



# CONSTITUTION AND RULES OF THE OTAGO UNIVERSITY STUDENTS' ASSOCIATION INCORPORATED

**James Peter Heath**

President

**Porourangi Wainui Eruera Wiremu Templeton-Reedy**

Administrative Vice-President

Donna Patricia Jones

Secretary

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RULES CONTENTS**

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## Part A: Constitution

### 1. Name

- 1.1 The name of the society is “The Otago University Students’ Association (Incorporated), Te Rōpū Tauira o te Whare Wānanga o Ōtākou.”

### 2. Interpretation

- 2.1 In these rules, unless the context otherwise requires:

“**Act**” means the Incorporated Societies Act 1908 and any subsequent amendments or statute passed in substitution therefore and/or regulations passed under such legislation.

“**Association**” means The Otago University Students’ Association (Incorporated).

“**Casual Vacancy**” means the situation where any executive position is currently unoccupied or where there is no person elected to fill an Executive position following any election.

“**Distance Student**” means a student defined as such by the University.

“**Executive**” means the executive committee of the Association.

“**Executive Officers**” means the officers of the Executive.

“**External policy**” means policy set by the student body regarding the position of the Association on matters external to the Association.

“**General Ballot**” means secret ballot carried out in accordance with these Rules.

“**Chief Executive Officer**” means the person appointed by the Executive as the chief executive of the Association.

“**Internal policy**” means policy regarding matters of business, activities, and all operations of the Association and any other matter internal to the Association.

“**Levy**” means any fee charged annually by the Association to its members.

“**Member**” or “**member**” means:

- a. A student at the University who has not opted out of membership by way of notice in writing; and/or
- b. A person that has been appointed a life member of the Association.

“**Notice**” means a notice placed on the Association’s notice board and supplied to Student Media.

“**Objects**” means the objects of the Association set out in section 3.

“**Officer**” means the Executive Officers, the Secretary and the Chairperson of the Student General Meeting.

**“Post Graduate”** means a student defined as such by the University.

**“Referendum”** means a referendum carried out in accordance with section 19.

**“Resolution”** means a motion requiring positive votes of at least half of the total number of members voting at any meeting of the Association.

**“Returning Officer”** means the returning officer in respect of an election appointed under section 38.

**“Rules”** means the rules of the Association herein contained or as subsequently amended.

**“Secretary”** means the Secretary of the Association.

**“Special Resolution”** means a motion requiring positive votes of at least two-thirds of the total number of members voting at any meeting of the Association or of the Executive as the case may be.

**“Specific Notice”** means notice delivered in writing to the person or persons named in the subject of the notice.

**“Standing Committee of the Executive”** means the Committee provided for in section 26.1.

**“Standing Orders”** means the standing orders set out in Part D of these Rules.

**“Student Body”** means the members of the Association.

**“Student Media”** means any such media outlets as the Association or its subsidiaries may own including the Association’s website.

**“Treaty of Waitangi”**, as referred to in these Rules, means the literal translation of the Treaty of Waitangi by Sir Hugh Kawharu.

**“Total Budgeted Expenditure”** means the total of all operating and capital expenditure budgeted by the Association.

**“University”** means the University of Otago.

**“Working days”** means weekdays but excluding public holidays in Dunedin (which includes Otago Anniversary day).

**3. Objects of the Association**

3.1 Any income, benefit or advantage shall be used within New Zealand for the following charitable objects of the Association:

- a. To foster culture and recreation within the University environment.
- b. To advocate for and protect its members.
- c. To support and represent members of the Association in attaining their educational and academic goals.
- d. To promote the interests of the Association and its future members.
- e. To promote university education participation in New Zealand.
- f. To work in accordance with the Treaty of Waitangi and the laws of New Zealand.

**4. Powers of the Association**

4.1 The Association has the widest powers possible to do all the things it deems necessary in pursuit of the Objects of the Association.

4.2 The Association is not formed for the pecuniary gain of its members, provided that the Association may make payment as reasonable remuneration to any servant or Officer of the Association or the payment of reasonable Expense to any authorised representative or delegate of the Association.

4.3 The Association may join with any other person, association or body corporate for the pursuit of any of the Objects of the Association, by way of deed or other contractual agreement.

## 5. **Membership**

- 5.1 All members of the Association may exercise the privileges and rights of membership upon payment of the Levy (if any).
- 5.2 There is no requirement for any student at the University to be a member. A member may withdraw its membership at any time by giving written notice to the Association via the Secretary.
- 5.3 The Association will not at any time exercise undue influence in encouraging students at the University to remain members. Therefore the Association will not restrict the privileges and rights of membership to members only.
- 5.4 The President is a full member of the Association in the year they hold office and is exempt from payment of the Levy.
- 5.5 The Secretary is an ex officio member of the Association and is exempt from payment of the Levy.
- 5.6 Subject to Section 5.7 of these Rules, the following persons are life members of the Association and are exempt from payment of the Levy and are deemed to be full members:
  - a. All past Presidents of the Association; and
  - b. Up to another two (2) people appointed as Life Members by Special Resolution of the Executive in any one year.
- 5.7 The Student Body may expel a person from the Association by a Special Resolution at a Student General Meeting.
- 5.8 Specific notice must be given to any person facing expulsion at least ten (10) working days before the voting at a Student General Meeting on the issue, and that person must be given final right of reply before the Special Resolution is put.
- 5.9 Any member withdrawing from University is no longer a member of the Association.
- 5.10 Any member that withdraws from the Association is entitled to a refund of the Levy under the same circumstances as those on which the University refunds tuition fees from time to time.
- 5.11 Any refund of the Levy upon withdrawal from the University terminates the recipient's membership forthwith.
- 5.12 The Executive may set policies expanding upon the membership provisions and procedures in these Rules provided that such policies are consistent with these Rules.

**6. Powers of the Student Body**

- 6.1 The Student Body exercises its powers through Student General Meetings and Referenda.
- a. All members of the Association may attend and vote at Student General Meetings.
  - b. All members of the Association may vote in referenda.
- 6.2 The Student Body may exercise the following powers at Student General Meetings.
- a. To amend these Rules,
  - b. To remove Executive members from their positions through a motion of 'no confidence',
  - c. To expel a member of the Association,
  - d. To validate breaches of the Rules, in accordance with these Rules,
  - e. To remedy breaches of the Rules, in accordance with these Rules.
- 6.3 The Student Body may exercise the following powers through a Referendum:
- a. To pass Resolutions on any matters, and to transmit recommendations to the Executive.
  - b. To amend these Rules.
  - c. To set External Policy.
  - d. To set the Association's budget and the Levy.
  - e. To appoint the secretary of the Association.
  - f. To receive the annual report of the Association.

