

University of Namibia Law Students Council

Constitution Redrafted 2017

# University Of Namibia Law Students Council



## **PREAMBLE**

The purpose of the Law Students Council is to maintain and enhance the standards of conduct and integrity of all members and to present the legal profession to the students. The Faculty of Law is more theory based, hence the Law Students Council is to bring in the crucial practical learning experience to law students. Thus broadening the knowledge of the law, for all students at the University of Namibia.

## **Article 1- Name**

The name of the society shall be; *The University of Namibia Law Students Council* or *ULSC* for short.

## **Article 2- Emblem and Motto**

The society shall undertake to have an emblem. The emblem consists of the "scales of justice. It is balancing the evidence presented by the defence and prosecution before reaching a verdict. This is held by lady Justice; Lady Justice is often depicted wearing a blindfold. This is done in order to indicate that justice in our society is meted out objectively, without fear or favour, regardless of the identity, power, or weakness of the individuals brought before the bar. Lady Justice carries a double edged sword in her right hand which divides with the power of Reason and Justice in either direction simultaneously. The Latin words Amor, Perserverantia, Laborem et Dignitas are defined as Love, Persistence, Hard Work and Honor/Dignity Our Motto is "Change is the law of life. And those who look only to the past or present are certain to miss the future."

## **Article 3- Language**

1) The official language of ULSC shall be English.

#### **Article 4- Aims and Objectives of the ULSC**

- 1) To encourage all registered students of the University to become members of the ULSC.
- 2)     (a) To provide a platform from which members and all students at the university broaden their knowledge of law.  
  
       (b) To assist the law faculty in a more practical approach towards educating law students
- 3) To secure an environment in which members can network.
- 4) To maintain and enhance the standards of conduct and integrity of all members of the ULSC.

#### **Article 5- Membership**

- 1) Membership to the ULSC shall be open to all persons registered as students of the University of Namibia.
- 2) Membership shall consist of those who join the ULSC either as members of the executive committee, ordinary members or any other form of membership created by the executive committee.
- 3) Ordinary members comprise of all registered students from the various faculties at the University.
- 4) Honorary membership may be awarded to any former member of the ULSC, including former executives who are no longer studying on a full time basis at the discretion of the executive committee.
- 5) All persons who accept the aims and objectives of the ULSC and who are willing to devote themselves to its aims and objectives and its rules and regulations shall be eligible to be members of the ULSC.
- 6) All members shall pay a reasonable annual membership fee as determined by the executive committee for the promotion of the aims and objectives of the ULSC.

- 7) The minimum number of membership is subject to the rules and regulation of the University of Namibia.
- 8) Membership shall commence upon registration with the ULSC and the follow-up payment of a non-refundable required membership fee.
- 9) All persons already members of the ULSC and the executives committee in particular shall be responsible for recruiting new members.
- 10) Membership shall only be valid for one academic year subject to renewal.

#### **Article 6- Rights and Obligations of Members**

- 1)
  - (a) All members shall be obligated to take part in all activities initiated, organized or facilitated by the ULSC according to his or her qualification as stated in Article 4 (2) hereof.
  - (b) All members shall be obligated to attend monthly meetings, referred to as General Meetings, to be determined by the executive committee
- 2) All members shall have the right to participate, directly or indirectly, through democratically elected representatives in the decision making processes of the ULSC.
- 3) All members shall have the right to participate in any open elections of the ULSC.
- 4) All members are subject to the rules and regulations regarding conduct when attending meetings, excursions and activities organized by the ULSC or any other rules and regulations prescribed by the executive committee, as they deem fit.
- 5) Any member making him or herself liable by way of wrongful conduct as set out in this article shall appear before the disciplinary committee or be dealt with in terms of the general rules and regulations of the University of Namibia.

#### **Article 7- Termination of Membership**

Membership can be terminated by:

- 1) A letter of resignation from the resigning member addressed to the executive committee of the ULSC clearly stating the reasons of such resignation at least two weeks in advance.
- 2) A decision of and supported by a simple majority of the executive committee or disciplinary committee members at an ordinary members meeting clearly stating the reason of such termination.
- 3) Regulation as set out by the Dean of Students of the University of Namibia.
- 4) If he or she is no longer a registered member of the University of Namibia.

