# OUR CONSTITUTION

CONSTITUTION OF THE

SINGAPORE MANAGEMENT UNIVERSITY

LAW SOCIETY

**ARTICLE 1 – CITATION**

1.1 This Constitution may be cited as the Constitution of the SMU Law Society.

1.2 This Constitution shall be subject to the Constitution of the SMU Students' Association. In the event of any inconsistency between the two, the terms of the Constitution of the SMU Students' Association shall prevail.

**ARTICLE 2 – INTERPRETATION**

In this Constitution, unless it is otherwise provided or the context otherwise requires:

"Academic Year" refers to the full-year period as set out in the University's academic calendars;

"Alumni" refers to the graduates of the SMU School of Law;

"Association" means the SMU Students' Association;

"Council" means the SMU Students' Association Council;

"Constituent Bodies" means an SMU student constituent body under the Council and "Constituent Body" refers to any one of them;

"Club" refers to an SMU student club or group formed under the Council or any of the SMU offices;

“Deanery” means the Deanery of the SMU School of Law;

“Faculty” means the Faculty of the SMU School of Law;

“General Secretary” shall mean the General Secretary of the SMU Law Society;

“Financial Year” means the period from 1 January to 31 December of a calendar year;

“Management Committee” unless otherwise indicated refers to the Management Committee of the SMU Law Society;

“Member(s)” unless otherwise indicated refers to all persons who are pursuing the LLB degree in SMU School of Law;

“Office of Student Life” means the Director of the Office of Student Life of SMU and/or any such officer over-seeing the relevant issue(s);

“President” shall mean the President of the SMU Law Society;

“School” means SMU School of Law;

“Society” means the SMU Law Society;

“Staff” means the administrative staff in the SMU School of Law;

“Sub-Club” means a subsidiary club formed under Article 13 by a Member of the Society;

“Sub-committee” means a committee set up by the Management Committee on either an ad-hoc or permanent basis to accomplish their assigned objective(s);

“University” and “SMU” shall mean the Singapore Management University; and

“USLC” means the SMU University Student Life Committee;

Words importing the masculine gender shall include the feminine gender.

**ARTICLE 3 – PLACE OF BUSINESS**

3.1 The Society’s place of business shall be at SMU or such other address as may be decided by the Management Committee, and approved by the USLC.

3.2 Notwithstanding Article 3.1, the Society may carry out its activities in other places and premises after obtaining prior approval from relevant authorities, where necessary.

3.3 The Management Committee shall reserve for its use a suitable room in the School premises as the Law Society Room.

**ARTICLE 4 – OBJECTS**

The objects of the Society are:

4.1 to nurture bonds and inculcate a sense of identity and belonging among Members, to the University and the School;

4.2 to promote interaction between the Faculty, Staff, Alumni and Members;

4.3 to promote the welfare of the Members;

4.4 to advance Members’ interests and competencies in all fields of law; and

4.5 to conduct any other activities the Management Committee deems appropriate for the interests of the Society.

## ARTICLE 5 – MEMBERSHIP QUALIFICATION AND RIGHTS

5.1 Membership is open to all persons affiliated with the SMU School of Law.

5.2 All matriculated undergraduates shall be Members ("Automatic Members") for as long as they are en-rolled in a full-time course offered by the School.

5.3 A copy of the Constitution shall be made available to all Members through electronic means or any such means deemed reasonable by the Management Committee.

## ARTICLE 6 – APPLICATION FOR MEMBERSHIP

6.1 Any person (other than Automatic Members) who wishes to join the Society shall submit a formal application to the General Secretary.

6.2 The Management Committee shall decide on applications for membership by unanimous vote. Once approved, successful applicants will receive rights and obligations identical to those of Automatic Members.

## ARTICLE 7 – ADMINISTRATION

7.1 The Society shall be administered by the Management Committee.

7.2 The Management Committee has the discretion to appoint Sub-committees as it deems necessary for the proper administration of the Society. Appointed Sub-committees will thereafter play an assisting role to the Management Committee in the administration of the Society.