**7. Powers of the Executive**

- 7.1 The Executive is the governing board of the Association and controls the business, activities and all operations of the Association in pursuit of its Objects except for those powers specifically reserved by these Rules to the Student Body.
- 7.2 The Executive oversees all bodies, committees and Executive Officers of the Association and may direct such bodies, committees or Executive Officers regarding performance of their duties and may choose to override such bodies, committees or Executive Officers and perform their duties or functions as it sees fit, except as referred to in section 7.1 immediately above.
- 7.3 The Executive may appoint and remove agents, delegates and committees and may delegate to them either generally or for a particular purpose or time, the full powers or part of the powers of the Executive in relation to any matter and may withdraw these delegations when it sees fit, provided that:
- a. All powers that the Executive chooses to delegate must be recorded in a motion in the minutes of the Executive; and;
  - b. The minutes must record all the details of such delegation, including to whom the power or powers are delegated, for what purpose and for how long.
- 7.4 The Executive performs the functions of a shareholder in respect of any company in which the Association holds shares.
- 7.5 The Executive controls the funds of the Association and authorises all expenditure, and may borrow funds from such organisations as it sees fit.
- 7.6 All Resolutions of the Executive and all acts done will be binding upon all the members of the Executive whether present at any such meeting or not and upon all the property and assets of the Association unless a Resolution is illegal or contrary to these Rules.



## **8. Construction and Amendment of these Rules**

- 8.1 Where any dispute arises as to the interpretation or construction of these Rules such dispute will be determined by the Executive.
- 8.2 These Rules, excluding section 3 (as per the Charities Act 2005), may only be amended or rescinded by a Special Resolution at a Student General Meeting or through a Referendum.
- 8.3 Ten (10) working days' notice must be given to members of any amendment to these Rules.
- 8.4 Any amendment or rescission of these Rules must be registered with the Registrar of Incorporated Societies in accordance with the requirements of the Incorporated Societies Act 1908, and such amendment or rescission takes effect at the time of registration. Whilst the Association is a charity, a copy of the amended Rules must also be registered with the Charities Commission in accordance with the Charities Act 2005.
- 8.5 No amendment or rescission of these Rules will be valid if it conflicts with section 4.2 or section 9, or is otherwise contrary to the laws of New Zealand.

## **9. Winding up of the Association**

- 9.1 In the event of the winding up or dissolution of the Association, all the real and personal property of the Association, after payment of all costs, debts and liabilities of the Association, will vest in the University upon trust until a charitable body similar to the Association is formed.

## **Part B: Governing Rules**

### **10. Levy**

- 10.1 Except insofar as these Rules provide otherwise, all members are required to pay the Levy by the date nominated by the University as the due date for payment of fees.
- 10.2 Any member failing to comply with section 10.1 will not be entitled to exercise any rights or privileges of membership until the Levy has been paid.
- 10.3 The Student Body will set the Levy for the next Association year as provided under section 6.3.
- 10.4 If no change to the Levy is made it will remain the same as the most recent Levy.
- 10.5 The Levy for Post Graduate members who are not Distance Students shall be set at one half of the Levy.
- 10.6 The Levy for all Distance Students, regardless of location, will be set at one quarter of the Levy plus the amount per student set by the Executive for the Association's membership of any national student organisations.
- 10.7 The Levy for members studying outside the Dunedin campus of the University who are not Distance Students will be one quarter of the Levy plus the amount per student set by the Executive for the Association's membership of any national student organisations.
- 10.8 The Levy for members taking a course of less than one hundred and eight (108) points but more than fifty-four (54) points will be two thirds of the ordinary Levy plus the amount per student set by the Executive for the Association's membership of any national student organisations
- 10.9 The Levy for members taking a course of less than fifty-four (54) points will be one third of the Levy plus the amount per student set by the Executive for the Association's membership of any national student organisations
- 10.10 Any member whose sole mode of study is extramural is exempt from payment of the Levy.

- 10.11 Any member who is ineligible to sit any degree examinations on the basis of being enrolled for 'Interest Only' status in all papers is exempt from payment of the Levy.
- 10.12 Any member who is solely taking papers during Summer School is exempt from payment of the Levy.
- 10.13 Any member who is normally employed by the University to work in excess of twenty (20) hours per week is exempt from payment of the Levy.

## 11. **Policy**

- 11.1 The Student Body will set policy regarding the position of the Association on matters external to the Association.
- 11.2 The Executive will set policy regarding matters of business, activities and all operations of the Association and any other matters internal to the Association.
- 11.3 Any policies set must be recorded in writing.
- 11.4 All active policies must be made publically available on the Association website.
- 11.5 Five (5) working days' notice must be given for the setting, rescinding or amending of policy and that notice must include the proposed policy or change of policy.
- 11.6 Policy will be set, rescinded or amended by Resolution, except in the absence of notice where policy will be set, rescinded or amended by Special Resolution of the Association or Executive as the case may be.
- 11.7 No policy may be incompatible with, or contradict, these Rules.
- 11.8 If Internal Policy is breached it must be drawn to the attention of the next Executive meeting by any Officer who is aware of the breach.
- 11.9 If External Policy is breached it must be brought to the attention of Student Media by any Officer of the Association who is aware of the breach.

## 12. **Association Audit**

- 12.1 The financial statements of the Association must be audited at the end of each financial year.
- 12.2 The auditors must be duly qualified Chartered Accountants and appointed by the Student Body for the next financial year.

