



# **University of Namibia Law Review**

## **Standing Rules and Procedures: Internal Policy**

**(Adopted 30 October 2013)**

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## **SECTION 1 ADMISSION OF NEW MEMBERS (EDITORIAL BOARD)**

- 1) The admission of Members into the Editorial Board will be executed subject to the provisions of the Constitution of the Review.
- 2) Notwithstanding the fact that membership is voluntary, admission of new members will be solely in the discretion of the Editorial Board.
- 3) Admission into the Editorial Board will be executed by formal application only. This however does not preclude any member of the Executive or the Editorial Board from endorsing any potential candidate, provided that the said candidate nonetheless complies with the requirement of formal application and satisfies the Constitutional requirements for membership. This endorsement will be regarded strictly as advisory, and may be executed by formal letter to the Board outlining the virtues of the said candidate.
- 4) Eligibility for Membership on the Editorial Board will be exclusive to students registered with the University either or on a full time or part time basis. This is an indispensable requirement, except in cases where the Editorial Board by majority vote adopts a resolution to grant such lenience as may be necessary.
- 5) The position or status that the new member of the Editorial Board will hold, shall be decided by the Editorial Board. The Editorial Board can thus assign to the new member, a position which is alternative to the one he/she applied for depending on availability and internal arrangements.
- 6) Membership will be voluntary and no member of the Editorial Board or Executive will hold any member to a position against his/her will.
- 7) There will be no discrimination or any prejudicial treatment of candidates, selection of new members will be conducted objectively, fairly and in accordance with the Constitution of the Review. This should not be construed as derogating from the discretionary powers of the Editorial Board.
- 8) The Editorial Board shall be obliged to welcome new members and ensure that the new members are au fait with the Constitution and the internal policy of the Unam Law Review. In addition the Editorial Board will ensure that new members are comfortable and settled in, and the Editorial Board will generously tend to the queries and grievances of the new members. The Managing Editor will bear the burden of this mandate but nothing precludes him/her from delegating this responsibility as he/she deems expedient.

## **SECTION 2: MEETINGS, DISPENSATION OF MINUTES AND MATTERS INCIDENTAL THERETO**

### **2.1 MEETINGS OF THE EXECUTIVE**

- 1) Meetings or Pre-Planned Conventions of the Review will be executed in accordance with the constitution.
- 2) The Executive will conduct meetings exclusive to its members to deliberate on its matters. It is mandatory for all members of the Executive to attend these meetings. All other members of the Review or any other individual, with the exclusion of the members of the Executive, is prohibited from attending these meetings except where the chairperson of the said meeting expressly allows such presence. This however does not apply to meetings conducted by the executive in liaising with Faculty Advisors or Advisory Board members, in which case such members may also attend.
- 3) These meetings will occur twice every month, unless there are pressing circumstances which impedes on the occurrence of such meetings. This may include but is not limited to: Examinations, Trips either locally or globally, Recess or any circumstance that the Editor-in-Chief endorsed by the Executive deems reasonable and necessary. The Editor-in-Chief may however call for additional meetings as he/she deems expedient, in the absence of the Editor-in-Chief, the Managing Editor will assume this prerogative.
- 4) The Editor-in-Chief will appoint the Chairperson of these meetings; this does not preclude him/her from assuming this position himself. In the absence of the Editor-in-Chief, the Managing Editor will assume this prerogative.
- 5) The Executive Members will only be able to take decisions or adopt resolutions once a simple majority vote has been satisfied, with the Editor-in-Chief serving as a tie breaker in the case of a tie.

## **2.2 ABSENTEEISM**

- 1) Executive members who are unable to attend such Executive meetings will notify the Editor-in-Chief, IN WRITING, at least one day prior to the actual day of the meeting.
- 2) Executive Members who are unable to attend such Executive meetings are hereby obliged to dispense reasons to the Editor-in-Chief, IN WRITING, which render him/her unable to attend.
- 3) The Managing Editor will receive such notification in the absence of the Editor-in-Chief.
- 4) The words “IN WRITING” here includes such things as but not limited to, e-mails and letters (hand written or typed) but does not include text messages.
- 5) Failure to comply with these procedures may result in sanctions which will be effected by the Editor-in-Chief or in his/her absence by the Managing Editor.

