

THE CONSITUTION OF UNISA LAW STUDENTS ASSOCIATION



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PREAMBLE

We, the students of the University of South Africa registered under the College of Law, acknowledge the need for unity and togetherness as law students. We commit ourselves in moving beyond the traditional open-distance learning education towards a more comprehensive open-distance learning. We are also dedicated in promoting, developing and improving the basic educational needs and encouraging excellence for all law students in the University of South Africa.

We, therefore, resolve to adapt this constitution to be our supreme document in the operation and governing of Unisa Law Students Association affairs.

1. NAME

1.1 The name of the organization established in terms of this Constitution is Unisa Law Students Association.

1.2 The abbreviation is ULSA.

1.3 The logo of ULSA is displayed on the front page of this Constitution.

2. NATURE OF THE ORGANIZATION

2.1 ULSA is a voluntary association in the nature of a universitas, being a juristic person distinct from its members and able as such to incur obligations and to acquire, own and alienate assets, including rights of every kind permitted by law.

2.2 The existence of the organization shall not be dependent upon the composition of its members or office bearers.

2.3 Subject to the provisions of the Constitution of the Republic of South Africa 1996, the Higher Education Act 101 of 1997, the University of South Africa Private Act and any other relevant laws and rules applicable, this Constitution is the supreme authority concerning the members of ULSA, binding the Executive Committees and all members of ULSA.

3. OBJECTIVES

3.1 ULSA aims to:

3.1.1 Learn about the challenges facing university students in Unisa and other higher learning institutions in the country, continent and world, and about how a progressive rule of law can underpin development and social transformation.

3.1.2 Lead and ensure that law students of Unisa participate and engage in legal dialogue, and organizing work to bridge the gap between theory and practice, thus striving to eliminate the isolation brought about by long distance learning.

3.1.3 Provide opportunities for Unisa law students to engage and participate in the legal professional work environment before and after graduation.

3.1.4 Ensure consistent availability of information relevant to the study, practice and knowledge of law, whilst working to improve standards and accessibility thereof.

3.1.5 Develop and maintain an efficient and sustainable working relationship with the University, the College of Law, the SRC and Unisa Law Clinic with the aim to advance the objectives of this organization.

4. MEMBERSHIP

4.1 A natural person, registered as a student with the College of Law or registered for an LLM or and LLD in the discipline of Law at the University of South Africa (UNISA), is eligible for membership of ULSA.

4.2 Membership of ULSA shall be formal and via registration at an ULSA Regional Office, on a prescribed form and having paid the prescribed membership fee of R12.00 (Twelve Rands), records of which shall be kept by the Regional Secretary and communicated to the Secretary General. By virtue of having complied with the aforementioned, a member is eligible to participate in elections and hold office.

5. LIABILITY OF AND CLAIMS BY MEMBERS

5.1 The members of ULSA shall not, merely by virtue of their membership, be personally liable for any of the obligations of ULSA nor have any claim upon any of the assets of ULSA.

5.2 No person may bind the organization to any contract unless such contract has been ratified in writing by the National Executive Committee before its execution.

5.3 The income and property of ULSA shall be used solely to promote its objects and shall not be distributed to its members or office-bearers, except for purposes of the performance of their obligations as members or office bearers of ULSA.

5.4 ULSA Revenue and Membership fees shall be recorded on accounting ledgers by the Regional Treasurers before being transferred to the Treasurer General, who shall keep proper consolidated ledger.

6. TERMINATION AND SUSPENSION OF MEMBERSHIP

6.1 A member may resign her or his membership at any time. Such resignation must be made in writing and shall be recorded by the Regional Secretary and the Regional Secretary shall communicate same to the Secretary General.

6.2 After being afforded a fair opportunity to be heard, a member may be suspended or expelled from ULSA by decision of the National Executive Committee, upon its being satisfied on reasonable grounds that she or he has:

6.2.1 Intentionally misappropriated any asset of ULSA or UNISA, or negligently lost or wasted any such asset to the prejudice of ULSA or UNISA;

6.2.2 Engaged, during or in connection with any ULSA or UNISA activity, in abusive or other seriously disorderly conduct that has harmed or may reasonably be expected to harm the effective functioning of ULSA or any part of it or;

6.2.3 Engaged in misconduct of any kind, whether in connection with ULSA or otherwise that is so unconscionable that the integrity or reputation of ULSA itself may be expected to be seriously compromised if the member were allowed to remain a member in good standing.

6.3 No period of suspension may exceed one semester, during which a suspended member may not participate in the activities of ULSA or be counted as a member.

6.4 At the end of the period of suspension, or earlier on the written request of the suspended member, the NEC, after affording her or him a fair opportunity to be heard, shall reconsider the suspension and, if it does not decide to reinstate the suspended member, her or his membership terminates automatically.

