the new House Committee Members are announced, during lunch every new member receives a stone with his name painted on it.
- c) These stones must be placed at the top of Simonsberg **within a reasonable period** and a photo must be submitted as proof that every new HC member has completed the climb.

## **Annexure A**

### **CODE OF CONDUCT AND ETHOS: SIMONSBURG**

In acknowledgement of our motto: Die Adeldom Stel Verpligtinge (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 B

The house emblem



## **Annexure C**

Last year's form for room allocations. I suspect you will agree with me that we can now standardise the thing to be used every year. In my opinion, the system is now as good as it will ever be, so include it here now to avoid problems in future.