



THE UNIVERSITY OF MALAWI STUDENTS' ASSOCIATION

THE CONSTITUTION

PREAMBLE

THE STUDENTS OF UNIVERSITY OF MALAWI

Recognizing the invaluable place of unionism in a student's academic life;

Embracing the power of collective bargaining in society;

Guided by their private consciences and collective wisdom;

Seeking to guarantee the welfare and development of all the students of the University of Malawi, peaceful coexistence, and solidarity amongst all students;

Desirous of creating a Constitutional order at the University based on the need for a transparent and accountable student leadership;

HEREBY adopt the following as the Constitution of the University of Malawi Students' Association on this _____ the ____ day of _____ 2021

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Interpretation

In this Constitution, unless the context otherwise requires;

“Association” shall mean the University of Malawi Students’ Association

“Court” shall mean the Student Governance Court

Commission” shall mean the Electoral Commission

“Council” means the Student Representative Council

“Subscription fee” means a monetary payment paid every academic year by registered students to the association to secure membership status of the union for that particular academic year and shall be subject to change from time to time.

“Crucial matter” means any matter, which substantially relates to the interpretation and application of the Constitution and so certified by the Tribunal

“Assembly” means the general assembly

“Emergency Assembly means a general assembly convened to decide on emergency matters

“Emergency matter” means a matter that the parliament deems as requiring urgent attention of the general assembly

“Emergency Powers” means such powers as shall be vested in the president to summarily deal with matters without following consultative procedures

“Term” means one academic year.

“Continuous Absence” means the absence from college for a period exceeding fourteen days

“Gender Attaché” means a Special Attaché in the office of the President Responsible for Gender.

“Disability Attaché” means a Special Attaché in the office of the President Responsible for Disability Issues.

“Persons with Disabilities” include those who have long-term physical, mental, intellectual, or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

“Casting Vote” means a vote that is not an original vote cast by the speaker to break a tie during the voting process in parliament

“Good academic standing” means an academic record where the student in question is not under a potential threat to be withdrawn from the University or repeat a module.

CHAPTER I – PRELIMINARY

Article 1: Supremacy

- (1) Any act of any Organ of the Association or any rules and regulations made under this Constitution that are inconsistent with the provisions of this Constitution shall to the extent of such inconsistency, be invalid.
- (2) Save as otherwise provided in this Constitution, the authority to govern derives from students of the University of Malawi as expressed through periodic elections held in accordance with this Constitution in a manner prescribed by the relevant rules made under it.

Article 2: Name and Establishment

- a. There is hereby created an Association of Students of the University of Malawi which shall be known as the University of Malawi Students’ Association

Article 3: Organs of the Association

- (1) The Students’ Representative Council shall be responsible for policy formulation and implementation of rules, which reflect the express wishes of the students of the University of Malawi.
- (2) The Parliament shall be responsible for the enactment of rules, and shall ensure that its deliberations are a reflection of the interests of all the students of the University of Malawi.
- (3) The Constitutional Tribunal shall have the responsibility of interpreting, protecting, and enforcing this Constitution and all rules made under it in an impartial and independent manner.
- (4) The General Assembly shall have the responsibility to consult and inform the policies of the other organs of the Association and be the supreme decision making body of the Association.

- (5) The Student Governance Court shall be responsible for the resolution of disputes and deal with any other matters relating to the violation of any rules of the Association and societies affiliated to the Association.

Article 4: Aims and Objectives

The aims and objectives of Association shall be:

- a. To establish an efficient and effective Students Association;
- b. To work with the University in all matters affecting;
- c. To promote matters of interest to the University;
- d. To seek representation and participation in the organs of the University;
- e. To encourage and promote worthy traditions, academic and social life at The University;
- f. To cultivate worthy qualities among members of Association, train and prepare them for future service to the community; and
- g. To work in cooperation with relevant interest groups and establish friendly relations when and where it is not to the detriment of the University.