### **Article 8- Organization and decision making structures**

The Annual General Meeting (AGM):

- 1) All members of the ULSC shall be present at the Annual General Meeting
  - (a) The AGM shall be held in orderly sessions annually.
  - (b) All members are required to provide valid reasons for not attending the AGM
  - (c) The notice of such sessions shall be given by the chair or vice- chairperson who shall communicate its agenda to the members by way of public notice at least 3 Days in advance before the date of such a meeting.
- 2) The meeting shall commence when a quorum is met.
  - (a) A quorum shall comprise a simple majority of Membership.

### **Article 9 - Powers, Functions and Duties of all members at the AGM.**

The Annual General Meeting shall:

- 1) Discuss matters included in its agenda by the executive committee. Elect an executive committee for the next academic year.
- 2)
  - (a) Have the power to review the duties and functions of the executive committee.

(b) In an event of non-fulfilment of constitutional assignments, and any other activities entailed in the Year Plan, the AGM may revise the assigned duties of the Executive Committee.

(b) A decision to that effect shall be taken by a simple majority of the members present.

### **Article 10- Election of the Executive Committee**

1) The executive committee shall be elected annually at the AGM.

(a) Only students registered with the Faculty of Law shall be eligible for election as executive committee members.

(b) Prospective members of the executive committee shall be nominated by the members of the ULSC.

(c) The positions of Chairperson, Vice-Chairperson and Secretary-General shall only be filled by a registered law student who has been a member of the executive committee prior to the election date.

(d) The First Year Representative shall be nominated at the first General Meeting of the new year and shall be appointed at the second General Meeting.

(i) The position can only be filled by a first year

(ii) The executive committee shall by a 2/3 majority appoint the First Year Representative

2) There shall be at least two nominations for each vacancy;

(a) Alternatively in the absence of a second nomination such candidate shall be elected unanimously.

(b) The nomination shall be seconded by at least one member of the ULSC.

(c) A member may only nominate one member for a specific vacancy.

(d) A nominee may either accept or decline such a nomination.

(e) No member of the society may be nominated or elected if absent unless reasonable grounds acceptable to the present executive committee are supplied.

3) One member shall be elected as electoral officer by the Executive Committee. He or she shall not be nominated for the executive committee.

4) Elections shall take place by way of open ballot.

5) After such declaration, the newly elected executive committee shall come into office and shall be guided and facilitated by the outgoing executive committee until the closing date of the University of Namibia's academic year.

### **Article 11- Powers of the Executive Committee**

1) The executive committee has the power to make standing rules and regulations pertaining to the conduct of all members generally.

2) The executive committee may terminate membership as set out in Article 7.

3) The executive committee may establish assistance committees and stipulate their duties and functions in accordance with the purpose which they are created for.

(a) The assistant committees shall be established within the first three General Meetings

4) The executive committee shall have the power to elect the Patron and Faculty Advisor for the ULSC.

5) The executive committee may take decisions to further the aims and objectives of the ULSC as they deem necessary.

6) The executive committee may impeach fellow executives on the grounds of

(a) Inconsistency

(b) Breach of confidentiality

(c) Ineffectiveness

(d) Absence without reason

(e) Failure to execute tasks effectively and

(f) Embezzlement of funds.

7) A two thirds majority of all executive members may appoint a new Chairperson from the Members of the executive committee, in the event that the Chairperson has been removed or has resigned.

8) In the event of a member to the executive committee resigning or being removed, a replacement may be elected by the executive committee with a two thirds majority.

(a) A replacement for the vacant position shall be nominated from the Ordinary Members of the ULSC at the General Meeting

(b) The executive committee will appoint an executive member from the nominations

9) The executive committee shall have the power to hold an extraordinary General Meeting.

10) A 2/3 majority vote shall be required to constitute a binding decision of the Executive Committee.

