



**Victoria University**

**Guild Council  
Constitution 2016**

# VICTORIA UNIVERSITY CONSTITUTION

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## **PREAMBLE**

WE members of the students' Guild of Victoria University recognizing that the management of the University is vested in the University Council Administration as embodied in the Universities and Other Tertiary Institutions Act, 2001 (as amended),

AND in order to encourage worthy traditions of academic life nurtured in academic units namely Department/ Institutes/Schools/Faculties and/or Colleges and to cultivate a genuine and responsible sense of leadership and an efficient students' Government.

AND also in our endeavor to preserve and promote all the desirable aspects of our indigenous culture and striving to establish good will among the Guild on one hand, and the University Administration and or other persons connected with the Guild in whatever manner, on the other.

DO hereby declare, adopt and bind ourselves and our successors by this Constitution as the CONSTITUTION of Victoria University Students' Guild on this \_\_\_\_ day of \_\_\_\_\_, the year two thousand and sixteen.

## PART 1 – PRELIMINARY

### 1. Commencement

This Constitution shall come into operation and be in full force and take effect as of the Commencement Date.

### 2. Transition

Notwithstanding the adoption of this Constitution:

Anything done in good faith in accordance with this Constitution, before the Commencement Date, shall be valid and remain in full force and effect;

Nothing done by the Guild pursuant to its legitimate authority prior to the Commencement Date shall be invalidated by reason of it being contrary to this Constitution;

Persons who were Members immediately prior to the Commencement Date will remain as Members on and from the Commencement Date; and any Officer holding a position immediately prior to the adoption of this Constitution will continue in office for the remainder of the term of his or her office.

### 3. Interpretation

“Act” means the University and Tertiary Institution Act  
“Associate Members” mean all persons who are admitted to membership by the Guild  
“Budget” has the meaning given to it in article 66

“Campus” means any campus of the University

“Clause” means a Clause of this Constitution;

“Code of Conduct” has the meaning given to it in article 59;

“Commencement Date” means the date that this Constitution takes effect

“Committee” means a committee of the Guild;

“Common Seal” means the common seal of the Guild;

“Council” means the Council of the University;

“Department” means a student department or council of the Guild, established in accordance with article 47;

“Department Chairperson” means the chairperson of a Department;

“Department Policy” means a Policy approved by the Senate under article 47(2);

“Election Procedures” means the election procedures described in article 62 and set out from time to time by the Senate;

“Establishing Resolution” means a Resolution by the Senate to create a Department under article 47(3);

“Facilities and Services” means the facilities and services of the Guild as determined by the Guild from time to time and set out in the Membership Facilities and Services Policy;

"General Elections" means elections, held to fill Guild Officer Positions, at which all Students are entitled to vote in accordance with article 41(7) of the Act;

"General Meeting" means any Annual General Meeting or Special General Meeting of the Guild as described in Part 4;

"General Members" mean all Students of the university;

"General Secretary" means the General Member who is elected to the position of General Secretary of the Guild, in accordance with article 41(1);

"General Senator" means the General Member who is elected to the position of General Senator, in accordance with article 41A(1).

"Guild" means the Victoria University Student Guild

**"Guild Body" means:**

- (i) anybody of the Guild established under this Constitution including but not limited to the Secretariat, Departments and Committees;

**(ii) The Senate;**

"Guild Employee" means any person employed or engaged by the Guild;

"Guild Policy Manual" means the document published by the Senate

Pursuant to article 73(3), consisting of the current Policies from time to time;

"Honorary Life Members" mean persons who have been admitted to Honorary Life Membership of the Guild in accordance with article 11(1);

"Immediate Past President" means the person who held the office of President immediately prior to the current President;

Members" means all members of the Guild and "Membership" means the status of a person as a Member;

"Membership Facilities and Services Policy" means the Policy specifying the Facilities and Services available to each category of Member

"Membership Subscription" means the annual membership subscription set by the Senate from time to time;

"Officer" means a person holding a position or office in the Guild and includes members of the Senate and Guild Bodies but does not include Guild Employees;

**"Part"** means a part of this Constitution;

**"Patron"** means a patron of the Guild appointed in accordance with article 12;

**"Policies"** means the policies and procedures of the Guild;

**"Policy and Accountability Committee"** means the Committee established to make recommendations to Senate with respect to the creation, Amendment and repeal of Guild Policies;