Article 5: Membership

- (1) All duly registered students of the University of Malawi shall be members of the Association provided that they pay an annual subscription fee which shall be fixed from time to time by Parliament.
- (2) Membership of the Association shall be categorized in the following manner:
- a. Full Members shall be all *bona fide* students registered for programs at the University.
 - b. A full members of the Association shall have the following rights and obligations;
 - i. To participate fully in the proceedings of the General Assembly and have representation in Parliament;
 - ii. Subject to any provision of this Constitution, elect and be elected into any office of Association;

- iii. To propose such programs and activities to be done or implement the Council executive;
- iv. To be elected, nominated, or appointed as a delegate or representative of Association in any of its undertakings.
- c. Associate Membership shall be conferred on persons who have previously been Full Members of Association or its predecessor, the Students' Union of Chancellor College (SUCC).
- d. An honorary member shall be any person who has never been a Full Member or Associate Member of Association upon expression of interest or nomination, whichever the case may be.
- e. Corporate Membership shall be obtained by an institution, organization or industry upon expression of interest or nomination, whichever the case may be.
- f. Any Associate, Honorary, or Corporate member shall have the right to access the facilities of Association with the prior consent of the Council.
- g. Every member of Association shall abide by the letter and spirit of this Constitution at all material times.

CHAPTER II – ORGANS OF THE ASSOCIATION

Article 7 – The General Assembly

- (1) The General Assembly shall be the general meeting of all members of the Association convened to deliberate and decide on crucial matters affecting the Association referred to it by the Parliament.
- (2) The quorum of the Assembly shall be one quarter of the full membership of the Association provided that the quorum for the Emergency Assembly shall one half of the full members present and voting.
 - i. The quorum shall be determined at the beginning of any such meeting.

- (3) The General Assembly shall be convened by the Speaker on his or her own motion or on the motion of the Council or any member of the Association satisfying a petition with ten *per centum* of the signatures of the full membership

Provided that a crucial matter referred to the Tribunal by Parliament and so certified has arisen.

- (4) The General Assembly shall be held after a forty eight-hour notice.

Provided that the above shall not apply in case of an Emergency Assembly;

- (5) An Emergency Assembly shall be called whenever any matter arises which by its nature requires urgent attention such as, but not limited to, a decision to go on demonstration or sit-in;
- (6) The Emergency Assembly shall be convened by the Executive arm of the Council.
- (7) The General Assembly shall have power on a vote of no confidence to remove, with due regard to rules of natural justice, any member of the Council;
- (8) The General Assembly proceedings shall be regulated by the Speaker assisted by his or her deputy.
- (9) The General Assembly shall pass resolutions by a simple majority through a secret ballot provided that important decisions such as but not limited to constitutional amendments shall be passed by two thirds majority.
- (10) The Emergency Assembly shall pass resolutions by a simple majority of the members present and voting.

Article 8 – Students’ Representative Council

- (1) There shall be a Council, which shall comprise of the following arms and offices.

The Executive

- a. The President and his or her Vice;
- b. The General Secretary and his or her Vice;
- c. The Director of Finance
- d. The Director of Investments

- e. One Post graduate student
- f. Special Attachés in the Office of the President responsible for Gender.
- g. Special Attaché in the Office of the President responsible for Persons with Disability.

Directorates

- a. The Director of Recreation and Culture and his or her Vice;
 - b. The Director of Sports and his or her Vice;
 - c. The Director of Academic Affairs,
 - d. The Director of Students' Welfare and his or her vice for residential and non-residential students;
 - e. The Director of Environment, Safety and Health;
 - f. The Liaison Officer;
 - g. The Director of Religious Affairs;
 - h. Two ordinary members; and
 - i. Any other portfolio proposed by any member of Association or the Council SRC as shall be approved by two-thirds of the Parliament.
- (2) The Council shall initiate the policies of the Association on its own motion or on the motion of any other member of the Association;
 - (3) The Council shall lay the policies before Parliament for consultation and approval, and thereafter it shall have the power to execute and implement such policies.
 - (4) The Council in consultation with the Director of Student Affairs shall initiate the auditing process of the books of account of the Association;
 - (5) The Council shall have power to regulate the conduct for its own meetings;
 - (6) The Council shall provide minutes of all meetings of organs of the Association, which shall be posted on notice boards or any other official platforms designated by the Council or the University within four days after such meetings;
 - (7) The Council shall have the power to refer a member of the Council and recommend their suspension for violation of the Constitution or breach of any

rules made under it and neglect of duty. Parliament shall hear such complaint and upon being satisfied of a case against such member, recommend the suspension of such member pending investigations

- (8) The Council shall be responsible for the recruitment of the staff of Association, and shall from time to time review their conditions of employment subject to the Laws of the Republic of Malawi.
- (9) Pursuant to Section 9(1)(g) read together with Section 27(1)(f) of the University of Malawi Act No.18 of 2019, the Executive Committee shall have power to recommend at least three names to Parliament, which shall appoint two members as representatives to the University Council and the Senate of the University respectively provided one of the members in each case is female;
- (10) The Council shall have the power to set up ad hoc committees to assist in its duties and functions;
- (11) The Council shall ensure that all debts owed by or to the Association have been settled before handing over the affairs of Association to a new Council.