**13. Powers and Duties of the Secretary**

- 13.1 The Secretary is an Officer of the Association.
- 13.2 The Secretary will be available to the members of the Association to explain these Rules and the operations of the Association.
- 13.3 The Secretary will be nominated by the Executive and ratified by the Student Body.
- 13.4 The Student Body may only ratify the appointment of, or remove, the Secretary pursuant to a recommendation by the Executive.
- 13.5 Appointments will be for a fixed term of four (4) years with the possibility of renewal for further fixed terms.
- 13.6 The Secretary may hold other employment either within or outside the Association provided that the requirements as Secretary are not affected.
- 13.7 The Secretary will report to the Association through the Executive.
- 13.8 The Secretary may delegate power in accordance with these Rules but must keep a public record of such delegation.
- 13.9 The Secretary acts as secretary of the Student General Meeting and the Executive and of all committees of the Association to which no other person has been appointed as secretary.
- 13.10 The Secretary must keep all necessary and usual minute books and such other records as may be required by these Rules or by the Executive.
- 13.11 The Secretary must retain in a place of safety a current copy of these Rules.
- 13.12 The Secretary will put into effect and maintain the provisions contained in these Rules.
- 13.13 The Secretary may not vote or be entitled or permitted to vote at any meeting of the Association or committee of the Association and will not be counted in determining whether a quorum is present at any such meeting.

**14. Minutes and Records**

14.1 The Secretary, or their delegate, must keep minute books for the Executive, the Student General Meeting and all other committees of the Association contained within these Rules.

14.2 The minutes of each meeting must include:

- a. The name of the committee.
- b. The date, time and place of the meeting.
- c. The number of members present and the name of the chair of the meeting.
- d. Confirmation of any previous minutes.
- e. The text of every motion or amendment moved and seconded.
- f. An indication of whether such motions and amendments were carried, and the names of any members who requested that their dissent be recorded.
- g. The facts and details of any adjournment.
- h. Any notice of motion given.
- i. Details of any business raised at the meeting, required to be raised by these Rules, or raised by a member at the meeting.
- j. Any other matters which facilitate the historical and legal record of the Association.

14.3 The minutes of any meeting must be confirmed by the following meeting and signed as a “true and correct record” by the chair of that following meeting.

14.4 The Secretary, or their delegate, must keep a policy book which contains a record of all policy set by the Association.

**15. Common Seal**

15.1 The Common Seal must be affixed to any deeds entered into by the Association.

15.2 The Common Seal must be kept by the Secretary.

15.3 The affixing of the Common Seal to a document must first be authorised by Resolution of the Executive.

15.4 Any document to which the Common Seal is affixed must be signed by the Secretary and either the President or Administrative Vice President as attesting witnesses.

16. **Remedies**

- 16.1 Where these Rules have been breached, or when a breach is inevitable for any reason, it is the responsibility of the Executive to call a Student General Meeting and report the breach.
- 16.2 The Student Body may determine to remedy the breach by either:
- a. Substantial compliance in accordance with section 17; or
  - b. Determining the appropriate course of action where such action must be consistent with these Rules.
- 16.3 Upon a Student Body motion validating a breach of these Rules, the Secretary must inform the Student Media immediately.

17. **Substantial Compliance**

- 17.1 If any of these Rules are breached and the Student General Meeting is satisfied that:
- a. There has been substantial compliance with these Rules; and
  - b. The breach has not materially affected, and/or will not foreseeably materially affect, the rights or interests of any person or affiliated body; and
  - c. The breach resulted in a positive benefit to the Association and its members and the Objects, then the Student Body may, by a Special Resolution at a Student General Meeting, validate the breach.

18. **Affiliated Bodies**

- 18.1 Any student club, society, union or other body may apply to the Executive for affiliation to the Association.
- 18.2 The affiliation of any club, society, union or other body to the Association will continue indefinitely until such time as:
- a. The Executive, by Resolution, ends the affiliation;
  - b. The club, society, union or other body ends the affiliation;
  - c. The club, society, union or other body ceases to meet the requirements of affiliation to the Association, including complying with these Rules; or
  - d. The club, society, union or other body ceases to exist.
- 18.3 When considering an affiliation application the Executive must be satisfied that:
- a. The Association's investment in affiliating any club, society, union or other body, whether financial or otherwise, benefits primarily the Association's members;
  - b. Any club, society, union or other body does not pose a risk, whether financial or otherwise, to the Association; and
  - c. The activities of any club, society, union or other body are consistent with the Objects.
- 18.4 The affiliation of any club, society, union or other body is subject to the overall discretion of the Executive and the Executive may resolve to assume the affairs of any affiliated club, society, union or other body.
- 18.5 The Executive may set policies expanding upon the affiliated bodies provisions and procedures in these Rules provided that such policies are consistent with these Rules.

19. **Conduct of Referenda**

- 19.1 Except as provided in this section 19, the Executive or any member may request that the Executive put an issue to the Student Body by way of a Referendum by giving notice to the Secretary.
- 19.2 Any referendum involving finance or administrative matters, other than any or all matters listed in sections 19.11 or 19.12, shall be indicative only and not binding on the Association.
- 19.3 A Referendum shall be called by the Secretary:
- a. Upon Resolution of the Executive, and if the Referendum is to be binding on the Association, the Resolution must so state.
  - b. On receipt by the Secretary of a petition, signed by no less than one hundred members, which calls for a Referendum to be held, and if the Referendum is to be binding on the Association, the petition must so state.
- 19.4 For any Referendum, the Executive will report the matter to the Student Media and promote discussion and debate regarding the matter.
- a. The Association will provide an explanatory document for each question which discusses the pros and cons of the issue.
  - b. This explanatory document will be made available to Student Media.
  - c. This explanatory document will also be made available to members of the Association during the voting period.
- 19.5 Any Referendum put to the Student Body will require ten (10) working days notice of the wording.
- 19.6 The Secretary may appoint a Returning Officer to supervise the conduct of the Referendum. If no Returning Officer is appointed or in the absence or incapacity of any Returning Officer the Secretary will be the Returning Officer.
- 19.7 The Returning Officer shall conduct the Referendum by secret ballot according to the voting provisions contained in section 37 as if the Referendum were an election, with all necessary changes.
- 19.8 Any matter with regard to the conduct of the Referendum is subject to the overriding supervision of any independent arbitrator appointed by the Executive for that purpose.