**"President"** means the General Member who is elected to the position of President of the Guild, in accordance with article 40(1);

**"Resolution"** means a resolution made by Simple Majority, unless otherwise prescribed;

**"Rules"** means any rules made under the Statute;

**"Secretariat"** means the executive members of the Senate as set out in Part 6;

**"Senate"** is the governing body of the Guild as set out in Part 5;

**"Senator"** means a senator of the Senate;

**"Serious Offence"** means a contravention of the Policies or Constitution which the Senate determines is a serious offence;

**"Simple Majority"** means a majority of greater than 75% of all

voting members of the relevant body present and entitled to vote at the relevant time;

**"Special Majority"** means not less than 85% majority of all voting members of the relevant body present either in person or by proxy at the relevant meeting;

**"Special Resolution"** means a resolution of the Guild passed by at least a 75% majority of all voting members of the body present either in person or by proxy at the relevant time;

**"Standing Orders"** means the standing orders made by the Senate in accordance with Clause of this act

**"Statute"** means University Student Guild constitution;

**"Student"** means an enrolled student of the University;

**"Student Services and Amenities Fee"** means a fee payable to the University by a Student to support the provision to Students of amenities and services that are not of an academic nature;

**"Teaching Day"** means a day falling during a standard teaching week in Semester 1 or Semester 2 of the University's Academic Calendar that is not a Saturday, Sunday or University holiday;



"Termination" means removal from office,

**"University" means Victoria University;**

(2) Headings and underlining are for convenience only and do not affect the interpretation of this Constitution.

(3) The singular includes the plural and vice versa.

(4) Words importing a gender include any other gender.

(5) Capitalized terms may denote titles and categories not defined in this Constitution.

(6) A reference to:

(a) A person includes a corporation and government or statutory body or authority;

(b) A person includes the legal personal representatives, successors and permitted assigns of that person; and

(c) A statute, ordinance, code or other law includes regulations and other statutory instruments under it and consolidations, amendments, re-enactments or replacements of any of them made by any legislative authority.

(7) The word "including" and similar expressions are not words of limitation.

(8) The word "under" includes by, by virtue of, pursuant to and

in accordance with.

(9) Where time is to be reckoned by reference to a day or event, that day or the day of that event shall be excluded.

## **Part 2 – Name and Statement of Purposes**

### **ARTICLE 1: NAME**

The students' body comprising of full, associate, life and honorary members (as in Article 5) shall be called and known as "The Victoria University Students' Guild," hereinafter referred to as 'THE GUILD'.

### **ARTICLE 2: HEADQUARTERS**

The Headquarters of the Guild shall be at Victoria University Main Campus.

### **ARTICLE 3: PURPOSE**

The purpose of the Guild shall to be to promote and protect the interests of all its members.

### **ARTICLE 4: AIMS AND OBJECTIVES**

The aims and objectives of the guild shall be:

(a) To establish an efficient students government

(b) Provide leadership in relation to matters affecting the common interests of its Members;

- (c) To work with the University Administration in all matters affecting the guild members, and to promote matters of interest to the University;
- (d) Promote a co-operative spirit and sense of solidarity amongst Members;
- (e) Advance the education, welfare, social life and cultural activities of Members;
- (f) To encourage and promote worthy traditions and academic and social life in the University.
- (g) To cultivate worthy qualities among members, to train and prepare them for future service to the community.
- (h) To work in co-operation with other student organizations and establish friendly relations and understanding with other external organizations, when and where it is not to the detriment of the **University and the country**.
- (i) Represent and protect Members in matters affecting their interests and rights;
- (j) Perform any other matter or obligation prescribed under the Constitution

#### **ARTICLE 5: Legal Capacity and Powers**

- (1) Subject to the constitution, the Guild may:
  - (a) Expend and invest its income;

- (b) Operate guild banking accounts;
- (e) Enter into contracts;
- (f) Acquire, dispose of and deal in any way with property whether real or personal;
- (g) Sue for and recover money or property owing to it;
- (h) Operate and administer the Facilities and Services for the benefit of Members;
- (i) employ persons and terminate their employment;
- (j) Publish any newspaper or any other publication;
- (k) Hold licenses under any relevant legislation;
- (l) Recognize and grant financial assistance to any Affiliated Body;
- (m) Receive and distribute grants;
- (n) Discipline Members in accordance with this Constitution and the Policies;
- (o) Pay Officers and Guild Employees;
- (p) Grant leave to Officers and Guild Employees;
- (q) Conduct campaigns and make representations on behalf of Members;
- (r) Make Policies in relation to any of the above powers and functions; and
- (s) Do all other things as are incidental or conducive to the

attainment of the above aims and objectives and in the exercise of the powers of the Guild.