Article 9 – Powers and Functions of the Council

- (1) There shall be President who shall be the Executive Head of the Association with the responsibility for the implementation of the decisions of the Association:
- (2) The President shall be the official representative of Association;
- (3) The President shall preside over all meetings of the Council and shall have a casting vote;
- (4) The President shall coordinate the functioning of all other offices of the Council;
- (5) The President shall nominate any member of the Council to act on behalf of an absent member of the Council.

Provided that in the absence of the Director of Finance, the President shall perform the functions of the Director of Finance in consultation with the General Secretary and the Director of Investments.

- (6) The President shall ensure that all attachés to his or her office perform their functions in accordance with this Constitution.
- (7) The President shall have the following emergency powers;
 - a. Call for emergency meetings of the Council;
 - b. In consultation with the Director of Student Affairs, make emergency decisions on behalf of Association.
- (8) The President shall be responsible for all correspondence of the Association;
- (9) There shall be a Vice President, who shall be subordinate to the President, and shall assist the President in his or her day-to-day functions as delegated by the President.
- (10) Whenever the President is unable to discharge the powers and duties of the Office for any reason, the Vice President shall assume the functions of the Office of the President until such a time in the President's term of office, as the President is able to resume his or her functions.
- (11) If at any time both the Office of the President and the Vice President become vacant, the Council shall elect from the Executive an Acting President and Vice President who shall hold office for not more than thirty days or where nine months of a term has elapsed, for the remainder of the term.
- (12) The President shall be deemed to be unable to discharge his or her duties –
 - i. during continuous absence; or
 - ii. when he or she is certified to be ill by the College Clinic; or
 - iii. has been suspended in accordance with this Constitution; or
 - iv. has qualified for withdrawal in accordance with the rules and regulations of the University.
- (13) The office of the President and Vice President shall be entitled to such benefits which shall include but not limited to monthly allowances for the day to day running of Association activities to be determined by Parliament.
- (14) There shall be a General Secretary, who shall be the principal Spokesperson of the Council.

- (15) The General Secretary shall, in consultation with the President, call meetings of the Council, and prepare and circulate the agenda for the meetings;
- (16) The General Secretary shall prepare and keep records and minutes of all meetings of the Council;
- (17) The General Secretary shall keep a register of all clubs, societies, and organizations registered and affiliated with the Association and any information relevant thereto;
- (18) The General Secretary shall keep a register of and be responsible for all the property of Association;
- (19) The General Secretary shall take charge of all employed staff of the employed staff of the Association with assistance from the Director of Finance.
- (20) There shall be a Vice General Secretary of the Council who shall be subordinate to the General Secretary and assist the General Secretary in his or her day to day functions.
- (21) There shall be a Director of Finance, who shall be the principal financial and advisor on budget and finance of the Association.
 - i. The Director of Finance shall be responsible for the collection of annual subscriptions;
 - ii. The Director of Finance shall keep Association funds and such books of accounts, as shall be required by auditors;
 - iii. The Director of Finance shall submit a financial report to the Council at set meetings, which shall be approved and laid before Parliament;
 - iv. The Director of Finance shall draw up the annual budget of Association;
- (22) There shall be a Director of Investments who shall be the principal fundraising officer of the Association;
 - i. The Director of Investments shall initiate fundraising activities with approval from the full Council.

- ii. The Director of Investments shall ensure that all the resources entrusted in his or her office are diligently and prudently managed;
- iii. The Director of Investments shall be responsible for the running and control of Association cafeterias, Canteens and any other business run by the Council;
- iv. The Director of Investments shall explore investment opportunities outside the University for Investment Purposes with assistance from the Liaison Officer;
- v. The Director of Investments shall present an annual report before the Parliament on all the undertaking of his or her office;

(23) There shall be a Special Attaché in the Office of the President Responsible for Gender who shall at all times be two members being male and female.