6.5 Any member of the Regional Executive Committee (REC) will be removed from office if a motion of no confidence is passed against him or her, supported by two-thirds majority members of an ULSA Regional Conference.

6.6 Any member of the National Executive Committee (NEC) will be removed from office if a motion of no confidence is passed against him or her, supported by two thirds majority of Regional delegates at the National Conference or a meeting of similar status.

6.7 A member who is no longer a registered student of the University ceases to be a member of ULSA

7. MEETINGS

7.1 ELECTIVE REGIONAL CONGRESS

7.1.1 Elective Regional General Meetings of ULSA shall be convened at least once in a year (annually) by the Regional Executive Committee (REC).

7.1.2 Any additional non-elective Regional Congress may be requisitioned in writing for any clearly specified purpose by no less than 25% of the membership.

7.2 ELECTIVE NATIONAL CONGRESS

7.2.1 Elective National Conferences of ULSA shall be convened at least once every two years (bi-annually) by the National Executive Committee (NEC).

7.2.2 Any additional non-elective National Congress may be requisitioned in writing for any clearly specified purpose by no less than:

7.2.2.1 50% of ULSA Regions, or

7.2.2.2 50% of NEC plus 25% of ULSA Regions.

7.3 ULSA CONFERENCE MEETINGS

7.3.1 Reasonable notice of time, venue and intended main objective of any ULSA Regional general meeting must be given in writing to all members of ULSA, at least 1 (one) weeks prior to the date scheduled in the notice. Notice dispatched electronically by way of a member's email is deemed to have been given to such member.

7.3.2 It is deemed to be the responsibility of each member to provide their contact details to the Regional Secretary and to ensure they are kept up to date.

7.4 Any accidental omission to address the notice/s to any person shall not invalidate the proceedings of the meeting.

7.5 The Chairperson of the Region at the start of a general meeting shall be the Chairperson of the general meeting, unless a simple majority of members present and voting, at the general meeting decide to elect another member for this purpose.

7.6 Voting shall be conducted for the purpose of the passing of resolutions at the general meeting, the election of office bearers and for any other purpose the Chairperson deems necessary for the conducting of the general meeting.

7.7 Voting shall be by a show of hands, or if the meeting so decides, by ballot. Resolutions shall be passed by a simple majority of the members present and voting with the President (In National) or Chairperson (In Region) having in addition a casting vote in the event of a tie, save for resolutions amending this Constitution.

7.8 No member may participate in a Conference by proxy.

7.9 The presence of the same amount of members required to requisition a Conference shall constitute a quorum for the Conference. If a quorum is not present within one hour of the scheduled start of the Conference, the Conference must be reconvened within at least 4 (four) weeks. If on a reconvened date a quorum is not attained, the members present shall constitute a quorum.

7.10 Where there is a formal defect in the convening or in the proceedings of a Conference, the defect may be cured within a reasonable time by the subsequent unanimous assent of all the members entitled to be present and voting. No member who participated in the proceedings with knowledge of the defect may subsequently rely on the defect to invalidate proceedings.

7.11 The Secretary General (National Conference) or Secretary (Regional Conference) shall ensure that minutes of all meetings are recorded. Members shall have access to confirmed minutes upon request to the Secretary General or Secretary which shall be made available within 7 (seven) days.

7.12 National Executive Meetings shall be held at least 3 (three) times in a semester and Regional Executive Meetings shall be held atleast once a month to discuss any progress and/or regress of ULSA activities, or any other matter concerning ULSA.

7.13 Delegates to National Conference consists of:

7.13.1 All members of the NEC;

7.13.2 All Chairpersons and Secretaries of ULSA Regions; and

7.13.3 Each ULSA Region qualifies one delegate per 50 members who are in good standing to participate in the National Conference, other than the Chairperson and the Secretary who are ex-officio members of the National Conference with full powers.

8. EXECUTIVE COMMITTEE MEMBERS (ECM)

8.1 The ECMs shall support and direct the development of ULSA and conduct the general administration and coordination of ULSA by convening conferences to administer the affairs of ULSA and for the purpose of conducting the election of the ECMs.

8.2 The ECMs shall consist of ULSA members in terms of Section 4.1 above, comprising of at least the positions of President, Deputy President, Secretary General, Deputy Secretary General, National Treasurer, National Academic and Projects Officer and National Marketing Officer in the National Executive. All ULSA Regions ECM shall comprise of atleast Chairperson; Deputy Chairperson, Secretary; Deputy Secretary; Treasurer; Academic and Projects Officer; and Marketing Officer.

8.3 The NEC may make standard rules in writing for the conduct of ULSA members, special purpose committees; and/or for the conduct of office bearers, which shall be adhered to unless revoked or changed in writing by the NEC, or by resolution at a National Conference. Standard rules must be communicated to all members in the same manner as notice of a National Conference.

