

**ELECTORAL CODE OF CONDUCT (“CODE”)
TSHWANE UNIVERSITY OF TECHNOLOGY (“TUT”)
STUDENT REPRESENTATIVE COUNCIL (“SRC”) ELECTION**

1. PURPOSE OF THE CODE

- 1.1 The predominant purpose of this Code is to promote and advance the values that are enshrined in the Constitution of the Republic of South Africa during the SRC elections process, with specific reference to the principles of equity and equality as envisioned in section 9 of the Constitution
- 1.2 This Code also seeks to advance and promote the aspirations purported in the TUT SRC Constitution and in order to ensure the fair, equal, dignified, accessible and democratic election of the SRC.
- 1.3 To this end, the Code seeks to make provision for and maintain an environment, which is conducive to free and fair SRC elections by means of the following:
 - 1.3.1 The creation and advancement of general tolerance amongst the students and staff members of TUT for different democratic political, cultural and academic views and opinions and the expression thereof at TUT.
 - 1.3.2 The creation of platforms that enable potential candidates and structures contesting the SRC elections to engage in free campaigning and open public debates.
 - 1.3.3 The creation of platforms that are accessible to all parties that participate in the SRC elections to voice their concerns and opinions in order to ensure that the elected SRC embodies the student community free of any partiality, bias, prejudice, discrimination or preference.

2. STATUS OF THE CODE

- 2.1 The Code aims to facilitate the smooth implementation of the official TUT SRC Constitution whilst giving simultaneous effect to the provisions of all official rules, regulations, policies, procedures, practices and standing orders of TUT, as may be amended from time to time.
- 2.2 This Code shall be read in conjunction with, but subordinate, to the official rules, regulations, policies, procedures, practices and standing orders as approved by the TUT Senate or Council, or both, and as amended from time to time.

3. SCOPE OF THE CODE

- 3.1 The guidelines and procedures set out in this Code shall be applicable to all parties, whether in their personal capacities or by virtue of student structures, that participate in and are involved with SRC election activities and shall be easily accessible and available to the aforesaid parties.

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- 3.2 Each and every potential candidate, and student structure that is desirous to put his/her name forward for purposes of serving on the SRC and is registered accordingly for election purposes shall be bound by this Code and shall comply with the following provisions -
- 3.2.1 act with a great sense of responsibility to advance the purpose of this Code and undertake all measures reasonably possible to uphold the SRC Constitution pertaining to the election of the SRC;
 - 3.2.2 familiarize himself/herself with the provisions of the SRC Constitution as well as the provisions of the other official rules, regulations, policies, procedures, practices and standing orders as approved by TUT Senate or Council; and
 - 3.2.3 as far as reasonably possible, endeavor to educate and enlighten followers, supporters and potential voters regarding the provisions of this Code, the SRC Constitution and the Electoral Guidelines and promote compliance therewith in general.

4. CODE OF CONDUCT

Every structure and candidate and student structure that registers with the EEMC as contemplated in TUT SRC Constitution for purposes of participating in the SRC election conducted on the campuses of TUT shall sign a declaration as an open acknowledgement and undertaking to abide with the following:

- 4.1 The freedom to express their academic perspectives and political opinions freely and without the fear of retribution.
- 4.2 The freedom and autonomy to challenge and debate the academic perspectives and political opinions held by others without the fear of retribution.
- 4.3 The freedom and ability to publish and distribute election and campaign materials, including notices and advertisements on a variety of platforms including social media, subject thereto that such advertising material shall not be derogatory to any other student, student structure, staff member of TUT, or its affiliates in any manner whatsoever and further subject thereto that such advertising material shall in all material aspects comply with the policies, procedures, directives, guidelines and codes of TUT at all times.
- 4.4 The right to lawfully erect banners, billboards, placards and posters and circulate such material on electronic and social media platforms, subject thereto that any and all actions relating to the aforesaid shall at all times comply with the policies, procedures, directives, guidelines and codes of TUT.
- 4.5 The students and/or student structure shall be entitled to undertake reasonable and acceptable means, which are not disruptive to the operations of TUT or fellow students in any manner whatsoever, to canvass support for their preferred candidate.