- 19.9 Any Referendum at which fewer than five (5) percent of the total number of members cast their vote will be considered indicative only, except where the issue is about any or all matters listed in sections 19.11 or 19.12 where the threshold will be one percent (1%) of the total members, a figure which the Secretary will ascertain at the commencement of each semester and report to the Executive and the Student Media.
- 19.10 There will be at least one Referendum called in the first semester which, without limiting its business, will:
- a. Receive and accept the annual report of the Association for the previous year; and
  - b. Receive and accept the audited annual financial statements for the previous year.
- ~~19.11 There will be at least one Referendum called in the second semester which, without limiting its business, will:~~
- ~~c. Set any Levy for the forthcoming year; and~~
  - ~~d. Set the budget for the forthcoming year.~~
- 19.11 Where Referendum voting on a Resolution is tied the Resolution will fail.
- 19.12 The Secretary must inform all Student Media of the results of the Referendum as soon as practicable once known.
- 19.13 Voting in a Referendum must take place online in a manner that enables all members to cast their ballot.
- 19.14 Upon receipt of a question from members to be put to Referendum under section 19.3b the Executive must send the question to a mediator to determine whether it should be ruled out of order based on the criteria in section 20.2d.

20. **Mediator of Referenda**

20.1 The honorary solicitor will be the mediator for all Referenda.

20.2 The mediator will:

- a. Set the wording of the question to be put to the Referendum.
- b. Ensure that the matters put to the Referendum are put fairly and that they are put in such a way to ensure that the result is a free expression of the members' opinions rather than being dictated by the form of the question.
- c. Consider any submissions made by any member as to how the question should be phrased.
- d. The mediator may only decline to put a question to a Referendum if:
  - i. The question is frivolous;
  - ii. The question is contrary to these Rules;
  - iii. The question unfairly affects any individual, including students, OUSA employees and University employees;
  - iv. The question is biased or leading; or
  - v. There is already a question of a similar nature being put to the Student Body, in which case the Mediator may recommend that only one question be asked on the one topic.

20.3 In seeking to determine the opinion of the Student Body on an issue, the Mediator may choose to put to the Referendum a series of different Resolutions about the same issue in order to ensure that a clear result is obtained.

20.4 The Executive will give five (5) working days notice before setting the proposed questions to allow time for submissions to be made by members.

**21. Conduct of Student General Meetings**

- 21.1 The quorum for a Student General Meeting is 0.5% of the membership of the Association.
- 21.2 Student General Meetings may only be held on days when the Dunedin campus of the University is holding formal classes and at a time and a place that is not inconvenient to students.
- 21.3 Except as otherwise provided by these Rules, the procedure of a Student General Meeting will be governed by the Standing Orders set forth in these Rules.
- 21.4 A Student General Meeting will be called by the Secretary:
- a. On receipt of a motion of no confidence in an Executive Officer or to expel a member of the Association; or
  - b. By Resolution of the Executive.
- 21.5 Subject to section 8.3, such a meeting must be called between five (5) and fifteen (15) working days after receipt of such a motion or Resolution of the Executive. If the meeting is not called, any member may call the meeting.
- 21.6 Subject to section 8.3, at least five (5) working days notice must be given by the Secretary for a Student General Meeting detailing the time, place, agenda items and all motions put before the meeting.

**22. Chair of the Student General Meeting**

- 22.1 The chair of the Student General Meeting is appointed by the Secretary and cannot be a current Executive Officer.
- 22.2 The duties of the chair of the Student General Meeting are:
- a. To conduct Student General Meetings of the Association according to these Rules;
  - b. To convey all Resolutions and recommendations made at a Student General Meeting to the appropriate persons as directed;
  - c. To report to and advise the Executive on issues arising at Student General Meetings; and
  - d. To have an understanding of these Rules.
- 22.3 In the event of the absence of the chair at a Student General Meeting a member of the Association may chair the meeting in accordance with the provisions set forth in the Standing Orders relating to the absence of the Chair.

23. **Budget**

23.1 There will be a budget set for the Association which will cover operational and capital expenditure and to which income (if any) will be linked.

~~23.2 The Executive will present a proposed budget for the forthcoming year to the Student Body in the second semester of each year.~~

**23.2 The Executive will present a proposed budget for the forthcoming year in a referendum or Student General Meeting (SGM) to the Student Body in the second semester of each year.**

23.3 The Student Body will consider the proposed budget and either resolve to accept or reject it in its entirety.

23.4 If no budget has been set by the end of the University year, then the most recent budget set by the Student Body will be deemed to be the budget for the following year, adjusted up or down on a pro rata basis according to any change in income.

23.5 At least five (5) working days notice is required before the proposed budget is presented to the Student Body.

23.6 The Executive will supply copies of the budget for the forthcoming year to the Student Media following its setting by the Student Body.

23.7 At the commencement of each year, but before any Student General Meetings or Referenda are held, the Executive may alter the budget set by the Student Body the preceding year, provided that:

- a. The sum of the absolute values of all alterations made to individual budget lines does not exceed five (5) percent of Total Budgeted Expenditure;
- b. The remuneration of Executive Officers is not altered from the budget set by the Student Body the previous year, and;
- c. The sum of the absolute values of all alterations made to individual budget lines does not exceed the total amount of the last set budget.

23.8 Any proposed budgetary alterations in excess of the sum in section 23.7 must be referred to the Student Body, which may accept or reject the proposed altered budget.

23.9 The Executive may set policies expanding upon the budgetary provisions and procedures in these Rules provided that such policies are consistent with these Rules.

24. **Expenditure Authorisation**

24.1 Any Association expenditure must be approved and signed by any two of the following, provided that at least one of the approvers and signatories is an Executive Officer:

- a. The President;
- b. The Administrative Vice President;
- c. The Finance Officer;
- d. The Chief Executive Officer;
- e. The Secretary; or;
- f. Up to one other Officer or employee of the Association appointed by Resolution of the Executive.

25. **Committees**

25.1 The Executive has the power to establish committees as it sees fit to develop further the policy and Objects of the Association.

25.2 Any committee formed should have representation from both the Executive and, unless there are issues of confidentiality, the wider membership.

25.3 Where a committee has constitutional powers it must be incorporated into these Rules.

**26. Standing Committee of the Executive**

- 26.1 There will be a Standing Committee of the Executive which will meet throughout the year to consider matters important to the Association.
- 26.2 During periods when there are not sufficient Executive Officers available for a quorum for meetings the Standing Committee of the Executive will exercise the powers of the Executive. Exercise of such power must be authorised by Resolution of the Executive.
- 26.3 The Standing Committee of the Executive will comprise:
- a. The President;
  - b. The Administrative Vice President;
  - c. The Finance Officer;
  - d. The Education Officer;
  - e. The Welfare Officer; and
  - f. Any other Executive Officer(s) that the Standing Committee of the Executive may co-opt.
- 26.4 The Executive may set policies expanding upon the Standing Committee of the Executive provisions in these Rules provided that such policies are consistent with these Rules.