- i. The Gender Attaché shall assist the Office of the President in ensuring that gender mainstreaming is incorporated in all programs and activities of the Association.
- ii. The Gender Attaché shall ensure that all matters brought before it are treated with strictness of confidentiality and urgency and where matters fall outside the ambit of his or her power, he or she shall involve the necessary offices of the University;
- iii. The Gender Attaché shall not initiate any programs or activities without the prior approval from the Office of the President;

(24) There shall be a Special Attaché in the Office of the President Responsible for Persons with Disability.

- i. The Disability Attaché shall assist the Office of the President to ensure that all Directorates and entities in the University are inclusive in their programs and activities.
- ii. The Disability Attaché shall ensure that all matters brought before it is treated with strictness of confidentiality and urgency and where

matters fall outside the ambit of his or her power, he or she shall involve the necessary offices of the University;

- iii. The Disability Attaché shall not initiate any programs and activities without the prior approval from the Office of the President;

(25) There shall be a Speaker of the Association, who shall be the principal presiding officer of the Parliament and the General Assembly.

- i. The Speaker shall have authority to preserve order at such meetings;
- ii. Subject to this Constitution, the Speaker shall lay down regulations and rules of procedure, to ensure that members have reasonable opportunity to present their views;
- iii. The Speaker shall have a casting vote only;
- iv. The Speaker shall forward decisions of the Assembly and the Parliament to the General Secretary who shall inform all appropriate organs of the Association;
- v. The Speaker shall exercise any other powers conferred upon him or her by this constitution or any other rules made hereunder;

(26) There shall be a Deputy Speaker who shall be subordinate to the Speaker and shall assist the Speaker in his or her day to day functions.

(27) There shall be a Director of Environment, Safety and Health who shall ensure that reasonable catering services are introduced, and maintained in the cafeteria and any other like places;

- i. The Director of Environment, Safety and Health shall receive and deal with complaints about diet, hygiene and any other issues related to Catering, Health and Sanitation;
- ii. The Director of Environment, Safety, and Health shall involve necessary offices at the University to ensure that the environment is kept in its natural state;

- iii. The Director of Environment, Safety, and Health shall participate or initiate in environmental outreach programs in Consultation with the SRC Executive and the Director of Students Affairs;
 - iv. The Director Environment, Safety, and Health shall present to the Parliament a written annual report;
- (28) There shall be a Director of Recreation and Culture who shall be responsible for organizing regular entertainment and cultural activities for the Association and shall give financial account thereof at the end of each activity and semester to the Director of Finance;
- i. The Director of shall present to the Parliament a written annual report of the activities organized under his office;
- (29) There shall be a Deputy Director of Recreation and Culture who shall be subordinate to the Director of Recreation and Culture and assist him or her in his day-to-day functions.
- (30) There shall be a Liaison Officer, who shall be responsible for the establishment of linkages with other entities outside the university on matters of importance both locally and internationally;
- i. The Liaison Officer shall form committees to help him or her discharge the duties of the office where necessary;
 - ii. The Liaison Officer shall present to the Parliament a written annual report of the activities organized under his or her office;
- (31) There shall be a Director of Sports, who shall be responsible for the promotion of sporting activities at the University;
- i. The Director of Sports shall be the official representative of Association on matters pertaining to sports;
 - ii. The Director of Sports shall present to the Parliament a written annual report of the activities of his or her office;

- (32) There shall be a Deputy Director of Sports, who shall be subordinate to the Director of Sports and shall assist the Director of Sports in the execution of his day-to-day functions.
- (33) There shall be a Director of Academic Affairs, who shall Chair the Academic Affairs Committee;
- i. The Director of Academic Affairs shall be responsible for the academic welfare of the students;
 - ii. The Director of Academic Affairs shall liaise with the Registrar (Academic) office in respect of students' academic affairs;
 - iii. The Director of Academic Affairs shall present to the Parliament a written annual report of the activities of his or her office;
- (34) There shall be a Director of Students' Welfare who shall be responsible for dealing with all issues concerning both residential and non-residential students;
- i. The Director of Students Welfare shall be responsible for all other issues concerning students that are not dealt with by any other offices or directorates in the Council;
 - ii. The Director of Students Welfare shall also be responsible for handling all matters of persons with disability;
 - iii. The Director of Students Welfare shall also be responsible for handling all Gender related issues in liaison with the Special Attaché in the Office of the President Responsible for Gender;
 - iv. The Director of Students Welfare shall refer any such a matter(s) that fall outside his or her scope of office, to the necessary offices at the University;
- (35) There shall be Deputy Directors of Students Welfare who shall be subordinate to the Director in (30) above and shall at all times be two.
- i. The Director of Students Welfare shall present to the Parliament a written annual report of the activities of his or her office.