### **Article 12- Composition of the Executive Committee**

The executive committee shall occupy the following offices of the ULSC:

1. The Chairperson

2. The Vice- Chairperson

3. The Secretary General

4. The Secretary of Finance

4. (1) The Deputy Secretary of Finance

5. Operations Manager

6. The Secretary of Academics

7. Marketing Director

8. The Public Relations Officer

9. First Year Representative

**Article 13- Functions and duties of the executive committee**

1) The Chairperson shall:

- (a) Be the Chief Executive Officer and shall supervise the day - to - day running of the ULSC and its office bearers.
- (b) Chair meetings
- (c) Ensure observance of the constitution and standing rules of meetings
- (d) Have the power to engage the ULSC in binding commitments which serve the aims and objectives of the ULSC.
- (e) Assign tasks to members of the executive or members of the ULSC pertaining to their duties when necessary.
- (f) Convene meetings and cede this duty to the Vice - Chairperson when necessary.
- (g) Represent the ULSC in the student parliament.
- (h) Be the co- signatory to all financial documents.
- (i) The term “Chairperson” shall be used to refer to the head of the ULSC.
- (j) Have the power to reshuffle the members of the Executive Committee into new positions.
  - (i) He/ She shall first consult with the Vice-Chairperson and the Secretary General and notify the affected parties before making such decision.
  - (ii) He/She shall also consult the Faculty Advisor.
- (k) A decision taken above in “(j)” may be appealed by the aggrieved party whom shall provide valid reasons for such appeal, which must be approved by a two thirds majority of all executive members.

2. The Vice - Chairperson shall:

- (a) Co-operate with the chairperson in any way to carry out the work of the ULSC and in the absence, removal, resignation or incapacity of the chairperson shall assume duties of the chair thereof and referred to as “Acting Chairperson”.
- (b) Chair meetings regarding the aims and objectives of the ULSC in the absence of the Chairperson.
- (c) Maintain the image of the ULSC both internally and externally.
- (d) Coordinate other portfolios of the other executive committee members.

3. The Secretary General Shall:

- (a) Be the Chief Administration Officer for day to day activities on and off campus.
- (b) Be responsible for handling all internal and external correspondence
- (c) Read minutes and notes of previous meetings and take notes & minutes at meetings.
- (d) Shall maintain good relations between the ULSC and other stakeholders
- (e) Shall be responsible, under the direction of the executive committee, for the transaction of all business of the ULSC and generally perform such duties as may be necessary for effective functioning of the ULSC.
- (f) Shall keep proper records and transcripts
  - (i) of meetings,
  - (ii) receive requests for meetings,
  - (iii) attend executive committee meetings,
  - (iv) keep and complete a contemporary register of members, and

- (v) submit annual reports to the governing body.
- (g) Assume the duties of the Chairperson and the Vice-Chairperson in their absence.
- (h) Administer all property of the ULSC.

4. The Operations Manager Shall:

- (a) Understand the goals of the ULSC and develop a clear vision of exactly how operations will help achieve them.
  - (i) This shall include but not limited to translating these goals into implications for the operation's performance, objectives, quality, time needed, dependability, flexibility and cost.
- (b) Develop an operations strategy to have a set of guidelines that are aligned with the long term goals of ULSC.
- (c) Plan with and control established event committees.
- (d) Improve the performance of operations in the ULSC.
- (e) Organize workshops, seminars and training schedules for that purpose

5. The Secretary of Finance shall:

- (a) Perform all financial tasks as follows;
  - (i) book keeping
  - (ii) dealing with the financial account of the ULSC.
  - (iii) keep all financial records.
  - (iv) prepare budgets for all activities.
  - (v) prepare monthly reports on funding
  - (vi) Prepare the annual financial report and present it at the AGM.
  - (vii) Be main signatory to all financial documents along with the Chairperson and Vice- Chairperson.

6. Deputy Secretary of Finance shall assist the Secretary of Finance in the following;

- (a) in preparing budgets
- (b) follow up inconsistencies in regards to finance
- (c) reporting back to the executive committee
- (d) and any other duties delegated by the Secretary of Finance

7. The Secretary of Academics shall:

- (a) receive academic issues and present it to the faculty representatives
  - (i) aid the faculty representatives in academic issues.
  - (ii) promote effective assistance for law students
  - (iii) promote extra tutorials or public lectures outside those provided for by the Faculty of Law
- (b) Handle the learning and professional development of ULSC members by equipping them with the knowledge, practical skills and motivation they require.
- (c) He/ She will be required to organise projects to further their function as stated in “(a)” which must be approved by the Executive Committee.