## **SECTION 3 MEETINGS OF THE EDITORIAL BOARD**

### **3.1 EDITORIAL BOARD MEETINGS**

3.1 The Editorial Board will convene for meetings twice every month, except in exceptional circumstances as those (but not limited to) which apply to Executive Meetings.

- 1) The Editor-in-Chief may call for additional meetings as he/she deems expedient.
- 2) All members of the Editorial Board will attend these meetings. The Editorial Board may also invite any non-member which they deem to be relevant or important for any matter up for discussion.
- 3) Decisions or Resolutions adopted at the meetings of the Editorial Board will only be binding upon satisfaction of a simple majority requirement.
- 4) The Editor-in-Chief or in his/her absence the Managing Editor will appoint the Chairperson of these meetings.
- 5) The Editor-in-Chief or in his absence the Managing Editor is obliged to communicate to ALL Members of the Editorial Board of the date, time and venue at which these meetings will be held well in advance. In addition, a concise agenda must be dispensed to all members.

### **3.2 ABSENTEEISM**

- 1) Members of the Editorial Board unable to attend these meetings must notify the Editor-in-Chief (or in his/her absence the Managing Editor) one day prior to the actual day of the meeting, IN WRITING.
- 2) Members of the Editorial Board unable to attend these meetings must dispense to the Editor-in-Chief (or in his/her absence the Managing Editor) reasons which render him/her unable to attend these meetings.
- 3) The words “IN WRITING” here may include but is not limited to, e-mails and letters (hand written or typed) but does not include text messages.
- 4) Absent Members are obliged to keep themselves abreast of the matters discussed at the meeting.

### **3.3 DISPENSATION OF MINUTES AND AGENDA**

- 1) The dispensation of minutes after both Executive and Editorial Board meetings will be handled by the duly appointed Secretary of the Review.
- 2) The dispensation of a concise Agenda before an Executive or Editorial Board meeting will be handled by the Managing Editor, within the constitutionally allocated time Frame.
- 3) The Secretary will avail him/herself to queries from members of both the Executive and the Editorial Board with regards to the Agenda and the Minutes of meetings.
- 4) The Editor-in-Chief may appoint another individual to take minutes at meetings but the final responsibility of dispensing such minutes to the members of the Editorial Board still rests with the duly appointed secretary.

## **SECTION 4 DISCIPLINARY COMMITTEE AND PROCEDURES**

4.1 The Review hereby has the right to subject its members to disciplinary proceedings in accordance with its Constitution and where such measures are warranted.

### **4.2 DISCIPLINARY COMMITTEE**

4.2.1) A Disciplinary Committee is hereby established, and will consist of:

- a) Editor-in-Chief
- b) Managing Editor

2) Any other member(s) of the Editorial Board which will be appointed by the Editor-in-Chief or in his/her absence by the Managing Editor. There must be at least two Non-Executive members of the Editorial Board on this Disciplinary Committee. In the event where either or both the Editor-in-Chief and the Managing Editor cannot be part of this Committee, either because they are being disciplined or for any other reason, the Editorial Board will appoint the members that will assume these positions.

3) Any act of discipline taken by a Disciplinary Committee not duly constituted in terms of this policy will have no effect.

### **4.3 FUNCTIONS OF THE DISCIPLINARY COMMITTEE**

4.3 The Disciplinary Committee will have the following functions:

1) To investigate any matter referred to it by any member of the Review, or to institute any matter pertaining to the code of conduct of the Review against any member of the Review.

2) To institute disciplinary action as it deems fit against any member of the Review. The Disciplinary Committee will in this regard follow the procedures contained in here and simultaneously have regard to the provisions of the Constitution of the Review.

3) To summon any member of the Review or any other party to render evidence against any member of the Review. The disciplinary Committee will consider such evidence at its discretion.

4) To sanction or punish any member of the Review proven to have contravened either the Constitution or the Standing rules of the Review. Such punishment may be effected by but is not limited to:

- a) Formal Sanctions i.e. Warnings (oral or written).