- (36) There shall be a Director of Religious Affairs, who shall be responsible for all religious societies and organizations affiliated with the Association;
- i. The Director of Religious Affairs shall be the primary link between religious organizations and organs of the Association.
- (37) All officers of the Council shall be entitled to such benefits from time to time as may be determined by Parliament.

Article 10 – The Matron/Patron

- (1) There shall be a Matron or Patron who shall be a Professor nominated on that behalf by the Council and appointed by the Parliament;
- (2) The Matron/Patron shall look into the welfare of Association and be its principal advisor.

Article 11 – Legal Advisor

- (1) There shall be a Legal Advisor to the Association who shall be the principal Legal Officer and advisor of the Association on all legal matters.
- (2) The Executive shall appoint from among members of academic staff in the faculty of law a Legal Advisor;

Article 12 – The Parliament

- (1) There shall be a Parliament, which shall be the primary legislative and deliberative body of the Association.
- (2) Parliament shall be organized and chaired by the Speaker of the Association on his/her motion or on the motion of any member of Parliament at least once in every semester;
- (3) Parliament shall comprise members of the Council who shall not have voting powers, one representative from each registered organization or society, Hall Representatives, a male and female representative from each year of study in every faculty and department, and registered and affiliated to Association;

- (4) Parliament shall have the power to invite other members and/or concerned duty bearers to its forums and shall have the power to summon any Council member to Parliament;
- (5) Parliament shall have the mandate to:
- a. discuss and propose issues affecting the general welfare of students for adoption and implementation by the University Administration;
 - b. review the decisions of the Council, such as but not limited to budget and where necessary present alternative views to the General Assembly for a decision;
 - c. initiate investigations into allegations of misconduct of members of the Council and present their findings to the Student Governance Court;
 - d. Parliament shall adopt its own procedure.
- (6) There shall be a Clerk of Parliament, who shall be the principal Secretary of the Parliament.
- i. The Clerk of Parliament shall be elected on the first sitting of Parliament by a majority of members of Parliament present and voting.
- (7) Parliament shall have a minimum number of two hundred and three representatives which number shall be subject to adjustments as the Speaker deems fit;
- (8) Parliament may establish committees of its members and may form joint committees for scrutiny of the performance of any organ of the Association and others functions.
- i. In addition to any committee appointed under Sub-article (8) above, there shall be a Budget and Finance Committee, Appointments Committee, Legal Affairs Committee, Welfare Committee, Disciplinary Committee and a Religious Affairs Committee which shall each be appointed by the Parliament with proportionate

representation from all societies and organizations represented in Parliament.

Article 13 - The Constitutional Tribunal

- (1) There is hereby created a Constitutional Tribunal, which shall be responsible for the interpretation and enforcement of this Constitution.
- (2) The Constitutional Tribunal shall consist of the following;
 - i. The Legal Advisor as chair person;
 - ii. The Speaker of the Association;
 - iii. Four members appointed by Parliament on recommendation from the Patron or Matron, at least two of whom shall be law students;
 - iv. One member of staff appointed by members in (i) (ii) and (iii) above on their first meeting.
- (3) The Constitutional Tribunal shall have the sole jurisdiction to interpret this Constitution.
- (4) Where any organ of the Association violates the provisions of this Constitution or any rules made hereunder, any member of Association may lodge a petition supported by ten percent of the members of the Association to the Constitution Tribunal;
- (5) In the event of Sub-Article (4) above, the Tribunal shall sit within seven days of receiving such a petition and shall make a decision of which Parliament shall adopt with a simple majority.
- (6) Three-fifth of the members of the Tribunal shall form a quorum.

Article 14 - The Care Taker Council

- (1) Where all offices of the Council fall vacant in accordance with this Constitution, a caretaker Council shall assume the functions of the Council;
- (2) The Caretaker Council shall comprise of the following members;
 - (i) The Clerk of Parliament as Chairperson;
 - (ii) The Director of Academic Welfare;

- (iii) The Director of Student Affairs;
- (iv) The Patron/Matron
- (v) The University Finance Officer;
- (vi) The Association Legal Advisor;
- (vii) Hall Representatives.

