

# **EDINBURGH MALAYSIAN STUDENTS' ASSOCIATION CONSTITUTION**

## **PART I            PRELIMINARY**

### **1. Name**

The association shall be known as the "Edinburgh Malaysian Students' Association" and hereinafter referred to as "EMSA".

### **2. Correspondence**

Any correspondence to EMSA shall be addressed to the Secretary. Any correspondence made by EMSA will be by the Secretary, unless specified otherwise. The address of EMSA shall be the address of the Treasurer presiding the corresponding year.

### **3. Objectives**

The objects of EMSA are as follow:

- a. To be the platform of unity for, and to cater to the welfare and wellbeing of, Malaysians in Edinburgh regardless of religion, race, beliefs, or political preferences.
- b. To organise beneficial and practical events that serve to forge and strengthen friendship among society members, within and between universities.
- c. To act as a voice of representation for Malaysian students in Edinburgh.
- d. To promote and foster a greater understanding of the Malaysian culture in Edinburgh.

### **4. Policy**

EMSA:

- a. Respects all races and religions and uphold Islam as the official religion (as per the Constitution of Malaysia).
- b. Has no involvement in any politically related activities.
- c. Is a registered student organisation under the Edinburgh University Students' Association (EUSA) and the Education Malaysia UK & Eire (EM) (formally known as the Malaysian Students' Department of United Kingdom & Eire). Rules and regulations under both EUSA and EM are to be adhered to and any conflicts of interest are to be avoided. It will be the responsibility of the presiding EMSA Committee to maintain the registration with EUSA and EM for the respective academic year.

### **5. Affiliation**

- 5.2 EMSA shall be affiliated with the United Kingdom and Eire (Ireland) Council for Malaysian Students (UKEC) and iCube. This will be a cooperative relationship. The Society will remain an autonomous student-led group for the Edinburgh University Students' Association directed by its annually elected student committee and governed by its constitution.
- 5.2 It is the discretion of the presiding EMSA Committee to disaffiliate (or affiliate) with external organisations.

## **PART II                    RIGHTS & RESPONSIBILITIES OF MEMBERS**

### **6. Membership**

Membership is open to all matriculated students in the Edinburgh universities, subject to the requirements outlined in Clause 7 below.

### **7. Types of Membership**

- a. Ordinary: All Malaysian students matriculated in the Edinburgh universities.
- b. Associate: Non-Malaysian students matriculated in the Edinburgh universities.

### **8. Membership: Procedure, Application and Registration**

- a. Membership fees, to be determined by the EMSA Committee in advance, are to be maintained annually for EMSA membership to be valid.
- b. Upon payment of membership fees, EMSA members are to be issued a membership card as proof of membership.
- c. With reference to Clause 9 below, the EMSA Committee has final decision over the status of membership.
- d. EMSA membership lasts for one (1) academic year.

### **9. Rights of Members**

#### **9.1 Ordinary Members can:**

- a. Contest any seat in the elections and/or vote/nominate/second any candidate in any EMSA election.
- b. Propose/debate any motion in any EMSA meeting.
- c. Participate in activities organised by EMSA.
- d. Use any facilities provided by EMSA.

#### **9.2 Associate Members can:**

- a. Vote/nominate/second any candidate in any EMSA election but are unable to contest any seat in the elections.
- b. Propose/debate any motion in any EMSA meeting.
- c. Participate in activities organised by EMSA.
- d. Use any facilities provided by EMSA.

### **10. Termination of Membership**

10.1 The EMSA Committee shall revoke the membership of any person who has not met, or no longer meets, the membership requirements as set out in Clause 7 above.

10.2 The EMSA Committee have the right to terminate the membership of any EMSA member in circumstances deemed appropriate, provided that such EMSA member has the right to be heard first before his/her termination. The EMSA Committee shall however have just cause to exercise their power under this clause.

### **11. Number of members**

There will be a minimum of eleven active EMSA members at all times.

## **Part III                    GENERAL MEETINGS OF MEMBERS**

### 12. General Meeting

The highest decision-making authority of EMSA will vest in the general meeting of its EMSA members, where every EMSA member by him/herself has the right to attend.