- b) Suspension
- c) Demotion
- d) Expulsion

5) The Decision of the Disciplinary Committee will be subject to Appeal. Any member aggrieved by the decision of the Disciplinary Committee will Appeal to the Editorial Board in which a second and final enquiry into the matter will be conducted, provided that the aggrieved member provides evidence suggesting that the Committee did not consider the matter thoroughly, impartially or fairly. This will be done in writing and dispensed to the Editor-in-Chief who will communicate this to the rest of the Editorial Board. The Second enquiry into the matter will be conducted by an entirely different Disciplinary Committee but must nonetheless still include two members of the Executive and two of the Editorial Board in terms of this policy.

6) The Disciplinary Committee established herein will be independent from the rest of the members of the Review and will be subject only to the Constitution of the Review. Members who are not part of this Disciplinary Committee will refrain from interfering with the functions of this Disciplinary Committee.

7) The Disciplinary Committee hereby has a duty to act Fairly, Reasonably and Impartially.

## **SECTION 5 DISCIPLINARY PROCEDURE**

- 1) Members of the Review who are found to have contravened either the Constitution of the Review or the Standing rules; will be disciplined according to this procedure.
- 2) The authority to institute. This does not preclude any member of the Review from bringing suspicious behaviour or actions of any of the members of the Review to the attention of the Disciplinary Committee.
- 3) The Disciplinary Committee will first conduct an investigation into the matter and will take further steps based on its findings. In observing the principle of impartiality the Committee will strive to obtain information that both exculpate and implicate the alleged offender.
- 4) The Disciplinary Committee will depending on the severity of the offence follow this procedure:
  - a) The Disciplinary Committee will dispatch to the member found guilty of misbehaving a letter of warning. If the disobedience persists the Disciplinary Committee will issue a second and final warning to the member.
  - b) The Disciplinary Committee will subject the guilty member to suspension should the misbehaviour persist. The duration of the suspension will be entirely in the discretion of the Disciplinary Board.
  - c) The Disciplinary Committee will subject the member to demotion should the misbehaviour persist. The degree of demotion is entirely in the Discretion of the Disciplinary Committee but they must act reasonably, fairly and impartially.
  - d) The Disciplinary Committee will, as a last resort, expel the guilty member with immediate effect. It must however be noted that a hearing either orally or in writing is indispensable in this regard.
  - e) The Disciplinary Committee must, before it utilises any of the procedures mentioned above, give the member a chance where it is reasonably to do so to be heard either in writing or orally. The Disciplinary Committee will, where it is reasonably possible, allow the member to bring forth evidence, witnesses or any material to exculpate him/her and to disprove the case of the Disciplinary Committee. This requirement is indispensable in cases of expulsion but must be observed reasonably in all other circumstances.

## **SECTION 6 CODE OF CONDUCT**

6.1 The following shall be the code of conduct of the Review.

**ALL MEMBERS OF THE UNAM LAW REVIEW SHALL:**

- a) Protect, respect and uphold the Constitution of the Review.
- b) Protect, respect and uphold the Standing rules and the entire internal policy of the Review.
- c) Refrain from engaging in or being associated with any insalubrious conduct which is deemed to be in conflict with the spirit and tenor of the Constitution and the Internal Policy of the Review.
- d) Refrain from insubordinate and uncouth behaviour directed at any member of the Executive.
- e) Refrain from malevolent or hostile behaviour towards any fellow member of the Review. All members of the Review shall treat each other with respect, dignity and due consideration.
- f) Refrain from making any unfounded, malicious or vexatious comments or publications about any aspect of operation of the Review.
- g) Dispense of his/her duly assigned tasks expeditiously and timeously, particularly constitutionally ascribed mandates.
- h) Attend all meetings, conventions or expeditions of the Review and dispense reasons when unable to do so in the manner provided for herein.
- i) Refrain from using the name of the Review outside the scope of his/her functions to procure some personal benefit whether financial or otherwise, this includes procuring any pardon or exemption from any academic commitments in the name of the Review fraudulently.
- j) Refrain from misusing the resources of the Review, be it financial or otherwise.
- k) Refrain from contravening any of the rules or policies of the University thereby dragging the name of the Review into disrepute.
- l) Strive to excel academically and pay arduous attention to his/her academic relations.