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- 4.6 The students and/or student structures shall be entitled to convene, attend and participate in public meetings, student meetings and other campaigning activities on TUT campus, subject thereto that the policies, procedures, directives, guidelines and codes of TUT have been followed and prior written approval has been obtained from the relevant authorities.
- 4.7 The principle of a free and fair election shall be enshrined in all election activities undertaken by students and/or student structures and accordingly all candidates and student structures that participate in the election for the SRC shall at all times condemn any actions or activities that might undermine the principle of a free and fair election.
- 4.8 All candidates and student structures that participate in the election shall be entitled to either accept the results of the election or challenge the results, whether personally or through their Observers.
- 4.9 The observers of each and every candidate or student structure, if applicable, shall at all times be registered students of TUT on the relevant campus on which the elections are taking place.

5. CO-OPERATION BETWEEN CANDIDATES

- 5.1 In the spirit of cooperation, candidates, student structures and/or their observers shall take all measures reasonably possible to ensure proper planning of campaigning activities in a manner that averts conflict and contestation over venues and other infrastructure on the premises of TUT.
- 5.2 The candidates, student structures and/or their observers shall at all times make prior bookings in respect of venues and other infrastructure of TUT that are to be utilized for campaigning activities as well as obtain prior approval from the relevant UFS authorities in order to ensure and enable equal access to such venues by all students.
- 5.3 The candidate, student structures and/or their observers shall at all times be considerate towards other candidates, student structures and/or their observers in order to promote and advance mutual inclusiveness in the participation of campaigning activities.

6. PARTICIPATION IN THE SRC ELECTION BY STUDENTS WITH DISABILITIES

Each candidate, student structure and/or their observer, shall at all times -

- 6.1 implement reasonable measures to ensure that the rights of students with disabilities are not violated during any campaigning and election activities;
- 6.2 facilitate equal opportunities and provide platforms for students with disabilities to engage with the candidate during campaigning and election activities;

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- 6.3 ensure that students with disabilities shall have easy access to its meetings and election and campaigning activities; and
- 6.4 promote and advance the rights of students with disabilities to also disclose their academic perspectives and political views and accordingly provide them with equal access to the relevant platforms and reasonable assistance to do so.

7. MISCONDUCT BY CANDIDATES AND/OR OBSERVERTIVES

7.1 Acts of misconduct by candidates, student structures and/or their observers

The following acts by any of the candidates, student structures and/or their observers whilst participating in the SRC election shall constitute misconduct and accordingly, a violation of the provisions of this Code:

- 7.1.1 The use of any derogatory language or acting in a manner that may provoke violence or seek to intimidate candidates, students in general, members of the EEMC, election officials, as well as employees or service providers of TUT during the course of the elections.
- 7.1.2 Plagiarizing the symbols, designs, slogans, acronyms and other campaigning material and activities of other candidates and/or student structures for purposes of the election.
- 7.1.3 Any activities and/ or actions of a discriminatory nature that are based on the grounds of race, ethnicity, sex, gender, class, disability or religion in connection with the SRC election.
- 7.1.4 The offering of rewards or inducements to other students, in order to achieve any of the following -
 - 7.1.4.1 to convince the students to vote or not to vote in any particular manner;
 - 7.1.4.2 to convince a potential candidate to refuse nomination as a candidate or withdraw as a candidate from the election; or
 - 7.1.4.3 to coerce students, other candidates, student structures and/or their observers to attend or not to attend a meeting or activity of a student structure registered for the SRC elections.
- 7.1.5 Manipulating the voting system in any manner whatsoever in order to give undue advantage to a specific candidate or candidates, as the context may require.
- 7.1.6 Meddling with the student verification system to obtain student numbers and codes to vote on behalf of other students.

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- 7.1.7 Purposefully disrupting activities of other candidates or student structures as well as acting in a manner that prevents access by the students to the EEMC activities, collection of signatures and candidate campaign activities.
- 7.1.8 Defacing or unlawful removal or destruction of the placards, posters or any election materials of any of the candidates.
- 7.1.9 Placing of campaigning material on prohibited spaces and/ or the use of permanent adhesive material in order to put up campaign material.
- 7.1.10 Any damage and/or destruction of property of TUT during campaigning activities in any manner whatsoever.
- 7.1.11 Any other form of behaviour which is disruptive and constrains the optimal functioning of the EEMC, service providers and officials of TUT in the implementation and conclusion of the SRC election in the manner as envisaged in the SRC Constitution.