(2) The assets and income of the Guild shall be applied exclusively to the promotion of its aims and objectives.

(3) No portion of the Guild's profits, assets or income shall be paid or distributed directly or indirectly to Members or Officers, except as bona fide enumeration for services rendered or expenses incurred on behalf of the Guild.

(4) The Guild is a not-for-profit organization

(5) The Guild may only exercise its powers in furtherance of its aims and objectives as described in article 9.

### **PART 3 - MEMBERSHIP**

#### **ARTICLE 6: CATEGORIES OF MEMBERSHIP**

The Guild will have the following categories of membership:

(1) General Membership

(1) Associate Membership

(1) Honorary Life Membership

(1) Life Membership

#### **ARTICLE 7: GENERAL MEMBERSHIP**

(1) Shall be all Under-graduates, Graduates and those pursuing Diplomas, Certificates or Research and Post-graduate courses,

unless they are members of the University Staff.

(2) All general members shall be included in the guild's electoral roll.

#### **ARTICLE 8: ASSOCIATE MEMBERSHIP**

(1) The Guild may admit to Associate Membership any person who:

(a) Is an employee of the University

(b) Is an employee of the Guild;

(c) Is a member of Council;

(d) Is an alumnus of the University; or

(e) Applies in writing and is approved by Senate.

(2) Associate Membership of the Guild does not confer any formal Membership upon the person but allows him or her to:

(a) Be an observer at General Meetings; and

(b) Use limited Facilities and Services as determined by the Guild from time to time and set out in the Membership Facilities and Services Policy.

(3) Associate Members of the Guild shall not be eligible to:

(a) Vote in any meeting, election or referendum of the Guild or its Departments;

(b) Be elected or appointed to any Guild Body.

(4) An Associate Member of the Guild who is an employee of

the Guild shall be eligible to be appointed to any Department subject to the relevant establishing resolution or Department Policy.

(5) The Senate shall set a Membership Subscription for Associate Membership and shall have the power to determine the Policies regarding the terms and conditions of Associate Membership.

#### **ARTICLE 9: HONORARY MEMBERSHIP**

(1) The Senate may by Resolution passed by Special Majority grant Honorary Membership to any person in recognition of his or her outstanding Service to the Guild or the University community.

(2) Unless an Honorary Member is a Student, then an Honorary Member is not entitled to vote at any Guild election, referendum or meeting, and is not eligible for election or appointment to any Guild Body.

(3) An Honorary Member is entitled to be an observer at General Meetings, and to use the same Facilities and Services as Associate Members.

#### **ARTICLE 10: PATRON**

The Senate may by Resolution passed by Simple Majority invite a person who is not a Student to be appointed as Patron for a period as determined by the Senate.

The relevant person will become Patron automatically upon his or her acceptance of the appointment without any further Resolution of the Senate or the Guild being required. The Patron shall have the same Membership status as an Honorary Life Member during his or her term as Patron.

#### **ARTICLE 11: LIFE MEMBERSHIP**

(1) Shall be obtained on payment of subscription agreed on by the senate and the person must have been a full member.

(2) A Life Member is entitled to be an observer at General Meetings, and to use the same Facilities and Services as Associate, honorary Members.

#### **ARTICLE 12: Membership Subscriptions**

(1) Subject to this constitution, the amount of the Membership Subscription shall be determined from time to time by Resolution passed by a Majority of the Senate.

(2) Any change to the amount of the Membership Subscription determined during the course of an academic year shall not take effect until the commencement of enrolment for the following academic year.

#### **ARTICLE 13: Rights, Obligations and Liabilities**

(1) Any person who is a general member of the Guild has the right; -

(a) To participate fully in the proceedings of the General Assembly;

(b) To elect and to be elected to any organ or organs of the Guild Government;

(c) To be elected, nominated or appointed to be a delegate or representative of the Guild in any of the Guild's undertakings;

(d) To express his/her opinion in the proper manner.

(e) Unless an Honorary Member is a Student, then an Honorary Member is not entitled to vote at any Guild election, referendum or meeting, and is not eligible for election or appointment to any Guild Body.