8.4 The Executive Committees shall circulate a notice of nomination for general members to nominate a candidate to fill a vacant post in in the next Conference.

8.5 The Executive Committees can appoint any member of ULSA to fill any vacant seat temporarily.

8.4 Any member of the Executive Committee may tender her or his resignation with reasonable notice, in writing at any time, to the Secretary. Such resignation shall be effected upon acceptance by the Executive Committee.

8.5 In the National Executive Committee, the term of office of the NEC is two academic years from the beginning of the first ordinary meeting of the NEC, until the first ordinary meeting of the succeeding NEC.

8.6 In the Regional Executive Committee, the term of office of the REC is one academic year from the beginning of the first ordinary meeting of the REC, until the first ordinary meeting of the succeeding REC.

8.6 A member is allowed to serve for 2 (two) terms in the NEC, and for 3 (three) terms in the REC, having been elected. Temporary appointment and/or co-option is excluded.

9 POWERS AND RESPONSIBILITIES OF THE EC

9.1 NATIONAL EXECUTIVE COUNCIL

9.1.1 PRESIDENT

9.1.1.1 Overseeing the function of the NEC

9.1.1.2 Ensure implementation of any resolutions taken by the NEC and National Congress.

9.1.1.3 Enter into binding agreements, act and make representations on behalf of ULSA after consultation with the NEC

9.1.1.4 Responsible for formulating and developing ULSA policies

9.1.1.5 Co-ordinates and facilitates fundraising and any other financial matters of ULSA in consultation with the Secretary General, Treasurer General, and National Academic and Projects officer.

9.1.1.6 Co-ordinates and assists in operational matters of ULSA in consultation with the Secretary General, National Academic and Projects officer, and National Marketing officer.

9.1.2 DEPUTY PRESIDENT

9.1.2.1 Assumes responsibilities of the President in the absence of the President.

9.1.2.2 Assumes responsibilities as may be delegated by the President.

9.1.2.3 Heads the Disciplinary Committee and has the power to appoint other members of the Disciplinary Committee

9.1.3 SECRETARY GENERAL

9.1.3.1 Heads the administrative function of ULSA

9.1.3.2 Conducts internal and external correspondences of ULSA and keeps record thereof.

9.1.3.3 Records ULSA NEC meeting minutes and keeps records thereof.

9.1.3.4 Co-ordinates fundraising and any other financial matters of ULSA in consultation with the President, National Treasury and National Academic and Projects officer

9.1.3.5 Co-ordinates operational matters of ULSA in consultation with Deputy President, National Academic and Projects officer, and National Marketing officer.

9.1.3.6 Delegates duties assigned to this portfolio to the Deputy Secretary General as far as reasonably necessary.

9.1.4 DEPUTY SECRETARY GENERAL

9.1.4.1 Assumes responsibilities of the Secretary General in the absence of the Secretary General.

9.1.4.2 Responsible for collecting and keeping record of membership data from the Secretaries of Regions.

9.1.4.3 Assumes duties as delegated by Secretary.

9.1.5 TREASURER GENERAL

9.1.5.1 Responsible for all financial functions and matters of ULSA

9.1.5.2 Head of the Financial Committee and has powers to appoint members of the Financial Committee

9.1.5.3 Adheres and ensures adherence to Income and Expenditure policies

9.1.5.4 Responsible for financial planning and sustainability

9.1.5.6 Facilitates fundraising and any other financial matters of ULSA in consultation with the President, Secretary General, and National Academic and Projects officer

9.1.6 NATIONAL ACADEMIC AND PROJECTS OFFICER

9.1.6.1 Co-ordinates programmes, events and activities of ULSA.

9.1.6.2 Responsible for academic related matters as directed by the NEC.

9.1.6.3 Heads special purpose committees for the more effective achievement of ULSA objectives.

9.1.7 NATIONAL MARKETING OFFICER

9.1.7.1 Responsible for public relations and publicity of ULSA

9.1.7.2 Co-ordinates the marketing of programmes, events and activities of ULSA

9.1.8 THREE NATIONAL ADDITIONAL EXECUTIVE COMMITTEE MEMBERS

9.2 REGIONAL EXECUTIVE COUNCIL

9.2.1 CHAIRPERSON

9.2.1.1 Overseeing the function of the REC

9.2.1.2 Ensure implementation of any resolutions taken by the REC and Regional Conference.

9.2.1.3 Enter into binding agreements, act and make representations on behalf of ULSA after consultation with the NEC.

9.2.1.4 Co-ordinates and facilitates fundraising and any other financial matters of ULSA Region in consultation with the Secretary, Treasury, Project officer.