**27. Vacation of Office**

- 27.1 The holder of any office in the Association must vacate office if such officer:
- a. Ceases to be a member of the Association;
  - b. Dies;
  - c. Tenders written notice of resignation to the Secretary; or
  - d. Is the subject of a vote of no confidence passed by the Student Body.
- 27.2 An Executive Officer will be deemed to have vacated office if they are:
- a. Absent without leave from any three (3) consecutive ordinary meetings of the Executive;
  - b. Elected to a different position on the Executive during the term of office in the former capacity; or
  - c. Found by the Secretary not to meet the prerequisites for holding that particular office.

## Part C: Composition and Election of Executive

### 28. Term and General Prerequisites of Office

- 28.1 Executive Officers will hold that relevant office for the entirety of the calendar year for which they are elected, or the remainder of the calendar year in the case of a by-election.
- 28.2 General prerequisites to being an Officer:
- a. All Officers must be members of the Association; that is they must be members in both the year they stand for election and the year they hold office, except for the President as provided for in these Rules;
  - b. Any member may hold more than one Executive Office but not concurrently; and
  - c. Each Officer must qualify as an Officer under the Charities Act 2005 or have a waiver from the Charities Commission.

### 29. Composition of the Executive

- 29.1 The Executive will consist of the following elected Executive Officers
- a. A President;
  - b. An Administrative Vice President;
  - c. A Finance Officer;
  - d. An Education Officer;
  - e. A Welfare Officer;
  - f. Five Portfolio Executive Officers;
  - g. The Te Roopu Māori President (Tumuaki) who shall be a voting Ex Officio member of the Executive;
  - h. **The University of Otago's Pacific Islands Students' Association President who shall be a voting Ex officio member of the Executive.**

### 30. **Responsibilities of Executive Officers**

#### **President**

- 30.1 The President must not hold office for longer than two (2) years.
- 30.2 The President is the primary elected representative of members of the Association. The President will lead the Association in fulfilling its core functions and achieving its goals of advancing the educational, welfare, social, cultural and sporting interests of the members of the Association.

#### **Administrative Vice President**

- 30.3 The Administrative Vice President is the Vice President of the Association and is acting President in the absence of the President, assuming all powers and duties. The Administrative Vice President is responsible for maintenance of the internal administrative functions including maintenance of internal policy, oversight of the legislative requirements of the Association and monitoring of the strategic goals of the Association.

#### **Finance Officer**

- 30.4 The Finance Officer is responsible for co-ordination and oversight of the financial performance, commercial interests and development, implementation and monitoring of the commercial goals of the Association.

#### **Education Officer**

- 30.5 The Education Officer is responsible for co-ordination and oversight of the education affairs of the Association and will ensure that the academic interests of members are represented, respected and enhanced.

#### **Welfare Officer**

- 30.6 The Welfare Officer is responsible for co-ordination and oversight of welfare affairs of the Association and will ensure that the welfare needs of members are represented, respected and enhanced.

#### **Portfolio Executive Officers**

- 30.7 The Portfolio Executive Officers are responsible for implementing the strategic goals of the Executive for the year and will assist in fulfilling the roles of the Executive that are not covered by other Executive Officers. Each General Executive Officer has a different portfolio area of responsibility..
- 30.8 There must be a Portfolio Executive Officer responsible for representing the interests of Post Graduate students, who is a Post Graduate student.
- 30.9 There must be a Portfolio Executive Officer responsible for representing the interests of international students who is an international student.



- 30.10 There must be a Portfolio Executive Officer responsible for representing the interests of affiliated bodies and liaising with the recreation unit.
- 30.11 There must be a Portfolio Executive Officer responsible for the running of executive campaigns and liaising with the events unit.
- 30.12 There must be a Portfolio Executive Officer responsible for liaising with University residential colleges.
- 30.13 The Executive may set policies expanding upon the responsibilities of Executive Officers in these Rules provided that such policies are consistent with these Rules.

**31. No Confidence in an Executive Officer**

- 31.1 Ten (10) working days notice is required for any vote of no confidence in an Executive member.
- 31.2 A motion of no confidence may not go against more than one person in any motion and the notice of such motion must specify in detail grounds for such motion.
- 31.3 ~~Notwithstanding anything in these Rules the person who is the subject of a motion of no confidence must be given the right to answer all charges and may speak last on such Resolution and for a period of up to ten (10) minutes.~~

**Notwithstanding anything in these Rules the person who is the subject of the motion of no confidence:**

- a) **Must be given the right to answer all charges;**
- b) **Must be provided with an opportunity for questions and answers; and**
- c) **May speak last for a period of up to ten (10) minutes**

**31.4 Voting on the motion of no confidence will be by secret ballot according to the voting provisions contained in section 50 except for 50.2. Any Secret Ballot must be accessible, anonymous and accountable.**

**32. Absence of Executive**

- 32.1 If there are not sufficient Executive Officers in office to hold a quorate Executive meeting all the powers of the Executive devolve to a committee, (hereinafter called the “Governing Committee”), which will be comprised of:
- a. The honorary solicitor of the Association;
  - b. All the remaining Executive Officers;
  - c. The Secretary; and
  - d. The chair of the Student General Meeting.
- 32.2 The Governing Committee will conduct and supervise the affairs of the Association as if it were the Executive, including the calling of Executive elections at the earliest possible time.
- 32.3 On the election of an Executive the powers of the Governing Committee automatically revert to the new Executive.

