

## UNIVERSITY OF CAPE TOWN

### UCT SPECIAL RULES and CODE OF CONDUCT REGULATING ACTIVITY ON CAMPUS DURING SOUTH AFRICAN NATIONAL and LOCAL GOVERNMENT ELECTIONS

#### Purpose and Principles

- a) The Special Electoral Rules (Section A herein) and the UCT Electoral Code of Conduct (Section B herein) are applicable during South African national and local government elections.
- b) The purpose of the Special Electoral Rules and UCT Electoral Code of Conduct is to provide a framework for political parties and the UCT community to ensure that:
  - i) political activity and campaigning do not interfere with the academic and administrative functioning of the university ;
  - ii) freedom of association, freedom of speech and democratic principles are upheld;
  - iii) political parties and structures wishing to campaign on campus have equal access to do so; and
  - iv) there is alignment with the goals and principles of relevant national legislation.

#### Definitions

- a) **UEC** is the University Electoral Commission as established in 2.1 of the Special Electoral Rules of the University of Cape Town.
- b) **UEO** is the University Electoral Ombudsperson as established in 2.2 of the Special Electoral Rules.
- c) **IEC** is the Independent Electoral Commission of the South Africa which is the institution set up in terms of Chapter 9 of the South African Constitution to manage elections of national, provincial and municipal legislative bodies.
- d) **Council** is the Council of the University of Cape Town which governs the university in terms of the Higher Education Act (Act No 101 of 1997) and UCT Institutional Statute of 2005.
- e) **Institutional Forum** is the structure that must advise Council on issues affecting the University as required by the Higher Education Act (Act No 101 of 1997).
- f) **Election Monitors** are staff and student volunteers registered with the UEC, who assist the UEC with tasks allocated from time to time.
- g) **canvass** for the purpose of these rules may include, but is not be limited to calling on or interviewing a person or persons in order to ascertain political affiliation and/or voting intentions, and/or to try to persuade a person or persons to vote in a particular way whilst respecting the right of choice of such individuals.
- h) **recruit**, for the purposes of these rules, is the signing up of potential staff and student members to join a political party registered with the IEC.

- i) **structures active on campus** may include all formally recognised and informal staff and student structures which are active on the University campus. Informal structures refer to those which are not formally recognised by the University of Cape Town.
- j) **political organisations** are those organisations, which are registered as political parties by the Independent Electoral Commission of South Africa.

## **SECTION A**

### **SPECIAL ELECTORAL RULES OF THE UNIVERSITY OF CAPE TOWN**

#### **1. Suspension of certain rules of the University by the University Council**

In 1999, the Council of the University permanently suspended the provisions of Rule M14, in Book 3, General Rules and Policies. This provision does not allow the University's premises to be used for electioneering for public office. This rule is suspended.

#### **2. Creation of suitable structures to oversee and monitor the election process insofar as it applies to UCT**

The Council of the University of Cape Town hereby establishes the following bodies to oversee and to monitor the election process at the University and to be accountable to the University community as a whole:

- 2.1. The University Electoral Commission (UEC);
- 2.2. The University Electoral Ombudsperson (UEO);
- 2.3. A panel of election monitors.

#### **3. The University Electoral Commission (UEC)**

- 3.1. The UEC is a body appointed from within the University which is responsible for the oversight, reporting and monitoring of the election process on the University Campus.
- 3.2. The UEC may assist the IEC in the overall management of the election process, where required, on the University Campus.
- 3.3. The UEC must consist of 10 members of whom at least 4 must be employees of the University and at least 4 must be students of the University.
- 3.4. The UEC must be appointed by the Institutional Forum and must be widely representative of the University Community as a whole. The IF ordinarily determines the criteria for representativity.
- 3.5. The student representatives on the UEC must be recommended by the SRC to the Institutional Forum.
- 3.6. The members of the UEC must appoint a Chair and a Deputy Chair.

