

**THE LAW STUDENTS' SOCIETY OF
KENYA(LSSK)- MOI UNIVERSITY ANNEX
CHAPTER
CONSTITUTION**

CONTENTS

THE PROPOSED LAW STUDENTS' SOCIETY OF KENYA(LSSK)- MOI UNIVERSITY ANNEX CHAPTER	1
CONSTITUTION	1
PREAMBLE	5
CHAPTER 1: NAME OF THE SOCIETY	6
CHAPTER 2: OBJECTIVES OF THE SOCIETY	6
CHAPTER 3: MEMBERSHIP OF THE SOCIETY	7
8. Standard Membership	7
10. Honorary Membership	7
11. Register of Members	8
CHAPTER 4: ELECTIONS OF LSSK OFFICIALS	8
12. General Elections	8
13. Qualifications for Elections.....	9
14. Disqualifications from Elections.....	9
15. General Principles Governing Elections	10
16. Procedure for Elections	10
17. By-Elections	11
CHAPTER 5: REMOVAL OF OFFICIALS OF THE SOCIETY	12
18. Removal by Vote of no Confidence	12

19.	Removal by Impeachment.....	12
CHAPTER 6: THE OFFICIALS OF THE SOCIETY		13
22.	The President.....	14
23.	The Vice President	14
24.	The Treasurer	15
25.	The Secretary.....	15
26.	The Assistant Secretary	15
27.	The Publicity Director.....	16
28.	The Director of Advocacy.....	16
29.	The Director of Networking and Programs.....	16
30.	Committee Members	17
31.	The Patron	17
CHAPTER 7: ORGANS OF THE SOCIETY		18
33.	The Executive Council.....	18
34.	Procedure on the Executive Council Meetings	19
35.	General Meetings	19
36.	Annual General Meeting (AGM)	19
37.	Special General Meeting (SGM).....	20
38.	Dispute Resolution Tribunal	21
39.	Appointment and Composition of the Tribunal	21

40.	Powers of the Tribunal	22
CHAPTER 8: FINANCE AND BUDGETING		22
41.	Sources of Finances.....	22
42.	Expenditure	22
43.	Petty Cash.....	23
44.	Signatories to the Society’s Accounts	23
45.	Records of the Society’s Accounts and other Documents	23
CHAPTER 9: AMENDMENTS TO THE CONSTITUTION.....		24
CHAPTER 10: LIST OF MEMBERS		25
CHAPTER 11: INSPECTION OF ACCOUNTS		26
CHAPTER 12: INTERPRETATION OF THE CONSTITUTION		26

PREAMBLE

We, the Law Students of Moi University :

ACKNOWLEDGING the supremacy of Almighty God:

RECOGNIZING the desire of the Law Students to have a Constitution that will govern them:

CONVINCED that this Constitution shall guarantee the continued peaceful co-existence of the society of students known as the Law Students' Society of Kenya:

CONSCIOUS of the need to take part in matters affecting and relating to the legal profession:

COMMITTED to maintaining and improving the standard of conduct of the legal profession:

EXERCISING our inalienable right to determine the form of leadership we deem suitable and fit for our society:

DO hereby **ADOPT, ENACT** and **GIVE** this Constitution to ourselves and to our future generations. as the Constitution of the Law Students' Society of Kenya – Moi University Annex Chapter.

CHAPTER 1: THE SOCIETY

1. There shall be a society of law students known as the Law Students' Society of Kenya – Moi University Annex Chapter hereinafter referred to as the Society, situate at the Moi University School of Law.
2. The Society shall for all purposes be abbreviated as LSSK.
3. The Society shall be governed by this Constitution. Any rule, order or provision that is inconsistent with this Constitution is void to the extent of the inconsistency.
4. This Constitution shall be subject to the Constitution of Kenya, 2010, other relevant laws of the Republic of Kenya and all the laws and regulations of Moi University.