### 13. Annual General Meeting

#### 13.1 Time

EMSA shall hold its Annual General Meeting once in every 12 months and notice of the meeting shall be given to the EMSA members not later than two (2) weeks before the date of the meeting. The date shall be at the discretion of the presiding EMSA Committee.

#### 13.2 Extraordinary Circumstances

In extraordinary circumstances, the Annual General Meeting may be deferred to a later date but not later than fourteen (14) days after the original date of the general meeting, or to an agreeable date with a simple majority vote (51%) by all EMSA members. What amounts to extraordinary circumstances shall be determined by the EMSA Committee. However, any change to the date of the meeting shall be made known to the EMSA members at least three (3) full days prior to the deferred date.

#### 13.3 Notice

For the purpose of this clause, notice shall be either in electronic or written form. The notice shall state the date, time and venue. Contents of the meeting in this clause refers to including but not limited to matters of discussion, other resolutions to be proposed and other relevant agenda.

### 14. Functions of the Annual General Meeting

The functions of EMSA's Annual General Meeting are:

- a. To consider and confirm the minutes of the last Annual General Meeting and of any other intervening general meeting.
- b. To consider the reports of the EMSA Committee.
- c. To consider and adopt any suggested amendments to this constitution.
- d. To elect new members of the EMSA Committee.
- e. To carry out any other general matters with due notice given to the members.

### 15. Extraordinary General Meeting

The EMSA Committee may on its own motion convene an Extraordinary General Meeting if they think there is an urgent need to do so. The definition of urgent shall be determined by the EMSA Committee. Twenty-four (24) hours' notice shall be given to the EMSA members pertaining to this matter. The same rule of notice in Clause 12.3 shall apply.

### 16. Quorum at General Meeting

The quorum necessary to conduct a general meeting shall be one-third (1/3) of all the EMSA members. In the event of the quorum not achieved, Clause 12.2 shall apply unless a simple majority vote (51%) of all eligible EMSA members present is achieved for the general meeting to continue and be valid.

#### 17. Chairperson at the General Meeting

The incumbent EMSA Committee shall elect the Chairperson for the Annual General Meeting before it starts, and shall elect the Chairperson in the case of an Extraordinary General Meeting.

#### 18. Voting at General Meeting

18.1 All decisions made at the General Meeting shall be decided by a majority vote (above 50%)

18.2 All members in which that join on or after EMSA Major Annual event; commonly known as the Colors of Malaysia event, or to which it may be known thereof, shall be forbidden to vote in the annual general meeting.

#### 19. Minutes of General Meeting

A secretary shall be appointed by the Chairperson prior to the General Meeting starting for minute-taking. Minutes of the General Meeting shall be kept and shall contain:

- a. The number of EMSA members present at the General Meeting and the name of the Chairperson who presided;
- b. The time the General Meeting commenced and ended; and
- c. All the resolutions passed and decisions made at the General Meeting.

The minutes shall be presented in type-written format to the president EMSA Committee no later than one (1) week after the General Meeting.

#### 20. Submission of Proposals by an EMSA Member

Any EMSA member who wishes to submit any proposal, resolution or recommendation shall do so in writing to the EMSA Secretary at least three (3) days before the date of the General Meeting. The submitted proposals, resolutions and recommendations can only be discussed in the General Meeting with prior consent from the EMSA members by a simple majority vote.