**ARTICLE 8 – SUPREME AUTHORITY AND MEETINGS**

8.1 The supreme authority of the Society is vested in a general meeting of the Members, presided over by the President. An Annual General Meeting ("AGM") shall be held yearly, and an Extraordinary General Meeting ("EGM") shall be held if the conditions set out in Article 8.3 are met (collectively, "General Meetings" refers to any one of them).

8.2 The following points shall be considered at every AGM:

a) the immediately preceding Financial Year's accounts and annual report of the Management Committee;

b) where applicable, the appointment of office-bearers for the following term; and

c) any other matter deemed appropriate by the Management Committee.

8.3 An EGM shall be called by the President on the written request ("EGM Request") of (i) 30 Members or not less than 25% of all Members, whichever is the lesser; or (ii) the Management Committee, subject to the following:

a) EGMs shall be convened within two (2) weeks from the receipt of such EGM Request;

b) if the President does not within two (2) weeks after the date of the receipt of the EGM Request proceed to convene an EGM, the Members who requested for the EGM shall convene the EGM by giving 10 days' notice to Members setting forth the business to be transacted and simultaneously posting the agenda on the Society's notice board.

8.4 All General Meetings are subject to the following requirements:

a) at least two (2) weeks' notice shall be given of an AGM and at least 10 days' notice of an EGM;

b) notice of General Meetings stating the date, time and place shall be sent by the General Secretary to all Members;

c) the particulars of the agenda shall be distributed to all Members through electronic means or any such means deemed appropriate by the Management Committee four (4) days in advance of a General Meeting;

d) resolutions at General Meetings are decided on and passed by at least 50% of Members present at the particular General Meeting;

e) voting by proxy is not allowed at all General Meetings;

f) at least 25% of all Members or 30 Members, whichever is the lesser, present at a General Meeting shall form a quorum; and

g) a quorum must be present throughout all General Meetings.

8.5 Any member who wishes to place an item on the agenda of a General Meeting may do so provided he gives notice to the General Secretary at least one (1) week before the meeting is due to be held.

**ARTICLE 9 – MANAGEMENT AND COMMITTEE**

9.1 The Society shall be managed by a Management Committee comprising Members who are (i) elected under Article 10; or (ii) co-opted under Articles 9.5 or 9.6 (“The Management Committee”).

9.2 Each Management Committee serves for a full-year term from 1 January to 31 December of the calendar year immediately following the Election Results as prescribed in Article 10 (“Term of Office”).

9.3 The Management Committee shall comprise a minimum of five (5) elected Members. The Management Committee shall have the discretion to increase the size of their committee but shall have a maximum of one additional member from the previous Management Committee size.

9.4 The Management Committee shall consist of:

a) one (1) President;

b) one (1) Vice President;

c) one(1) General Secretary;

d) one(1) Finance Director; and

e) any other position(s) deemed necessary by the Management Committee for the effective administration ofthe Society.

9.5 The Management Committee shall have powers to co-opt additional members for the proper administration of the Society ("Co-opted Committee Members").

9.6 The powers to co-opt, as laid out in Article 9.5, shall be decided and occur within a month of the election of Management Committee members ("the co-opting process"). The co-opting process shall:

(a) Occur after the internal elections (as laid out in Article 10);

(b) Consist of meeting(s) between successful candidates; and

(c) Allow candidates to either freely reshuffle their roles or to co-opt members to directly fill any position expressly mentioned in Article 9.4.

9.7 Subject to Article 12.4, if a Management Committee seat is vacated during the Term of Office, the Management Committee shall, within two (2) months of that seat's vacation, fill it either by:

(a) co-opting a Member on a unanimous vote of the Management Committee; or

(b) holding an election for the vacated position.

9.8 All Members shall be notified of any changes in the Management Committee within one (1) week of the particular change.

9.9 Management Committee meetings ("Committee Meetings") shall be held at least once every three (3) months, and at least seven (7) days' notice must be given to Management Committee Members each time by the General Secretary. A minimum of half the Management Committee must be present for the proceedings of the Committee Meeting to be valid.

9.10 Notwithstanding Article 9.11, the President may call Committee Meetings any time by giving at least five (5) days' notice to all Management Committee Members.

9.11 The Management Committee shall not act contrary to the expressed wishes of the General Meetings and shall always remain subordinate to the General Meetings.