9.2.1.5 Acts as an ex-officio delegate to National Conference.

9.2.2 DEPUTY CHAIRPERSON

9.2.2.1 Assumes responsibilities of the Chairperson in the absence of the Chairperson

9.2.2.2 Assumes responsibilities as delegated by the Chairperson.

9.2.2.3 Heads the Regional Disciplinary Committee and has the power to appoint other members of the REC Disciplinary Committee

9.2.3 SECRETARY

9.2.3.1 Heads the administrative function of ULSA Region

9.2.3.2 Conducts internal and external correspondences of ULSA Region and keeps record thereof.

9.2.3.3 Records ULSA REC and Regional Conference meeting minutes and keeps records thereof.

9.2.3.4 Co-ordinates fundraising and any other financial matters of ULSA in consultation with the Chairperson, Treasurer and Academic and Projects officer.

9.2.3.5 Co-ordinates operational matters of ULSA Region in consultation with the Academic and Projects officer and Marketing officer.

9.2.3.6 Delegates duties assigned to this portfolio to the Deputy Secretary as far as reasonably necessary.

9.2.3.7 Acts as ex-officio delegate member of National Congress.

9.2.4 DEPUTY SECRETARY

9.2.4.1 Assumes responsibilities of the Secretary in the absence of the Secretary.

9.2.4.2 Responsible for collecting and keeping records of membership data from the general membership.

9.2.4.3 Assumes duties as delegated by Secretary.

9.2.5 TREASURER

9.2.5.1 Responsible for all financial functions and matters of ULSA Region.

9.2.5.2 Head of the Regional Financial Committee and has powers to appoint members of the Financial Committee

9.2.5.3 Adheres and ensures adherence to Income and Expenditure policies

9.2.5.4 Responsible for financial planning and sustainability

9.2.5.5 Facilitates fundraising and any other financial matters of ULSA Region in consultation with the Chairperson, Secretary and Academic and Projects officer

9.2.6 ACADEMIC AND PROJECTS OFFICER

9.2.6.1 Co-ordinates programmes, events and activities of ULSA Region.

9.2.6.2 Responsible for academic related matters as directed by the NEC and the Region.

9.2.7 MARKETING OFFICER

9.2.7.1 Responsible for public relations and publicity of ULSA Region.

9.2.7.2 Co-ordinates the marketing of programmes, events and activities of ULSA Region.

9.2.8 THREE ADDITIONAL EXECUTIVE COMMITTEE MEMBERS

10 GENERAL PROVISIONS AND POWERS OF DELEGATION

10.1 For the effective administration and functioning of ULSA the EC may;

10.1.1 Specifically delegate in writing any of its powers or functions to one or more individual members of ULSA, with or without conditions: provided that such delegation shall not exceed a limited period determined at the time of delegation, shall be revocable in writing at any time and shall not have the effect of supplanting the power and function of such committee in its entirety.

10.1.2 Notice of delegation must be recorded in writing and communicated to the Secretary General as soon as reasonably possible after such delegation is made.

10.2 For the more effective achievement of the objects of ULSA, one or more special purpose committees may be established subject to the direction of the respective committee and which may discontinue any committee so established.

10.3 At all times, subsequent to its election, the committees mentioned above shall be subject to collective recall and their members to re-election at any Conference of ULSA.

11 FINANCIAL CONTROLS

11.1 The Treasurer General (Treasurer in ULSA Region) in consultation with the NEC (REC in ULSA Region) shall ensure that proper records and books of account are kept which accurately reflect the financial affairs of ULSA.

11.2 The NEC shall open a bank account in the name of UNISA Law Students Association with an authorized financial institution capable of receiving deposits from the public.

11.3 All documents requiring signature for the purpose of drawing upon the bank account shall be signed by at least three (3) members who are the President, Secretary General and Treasurer General.

11.4 At least annually in a National Conference and at any time if so decided by the President, or if requested in writing by not fewer than the number of members of ULSA required to requisition a Conference, the EC shall provide the members of ULSA with a statement of Income and Expenditure, assets and liabilities and annual narrative report.

11.5 The end of the financial year shall be the end of February.

12. AMENDMENTS TO THE CONSTITUTION AND DISSOLUTION

12.1 This constitution may be amended by a resolution of at least two thirds of ULSA members at a National Conference provided such resolution is communicated in the same manner as notice convening a National Conference on or before a date no later than fourteen (14) days before the Conference meeting is to be held.

12.2 ULSA Regions may be dissolved by a resolution in the same manner as a resolution to amend this constitution. ULSA Regional RECs may, upon expiry of its mandate and/or upon evidence of instability of the REC, be dissolved by a two third majority of the NEC, subject to the appointment of a Task team to facilitate the re-election of a new REC within a semester from date of dissolution of the REC so dissolved.

12.3 Upon the dissolution of ULSA as an organization wholly, all its assets remaining, after the discharge of its obligations shall be donated to an organization with similar objects participating in the affairs of UNISA law students or UNISA.