CHAPTER 2: OBJECTIVES OF THE SOCIETY

5. The aims and objectives of the Society shall be:
 - (a) to facilitate the acquisition of legal knowledge through interactions with members of the legal profession;
 - (b) to represent, protect and assist member students of the legal profession in Moi University in respect of learning conditions, acquisition of practice experience, and otherwise;
 - (c) to organize and conduct academic and social interaction in partnership with other law societies in Kenya and across the world through legal aids, moots, clinic workshops, civic education, mentorship programs, journals, public lectures, and any other activities as the society deems fit;
 - (d) to maintain and improve the standard of conduct of the legal profession in Moi University;
 - (e) to take part in assisting governmental and non-governmental bodies on matters of law or otherwise and also giving them necessary support if required for purposes of enhancing their activities;
 - (f) to take part in matters affecting the legal profession in Kenya and the administration and practice of law in Kenya;
 - (g) to provide information and advice regarding careers in the legal field and other areas;
 - (h) to act in liaison with other law societies and faculties; and
 - (i) to act as the voice and mouthpiece of the Law Students of Moi University.

CHAPTER 3: MEMBERSHIP OF THE SOCIETY

6. There shall be three classes of membership to the Society:

- (a) standard membership;
- (b) affiliate membership; and
- (c) honorary membership.

7. Any membership fee shall be paid to the Treasurer of the Society who shall frequently disclose the Society's payment status to the Executive Council (E.C.).

8. Standard Membership

- (1) Standard membership of the Society shall be open to all students pursuing their bachelor's degree in law in Moi University for as long as they continue to pursue their bachelor's degree in law in Moi University.
- (2) A one-time payment of one hundred and fifty Kenya shillings (Ksh. 150) shall be made to earn standard membership. Such payment shall be made upon admission of the student to the School of Law, failure to which payment may be made at any time while the student is actively pursuing their bachelor's degree in the School of Law.
- (3) Every standard member shall renew their membership through the payment of a subscription fee of one hundred Kenya shillings (Ksh. 100) at the beginning of every academic year.
- (4) Standard membership fee may be subject to review by the E.C. from time-to-time.

9. Affiliate Membership

- (1) Affiliate membership shall be open to alumni of Moi University School of Law.
- (2) A one-time payment of five hundred Kenya shillings (Ksh. 500) shall be made to earn affiliate membership. This fee may be reviewed by the E.C. from time-to-time.
- (3) Affiliate members shall enjoy privileges during LSSK events and may become observers of LSSK- Annex Chapter elections notwithstanding no rights to vote or run for elections to any office.
- (4) Affiliate membership to the Society shall expire at the end of every academic year.

10. Honorary Membership

- (1) The E.C. may at their discretion offer annual membership of the Society to outstanding supporters of the Society.
- (2) An honorary member shall not be required to pay any membership or subscription fee to attain honorary membership.

11. Privileges to be enjoyed by honorary members shall be decided by the E.C. Register of Members

- (1) Upon meeting the membership requirements, the relevant details of a member shall be captured in the membership register.
- (2) The entry shall specify whether the person is a standard, an affiliate or an honorary member.
- (3) The register shall be in the custody of the Secretary and may be availed to any member upon a written request subject to the provisions of Chapter 10 of this Constitution.

CHAPTER 4: ELECTIONS OF LSSK OFFICIALS

12. General Elections The types of elections under this Constitution shall include:

- (1) General elections; and**
- (2) By-elections**

13. General Elections

- (1) The General Elections of the LSSK shall be conducted on the last week of November every year. In the event that this is virtually not possible, the elections shall be held at any other reasonable time but not more than three weeks from the last week of November.
- (2) During elections, at least three continuing classes should be in session. In the event that this is not possible, members of the E.C. shall continue discharging their functions till the General Elections are virtually possible.
- (3) Elections of officials shall be conducted in accordance with the general principles for the electoral system enshrined in Article 81 of the Constitution of Kenya, 2010 read together with Chapter 9 of this Constitution.

- (4) The offices subject to election shall be the office of:
- (a) the President;
 - (b) the Vice President;
 - (c) the Secretary;
 - (d) the Assistant Secretary;
 - (e) the Treasurer;
 - (f) the Publicity Director;
 - (g) the Director of Advocacy; and
 - (h) the Director of Networking and Programming.

14. Qualifications for Elections

- (1) A student is eligible for election to the E.C. if the student meets the following qualifications:
- (a) is a law student of Moi University at the time of the elections;
 - (b) has been an active and registered member of the LSSK for at least two months;
 - (c) satisfies the moral, ethical and academic requirements set forth in this Constitution, which shall include:
 - (i) having attained a minimum cumulative academic aggregate of 50 points.
 - (ii) not facing disciplinary action during the electioneering period; and
 - (iii) not having any record of indiscipline in the School.