(2) An Honorary, Life, and associate Member is entitled to be an observer at General Assembly Meetings, and to use the same Facilities and Services of the guild.

(3) The rights of a Member under his or her Membership ("Membership Rights") are not transferable.

(4) The Membership Rights of a General Member end when the General Member:

**(a) Ceases to be a Student;**

(b) Has had his or her Membership suspended by the Senate.

(5) A Member shall not be liable to contribute to the debts and liabilities of the Guild by reason only of his or her Membership.

(6) Every member shall abide by the letter and spirit of the Guild Constitution.

## **ORGANS OF GOVERNMENT**

### **ARTICLE 15: GENERAL ASSEMBLY**

(1) The General Meeting of the Guild shall be called the "GENERAL ASSEMBLY"

(2) The General Assembly shall be a decision making organ in addition to being an informative and consultative forum provided that decisions, which require action by Senate or Secretariat, shall be through the Senate.

(3) Assembly in Faculties/Institutes/Schools shall be convened after giving at least 24 hours' notice for ordinary meetings and 12 hours' notice for emergency meetings to the Head of Department concerned.

### **ARTICLE 16: THE SENATE**

There shall be a Council of the Guild known as "senate" hereinafter referred to as the senate shall comprise:-

(a) The President

(b). the vice president

(c) Chair persons of the departments

(d) General Senators

(e) The Guild Advisor

[g] The Legal Advisor

[i] 2 Representatives {1 female and 1 male} of persons with disabilities.

### **ARTICLE 17: THE SECRETARIAT**

Shall be composed of the following:-

[a] The President

[b] The Vice-President

[c] The Prime Minister

[d] The Minister for Internal Affairs and security

[e] The Minister for Finance, property and business affairs

[f] The Minister for Social Affairs, Ethics and Integrity

[g] The Minister for Information and Computer Technology

[h] The Minister for Health and women affairs

[i] The Minister for Justice and Constitutional Affairs

[j] The Minister of Academic Affairs

[k] The Minister for Gender, Culture and students with disabilities

[l] The Minister for Campus Affairs, mobilization and Transport

[b] Any other Minister as shall be approved by at least 2/3 of the total membership of the senate, the General Assembly and the University Council.

### **ARTICLE 18: THE CARE-TAKER GOVERNMENT/ CONSTITUTIONAL TRIBUNAL**

[a] There shall be a Care-Taker Government which shall assume office in the absence of the Guild President and the executive and shall undertake responsibilities, financial and or otherwise, on the behalf of the Guild and shall be composed of; -

[i] The Dean of Students as Chairperson

[ii] The Guild Advisor

[iii] The Legal Advisor

[v] The General Secretary

[b] There shall be a Constitutional Tribunal to which, in the event of any organ of the Guild failing to act as stipulated in this constitution, any member of the Guild may lodge a petition supported by at least 50 (fifty) members of the Guild . The constitutional tribunal shall be composed of;-

[i] The Legal Advisor as Chairperson

[ii] The general secretary

[iii] The Guild Advisor

[iv] Three members of the senate elected by the senate

[v] The Minister of Justice and Constitutional Affairs.

### **The Guild Standing Committees**

1. There shall be the following standing Committees appointed by the respective ministers subject to approval by the senate and responsible to the senate

**a) Committee for finance, Property, Business.**

Shall consist of the General Secretary as Chairperson, the Minister for Finance and 3 [three] other members elected by the senate.

**b) Committee for Students' Affairs**

Shall consist of the Minister for Campus Affairs as Chairperson and 3 [three] other members elected by the senate.

**c) Committee for Finance**

Shall consist of the Minister for Finance as Chairperson and 5 [five] other members elected by the senate

**d) The Guild Disciplinary Committee**

Shall consist of the President of the Guild as Chairperson, the Vice President, the Chairpersons of departments and the Legal Advisor shall attend as a non-voting member.

**e) Committee for Justice and Constitutional Affairs**

Shall consist of the Minister for Justice and Constitutional Affairs as Chairperson and 3 [three] other members elected by the senate.

**f) Committee for Academic Affairs**

Shall consist of the Minister for Academic Affairs as Chairperson and 5 [five] other members elected by the senate

**g) Committee for Campus Affairs, Mobilization and Transport**

Shall consist of the Minister for Campus Affairs, Mobilization and transport as Chairperson and 5 other members elected by the senate

**h) Committee for Health and Women- Affairs**

Shall consist of the Minister for Women Affairs as Chairperson and 5 other women members elected by the senate

**i) Committee for Information and Computer Technology**

Shall consist of the Minister for information and ICT as Chairperson, and 3 other members elected by the senate

**j) Committee for Social Affairs, Ethics and Integrity**

Shall consist of the Minister for social affairs, ethics and integrity as Chairperson, and 3 other members.