9.12 The organisation of activities for the School may be undertaken by the Management Committee or by Sub-committees, the members of which shall report directly to at least one (1) Management Committee Member.

9.13 In times of deadlock, the President's vote will be the deciding vote.

**ARTICLE 10 – ELECTIONS**

10.1 The election of Management Committee Members ("Committee Election") shall be conducted in accordance with this Article and must be completed by the end of week 12 of the first semester of each Academic Year.

10.2 An Elections Committee shall be appointed by the outgoing Management Committee ("Outgoing MC"), and shall consist of the following Members:

a) the General Secretary, or any member, of the Outgoing MC, who shall also hold concurrent appointment as Chairman of the Elections Committee;

b) one (1) Returning Officer; and

c) one (1) Elections Officer who shall assist the Returning Officer,

(“Elections Committee Member” refers to any one of the three).

10.3 The Elections Committee, under the advice of the Outgoing MC, shall be in charge of the administration of the Committee Election to form the incoming Management Committee (“Incoming MC”) according to the following terms and conditions:

a) the Returning Officer shall announce, no later than two (2) weeks before voting day, the date, place and means through which the Members may receive and complete nomination forms;

b) the Returning Officer may reject any nomination form that does not comply with the articles of this Constitution;

c) in the event of such rejection under Article 10.3(b), the Returning Officer shall serve upon such person a Notice of Rejection no later than one (1) day after the close of nominations;

d) the results for the Committee Election shall be determined through a ballot system, and such ballot shall take place no earlier than seven (7) days and no later than ten (10) days after nominations close;

e) the time, date and venue for such ballot shall be announced by the Returning Officer to Members no later than three (3) days before, either by notice board or through electronic means;

f) every Member shall have one (1) vote per available seat or one (1) vote per candidate, whichever lower, for the purposes of the Committee Election, and each Member may only vote for each candidate once;

g) the Elections Commmittee shall be in charge of conducting the ballot at the specified venue and only authorised personnel as prescribed by the Elections Committee shall be allowed into the ballot venue;

h) for the election to be considered valid, at least 25% of all members must have voted;

i) candidates obtaining the votes of at least 35% of the total number of votes (“Minimum Threshold”) shall be elected as part of the new Management Committee (“Successful Candidates”) subject to Article 10.3(j) and 10.6, and candidates not meeting the Minimum Threshold shall not be elected (“Unsuccessful Candidates”);

j) There will only be as many Successful Candidates as the number of members in the outgoing Management Committee. In the event that there are more candidates that meet the Minimum threshold than members in the outgoing Management Committee, the candidates with the least votes will be considered Unsuccessful Candidates;

k) vote counts and percentages ("Election Results") shall be announced by the Returning Officer to Members within one (1) working day after the ballot, either by notice board or through electronic means;

l) re-counts may be requested for by Unsuccessful Candidates by notifying the Electons Committee within two (2) working days after the Election Results are announced, if the votes of the requesting candidate and the elected candidate with the least votes differ by (i) 50 votes, or (ii) five per cent (5%) of the total number of votes cast, whichever is lesser;

m) the result of re-counts under Article 10.3(i) shall be final;

n) a candidate aggrieved during the process of the Committee Election may, within three (3) days of notification of Election Results, appeal to the Appeal Committee comprising three (3) Members appointed by the Outgoing MC and who are neither Management Committee Members nor Elections Committee Members;

o) the decision of the Appeal Committee under Article 10.3(n) shall be final; and

p) the Elections Committee is empowered to exercise its discretion as and when it is necessary, subordinated to the decisions of the Outgoing MC.

10.4 The Elections Committee Members shall not themselves:

a) propose any candidate;

b) second any candidate;

c) campaign for any candidate; or

d) stand for election for the Incoming MC.