15. Disqualifications from Elections

- (1) A candidate seeking an elective post in the LSSK shall be disqualified from contesting if they:
- (a) have not merited the thresholds enlisted in clause 14(1)(c) above;
 - (b) are currently serving as a member of the Electoral Commission;
 - (c) are suffering from any mental incapacity;
 - (d) have held the same office in the E.C. for two consecutive terms; and

- (e) are at the electioneering period serving as a Moi University Students' Organization official, Law Students' Association of Moi University official or is an official in any other law student organization in Moi University.

16. General Principles Governing Elections

- (1) The elections must be free and fair in that they are:
 - (a) by secret ballot;
 - (b) free from violence;
 - (c) conducted by an independent electoral commission and
 - (d) transparent and administered in an impartial, neutral, efficient, verifiable and accountable manner.
- (2) The elections must reflect the freedom of all eligible students to exercise their rights to vote, right to be voted in and the right to hold office.
- (3) The elections shall uphold the doctrine of universal suffrage based on equality to vote.

17. Procedure for Elections

- (1) The following procedures shall govern the elections at any given time:
 - (a) all voters at such elections shall be bonafide Law Students of Moi University. Proof of membership shall be by procedure set by the Independent Electoral Commission.
 - (b) the Independent Electoral Commission shall issue or cause to be issued notices to all Moi University Law Students specifying the dates fixed for elections and calling for nominations. There shall be at least a 7-day period between the closure of nominations and holding of elections.
 - (c) every candidate shall submit a nomination form to the Independent Electoral Commission. They shall also submit a nomination fee of five hundred Kenya shillings (Ksh 500) to the E.C. for all the offices except for the Office of the President for whom a nomination fee of one thousand Kenya shillings (Ksh 1000) shall be submitted.
 - (d) the nominations shall be subjected to scrutiny by the Independent Electoral Commission. The Independent Electoral Commission shall then communicate through any basic means at their disposal, the names of the successful nominees and those who have failed the nominations stating reasons for the invalidation.

- (e) a candidate may withdraw their application not more than two days after the annunciation of the successful nominees with at least a signed copy of the withdrawal and one witness.
- (f) in case of only a single nominee to an office, then the candidate shall be considered elected unopposed and will therefore not be subjected to an election.
- (g) after the names of successful nominees are communicated, the candidates are free to engage in campaigns free from electoral malpractices as shall be defined by the Independent Electoral Commission till one day to the elections.
- (h) the Independent Electoral Commission shall communicate in advance the date, place and time for elections.
- (i) the election shall be done through secret ballot.
- (j) the ballot boxes shall be sealed in the presence of all the candidates' agents on the day of elections, before polling is due to commence, and cause the ballot boxes to be delivered to each polling station.
- (k) results shall be ascertained by openly counting and tallying the votes.
- (l) the candidate to whom a simple majority of votes will have been cast shall be declared duly elected.
- (m) whenever there is a tie, there shall be a second ballot and subsequent ballots till the winner is ascertained as guided by the Independent Electoral Commission.
- (n) the persons in attendance at the polling station and the counting of ballot papers shall be members of the Academic or Administrative Staff, members of the Security Department and an agent for each candidate.
- (o) the Independent Electoral Commission shall then announce the results after counting the votes and shall order a recount upon a request by any candidate or any good cause.
- (p) within twenty-four (24) hours after the election, the Independent Electoral Commission shall by official announcement/notice notify the Law Students of the results.
- (q) should any dispute arise, it shall be raised within 24 hours after the official announcement/notice and the decision of the Chairperson of the Independent Electoral Commission in consultation with the Commission shall be final.
- (r) a person newly elected to office shall assume office not later than a week after the elections.

18. By-Elections

- (1) If any holder of the offices under Article 19 of this Chapter by reason of resignation, death, incapacity arising from mental or physical infirmity, impeachment or a vote of no confidence passed against him or for any other reason or cause ceases to hold office, a by-election shall be held within 21 days of the seat falling vacant.
- (2) A by-election shall only be held if the seat falls vacant within six months of office. Should a seat fall vacant within any other time after six months of being in office, the office shall be held by an interim official appointed by the E.C. .
- (3) Normal procedures for elections under this Constitution shall apply during the by-elections without undue procedural technicalities.