**k) Committee for Gender, culture and students with disabilities**

Shall consist of the Minister for Gender, culture and students with disabilities as Chairperson, and 4 other members elected by the senate

**l) Committee for internal affairs and Security**

shall consist of the Minister for internal affairs and Security and other 3 member selected by the senate

2. Any other ad hoc and or standing Committees as shall be approved by at least 2/3 of the membership of the senate and University Council.

3. Committees shall meet as often as there is need

4. All members of the Guild shall be under duty to attend in person all meetings lawfully convened by the Guild government and to meaningfully contribute within the limits of their abilities and powers.

5. The General Assembly shall convene to resolve contentious issues arising from the Guild Administration and to receive reports from the Guild government

## THE SENATE

### 28. Status and Function

The Senate is the legislative body of the Guild. The primary function of the Senate is to manage the administrative, financial and other affairs of the Guild.

### 29. Membership

(1) The Senate shall have a minimum of 20 members and not more than 50 members comprising:

- (a) The President;
- (b) The Vice President
- (b) The General Secretary;
- (c) The Department Chairpersons;
- (c) The General Senators; and
- (d) Up to 3 members co-opted in accordance with article 29(6).

(2) The Immediate Past President may be invited by the Senate to attend Senate meetings as an observer.

(3) The procedures for election of the Senate are set out in the Election Procedures. The persons who are eligible to stand as candidates in elections for the Senate positions and the persons eligible to vote in elections for Senate positions shall be set out in the Election Procedures.

(4) The procedures for filling casual vacancies in Senate positions are set out in this constitution.

(5) The Senate may co-opt up to an additional 3 persons who in the opinion of the Senate possess the relevant skills and expertise to be Senate members. Such persons shall be senior members of the university staff.

(6) Each such co-option shall be made for a maximum term no longer than one year pursuant to a resolution of the Senate passed by Special Majority. The expiration of the term, co-opted members may be considered for further terms and appointed in accordance with this clause by resolution of Senate.

(7) Only General Members are eligible to be elected Members of the Senate.



### 30. Functions of the senate

#### (1) The Senate shall:

- (a) Exercise the legislative power of the Guild;
- (b) Ensure the proper management of the Guild
- (c) Sanction and approve the policies of the secretariat.
- (d) Be competent to pass a vote of no confidence in the President and the Executive subject to the provisions of Article 10, Section 3.
- (e) Deliberate on all matters that affect the members of the Guild and resolve measures to be taken by the guild.
- (f) Elect Guild delegates, representatives and observers to conferences.
- (g) Elect Standing Committees and Ad hoc Committees.
- (h) Elect officers as provided for in this Constitution and shall have power to remove the same by a simple majority vote

(2) Subject to the article above, the Senate also has specific responsibility for:

- (a) Considering all matters related to the rights and interests of Members;
- (b) Providing direction to the Guild on all strategic matters;

(c) Approving policy on matters affecting Members;

(d) Considering reports from the Departments of the Guild on their activities and strategies;

(e) The creation of policy for the employment of Guild Employees;

(f) Filling vacancies in elected positions in accordance with this Constitution;

(g) Setting the annual budget of the Guild in accordance with article 66;

(h) Appointing annually an auditor and ensuring that the accounts are audited

(i) Nominate and vote for the persons to constitute the electoral commission

(i) Interpreting this Constitution and the Policies; and,

(j) Any other matters reserved or allocated to Senate,

(3) A General Assembly may by Resolution direct the Senate on any matter within its responsibilities or powers.

### 31. Delegation

(1) The Senate may by Resolution passed by Special Majority delegate its powers under this Constitution to:

- (a) Any member of Senate; or
- (b) Any Department or Committee which has at least one member of Senate as a member.

(2) A power delegated under article 31(1) may not be further delegated.

[3] The Senate may impose any conditions on a delegation of its powers pursuant to article 31(1) as it sees fit.

#### **34. Chairing of Senate**

(1) The general secretary shall be the chairperson of the meetings of Senate.