10.5 All candidates standing for Committee Elections ("Candidates") must put themselves up for election according to the following terms and conditions:

a) only Members of the Society shall be eligible to hold office in the Management Committee;

b) each Candidate must be duly proposed and seconded by other Members and each nomination form shall be signed by the proposer and the seconder, and shall contain the written consent of the candidate for election as a Management Committee Member;

c) each candidate must stand for election as an individual and must not associate himself with other candidates standing for the Committee Election;

d) no Member shall concurrently serve in the Management Committee and in the Executive Committee of the SMU Students' Association;

e) no Member shall concurrently serve in the Management Committee and in the Management Committee(s) of other Constituent Bodies;

f) no Member shall concurrently serve the SMU Law Society Management Committee and hold a position of President or Vice President of another Club;

g) no Member shall concurrently serve as the Finance Director of SMU Law Society Management Committee and hold a position of Finance Director of another Club;

h) banners and posters are only allowed at specific locations prescribed by the Elections Committee; and

i) any candidate who passes defamatory remarks towards another candidate shall be disqualified from the Committee Election.

10.6 Within one (1) week of the Election Results, the Outgoing MC shall conduct a meeting among the Successful Candidates to decide the appointment of roles within the Incoming MC ("Internal Elections"). The Internal Elections shall be conducted according to the following:

a) appointments shall be decided by simple majority vote among the Successful Candidates;
b) for the purposes of determining simple majority as described in Article 10.6(a), only the votes of Successful Candidates not running for each position shall be considered the appointment of that position;

c) notwithstanding the foregoing, where office appointments are contested by three (3) or more Successful Candidates, contesting candidates shall be allowed to vote for persons other than themselves and such votes shall then be considered for the purposes of determining simple majority;

d) where the votes of the candidates are equal, the Outgoing MC may decide this casting vote by a simple majority, excluding votes of any Outgoing MC Member who is concurrently a Successful Candidate for the Incoming MC; and

e) the results of Internal Elections and the appointment of roles in the Incoming MC shall be announced to the members within one (1) week of the Internal Elections, through the notice board or through electronic means.

**ARTICLE 11 – DUTIES OF OFFICE-BEARERS**

11.1 The President shall chair all General Meetings and Management Committee Meetings (collectively, "Society Meetings"). He shall also represent the Society in the Council.

11.2 The Vice President shall assist the President and deputise for him in his absence. If the President and Vice President are both absent, the General Secretary shall deputise for the President. If the abovementioned of- vice-bearers in this Article 11.2 are all absent, the Finance Director shall deputise for the President.

11.3 The General Secretary shall keep all records, except those pertaining to financial matters, of the Society and shall be responsible for their correctness. The General Secretary shall keep minutes of all Society Meetings.

11.4 The Finance Director shall (i) keep all funds and collect and disburse all monies on behalf of the Society, and (ii) keep an account of all monetary transactions and be responsible for its correctness. All payments in respect of expenditure properly incurred by the Society shall be made by the Finance Director subject to the approval process to be determined by the Management Committee from time to time.

## ARTICLE 12 – RESIGNATION AND TERMINATION OF MANAGEMENT COMMITTEE MEMBERS

12.1 Any office-bearer resigning from office shall tender his resignation in writing to the Management Committee and shall not be deemed to have resigned until his resignation is accepted by the rest of the Management Committee.

12.2 Any member of the Sub-committees who wishes to resign shall tender his resignation in writing to the Management Committee through the respective Management Committee Member and shall not be deemed to have resigned until his resignation is accepted by the rest of the Management Committee.

12.3 Any Management Committee Member absenting himself from three (3) meetings consecutively without satisfactory explanations given no later than one (1) week after the third absence to the Management Committee shall be deemed to have withdrawn from the Management Committee.

a) A Management Committee Member is deemed to have not given a satisfactory explanation when 75% of the remaining Management Committee Members vote that the explanation is unsatisfactory.

12.4 In the event where the office of the President falls vacant, the Vice President shall assume the position automatically.

12.5 When the President receives written notice that 50% of the Management Committee Members and the lower of (i) ten per cent (10%) or (ii) 70 Members (excluding Juris Doctor degree holders) wish for a Management Committee Member to resign from office, the President shall convene an EGM to decide this issue ("Vote of No Confidence"). A Vote of No Confidence will be successful only if a special resolution (75% vote) of Members present at the EGM is achieved.

## ARTICLE 13 – FORMATION OF AND GUIDANCE FOR SUB-CLUBS UNDER SMU LAW SOCIETY

13.1 A Sub-Club may be formed under the Society, at the discretion of the Management Committee, exercised through unanimous vote of the Management Committee.