CHAPTER 5: REMOVAL OF OFFICIALS OF THE SOCIETY

19. Removal by Vote of no Confidence

- (1) Any leader holding a leadership position under this Constitution may be removed by a vote of no confidence during a Special General Meeting (SGM) called for that purpose by the members of the Society.
- (2) Notice of motion of vote of no confidence shall be made in writing stating the reasons for such motion.
- (3) The notice is to be served upon the E.C., which shall within seven days upon receiving the notice convene an SGM for that purpose.
- (4) A vote of no confidence shall be deemed to have been passed if it is supported by a simple majority of the votes of all members present and voting in the meeting.
- (5) If the threshold in (4) hereinabove is met, the official in question shall be required to step down and the office in question shall fall vacant.
- (6) In the event that all the members of the E.C. are removed from office through a vote of no confidence, an interim body shall be appointed by the Patron which shall serve until such time that the dismissed officials' term would come to an end, and elections are subsequently held.

20. Removal by Impeachment

- (1) A holder of any position under this Constitution may be removed by impeachment on the following grounds:
 - (a) gross violation of the provisions of this Constitution or any other law;
 - (b) misappropriation of the Society's funds; and
 - (c) gross misconduct.
- (2) A standard member of the Society may present a petition for the impeachment of an office holder with the support of at least a third of all the members.
- (3) The initiator of the impeachment motion in clause (2) above shall present a petition in writing to the Dispute Resolution Tribunal.
- (4) The Tribunal shall within seven (7) days of receipt of the petition for impeachment convene a meeting of the Tribunal to consider the charges contained in the Petition.
- (5) In making such a consideration, they shall give sufficient notice of at least seven (7) days to the individual against whom the allegation has been made to appear before it.
- (6) The Tribunal shall then accord such an individual an opportunity to be heard.
- (7) If the Tribunal considers that the allegations have not been substantiated, then it shall dismiss the petition.
- (8) If the Tribunal considers that the allegations have been substantiated, it shall recommend to the E.C. the removal of such an individual.
- (9) Upon receipt of the recommendation of the Tribunal, the President shall convene or cause to be convened an SGM for the purpose of considering the impeachment in question.
- (10) If simple majority of the members present at the SGM vote to uphold any impeachment charge, the member subject to impeachment proceedings shall cease to hold office.
- (11) If the threshold in (10) above is not met, then such an official shall continue to hold office until the end of their term.

CHAPTER 6: THE OFFICIALS OF THE SOCIETY

21. The officials of the Society shall be responsible for the day-to-day running of the Society and shall at all times act in the best interest of the Society in furtherance of its objectives.

22. The Society shall have the following as its officials:

- (a) the President;
- (b) the Vice President;
- (c) the Secretary;
- (d) the Assistant Secretary;
- (e) the Treasurer;
- (f) the Publicity Director;
- (g) the Director of Advocacy;
- (h) the Director of Networking and Programming;
- (i) Committee Members; and
- (j) the Patron

23. The President

(1) The President shall:

- (a) preside over meetings of the E.C. and all General Meetings unless prevented by illness or other sufficient cause;
- (b) represent the Society in matters affecting the interests of members of the Society, including communication with relevant organizations;
- (c) assent to and authorise all documents issued in the name of the Society; and
- (d) in consultation with members of the E.C. appoint members to form part of the Constitutional Review Committee and any other Committee the E.C. may deem appropriate to establish for the purpose of enhancing the functioning of the Society.

24. The Vice President

(1) The Vice President shall:

- (a) serve as the President's principal assistant and deputize the President in the execution of the President's roles; and
- (b) perform any other function delegated by the President.

25. The Treasurer

- (1) The Treasurer shall be the chief financial officer of the Society and shall perform the following functions:
 - (a) receive and disburse, under the direction of the E.C., all monies belonging to the Society;
 - (b) issue receipts for all money received by them and keep vouchers for all money paid by them;
 - (c) prepare reports and estimates of expenditure and income, under a general direction of the E.C., at such time as shall be required by the President;
 - (d) perform other obligations as may be directed by the E.C.
 - (e) ensure that proper books of account of all monies received and paid by the society are written up, preserved and available for inspection.

26. The Secretary

- (1) The Secretary shall:
 - (a) deal with the correspondence of the Society under the general supervision of the E.C.
;
 - (b) consult the President or if he/she is not available, the Vice President, in case of urgent matters where the E.C. cannot be consulted. The decisions made shall be subject to ratification or otherwise at the next E.C. meeting;
 - (c) issue notices concerning E.C. meetings and General Meetings of the Society;
 - (d) be responsible for the preparation of the agenda for E.C. meetings and all General Meetings;
 - (e) be responsible for preparing and keeping minutes in respect of all meetings; and
 - (f) preserve a record of proceedings of the Society.