Article 15 - Student Governance Court

- (1) There shall be a Student Governance Court which shall be independent of the other student governance structures and subject only to this constitution and its standing rules;
- (2) The Court shall exercise its jurisdiction in an impartial manner without prejudice.
- (3) The Court shall comprise of the following members;
 - i. The Chairperson who shall preside over the Court and shall be elected from among the members appointed by Parliament on recommendation from the President on their first meeting who shall be a student from the Faculty of Law.
 - ii. The Registrar of the Court who shall be the principal secretary and spokesperson of the Court and shall be elected from among the members of appointed by Parliament on recommendation from the President on their first meeting who shall be a student from the Faculty of Law.
 - iii. Three other students appointed by Parliament on recommendation from the President
- (4) The Court shall preside over disciplinary matters lodged against student structures and/or members of student structures who have allegedly contravened any rule contained in the student governance legislation or who are accused of misconduct in their capacity as student leaders
- (5) Societies and Organizations shall refer matters to the Court through the Registrar.
- (6) The Chairperson shall appoint Assessor members for specific matters for their expert knowledge who shall not have voting rights in determining the outcome of the matter.

- (7) Once appointed to the Student Governance Court, members are ineligible to run for election in any other student governance structure or serve in any leadership position in such structure.
- (8) The Student Governance Court shall hold office for a period of one year.
 - a. Their term shall run concurrently with that of Council members.
- (9) The Court, in exercise of its powers shall protect the anonymity of a complainant where this is so requested by the complainant and it is in the interest of justice to do so.
- (10) The Court shall receive any complaints, acknowledge complaints, and deal with complaints and\or conduct hearings expeditiously, and in the manner prescribed in its standing rules.
 - i. Complaints shall be submitted to the Registrar along with any evidence in support of the complaint.
- (11) Determinations of the Court shall be sent to the relevant society, organization or the Principal for execution

Provided that the Court cannot met out punishment that would lead to the suspension of any student from the University

- (12) Where the Court is of the view that the matter at hand is outside its jurisdiction with respect to remedies sought, it shall refer such matters to the University Disciplinary Committee.
- (13) An appeal against any decision of the Student Governance Court shall to the University Student Disciplinary Tribunal.
- (14) The Chairperson shall powers to make rules and regulations relating to the procedure of the Court which shall be gazetted.
- (15) Members of the Court shall be entitled to remuneration, allowances and benefits determined by Parliament from time to time.

CHAPTER III – ELECTIONS

Article 16 – The Electoral Commission

- (1) There shall be an Electoral Commission, which shall consist of a Chairperson, a Returning Officer and five other members who shall be nominated on that behalf by the Director of Student Affairs and appointed by the Appointments Committee of Parliament.
 - a. A person shall not be qualified to hold the office of a member of the Commission if that person is a member of the Parliament, the outgoing Council or serving in any committee of the Association.
 - b. Subject to this Article, a person shall cease to be a member of the Commission at the expiration of the term of the Council;
- (2) The Commission shall exercise such functions in relation to elections as are conferred upon it by this Constitution or rules made hereunder;
- (3) The duties of the Commission shall include;
 - a. To review existing electoral rules and regulations and alter them in accordance with this Constitution;
 - b. To determine electoral complaints related to conduct of any elections;
 - c. Ensure compliance with the provisions of this Constitution and any rules made by Parliament;
 - d. To perform such other functions as may be prescribed by rules made by Parliament;
 - e. The Electoral Commission shall have the power to disqualify a candidate for any misconduct in connection with the elections.
 - i. A disqualified candidate shall have a right to appeal to the Director of Student Affairs within twenty-four hours who shall make a final determination;
 - f. The Chairperson of the Electoral Commission shall announce the results of the elections immediately after the count of votes, and shall cause the same

to be published not more than twenty-four hours after the final count of the votes.

- (4) The Commission shall exercise its powers, functions, and duties under this section independent of any direction or interference by any other authority or person.