**33. Meetings of the Executive**

- 33.1 The Executive will meet regularly throughout the academic year and will meet during vacations if necessary.
- 33.2 A meeting of the Executive may be called by:
- a. The President;
  - b. The Secretary; or;
  - c. By any three (3) Executive Officers.
- 33.3 Notice for Executive meetings must state the date, time and place of meetings.
- 33.4 Seventy-two (72) hours notice will be required for an ordinary meeting.
- 33.5 An emergency meeting will require at least four (4) hours notice and as many Executive members as possible must be made aware of the meeting.
- 33.6 An emergency meeting called will have the full powers of an ordinary meeting provided that the next succeeding ordinary meeting must reconsider all Resolutions or appointments made by the emergency meeting and ratify or rescind such Resolutions or appointments as the Executive sees fit.
- 33.7 The President will chair Executive meetings and in the absence of the President a member elected by the meeting will assume the chair.

34. **Reporting by Executive Officers**

- 34.1 The Executive Officers will receive remuneration at the rates deemed appropriate and stipulated in the budget set by the Student Body, and such remuneration will be paid in instalments approved by the Executive.
- 34.2 At the conclusion of each quarter, subject to section 34.5, every Executive Officer must furnish a brief written report on that Executive Officer's work on the Executive during the term.
- a. Such report will be considered by the Executive, and made available to Student Media.
  - b. Any Executive Officer who fails to complete such a report will not receive remuneration from the Association.
- 34.3 The Executive must withhold payment of all or part of any honoraria where it considers any Executive Officer has failed to carry out their duties or has failed to report adequately on their activities.
- 34.4 The Executive may set policies expanding upon the reporting requirements of Executive Officers in these Rules provided that such policies are consistent with these Rules.
- 34.5 The Te Roopu Māori Representative will present a report to the Executive each quarter.
- 34.6 The Pacific Islands Students' Association Representative will present a report to the Executive each quarter.**

35. **Executive Elections**

- 35.1 The Executive will set a period to hold elections preceding the year in which the next Executive is to hold office **in the second semester of each year.**
- ~~a. In the second semester of each year, and;~~
  - ~~b. Within one (1) weeks of the day and month the election was held in the preceding year.~~
- 35.2 If the Returning Officer rules that circumstances surrounding the proposed election period would have an extremely substantial impact on students' ability to vote in that election, they can change the set period of the election. This change will not affect the date of the election in the subsequent year.

- 35.3 Voting may take place using any media, physical or electronic, provided it is carried out in a manner consistent with these Rules.
- 35.4 The Executive may set policies expanding upon the reporting election provisions in these Rules provided that such policies are consistent with these Rules.

**36. Nominations**

- 36.1 All members will be eligible for nomination, election and re-election and voting provided they hold the necessary prerequisites for the office.
- 36.2 The Secretary will, once nominations for the Executive positions are opened by Executive motion, post notice calling for nominations for the Executive. This notice will also specify a date not earlier than five (5) working days on which all nominations must be delivered to the Secretary.
- 36.3 All nominations must be in writing, and are effective after they are:
- a. Made and signed by the nominee and two (2) other members, or;
  - b. Made and signed by three (3) members, and subsequently consented to by the nominee before the closing of the nomination period.
- 36.4 After the closing of nominations the Secretary will prepare a list contained under the heading of the various positions to be filled, listing in alphabetical order the persons duly nominated for each position followed in each case by the name of both nominators and will give notice of this list and will allow all members to inspect such list upon request.
- 36.5 No member will be nominated for more than two (2) Executive Offices.
- 36.6 The Secretary may not refuse a nomination for any reason other than form or eligibility.
- 36.7 Where the Secretary has for any reason refused to accept a nomination an appeal against such refusal may be made to the Executive and must be delivered to the Secretary or President within twenty-four (24) hours after specific notice of such refusal.
- 36.8 Where the Secretary has allowed any nomination an appeal against such allowance may be made to the Executive and must be delivered to the Secretary or President within twenty-four (24) hours after the time fixed for the closing of nominations.
- 36.9 All appeals must be in writing and must state the grounds of appeal.
- 36.10 The Executive has full power to accept or reject any nomination under appeal or to determine the matter in any other manner.
- 36.11 If the Executive does not uphold an appeal the nominations will remain as determined by the Secretary.
- 36.12 Except as provided in these Rules, no objection may be made to any nomination and any nomination not appealed against will be valid for all purposes.

36.13 Where no nomination has been received in respect of any position a casual vacancy will be deemed to be created immediately after the taking of office by the new Executive.

36.14 Where a nominee wishes to withdraw from an election the nominee must deliver to the Secretary a written withdrawal signed by the nominee. Such withdrawal will be irrevocable.

### 37. **Voting**

37.1 The voting period will be no sooner than ten (10) working days after notice is given of voting.

37.2 The voting period will not exceed seven (7) days.

37.3 Voting will be held at the places and times determined by the Returning Officer in consultation with the Secretary.

37.4 Any student unable to vote on polling days may cast special votes up to five (5) working days before the election.

37.5 Not less than three (3) working days will be allowed for normal voting, and not less than one (1) working day will be allowed for voting in by-elections.

37.6 Every member enrolled will be entitled to exercise a vote for each Executive position by ranking any number of nominated persons, including a separate no confidence option, in order of preference, except as otherwise provided in these Rules and as follows:

a. Only non-New Zealand citizen members may vote for the International Students' Portfolio.

~~Only Post Graduate members may vote for the Post Graduate Portfolio~~

b. **Only Post Graduate members and those in their final year of undergraduate study may vote for the Post Graduate Portfolio.**

**38. Returning Officer**

- 38.1 The Secretary may appoint a Returning Officer for any election before nominations are closed.
- 38.2 In the event of no Returning Officer being appointed or in the absence or incapacity of any Returning Officer the Secretary will be the Returning Officer.
- 38.3 The Returning Officer will be responsible for the whole conduct of the election.
- 38.4 At the closing of nominations, the Secretary will immediately provide the Returning Officer a list of names of the members duly nominated for each office.
- 38.5 The Returning Officer will have the power to, and will, have the following duties:
- a. Appoint such deputies, poll clerks, scrutineers and other assistants and with such powers and duties as the Returning Officer sees fit.
  - b. Provide such material and facilities in such form as the Returning Officer deems requisite and suitable for the method of voting.
  - c. Ensure that only members vote.
  - d. Provide for the due secrecy and peaceful nature of the ballot.
  - e. Give notice and inform such media as they see fit of the day or days on which the ballot is to be held specifying the hours during which voting may take place and such day or days and such hours will accordingly be the day or days and hours for polling,
  - f. Direct and regulate the manner of voting and of recording votes.
  - g. Arrange for and supervise the counting and recounting of the votes and disallow votes not submitted in the specified manner or not sufficiently clear.
  - h. Retain all voting papers and voting records safely for twenty (20) working days after the elections after which he/she will destroy all voting papers and voting records unless a recount is demanded as provided by these Rules.
  - i. Generally do all things necessary, expedient or advisable in their opinion for the proper, fair and democratic conduct of the election.
  - j. Provide a report in writing in a timely manner to the Executive certifying that the elections have been conducted in accordance with these Rules and in a proper, fair and democratic manner, or as the case may be notifying any irregularities in the elections after the conclusion of the ballot.