27. The Assistant Secretary

(1) The Assistant Secretary shall:

- (a) deputize the Secretary and in the absence of the Secretary, perform all duties of the Secretary.

28. The Publicity Director

(1) The Publicity Director shall:

- (a) communicate to the members of the Society any relevant information relating to the Society;
- (b) coordinate the formulation and management of the Society's social media pages;
- (c) organize and coordinate the Society's events; and
- (d) receive inquiries from the Society and other organizations of the school.

29. The Director of Advocacy

(1) The Director of Advocacy shall:

- (a) coordinate all legal aid programs;
- (b) develop and organize advocacy agendas based on current societal priorities;
- (c) together with the Director of Networking and Programs identify key organizations, stakeholders, and the community to determine potential partners for the Society's advocacy work; and
- (d) represent the society and perform any other function as directed by the E.C.

30. The Director of Networking and Programs

(1) The Director of Networking and Programs shall:

- (a) ensure that all procedural requirements have been followed when the Society is holding an event within the school premises;
- (b) ensure that the Dean of the School of Law is aware of and permits the planning of any Society event;
- (c) ensure that the Dean of the School of Law is given notice of all LSSK scheduled events and has given permission to the Society to hold them;
- (d) ensure that the School of Law's Security Department is aware of all LSSK scheduled events;

- (e) ensure that the venue for such events is well prepared in good time;
- (f) work with the Director of Advocacy in identifying key organizations and stakeholders to determine potential partners for the Society's advocacy work;
- (g) work with the Director of Advocacy in maintaining rapport with the partners of the Society; and
- (h) perform any other function as directed by the E.C..

31. Committee Members

- (1) There shall be Committee Members, one from each class appointed by the Director of Networking and Programs, in liaison with the members of each class.
- (2) The Committee Members shall perform the following:
 - (a) represent their classes as officials of the Society;
 - (b) act as a point of contact and communication between their classes and the E.C.;
 - (c) perform any other duty conferred on them by the President this Constitution or as may be directed by the E.C..

32. The Patron

- (1) There shall be a Patron of the Association who shall be appointed by the outgoing E.C. with the consent of the members at an Annual General Meeting from among distinguished members of the legal profession either in or out of Moi University.
- (2) The Patron shall assume office on the day following their appointment and shall, unless they declare their intention to the contrary, continue in office for such period as the members at a General Meeting shall deem fit.
- (3) The functions of the Patron of the Society shall include the following:
 - (a) perform a supervisory role over the Society;
 - (b) advise the E.C. in the course of the performance of its functions;
 - (c) assist in the organisation of legal aid programs;
 - (d) facilitate communications with the Law Society of Kenya;
 - (e) chair the Dispute Resolution Tribunal; and
 - (f) aid the Society in meeting its objectives as under this Constitution.
- (4) A Patron may cease to be Patron by reason of either:

- (a) physical or mental infirmity, or of death or resignation;
- (b) by a vote of no confidence passed against the serving Patron by a majority of the members at a Special General Meeting.

CHAPTER 7: ORGANS OF THE SOCIETY

33. The following organs of the Society are established by this Constitution:

- (a) the Executive Council
- (b) the General Meetings
- (c) the Dispute Resolution Tribunal

34. The Executive Council

- (1) There is established the Executive Council, hereinbefore and hereinafter referred to as the E.C.
- (2) The E.C. shall comprise:
 - (a) the President;
 - (b) the Vice President;
 - (c) the Secretary;
 - (d) the Assistant Secretary;
 - (e) the Treasurer;
 - (f) the Publicity Director;
 - (g) the Director of Advocacy; and
 - (h) the Director of Networking and Programming.
- (3) The E.C. shall be the custodians of the Constitution and shall be responsible for the management of the Society. For that purpose, the E.C. may direct itself as to the manner in which, within this Constitution, it shall perform its duties. The duties of the office of the office bearers of the E.C. are hereinbefore stipulated in this Constitution.
- (4) The E.C. shall have the power to form committees, permanent or otherwise each consisting of at least five members to perform any task as may be assigned by the E.C. and to make reports to the E.C. upon which action shall be taken as it seems desirable to the E.C.