13.2 Any Member of the Society (“Proposer”) may propose an initiative to start a new Sub-Club under the Society (“Proposal”). The Proposal must be made in writing and submitted to the General Secretary, who shall notify the Proposer of the Management Committee’s approval or rejection within two (2) weeks of receipt of the Proposal.

13.3 The Management Committee reserves ultimate discretion to approve or reject Proposals for Sub-Club formation.

13.4 Upon approval by the Management Committee, an interim committee responsible for overseeing the Sub-Club’s formation for the duration of one (1) calendar year shall be formed within two (2) weeks from notice of such approval.

13.5 Such an interim committee shall consist of the Proposer(s) in addition to a Management Committee Member appointed by the President.

13.6 Elections or appointments for the committee of each Sub-Club shall be held after the Committee Election of the same year, and before 31 December of such year.

13.6 A No member shall concurrently serve as the President of two (2) or more clubs.

13.7 The term of office for the committee of each Sub-Club shall be from 1 January to 31 December of the calendar year.

13.8 The committee of each Sub-Club is expected to fulfil their responsibilities and obligations during the duration of their term.

13.9 Sub-Clubs are expected to produce their own guidelines, subject to the approval of the Management Committee.

13.10 The Management Committee retains the discretion to issue directives to the Sub-Club regarding their activities, if required.

13.11 The Management Committee may review, from time to time, the status of Sub-Clubs, and reserves the discretion to endorse their activities or issue a directive to disband any Sub-Club.

**ARTICLE 14 – PROHIBITIONS**

14.1 Gambling of any kind, excluding the promotion or conduct of a private lottery which has been permitted under the Private Lotteries Act (Cap 250, 2001 Rev Ed), is forbidden on the Society's premises. The introduction of materials for gambling, drug-taking or other undesirable activities (as deemed by the Deanery) into the premises is prohibited.

14.2 The funds of the Society shall not be used to pay the fines of members who have been convicted in a court of law.

14.3 The Society shall not engage in any trade union activity as defined in any written law relating to trade unions for the time being in force in Singapore.

14.4 The Society shall not attempt to restrict or interfere with trade or make directly or indirectly any recommendation to, any arrangement with its members which has the purpose or is likely to have the effect of fixing or controlling the price or any discount, allowance or rebate relating to any goods or service which adversely affect consumer interests.

14.5 The Society shall not indulge in any political activity or allow its funds and/or premises to be used for political purposes.

14.6 The Society shall not hold any lottery, whether confined to its members or not, in the name of the Society or its office-bearers, Committee or members unless with the prior approval of the relevant authorities.

14.7 The Society shall not raise funds from the public for whatever purposes without the prior approval in writing of the Head, Licensing Division, Singapore Police Force and other relevant authorities.

**ARTICLE 15 – DISCIPLINE**

15.1 The existing Articles of the Constitution shall bind all members.

15.2 Disciplinary action may be taken in one of the following forms against any member who violates any of the Articles of the Constitution or acts in any way derogatory to the Society:

a) written apology to the Society and concerned parties; or

b) suspension from any or all membership privileges for a period no longer than one (1) year.

15.3 Disciplinary action can only be taken by the Management Committee if two-thirds (2/3) or more of the Management Committee Members present at the meeting have voted for the concerned action.

15.4 The Management Committee also reserves the discretion to refer any case requiring disciplinary action to the Deanery and/or the University Student Council of Discipline.

**ARTICLE 16 – DISSOLUTION**

16.1 The Society shall only be dissolved by a written order from the USLC.

16.2 In the event of the Society being dissolved as provided above, all debts and liabilities legally incurred on behalf of the Society shall be fully discharged, and the remaining funds shall be disposed of in such manner as the General Meeting of Members may determine or donated to a charity or charities in Singapore as approved by the Deanery.

## ARTICLE 17 – GENERAL

17.1 In the event that any question or matter pertaining to the administration of the Society is not expressly provided for in this Constitution, the Management Committee shall have power to use its own discretion. The decisions of the Management Committee shall be final unless they are reversed at a General Meeting.

## ARTICLE 18 – AMENDMENTS TO CONSTITUTION

18.1 No alteration, addition or deletion to this Constitution shall be made except at a General Meeting and with the consent of 75% of Members present at such General Meeting.