(2) In the absence of the General Secretary, the Senate shall by Resolution passed by Simple Majority elect a Senator to act as chairperson of the meeting.

#### **35. Responsibilities of Senators**

##### **(1) Senators shall ensure:**

- a) Regular attendance of all meetings of the Senate.
- b) Providing regular written updates on the actions, resolutions or policy of their Department or portfolio of allocated responsibilities;
- c) Representing the policies made by the Senate and Departments to the secretariat, the University and outside bodies;
- d) Representing the Senate on University Committees if nominated by the Senate members;
- e) Elect standing committees and ad hoc committees,
- f) Sanction and approve the policies of the secretariat,
- f) Any other responsibilities conferred upon the senate

(2) Senate Members shall not be Guild Employees during their term of office.

#### **37. General Secretary**

(1) The General Secretary shall be elected at General Elections in accordance with the Election Procedures.

##### **(2) The General Secretary shall ensure:**

- (i) Proper notice is given of the meetings of Senate and Departments;
- (ii) Accurate and complete minutes are taken of all meetings of Guild Bodies
- (iii) Call and preside over meetings of the general meetings;
- (iv) Advising Guild Bodies on the Constitution, the Rules, the Policies and related governance matters;
- (v) Have the power to punish late coming, absenteeism, misconduct and /or use of improper language during meetings in accordance with the constitution.
- (vi) Dissolve the senate and executive at least two weeks before the general elections
- (vii) Hold office until the end of the first senate meeting following the elections.
- (viii) (3) The General Secretary shall ensure that the Guild keeps an accurate and up-to-date register of members

["Register of Members"]. The Register of Members will be kept at the Guild's offices. The Register shall contain the student number (if applicable), full name and at least one means of contact for each Member and shall state the category of Membership for each Member.

(4) For the purposes of article 15(1) with respect to General Members, the General Secretary and the Guild may rely on the records kept by the University and provided by the University to the Guild from time to time

### **38. General Senators**

(1) All General Senators shall be elected at General Elections in accordance with the Election Procedures.

(2) All faculties/schools/institutes shall send one representative.

(3) The Senate may allocate portfolios to General Senators.

(4) The General Senators may be directed by the Senate.

### **14. Discipline**

(1) The Senate may, by resolution passed by Special Majority, take disciplinary action against an Officer of the senate in accordance with article 6(2n).

(2) Subject to article 14 (1), the Senate shall have the power to take disciplinary action against a Member in respect of his or her Membership and involvement in the Guild and its activities.

(3) Subject to article 14(1), the procedures for investigation, disciplinary action and the imposition of a penalty are as specified in Schedule 1 of this Constitution.

(4) There will be no refund of any part of the Membership Subscription paid by a Member following the suspension of a Member as the result of any disciplinary action taken by the Guild against the Member

### **17. Complaints and Dispute Resolution**

1. The Senate shall make a Policy regarding the management of complaints against the Guild made by Members or by other persons.

2. For matters between the Guild and a Member or Members of the guild which cannot be resolved through the complaints process in article 1 above, the Senate follow the dispute resolution process set in this constitution.

## PART 6 - THE SECRETARIAT

### 39. Membership

(1) There shall be an executive committee of the guild herein after referred to as the secretariat and shall have the following the members:-

- (a) The President;
- (b) The Vice President
- (c) The Prime Minister;
- (d) The minister for Academic affairs;
- (e) The minister for finance, property and business affairs;
- (f) The minister for Social affairs, ethics and integrity;
- (g) The Minister for Internal Affairs and Security
- (h) The Minister for Health and Women Affairs
- (i) The Minister for Information and Computer Technology
- (j) The Minister for Justice and Constitutional Affairs
- (k) The Minister for Gender, Culture and students with Disabilities
- (l) The Minister for Campus Affairs, Mobilization and Transport

(2) Officers or Guild Employees may be invited by the president to attend meetings of Secretariat as observers and to participate in discussion

### 40. Functions

(1) The Secretariat is responsible for the day to day running of the affairs of the Guild.

(2) The Secretariat also has specific responsibility for:

- (a) Initiate policy or policies and carry it or them out after the approval by the Senate
- (b) Ensuring that policy made and directions given by the Senate and decisions of the general assembly are implemented and complied with by all guild bodies
- (c) The regular monitoring of the budget, finances and administration of the Guild;
- (f) Ensuring that a Budget is prepared for consideration by the Senate in accordance with article 66; and,
- (g) Ensuring that the Senate meets regularly and carries out its responsibilities.
- l) Have powers to deal with emergency matters but shall have to report to and seek permission of the senate at its next meeting.