35. Procedure on the Executive Council Meetings

- (1) The quorum for the meetings of the E.C. shall not be less than five members.
- (2) The President of the Society shall preside over all the E.C. meetings unless incapacitated by illness or any other circumstances. In the event of any incapacitation, the Vice President shall preside over the meetings.
- (3) In the absence or incapacitation of both the President and the Vice President, the E.C. shall elect one of its members to preside over such meetings.
- (4) Resolutions or decisions by the E.C. shall be reached by consensus, the absence of which a voting shall be taken. The decisions so adopted by the majority of the members present shall be deemed to be the decision of the whole Council.
- (5) All E.C. members present shall exercise their right to vote.
- (6) The agreed decisions or resolutions of the E.C. shall be in writing and shall bear the seal of the Society and the signature of the presiding member of the meetings.

36. General Meetings

- (1) There shall be two classes of General Meetings:
 - (a) Annual General Meeting (AGM); and
 - (b) Special General Meeting (SGM)
- (2) All General Meetings of the Association shall be presided over by the President, or in his absence the Vice-President, or in the absence of both, an official of the Society selected by the E.C. for that purpose.

37. Annual General Meeting (AGM)

- (1) There shall be an AGM which shall be called for and conducted every year as per this Constitution.
- (2) The AGM shall be held on the first week of December every year. In the event that it is practically impossible to conduct the AGM during this time, the AGM shall be conducted any other reasonable time but not later than eight weeks from the first week of December.

- (3) The Secretary shall issue a notice of the AGM to members of the Society at least twenty-one (21) days before the date of the meeting accompanied by the minutes of the previous meeting, agenda for the meeting, a statement of accounts and, when practicable, by press advertisement at least forty-eight hours before the date of the meeting.
- (4) The Annual General Meeting shall be deemed to be properly constituted under this Constitution when it consists of more than 60% of the total membership of the Society.
- (5) The President of the Society shall at all times preside over the Annual General Meeting.
- (6) The agenda for every AGM shall consist of the following:
 - (a) reading and confirmation of the minutes of the previous AGM;
 - (b) consideration of the accounts;
 - (c) confirmation of new office bearers of the Society;
 - (d) appointment of an Auditor in accordance with this Constitution;
 - (e) appointment of the Patron of the Society;
 - (f) such other matter as the E.C. may decide or as to which notice shall have been given in writing by a member(s) to the Secretary at least twenty-four (24) hours before commencement of the meeting; and
 - (g) Any Other Business.
- (7) The date of the AGM may serve as the date of the Society's Dinner.
- (8) The quorum for the AGM shall be more than 60 % of the members of the Society.
- (9) The President, during the meeting, may at their discretion limit the number of persons permitted to speak in favor of or against any motion.
- (10) Any resolution unless otherwise expressly stated under this Constitution shall be reached by simple majority by show of hands.
- (11) Nothing under this Article shall be construed to prevent the E.C. from adding other items as part of the agenda of the Annual General Meeting, provided such items have been issued in writing to the members of the Society at least seven (7) days prior to meeting.

38. Special General Meeting (SGM)

- (1) An SGM may be called for specific purposes or for matters that are of great concern to members either by the E.C. on its own motion or upon a petition signed by not less than 15% of the total membership of the Society, at any time between one AGM and another.
- (2) The Secretary shall issue a notice in writing to all members of the Society at least fourteen (14) days before the date of the meeting. Such a notice shall be accompanied by the agenda(s) of the meeting and/or any other relevant information regarding the SGM.
- (3) The President of the Society shall preside over the SGM, in whose absence the Vice President shall preside.
- (4) The resolutions passed during the SGM shall be issued in writing to all members of the Society within seven (7) days after the meeting.

39. Dispute Resolution Tribunal

- (1) There is established a Dispute Resolution Tribunal hereinafter, referred to as ‘the Tribunal’.
- (2) The Tribunal shall have jurisdiction over the removal from office and/or discipline of officials elected or appointed under this Constitution.
- (3) The Tribunal shall have jurisdiction over any petition as may be brought before it by any member of the Society on any matter under this Constitution.
- (4) The Tribunal shall have appellate jurisdiction over any decision or order made by or on behalf of any of the organs of the Society established under this Constitution.