- 3.7. The Registrar must appoint an ex-officio member who will be the servicing officer.
- 3.8. The UEC must meet as frequently as it determines.
- 3.9. All meetings of the UEC may be open to any member of the University community and will be advertised widely in advance wherever possible.
- 3.10. The quorum for any meeting of the UEC is 6 members.
- 3.11. The UEC has the following responsibilities:
  - 3.11.1. to appoint UCT election monitors;
  - 3.11.2. to liaise with the regional structures of the Independent Electoral Commission (IEC) and with political organisations;
  - 3.11.3. to liaise with appropriate regional and national structures;
  - 3.11.4. to be responsible for overseeing the election or other campaigns effected on campus in accordance with the provisions of the University of Cape Town Electoral Code of Conduct;
  - 3.11.5. to manage and set conditions for the use of the University facilities in electoral campaigns;
  - 3.11.6. to be responsible for making suitable security arrangements with regard to electioneering on campus;
  - 3.11.7. to make additional rules where these rules and the University of Cape Town Electoral Code of Conduct are silent;
  - 3.11.8. to issue general instructions to members of the University community and political organisations with regard to the conduct of such persons on the University campus in relation to the elections;
  - 3.11.9. to provide training programmes for election monitors;
  - 3.11.10. to accredit persons who wish to canvass on campus;
  - 3.11.11. to liaise with the Registrar and the University Campus Protection Services in relation to safety and protocol arrangements applicable to visiting public figures.

#### **4. The University Electoral Ombudsperson (UEO)**

- 4.1. The UEO must be appointed by the Institutional Forum in terms of paragraph 2.4 above;
- 4.2. The UEO must be a suitably qualified person who must be independent and impartial.
- 4.3. The UEO may hear any complaint by any person against:
  - 4.3.1. the UEC or any individual member of the UEC;
  - 4.3.2. any election monitor;
  - 4.3.3. any structure or organisation with regard to its conduct;
  - 4.3.4. the content of any printed materials;

- 4.3.5. any person who it is alleged has violated the UCT Electoral Code of Conduct.
- 4.4. The UEO, in relation to any conduct arising out of the election process, may, in his or her discretion, after hearing sufficient evidence:
  - 4.4.1. order the publication of his/ her findings by the UEC, *Varsity* and the *Monday Paper*;
  - 4.4.2. reprimand a member of the UEC;
  - 4.4.3. suspend a monitor;
  - 4.4.4. order a monitor to refrain from further repetitions of the conduct complained of;
  - 4.4.5. suspend the right of any structure or organisation to make use of the University facilities or to campaign in any manner on the University campus for up to 7 days;
  - 4.4.6. recommend to the Vice- Chancellor the institution of any proceeding against any person who has violated any rule of the University including the University of Cape Town Electoral Code of Conduct or any law.

## **5. Termination of these Rules**

These rules shall lapse one week after the announcement of the National Election Results.

## **6. Interpretation**

Any dispute over the interpretation of the Rules shall be referred to the UEO.

## SECTION B

### THE ELECTORAL CODE OF CONDUCT FOR THE UNIVERSITY OF CAPE TOWN

#### 1. General Provision

Activities, campaigns or programmes associated with the elections for a body at any sphere of government in South Africa may not interfere with the academic or administrative functioning of the University.

#### 2. Code of Conduct

- 2.1. All members of the University community, external political parties and individuals must observe this Code of Conduct and must comply with any instruction of a monitor, any written instruction of the University Electoral Commission and any decision of the University Electoral Ombudsperson.
- 2.2. Members of the University community may not violate the right to freedom of speech, association and/or movement of any person.
- 2.3. Office bearers and structures active on campus must take every reasonable precaution to prevent the violation of this code of conduct.
- 2.4. All structures active on campus must, upon request, provide the UEC with a list of names and addresses of their office-bearers.
- 2.5. No person or party may<sup>1</sup>-
  - 2.5.1. Use language or act in a way that may provoke violence or the intimidation of other parties, or persons.
  - 2.5.2. Publicise false or defamatory allegations against other parties or person.
  - 2.5.3. Discriminate on the basis of race, ethnicity, sex, gender, class or religion in connection with an election or political activity.
  - 2.5.4. Offer an inducement or reward to another person-
    - 2.5.4.1. To join or not to join a party;
    - 2.5.4.2. To attend or not to attend any political activity during the election process;
    - 2.5.4.3. To vote or not to vote in a particular way.
  - 2.5.5. Deface or unlawfully remove or destroy the billboards, placards, posters or any other election materials on another party or candidate.