- 38.6 In the performance of these duties, the Returning Officer can require the assistance of the Association's relevant communications, events and volunteer staff.
- 38.7 The Returning Officer will comply with any regulations not inconsistent with these Rules duly made by the Executive amplifying or specifying more particularly the powers and duties of the Returning Officer.
- 38.8 All acts and things done by the Returning Officer for any such purpose will be deemed to be done under the authority of the Executive.



39. **General Ballot**

- 39.1 All Executive Officers will be elected by general ballot using the Alternative Vote (AV) system.
- 39.2 There will be provided on the ballot an option of “no confidence in these candidates”.
- 39.3 If there are more “no confidence in these candidates” votes than votes cast for the highest polling candidate then no-one will be declared elected and a casual vacancy will exist.
- 39.4 The Secretary will forthwith post on the notice board and in such media as the Secretary sees fit, a notice stating the names of the successful candidates for each position and stating the number of valid votes cast for each candidate and no confidence votes cast against each candidate.
- 39.5 The Secretary will appoint an independent arbitrator, who must not be a member of the Association, to hear appeals against decisions made by the Returning Officer. In resolving any issue, the independent arbitrator will have such powers as but not limited to:
- a. Calling for a new election.
  - b. Removing votes from candidates.
  - c. Adding votes to candidates.
  - d. Disqualifying a candidate.
- 39.6 Where the existence of a tie prevents there being a high polling candidate, the Returning Officer will, with the approval of the Executive, choose to extend a voting period for no less than six (6) hours on the next working day. Notice will be given through Student Media outlets.
- 39.7 In the event of a candidate being elected for multiple offices they will choose the office they will occupy and the second-highest polling candidate for the other office will be considered to be elected to that office.

## **Part D: Standing Orders**

### **40. Introduction**

- 40.1 Any meeting may not commit any act, pass any Resolution or make any appointment in contravention of these Rules. Any such action, Resolution or appointment will be invalid and will not bind the Association.
- 40.2 Except as provided in these Rules, these Standing Orders apply to all meetings of the Association, including Student General Meetings, meetings of the Executive and meetings of any other committee of the Association.

### **41. Conduct of Business**

- 41.1 The business of every meeting must be conducted in accordance with the Rules and Standing Orders.
- 41.2 All business (unless otherwise provided for by the Rules or Standing Orders) must be brought forward, discussed and dealt with in the form of a motion. No other business may be considered.

## 42. **Order of Business**

- 42.1 At ordinary meetings the order of business will be:
- a. Election of a chairperson if necessary.
  - b. In the case of a special meeting, the business for which such meeting has been called and in the order set out in the notice calling such meeting.
  - c. The confirmation of the minutes of the last meeting.
  - d. The business to be conducted.
  - e. General business.

## 43. **Quorum**

- 43.1 Unless otherwise specified in these Rules the quorum of every meeting is half the maximum number of voting members of the committee or body.
- 43.2 No meeting may commence until the required quorum is present. If such quorum is not present within fifteen minutes of the time for which the meeting is called the meeting must be abandoned.
- 43.3 All members of the committee must be physically present to participate in the meeting except Executive meetings, where Executive Officers may attend the meeting through a live telecommunications link provided that they can:
- a. Hear the entire debate and motions.
  - b. Contribute to the meeting by speaking, putting motions and voting.
  - c. Have full access to any materials placed before the meeting.
- 43.4 If at any time any meeting loses its quorum the chair must adjourn the meeting.
- 43.5 Any member of the committee may call for a quorum count at any time, unless the meeting is in the process of voting.

## 44. **Strangers**

- 44.1 All members are entitled to be at all meetings of the Association.
- 44.2 A member of the student press is entitled to be at all meetings of the Association.
- 44.3 Those people present at a meeting who are not members of that meeting may only speak with leave of the meeting.

45. **Chairperson**

- 45.1 The chairperson will conduct and maintain order in the meeting.
- 45.2 Any member of the committee called to order by the chairperson must immediately cease to speak and must resume their seat unless permitted by the chair to explain.
- 45.3 The chairperson may not permit to be discussed and will rule out of order all matters that do not pertain to the question before the meeting.
- 45.4 The chairperson will by ruling determine any matter, dispute or question as to order and procedure.
- 45.5 The chairperson may by ruling grant leave, provided that no member of the committee objects to this.

46. **Absence of Chairperson**

- 46.1 In the event of the chair of a meeting not being present or being removed from the chair due to a motion of no confidence, a new chairperson must be elected immediately.
- 46.2 The election of a chairperson will take precedence over all other motions and business.
- 46.3 No person will move a motion of no confidence in the chair more than once in any meeting unless it is in relation to a new chair.
- 46.4 If the chairperson is stepping down to speak to a motion, or to avoid a conflict of interest, they may, if no member objects, appoint a chairperson from the meeting to replace them. In all other instances an election must be held. The procedure is as follows:
  - a. The Secretary of the meeting will call for nominations by members of the meeting.
  - b. All persons nominated and seconded are permitted to address the meeting for no longer than two minutes.
  - c. The Secretary will then call for votes from all members present for all candidates.
  - d. The candidate with the greatest number of votes will assume the chair, and the meeting will resume.
  - e. A new chairperson will be considered to be so for that meeting or motion only, and the chair will return to the usual chairperson of the meeting for subsequent meetings or motions as the case may be.

47. **Motions**

47.1 Only one motion may be placed before the meeting at a time, except as otherwise provided by the Standing Orders.

47.2 When a substantive motion has been lost, a motion the same in substance may not be moved at the same meeting without leave.