40. Appointment and Composition of the Tribunal

- (1) The Tribunal shall be appointed by the E.C. in consultation with the Dean, School of Law.
- (2) The Tribunal shall be composed of the following members:
 - (a) The Patron who shall be the Chairperson of the Tribunal;
 - (b) One member who shall act as the representative of the E.C.;
 - (c) One member who shall act as the representative of MUSO;
 - (d) One member who shall act as the representative of the Law Students Association of Moi University (LSAMU); and
 - (e) One member of good standing appointed by the E.C. from among the members of the Society.

3. No more than two-thirds of the members of the Dispute Resolution Tribunal shall be of the same gender.

41. Powers of the Tribunal

(1) The Tribunal, in the exercise of its functions, shall have the following exclusive powers:

- (a) power to admit evidence
- (b) power to summon any witness to adduce evidence before it.
- (c) power to recommend the removal from office of any of the official(s) subject to the approval of the members in a General Meeting.
- (d) power to regulate the conduct of its meetings.

CHAPTER 8: FINANCE AND BUDGETING

42. Sources of Finances

(1) The sources of the Society's finances shall be:

- (a) standard membership fees to be paid by members upon admission;
- (b) annual subscription fees to be paid by every member of the Society at the beginning of every academic year;
- (c) affiliate membership fees to be paid by alumni of the School of Law who wish to be members of the Society;
- (d) donations, grants and endowments; and
- (e) any other means in accordance with this Constitution as the E.C. may deem fit.

(2) The finances of the Society shall be debited to a bank account operated in the name of the Society.

43. Expenditure

(1) The finances of the Society shall be used for the following purposes:

- (a) to organize and facilitate academic events and activities such as debates, public talks, or any other as the Organs of the Society may approve;

- (b) to organize and facilitate exposure activities such as legal aids and clinic workshops;
 - (c) to facilitate certificates of merit, participation or service for members of the Society;
 - (d) to finance the Society's General Meetings;
 - (e) to finance the Society's general elections and by-elections; and
 - (f) to finance any other matters reasonably incidental to the running of the Society in the realization of its objectives.
- (2) No payments, withdrawals or transactions of any nature shall be made out of the bank account or otherwise without the prior authorization of the E.C.
- (3) All cheques drawn on the bank account shall be signed by the Chairperson, the Secretary and the Treasurer.

44. Petty Cash

- (1) A standard amount of at least three thousand Kenya shillings (Ksh. 3000) may be kept by the Treasurer as petty cash.
- (2) Clause (1) shall be subject to review by the E.C. from time-to-time.
- (3) Withdrawals from the petty cash shall be subject to approval of the E.C.
- (4) The Treasurer shall keep a petty cash book to record routine expenses of the Society.

45. Signatories to the Society's Accounts

- (1) No monies can be withdrawn without the signatories to the Society's accounts who shall be:
 - (a) the Treasurer of the Society;
 - (b) the President of the Society; and
 - (c) the Secretary of the Society.

46. Records of the Society's Accounts and other Documents

- (1) The drawing and the keeping of all the books of accounts of the Society shall only be done as provided for under this Constitution. The books of accounts of the Society shall be drawn and kept by the Treasurer of the Society.

- (2) Such books shall be audited by an Internal Auditor, who shall be appointed and approved through a motion in an AGM. The report by the auditor attached with the balanced books of accounts shall be availed to the members of the Society at least twenty one (21) days before an AGM, but not later than seven (7) days before the AGM.
- (3) Any person(s) in need of access to the books of accounts may present a written request to the Treasurer of the Society, who shall avail the books of accounts within seven (7) days upon such a request being made. This shall be done during business hours of the Society.
- (4) The financial year of the Society shall run from December every year and end in October the following year.

CHAPTER 9: AMENDMENTS TO THE CONSTITUTION

- 47.** In the event that this Constitution has to be amended, the amendments to the constitution must be approved by at least a simple majority of the members of the Society at a General Meeting of the Society. The procedure for its amendment shall be as herein stipulated:
- (1) the institutor(s) of the amendment proposal must be a standard member of the Society.
 - (2) the amendment proposal shall be submitted to the E.C. through any official of the Society.
 - (3) the proposal must be submitted in writing, together with reasons for the amendment and a minimum of at least 40 % of the members' supporting signature appendances.
 - (4) upon the receipt of the proposal by the E.C. , the President of the Society shall within seven (7) days convene an E.C. meeting to deliberate on the amendment proposal.
 - (5) upon agreement, in line with the amendment proposal, the E.C. shall settle on a date to convene an SGM within fourteen (14) days after the E.C. meeting under clause (5);
 - (6) during the SGM, the E.C. shall inform all the members of the proposal and upon endorsement by simple majority of the members present, make public the vacancies for a Constitutional Review Commission (CRC);
 - (7) in the event that the reasons for amendment under clause (4) do not warrant a constitutional amendment, the E.C. shall halt the process and write to the institutor(s) of the amendment process informing them of the reasons as to why they disallowed the process.
 - (8) if unsatisfied with the reasons in clause (7), the institutor(s) may appeal to the Dispute Resolution Tribunal which shall give a determination on the matter;