## **PART IV                      ORGANISATION**

### 21. EMSA Committee

- 21.1 During the Annual General Meeting a president, a vice-president, a secretary and a treasurer will be elected. These people shall form part of the EMSA Committee and shall represent EMSA in all dealing and transactions with third parties, with capacity to direct and supervise the activities of EMSA and shall exercise all necessary powers to ensure full and proper administration of the affairs of EMSA.
- 21.2 Other EMSA Committee positions are to be elected where possible, or appointed in accordance with the Election Rules and Regulations as set out in the annexe below.
- 21.3 The EMSA Committee shall perform their duty until the next Annual General Meeting.
- 21.4 The EMSA Committee may expel any Committee member if a simple majority (51%) of one-third (1/3) of all EMSA members are satisfied that such member is not fit to perform his/her duty, provided that such member shall have the right to be heard and the EMSA Committee shall have just cause in exercising its power under this clause.
- 21.5 In the event of an EMSA Committee member being relieved of his/her position, an election will take place to replace the outgoing member within four (4) weeks. A simple majority vote (above 50%) by one-third (1/3) of all EMSA members will be needed. Within the four (4) week period, an eligible EMSA member may be appointed to fill the post in an interim capacity. In the case of the EMSA President being relieved of his/her position, the EMSA Vice President will fill the post in an interim capacity.

### 22. Roles of the President

The President shall:

- a. Act as the head of the EMSA Committee.
- b. Chair all meetings of the EMSA Committee.
- c. Have the power to call for meetings of the EMSA Committee and to direct sub-committees to hold their meetings.
- d. Be responsible to ensure that activities are in conformity with the objectives of EMSA.
- e. Release public statements, press releases and/or hold press conferences on behalf of EMSA.
- f. Delegate responsibilities to other EMSA Committee pertaining to any projects of EMSA.

### 23. Roles of the Vice President

The Vice President shall:

- a. Assist the President in performing his/her duty efficiently.
- b. Represent the President and act as the Chairperson of EMSA meetings in the absence of the President.
- c. Plan, execute and monitor group bonding among the members of the EMSA Committee specifically and EMSA members generally.
- d. Be in charge of the Junior Executive Committee programme.

### 24. Roles of the Secretary

The Secretary shall:

- a. Be responsible for all general administrative matters.  
Prepare and keep minutes of all EMSA Committee meetings held, list of
- b. EMSA members and other relevant records.
- c. Prepare and present reports of all activities organised by the society during the
- d. Annual General Meeting.
- e. Represent EMSA, together with the President, in all dealings with other bodies.

## 25. Roles of the Treasurer

The Treasurer shall:

- a. Be responsible in handling all financial matters of the society.
- b. Ensure that all money and budget received and spent by EMSA, including the manner in which such receipts and expenditures take place are meticulously and fully recorded and kept in proper, accurate accounts.
- c. Prepare accounts that show the true financial condition of EMSA.
- d. Prepare and present the yearly financial report of all activities organised by the society during the Annual General Meeting.
- e. Be responsible for the handling of all of EMSA's physical assets.

## 26. Joint Responsibility

In the conduct of affairs of EMSA, the EMSA Committee shall exercise prudence and diligence and shall be jointly responsible to EMSA.

## 27. Meeting of EMSA Committee

- 27.1 The EMSA Committee shall meet when they feel it is necessary.
- 27.2 The holding of the EMSA Committee meetings shall be announced to, and corresponded with, EMSA members via social media platforms.
- 27.3 The quorum of the meeting shall be at least half (1/2) of the number of the EMSA Committee members.
- 27.4 An appropriate number (be it odd or even) of EMSA members to avoid a hung decision (50/50 decision); with a minimum of two (2) members, shall be invited to observe the proceedings of the EMSA Committee meeting on a first-come-first-serve basis
- 27.5 Minutes of the meeting shall be recorded by the Secretary where the validity and accuracy of the minutes will be confirmed by the EMSA members present at the meeting. The minutes will subsequently be posted by the Publicity Coordinator to the EMSA official website within two (2) weeks of the date of the meeting.
- 27.6 EMSA Committee meetings shall proceed as per usual in the event that no observers are present, during which matters of transparency shall not be disputed unless substantial evidence is presented.

## 28. Roles of EMSA Member(s) at EMSA Committee meetings

The EMSA member(s) at EMSA Committee meetings shall:

- a. Solely observe EMSA Committee meetings, and not interfere with the proceedings.
- b. Subsequently validate the accuracy of the minutes prepared by the EMSA Secretary prior to the minutes being published on the EMSA official website.