Article 17 – Universal Suffrage

- (1) Subject to this Constitution, all full members shall be eligible to vote in any election and be elected into office.
- (2) Notwithstanding the generality of sub-article (1),
 - a. Only those members of good academic standing, subject to rules made by the Commission, will be eligible to stand for any position in the Council
 - b. A student who is on repeat shall not be qualified for nomination to any office in the Council;
 - c. A student shall be eligible to run for any position in the Council provided that he or she was a full member of the Association for two consecutive semesters prior to the Semester in which elections fall.
 - d. A student who has been convicted by any competent Court of law for an offence involving moral turpitude within a period of two years before the elections shall not be eligible for candidature;

Article 18 – Voting

- (1) All elections of the Association shall be by secret ballot;
- (2) The Council shall be elected in accordance with this Constitution in such a manner as prescribed by the rules made by Parliament or the Commission save where this Constitution provides otherwise;
- (3) Members of the Council shall be elected by a simple majority of the electorate through direct and equal suffrage;
- (4) Where there is a tie, the electoral commission shall conduct a runoff election to determine a winner on the position so tied.

Provided that, only the candidates who have the tie shall contest in the run-off elections;

- (5) Elections of the Council shall take place in the sixth week, and not later than the eighth week, at the beginning of each academic year.

Article 19 - Candidature

- (1) Nominations for any office of the Council shall be presented by candidates to the Returning Officer, signed by hundred members of the electorate on Nomination Day;

Provided that a candidate for President and Speaker shall require two hundred signatures.

- (2) All candidates to the Presidency shall have the privilege of addressing student gatherings. The dates periods and venues of these addresses shall be determined and published by the Electoral Commission;
- (3) The Returning Officer, in consultation with the out-going Speaker, shall announce the Nomination Day, campaign period and call for nominations of candidates at least 14 days before the polling day;

Article 20 – By-elections

- (1) Where any office falls vacant in accordance with this Constitution, the Deputy, if available, shall fill that office.
 - a. Where there is no Deputy, one of the Council members shall be elected by the Council to fill the vacant office for fourteen days and thereafter elections shall be held in accordance with this Constitution;

Article 21 – Swearing In

- (1) The President-elect, the Speaker Elect and the Council elect, in the Order appearing in this Constitution shall take an oath of office before the Vice Chancellor of the University or his or her delegate;
- (2) The swearing in ceremony shall take place in public at least seven days after the publication of the election results;

- (3) The Chairperson of the Commission shall notify the members of the Association of the ceremony not later than seventy two hours before its occurrence;
- (4) The Oath of office shall be administered in the following manner –

“I,, do solemnly swear (affirm) that I will well and truly perform the functions and duties of the High Office of President (or the office that a person was elected on) of the University of Malawi Students’ Association, and that I will preserve and defend the Constitution, and act with all honesty and to the best of my ability, (So help me God).”

Article 22 – Termination of Office

- (1) Any member of the Council shall cease to hold office upon –
- a. By resignation, provided that any member of the Council shall tender his or her resignation to the President in writing, with seven days’ notice.
 - i. Provided that the President and the Speaker shall tender their resignation to the Clerk of Parliament.
 - b. By vote of No Confidence
 - i. A vote of No Confidence in the President or Council shall require a Petition signed by at least one-fifth of the members of Association and shall be submitted to the Speaker;
 - ii. The speaker shall cause the list of the signatories to be displayed on all official forums designated by the SRC within twenty-four hours of receipt;
 - iii. the Speaker shall give notice to Parliament within four days of such display for Parliament to hear such petition;
 - iv. The quorum for such a meeting shall be one-quarter of total Membership. If no quorum is realized, the vote of no confidence shall be deemed lost;
 - v. The findings of the Parliament shall thereafter be presented to the General Assembly to initiate the vote by secret ballot within forty-eight hours;

- (2) The Clerk of Parliament shall notify the Electoral Commission of any such vacancy arising from resignation;
- (3) The vote of No Confidence shall be carried if at least a two-thirds majority of the members of Association vote in the affirmative.
- (4) In the event of vote of no confidence being carried out as provided in sub-article (b), the Council shall instantly vacate their office(s) and new elections shall be held within twenty-one days.
- (5) A vote of No Confidence in the Speaker shall be moved after a petition duly signed by at least twenty five percent of Full Members of Association and shall be submitted to the office of the President;
- (6) The petitioned office or authority shall publish the petition within twenty- four hours, and shall chair the meeting to discuss the motion within three days;
- (7) The quorum of the Care Taker Council shall be at least three-fifth of all the members Of the Care Taker Council.

CHAPTER IV – THE FUND

Article 23

- (1) There is hereby established a fund called the University of Malawi Students Association Fund;
- (2) The finances of Association shall consist of all monies carried forward from the predecessors and all subscriptions, donations, accruals and profit from lawful activity of Association;
 - a. All such finances shall be made to the Director of Finances;
- (3) The source of revenue for the Association shall be;
 - a. Subscriptions from members of Association.
 - i. The subscription shall be collected upon students' registration in a manner prescribed by the Council and deposited in Association account.
 - b. Fundraising activities;

- c. Any other source approved by the Council.