- (9) in the event that the Dispute Resolution Tribunal upholds the position of the E.C. under clause (8), the amendment process shall not proceed. If the Dispute Resolution Tribunal overturns the position of the E.C., the process of amendment shall proceed. The decision of the Dispute Resolution Tribunal shall be in writing to the E.C. and a courtesy copy to the initiator(s) of the process and the members of the Society;
- (10) upon receipt of the decision of the Dispute Resolution Tribunal, the E.C. shall, within forty eight (48) hours proceed to convene the SGM as under clause (6) and (7).
- (11) the interested members of the Society shall make an official application to the E.C. seeking to be part of the Constitutional Review Committee. The E.C. shall, in its mandate, set up and publicize the names of the successful applicants within seven (7) days of the call for applications.
- (12) the Constitutional Review Committee shall comprise of an odd membership of at least seven (7) members and a maximum of thirteen (13) members in consideration of the two-thirds gender rule.
- (13) the Committee shall discharge its mandate within a reasonable period.
- (14) the proposed Constitution shall be subject to public participation and the amended Constitution shall take effect immediately after approval and acceptance by at least 65% of the members present and voting in either an AGM or SGM.
- (15) the E.C. lacks the power to amend this Constitution without following due procedure.

CHAPTER 10: LIST OF MEMBERS

- 48.** Subject to the laws of the Republic of Kenya and to the rules, regulations and provisions of Moi University which compel the disclosure of information in particular defined circumstances, every member of the LSSK shall enjoy the right to confidentiality of their personal information handed over to the LSSK during or after registration and admission into the Society, and no information may be disclosed without the permission of the member and the President of the LSSK by way of a signature.
- 49.** Subject to Article 37, any information about any person who has ceased to be a member of the LSSK or whose membership has been suspended, in respect of the provisions of this

Constitution, shall not be disclosed without the permission of the person and the sitting LSSK President by way of a signature.

50. A signature may be handwritten or electronic.

CHAPTER 11: INSPECTION OF ACCOUNTS

- 51. The accounts of the LSSK shall be audited by an Internal Auditor at least twenty-eight (28) calendar days before the AGM.
- 52. The books of accounts and balance sheet shall be approved by the President of the LSSK, the Secretary and the Treasurer, by way of a signature, and presented to the Internal Auditor who shall make a report.
- 53. The audited accounts and balance sheet shall be published after approval by the Patron, not later than seven (7) calendar days before the AGM.
- 54. The LSSK Treasurer shall maintain proper records of books of accounts and all financial documents relevant thereto and shall be available for audit and scrutiny.

CHAPTER 12: INTERPRETATION OF THE CONSTITUTION

- 54. The interpretation of this Constitution shall be vested upon the E.C. of the Society.
- 55. Should any dispute arise about the interpretation of this Constitution, the E.C. shall appoint an independent Committee of seven (7) members of the Society to aid in such an interpretation, whose decision shall be final.
- 56. Should there be any conflict between this Constitution and the relevant laws, guidelines and rules of Moi University or the 2010 Kenyan Constitution, the 2010 Constitution of Kenya and/or the Moi University laws, guidelines and rules shall take precedence, in that order.
- 57. Any interpretation of this Constitution shall be guided by the general rules of constitutional interpretation in the Republic of Kenya, including interpretation in a manner that:
 - (1) promotes its purposes, values and principles;
 - (2) takes into account the intra-textual context. This is by reading the relevant provisions together with other provisions of the Constitution;

- (3) takes into account the extra-textual context. This will require the interpreter to use other sources such as the preparatory drafting material and even academic and scholarly works to deduce the meaning of the constitutional provisions.
- (4) serves the best interests of every member of the Society; and
- (5) promotes good governance of the Society.