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<sup>1</sup> Adapted from the SA Electoral Act, 1998

### **3. Accreditation of Canvassers and Recruiters**

- 3.1. No person may canvass for elections or recruit members to a political party on the university campus without displaying a University Electoral Commission (UEC) accreditation card.
- 3.2. Application may be made to the UEC via the UEC servicing officer for an accreditation card. Application forms are available for this purpose, and applications may be approved within 2 weeks of receipt of the request.

### **4. Rules for Canvassers and Recruiters**

Accredited Canvassers and Recruiters shall observe the following rules of conduct:

- 4.1. They may not seek to canvass or recruit people without their consent.
- 4.2. They must not harass or intimidate any person.
- 4.3. They may not restrict the movement of people.
- 4.4. They may not canvass or recruit in administrative or academic offices, laboratories, libraries or lecture venues.
- 4.5. They may not canvass or recruit in university residences, except in accordance with rules established by the UEC in consultation with the Residences Committee and through the relevant House Committee.
- 4.6. They must observe the rules of this code of conduct and must act on any instruction of a monitor, the University Electoral Commission or the University Electoral Ombudsperson.

### **5. Applications to stage a meeting which pertain to the Government Elections**

- 5.1. Applications to stage meetings must be submitted on a prescribed application form to the UEC servicing officer, at least two weeks in advance of the proposed meeting.
- 5.2. All parties should endeavour to ensure that they do not arrange a public meeting, march, demonstration, rally or any other political activity on UCT premises at the same time and place as that called by another party contesting the election.

#### Structures Active on Campus

- 5.3. Structures active on campus may arrange any meeting pertaining to Government Elections except as set out in 5.4 below. The UEC may require these structures to provide details of the proposed meeting, e.g. time, date, venue.
- 5.4. Where the meeting is to be addressed by an electoral candidate or a person who is not a member of the university community, prior permission must be obtained from the UEC.

## Political Organisations

5.5. Any political organisation is free to stage a meeting pertaining to Government Elections provided that:

- 5.5.1. it obtains the written consent of the UEC for use of a venue specifying the date, time and number of persons anticipated to attend, the names of any speakers and security arrangements. The UEC may decide whether or not to give permission, and may require the payment of a deposit;
- 5.5.2. it undertakes not to advertise the meeting off the University campus;
- 5.5.3. it undertakes to ensure that right of admission is open to any member of the University community.

## **6. Posters, Banners, Pamphlets, Stickers and other forms of printed media**

- 6.1. Meetings to be held on campus pertaining to the Government Elections may not be advertised off the University campus.
- 6.2. Ordinary University rules in relation to posters and banners apply.
- 6.3. Posters or notices may not be placed on walls, pavements, floors, ceilings or pillars.
- 6.4. Stickers may not be affixed to any University property.
- 6.5. Posters not placed on notice boards must be mounted on a firm backing and attached by means of string. Posters in excess of an A2 size sheet will not be permitted.
- 6.6. No person or organisation may deface or damage a poster or notice.
- 6.7. No person may remove a poster or notice.

## **7. Internal Mail and Electronic Media**

No person, structure or organisation may use the University internal mailing service or any form of electronic media (e.g. UCT website, pop-ups, Vula, etc) for canvassing, recruiting and similar purposes related to the Government Elections.

## **8. Booking of University Venues**

- 8.1. Ordinary University rules in relation to the booking of University venues and outside areas apply.
- 8.2. The policy on amplified sound on the Jameson plaza applies, viz. no amplified sound on the plaza during term time, except on Thursdays during meridian, on application. (Policy available from Mr Jerome September, 021 650 3925 or [Jerome.September@uct.ac.za](mailto:Jerome.September@uct.ac.za)).

## **9. Weapons**

9.1. It is University policy that no weapons are permitted on the University campus save with the consent of the Registrar, who may impose conditions for the carrying of such weapons.

**10.** Where the Registrar gives consent, the UEC must be informed.

**Contact Details** for further queries:

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