- c. Affirm during future disputes in the event a majority is reached by EMSA members that information in the minutes is insufficient.
- d. Have the capacity to formally inform EMSA members of any incidents with regards to a lack of transparency via oral communication, written and/or digital media in the event that the incident is not rectified by the EMSA Committee within 7 days.
- e. EMSA members shall volunteer and receive notification only via correspondences on social media platforms (i.e. Facebook page of EMSA) and not by any other means to prevent any bias in the selection process.

## **PART V MISCELLANEOUS**

### 29. Amendment

Any amendments made to this constitution shall be agreed by a two-third (2/3) majority of eligible EMSA members who attend the General Meeting. Draft amendments are to be available to all EMSA members for feedback. Two (2) weeks are given for feedback before being presented at the General Meeting for approval by vote.

### 30. Accessibility

This constitution shall be available to all EMSA members.

### 31. Data Protection

The society will ensure that it complies with any relevant data protection legislation.

### 32. Policy of Non-discrimination

- 32.1 The society will take all reasonable steps to ensure that the EMSA meetings, events and socials are accessible to all, irrespective of any disability.
- 32.2 The society believes that discrimination or harassment, direct or indirect, based on a person's gender, age (except where it relates to licensing laws), race, skin colour, nationality (except where it pertains to the election of EMSA Committee members), religious belief, socioeconomic background, disability, HIV status, sexual orientation, gender reassignment, family situation, domestic responsibilities or any irrelevant distinction, is detrimental to the society, the university and wider society, and will not be tolerated.

### 33. Ambiguity in Clauses

- 33.1 In the event of ambiguity for any clause in the constitution, a purposive approach will be adopted whereby the minutes of EMSA's meetings will be used as reference.

### 34. Securing EMSA's Assets

- 34.1 EMSA members must return any physical asset(s) belonging to EMSA which is/are in their possession upon request by the EMSA Committee.
- 34.2 In the event that a member fails to do so he/she shall be issued a fine equivalent to the market value at time of purchase of the asset(s).

## **ANNEX: ELECTION RULES AND REGULATIONS**

These rules and regulations do not form part of the EMSA Constitution and may be amended at the discretion of the EMSA Committee.

1. All EMSA members who have paid their membership fees and who have been issued with a membership card for the relevant year are eligible to vote in the AGM, subject to s 17.2.
2. Only Malaysian EMSA members (Ordinary EMSA members) are eligible to run for the EMSA Committee positions.
3. Each EMSA member can run for a maximum of THREE (3) EMSA Committee positions only.
4. EMSA Committee positions will be elected in the following order:
  - 1) President
  - 2) Vice President
  - 3) Secretary
  - 4) Treasurer
  - 5) Events Coordinator (2 positions)
  - 6) Welfare Coordinator
  - 7) Publicity Coordinator
5. A by-election is to be held to fill any position which is not elected during the previous year's Annual General Meeting; failing which, the EMSA Committee has discretion to appoint any EMSA member to an EMSA Committee position.
6. Any current EMSA Committee member seeking re-election is, upon submission of his/her nomination for election, immediately relieved from his/her duties under the current EMSA Committee.
7. Each candidate is expected to give a short speech subject to the following time limits:  
President – 4 minutes  
All other posts – 3 minutes
8. After all candidates running for a position have given their speeches, a short question and answer session will follow. The length of time of the question and answer sessions will be decided at the discretion of the Chairperson at the Annual General Meeting.
9. Alongside all candidates running for a position, a Re-Open Nomination (RON) option will also be available. The RON option is designed for EMSA members to vote for none of the candidates running for a post, i.e. rejecting all the candidates.
10. In the event that the RON option receives the most votes, all the candidates are immediately disqualified and the position will be reopened for nominations and re-election immediately.
11. All election material (including campaigning material) should not contain inappropriate or offensive content.
12. Painted leaflets, flyers etc. may be distributed on the day of the Annual General Meeting itself.



13. All methods of campaigning are permitted. This includes, but is not limited to campaigning in person, via e-mail, via websites and via social networking websites.
14. Further rules and regulations may be set out by the Chairperson of the Annual General Meeting in consultation with the current EMSA Committee.