**Substantive Motions**

47.3 A substantive motion is any motion that is not a procedural motion.

**Procedural Motions**

47.4 A procedural motion is any motion that affects the process of the meeting.

47.5 A procedural motion may be put to the meeting while there is a substantive motion on the floor, and the procedural motion must be resolved before the meeting can return to the substantive motion.

47.6 A procedural motion may not be put to the meeting while a person is speaking.

47.7 No procedural motion may be moved or seconded by the mover or seconder of a substantive motion currently before the meeting.

47.8 The chairperson has the discretion to accept or reject a procedural motion, unless it challenges a ruling of the chair, or is a motion of no confidence in the chair.

47.9 Only the mover of a procedural motion and the chairperson may speak to the motion.

47.10 A motion to move to the next business if passed will cause the substantive motion to lapse.

47.11 A motion that “the motion now be put” if passed will cause the substantive motion to be immediately put to the meeting.

47.12 A motion challenging the ruling of the chair if passed will cause the chair to accept the ruling of the meeting.

47.13 A motion of no confidence in the chair if passed will cause the chairperson to vacate the chair, and a new chair elected.

47.14 A motion altering the order of business if passed will cause the new order of business to be as outlined in the motion.

47.15 A motion to table a substantive motion will, if passed, cause debate on the substantive motion to be adjourned until a motion is passed to take the substantive motion from the table, or until the next meeting.

47.16 A motion to take a substantive motion from the table will, if passed, cause the tabled substantive motion to be removed from the table and become the next item of business.

### **Committee**

- 47.17 A motion to move into committee is a procedural motion.
- 47.18 A meeting may only move into committee for reasons of confidentiality or commercial sensitivity of the likely content of discussion.
- 47.19 A motion to move into committee must state the reasons for moving into committee.
- 47.20 No motions may be moved or voted upon while in committee, except a motion to move out of committee.
- 47.21 While in “committee of the whole” discussion must be held in confidence, and must not be discussed outside of committee.
- 47.22 While in “strict committee” all persons who are not members of the committee must leave the room. In addition, the conditions of “committee of the whole” apply.

### **Notice of Motion**

- 47.23 Except where otherwise provided by the Rules any motion may be moved without notice.
- 47.24 Any notice of motion lapses if the mover and seconder when called for at the meeting by the Chairperson do not present the motion.

### **Withdrawal of Motion**

- 47.25 When any motion has been moved and seconded it may not be withdrawn except with leave of the meeting and with the consent of the mover and seconder.
- 47.26 When a motion has been withdrawn, it may be again moved at the same or any subsequent meeting.
- 47.27 Any motion requiring notice that is withdrawn will require notice to be moved again.

### **Amendments to motions**

- 47.28 The chairperson may rule that a complicated motion be put to the meeting in parts and then may do so.
- 47.29 At any time during the debate or discussion on a motion, an amendment to that motion may be moved, providing:
- a. That the chairperson does not rule the amendment unreasonable.
  - b. That the amendment does not constitute a direct negative of the motion.

- c. That only one amendment may be before the meeting at any one time.
- d. That no amendment may be moved to a procedural motion, except with leave.
- e. Following the moving and seconding of an amendment, that amendment will be discussed and then voted upon.
- f. If an amendment is passed, the amendment becomes the new motion, and this new motion will be dealt with as if it were the original motion.

47.30 If an amendment fails to pass, the original motion continues.

**48. Debate**

48.1 Any member of the committee may speak to a motion.

48.2 No member may speak to a motion for longer than five (5) minutes except with leave.

48.3 No member may speak to a motion more than once, except for:

- a. The mover of a substantive motion who may speak to a motion when moving it, and then have a right of reply at the conclusion of the debate, except when there is no further debate, in which case the mover will be entitled to speak only once.
- b. The seconding of a motion which is not to be considered as speaking to it.
- c. The chairperson who may permit any members who have spoken to explain themselves in regard to any part of their speech, or to answer questions from other members.

48.4 No member may speak to a procedural motion, except as provided by these Standing Orders.

48.5 The Chairperson may speak to a motion only in order to make a personal explanation or an explanation as to the matter under debate.

48.6 A Chairperson wishing to take part in any debate must first leave the Chair, and cease to be the Chairperson until the motion currently before the meeting has been resolved. In the interim another Chairperson must be elected or appointed under section 46.

49. **Breaches of Order**

49.1 The Chairperson may at any time during a meeting rule that any named member of the committee is or has been guilty of a breach of order.

49.2 If the Chairperson rules that any named member is or has been guilty of a breach of order, they must then move a motion immediately over any other motion except a motion of no confidence in the Chair, asking that:

- a. No further notice be taken of the breach;
- b. The member named be asked to apologise; or
- c. The member named be expelled from the meeting for a specified time, or until an apology is offered to the meeting.



## 50. **Voting**

- 50.1 When any discussion on a motion is concluded, or when a motion “that the motion now be put” passes, the Chairperson must put the motion to the meeting.
- 50.2 The Chairperson must call upon all members present to vote for or against a motion by declaring “aye” or “nay” or otherwise indicating abstention. If the vote is close, or if any member requests it, then the Chairperson must call for a hand count of votes for or against.
- 50.3 All members have, and are entitled to exercise, one vote per motion or Referendum question.
- 50.4 In voting, members must not cajole, threaten, bribe, vote in place of other members, or otherwise interfere with the democratic process.
- 50.5 Those members who abstain from voting are not to be considered part of the meeting for the purpose of determining the total number of votes cast, but can be considered part the meeting for the purposes of quorum.
- 50.6 The chairperson will declare a motion carried or lost, depending upon the required number of votes according to the Voting Schedule set out in section 51.
- 50.7 A motion carried takes effect immediately, unless otherwise stated in the motion.
- 50.8 The chairperson has no vote, unless the vote on a motion is evenly tied, in which case the chairperson must exercise a casting vote.
- 50.9 Where an error or confusion arises in connection with any vote, the chairperson must rule that another vote be taken and this later vote overrides any earlier votes called for.
- 50.10 The Secretary of the meeting will not record the names of those voting for or against or abstaining on any motion unless any member requests their name to be recorded.

## 51. **Voting Schedule**

- 51.1 Except where noted, all motions require positive votes of at least half of the total number of members voting.
- 51.2 Motions seeking leave, of no confidence and amending or rescinding these Rules require a Special Resolution.