(3) The Senate may by Resolution direct the Secretariat on any matter within its responsibilities, powers or otherwise.

### 36. President

The President shall

- (i) Be the Executive head of the Guild;
- (ii) Be the Head of the secretariat;
- (iii) Preside over meetings of the senate and secretariat;
- (iv) Have a casting vote as well as an original vote during secretariat and senate meetings.
- (v) Be an ex-officio member of all Guild Committees.
- (vi) Be Ex-officio member of the senate
- (vii) In the event of temporary absence of a member of the secretariat, delegate the duties of the absentee to another member of the Executive, save when the absentee is the Minister for Finance, when the president himself shall be in charge.
- (viii) Form the Executive/secretariat
- (ix) Delegate powers to any other member of the secretariat whenever the Vice-president cannot deputize.
- (x) Be co-signatory to all Guild Financial transactions.
- (xi) In the Executive:
  - a) Have the power to reshuffle the secretariat

- b) Have the power to remove any member(s) of the Executive from Office and replace him/her/them;

### (xi) Have the following emergency powers; -

- a) To call emergency meetings of the Executive.
- b) In consultation with the Dean of Students and the Guild Legal Advisor, take emergency decisions on behalf of the Guild in extra ordinary circumstances but seek approval as specified in Article 8 (3)(e) and (11)(4)(o).

(xii) To appoint students' representatives to the various University Committees.

(xiii) Be one of the students' representatives on the University council.

(xiv) Have the duty to abide by, uphold and safeguard this constitution and the rules and regulations of the University and to promote the welfare of the students and protect the integrity of the University.

### (c) THE VICE-PRESIDENT

There shall be a Vice President of the Guild government of the Victoria University students' Guild, appointed by the president who shall be of opposite sex to the Guild President and shall:

- i) Deputize for the President and act as president when the president is absent.

- ii) Be one of the representatives in the senate
- iii) Perform any other duties as he or she may be assigned by the Guild President.

#### **(d) THE ACTING PRESIDENT**

(i) In the event of the President and or the Vice-President having not delegated his/her or their powers to any member of the Executive to act as president, the remaining members of the Executive shall appoint one from among themselves to act as President, provided such acting President shall act for a maximum of fifteen weeks.

(ii) On expiration of the fifteen weeks, new presidential elections shall be held in accordance the stipulated laws.

(iii) In the event of death of the President, or physical or mental incapacity of the same, serious enough to impair the proper execution of his or her duties as President, the Vice-President shall act for a maximum period of 15 (fifteen) weeks and thereafter elections for the President shall be held.

#### **(e) THE PRIME MINISTER**

There shall be a Prime Minister who shall; -

- (i) Be the Secretary to the secretariat

- (ii) Keep a register of and be responsible for all Guild Property.

- (iii) Be Chairperson of the Property Business and Establishment Committee.

- (iv) In consultation with the President, call meetings, prepare and circulate agenda for the members of the secretariat

- (v) Be in charge of the day-to-day running of the Guild.

- (vi) Perform any other duties that he /she may be assigned by the Guild President.

#### **THE MINISTER FOR CAMPUS AFFAIRS, MOBILIZATION AND TRANSPORT**

There shall be a Guild Minister for Campus Affairs, mobilization and transport who shall:-

- (i) Be Chairperson of the student's welfare, mobilization and transport Committee

- (ii) Be a member of the Student/Staff Consultative Committee

- (iii) Sit on various policy making bodies and committees on behalf of the Vice-president if the Vice-president is unable to attend.

- (iv) Be responsible for the day to day operation of the amenities and facilities on Campus.

(v) Contact the University Administration from time to time with regard to the welfare of students

(vi) Contact any other body or bodies on the campus that may have interest in the student's welfare.

vii) Be responsible for mobilization activities of students

viii) Be responsible for coordinating all transport and traffic arrangements in the university.

ix) Perform any other duties that he /she may be assigned by the Guild President.

#### **THE MINISTER FOR FINANCE, PROPERTY AND BUSINESS AFFAIRS**

There shall be a Guild Minister for Finance, property and business affairs who shall:-

(i) Be Chairperson of the Committee for Finance.

(ii) Look after the financial matters of the Guild.

(iii) Be co-signatory to all Guild Financial transactions.