7.2 Consequences of misconduct

- 7.2.1 In the event that any candidate, student structure and/or their observers be found to have committed any of the acts of misconduct as contemplated in clause 7.1 above, such candidate, student structure and/or their observers shall automatically, without further investigation, be subject to any of the following sanctions -
 - 7.2.1.1 a warning or public admonishment; and/or
 - 7.2.1.2 reduced campaign time; and/or
 - 7.2.1.3 reduced campaign spending in so far as TUT is making funds available in this regard.
- 7.2.2 In the event that any candidate, student structure and/or their observers commits any of the acts of misconduct as contemplated in clause 7.1 above, such candidate, student structure and/or their observers shall, after an investigation has been conducted as contemplated in clause 8.2 below and such candidate, structure and/or their observations are found guilty of an act of misconduct, be subject to the following sanctions -
 - 7.2.2.1 cancellation of up to 40 (FORTY) votes in the discretion of the investigation panel in the event that the candidate, student structure and/or their observers have committed any of the acts of misconduct contemplated in clause 7.1 above, depending on the severity thereof; or
 - 7.2.2.2 disqualification of a candidate, student structure and/or their observers from further participation in the SRC elections of a candidate, student structure and/or its observers in the event that the acts of misconduct contemplated in clause 7.1 above amounts to gross misconduct.

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- 7.2.3 Notwithstanding the sanctions as set out in clause 7.2 above, TUT reserves the right to recover, from the student account of any student, any amounts reasonably incurred in the correction of any violations of this Code. This includes but is not limited to, cleaning costs incurred in the removal of illegally placed campaigning material.
- 7.2.4 TUT furthermore reserves the right to lay civil charges against a candidate and/or his legal representative as well as criminal charges should the misconduct constitute a criminal offence.
- 7.2.5 It is recorded that the conduct of the general student population of TUT shall at all times be regulated by TUT's internal disciplinary processes.

8. PROCEDURE IN THE EVENT OF A VIOLATION OF THE CODE

8.1 Reporting an alleged violation

- 8.1.1 Any student, candidate and/or structure observer who reasonably suspects that a candidate and/or structure observer might be in violation or is acting in a manner that might result in a violation of any of the provisions of this Code and/or the SRC Constitution, must immediately report such violations in writing to the Chief Electoral Officer of the SRC elections (the "CEO") within 12 (TWELVE) hours after the alleged incident or after becoming aware thereof.

8.2 Investigation of an alleged violation by the CEA

- 8.2.1 In the event that an allegation of violations of the Code is received by the CEO, the CEO shall initiate an investigation with the assistance of members of Campus Protection Services (“CPS”).
- 8.2.2 The CEO, after considering the evidence provided, shall give a ruling to the effect as well as appropriate sanctions within 24 (TWENTY-FOUR) hours after receipt of a report.
- 8.2.3 In the event that the report of violations is confirmed by the CEO, the CEO shall accordingly inform all parties involved.

8.3 Appeals against the ruling of the CEO

- 8.3.1 In the event that a candidate and/or structure observer disputes the finding of the CEO, he and/or she shall be entitled to refer the matter within 48 (FORTY-EIGHT) hours of receipt of the decision by the CEO to TUT Director of Student Governance and Leadership Development within 24 (TWENTY-FOUR) hours after the ruling of the CEO.
- 8.3.2 The TUT Director of Student Governance and Leadership Development shall give a ruling on the appeal within 48 (FORTY-EIGHT HOURS).

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- 8.3.3 In the event that a candidate and/or structure observer disputes the finding of the Director of Student Governance and Leadership Development, he/or she shall be entitled to refer the matter within 48 (FORTY-EIGHT) hours of receipt of the decision by the CEO to the Deputy Vice-Chancellor: Student Affairs within 24 (TWENTY-FOUR) hours after the ruling of the TUT Director of Student Governance and Leadership Development.
- 8.3.4 The decision reached by Deputy Vice-Chancellor: Student Affairs subsequent to the consideration of the appeal against the ruling Director of Student Governance and Leadership Development shall be final and binding on all parties involved.

9. IMPLEMENTATION OF THIS CODE

- 9.1.1 This Code shall be implemented immediately upon approval thereof by the Institutional Electoral Monitoring Commission (“IEMC”).
- 9.1.2 This Code shall be implemented subject to the official rules, regulations, policies, procedures, practices and standing orders as approved by TUT Senate or Council, as may be applicable from time to time.

Signed

**Thobile Thomas
Chief Electoral Officer
August 2019**