8. Marketing Director Shall:

- (a) Uphold the image of the ULSC develop strategies to bring out positive perceptions of the ULSC.
- (b) Gather information and material for the above-mentioned purpose.
- (c) Evaluate information prior to publication in relation to executive committee meetings, general meetings, meetings, debating championships and any other activities organized by the society both internally and externally.

(d) Supervise the manner in which the PRO liaises, negotiates and promotes co-operation in harmony with other societies, associations, organizations and individuals both internally and externally.

9. The Public Relation Officer shall:

(a) Publicize information relating to executive committee meetings, general meetings, meetings, debating championships and any other activities organized by the society, to its members.

(b) Liaise, negotiate and promote co-operation and harmony with other societies, associations, organizations and individuals in The University of Namibia.

(c) Be in charge of seeking of sponsorship and fundraising for the ULSC.

10. The First Year Representative shall:

(a) Be the liaison officer between the executive committee and the first year group.

(b) Support all the other members of the executive committee where necessary.

(c) Support all first year members where necessary.

#### **Article 14- Meetings**

1.
  - a) Extraordinary meetings may be called by the Secretary General at the direction of the Chairperson
  - b) Notice of state extraordinary meeting shall be given as soon as possible and must state the purpose.
  - c) For decisions to be valid and binding a simple majority of members present at the meeting would constitute a Quorum.
  - d) Valid reasons must be given in a reasonable time prior to a meeting for an Executive Member's absence.
  - e) Reasonable notice of absenteeism must be given prior to all meetings for all members.

### **Article 15- Finances**

1. Any income and property of ULSC will be applied solely towards the promotion of its main aims and subsidiary objectives.
2. No portion of the income or property shall be paid or be transferred, whether directly or indirectly, to any member of ULSC unless it is the payment of debts.
3. An account shall be kept with a the Unam Foundation or any other institution as per the rules and regulations of the Office of the Dean of Students to which only the Secretary of Finance , Chairperson and Vice-Chairperson shall have authorizing rights.
4. The financial year shall commence on the first day of November and end on the last day of October each year.
5. Remaining funding will be divided between end year function and charity.

### **Article 16- Disciplinary Committee**

1. There shall be a Disciplinary Committee consisting of four members.
2. The Chairperson of ULSC shall be the presiding officer of the committee
3. The Disciplinary Committee shall consist of:
  - (a) Chairperson
  - (b) Vice Chairperson
  - (c) Faculty Advisor
  - (d) Ordinary Member

### **Article 17- Patron**

- 1) A Patron shall be elected by the executive committee as stated in to support, assist and facilitate the ULSC in promoting its aims and objectives as outlined in this constitution by which he or she shall be bound.
- 2) The Patron shall serve for one academic year after which he or she may be reappointed.

### **Article 18- Faculty Advisor**

- 1) The Executive Committee must choose an Advisor from the staff of the Faculty of Law at the University of Namibia, whom shall have the purpose of building and ensuring relations between the University and ULSC.
- 2) The Advisor shall:
  - (a) Advise the executive committee
  - (b) Sit in as a member of the disciplinary committee

### **Article 19- Amendment of the Constitution**

- 1) This Constitution can only be amended by a two thirds majority vote of ordinary members at the AGM.
- 2) The executive committee and the ordinary members may submit proposals at the general members meeting for discussion, debate and adoption.

### **Article 20- Dissolution**

- 1) ULSC may be dissolved by a two thirds majority vote of its members at the AGM.
- 2) After such a decision is made, it must be approved by the Executive Committee by unanimous vote in order to have binding effect.

### **Article 20- Short Title**

The constitution shall be known as the "ULSC Constitution".

**Article 21- Coming into effect of the Constitution**

The Constitution shall come into effect on this day the 2<sup>nd</sup> of October 2017.