Article 24 – Budget Formulation

- (1) At the second meeting of the Council, respective Directors shall prepare and present to the full Council, through the Director of Finance, budget estimates for their directorates for the whole academic year;
- (2) The Director of Finance shall publish a proposed budget to the members of the Association after such presentation;
- (3) The Council shall engage/consult Parliament over the budget after which the Council shall consolidate and approve the budget and present it to the administration.

Article 25 – Accounts

- (1) The Council shall maintain a bank account at any reputable bank with wider circulation in Malawi, in the name of the Association;
 - a. The signatories of such bank account shall be the Director of Finance, the President and the Secretary General

Provided that two signatures shall be required to transact on the account.

- (2) The Director of Finance shall keep up-to-date accounts indicating all the income and expenditure of Association;
- (3) The Director of Finance shall deposit the cash and cheques with the bank and shall not keep an amount of cash, more than that authorized by the Council for days specified by the Council;
- (4) The Executive shall also limit the time duration and amount of cash a Council Member can have in his or her custody for purposes of Association;
- (5) All financial transactions shall be made in the name of Association;
 - a. The Director of Finance shall receive and keep all receipts or written evidence certifying all expenditure of Association;

- b. The Director of Finance shall issue receipts for all monies received by him in the name of Association;
- c. The Director of Finance shall submit monthly financial reports, endorsed by the Council, to the Director of Student Affairs;
- d. The Council shall present a financial statement of Association, signed by the Director of Finance and the President, and shall cause the same to be published to all members of Association at the end of the first semester and another at the end of the tenure of office.

Article 26 - Audit

- (1) The Director of Student Affairs shall facilitate the auditing of the financial statements of Association.
- (2) Where fraud or mismanagement is detected, those responsible shall be subjected to a Disciplinary Hearing according to the University Rules.

CHAPTER V

Article 27 – Societies and Organizations

- (1) There shall be Societies and Organizations registered and affiliated with the Association
- (2) All students' organizations shall be registered and affiliated to Association upon application to the office of the General Secretary provided that,
 - a. All its members are members of Association;
 - b. Its membership is not limited by any discriminatory considerations;
 - c. Its aims and objectives are in line with the aims and aspirations of Association contained in this Constitution, any other policy of Association and University rules;
- (3) Successful registration and affiliation shall entitle an organization to financial or other assistance on application to the Director of Finance and the President upon approval of the Director of Student Affairs;

- (4) A registered and affiliated organization shall have representation in the Parliament and any other forums;
- (5) Where the office of the General Secretary declines to register any organization for provided reasons, the organization shall have the right of appeal to the Director of Student Affairs whose decision shall be final.

Article 28 - Constitutional Amendments

- (1) Any member of Association upon securing twenty percent of signatures of full members may propose Constitutional Changes in writing to the Speaker;
- (2) The Speaker shall convene a General Assembly within seven days where he or she shall lay the proposed changes to the General Assembly in consultation with the leaders' forum
- (3) The General Assembly shall cast a vote for the proposed amendments by a secret ballot;
- (4) Where changes are effected, they shall not take legal effect until approved by the Vice Chancellor in consultation with the Director of Student Affairs;
- (5) The approved changes shall then be embodied in the amended Constitution and the same shall be gazette by the General Secretary.

Article 29 - Breach of the Constitution

Any person or group of persons breaching this Constitution materially shall be subject to Disciplinary Hearing in accordance with this Constitution and University Rules.

Article 30 – Transitional Provisions

- (1) Save as otherwise provided by this Constitution or any other rules made hereunder, all Committees and offices existing prior to the commencement of this Constitution shall continue to operate as if they were provided for under this Constitution until such a time when an election or appointments are made in accordance with this Constitution.

Provided that where this Constitution has created an office with different designation, but an equivalent function is exercised by an office at the time of commencement of this Constitution, a person occupying that office, shall from the date of commencement have such powers, functions, and designation as is prescribed for the equivalent office created under this Constitution.

- (2) Except in so far as they are inconsistent with this Constitution, all rules and regulations in force on the date of commencement shall continue to have such force as if they had been made in accordance with this Constitution.