(iv) Take initiative of raising Guild funds with the approval of the secretariat and senate.

(v) Seek advice on Guild financial affairs from the senate, the Finance Committee, Financial Advisor and University Administration and act accordingly.

(vi) Perform any other duties that he /she may be assigned by the Guild President.

#### **THE MINISTER OF SOCIAL AFFAIRS, ETHICS AND INTEGRITY**

There shall be a Guild Minister of Social Affairs, ethic and integrity who shall:-

(i) Be Chairperson of the Committee for Entertainment

(ii) Co-ordinate booking for Socials and entertainments that fall within the jurisdiction of the Guild on the Campus.

(iii) Organize all entertainment for or under any Ministry or organ of the Guild and shall give financial account thereof at the end of each calendar year to the Minister for Finance.

(iv) Be responsible for the Guild band and the Film Board and their Finances.

(v) Perform any other duties that he /she may be assigned by the Guild President.

## THE MINISTER FOR INFORMATION, AND COMPUTER TECHNOLOGY

There shall be a Guild Minister of Information and computer technology who shall:-

- (i) Be Chairperson of the Committee for Information and computer technology
- (ii) Be responsible for the Guild Official news and the production of official publications.
- (iii) Either edit the official publications or appoint an editor or editors from amongst members of the Committee for Information.
- (iv) In conjunction with the University Administration arrange for the editing of the guild magazine and other official publications.
- (v) Perform any other duties that he /she may be assigned by the Guild President.

## THE MINISTER FOR HEALTH AND WOMEN AFFAIRS

There shall be a Guild Minister for Health and women affairs who shall:-

- (i) Be Chairperson of the Committee of Health and women affairs.

- (ii) Be responsible for the health welfare of all students

- (iii) Be responsible for all matters concerning the welfare of female students.

- (iii) Liaise with the University Hospital on matters concerning health.

- (iv) Perform any other duties that he /she may be assigned by the Guild President.

## THE MINISTER FOR JUSTICE AND CONSTITUTIONAL AFFAIRS

There shall be a Guild Minister for Justice and Constitutional Affairs who shall:-

- (i) Be Chairperson of the Justice and Constitutional Affairs Committee

- (ii) Be Secretary of the Constitutional Tribunal,

- (iii) Be responsible for the registration and coordination of the affiliated associations of the Guild

- (iv) Perform any other duties that he /she may be assigned by the Guild President.

## THE MINISTER FOR ACADEMIC AFFAIRS

There shall be a Guild Minister for Academic Affairs who shall:-



(i) Be Chairperson of Academic Affairs Committee.

(ii) Be responsible for the academic welfare of the students.

(iii) Liaise with the Academic Registrar's office and faculty representatives in respect of students' academic affairs

(iv) Perform any other duties that he /she may be assigned by the Guild President.

### **(R)THE MINISTER FOR GENDER, CULTURE AND STUDENTS WITH DISABILITIES**

There shall be Minister for gender, culture and students with disabilities who shall:-

(i) Be Chairperson of the gender, culture and students with disabilities Committee.

(ii) Be responsible for gender, culture and students with disabilities activities of students.

(iii) be responsible for all matters concerning welfare of student with disabilities

(iii) Perform any other duties that he /she may be assigned by the Guild President.

### **THE MINISTER FOR INTERNAL AFFAIRS AND SECURITY**

There shall be a Minister for Internal Affairs and Security who shall:-

i) be the Chairperson of the Internal Affairs and Security Committee

ii) Liaise with the administration on security and other related matters.

iii) Perform any other duties he/she may be assigned by the Guild President.

### **The Guild Advisor**

There shall be a General Advisor to the Guild who shall:-

(a) Be elected by the senate at its first meeting from a list of 3 names submitted by the Guild General Secretary.

(b) Be a non-voting member of the Committee for Finance.

(c) Be a member of the Care-Taker Government.

(d) An Advisor to the Guild on all matters excluding legal and financial matters.

(e) Be in office until the end of the first meeting of the senate following the next General Elections.

(f) Be a non-voting ex-officio member of the senate.

(g) Be a member of the Senior University Staff.

(h) Be a member of the Petition Tribunal.

#### The Financial Advisor

There shall be a financial advisor to the Guild who shall be the University Bursar and shall:

- a) Be an Advisor to the Guild on matters concerning finance.
- b) Be a co-signatory to all guild accounts

#### The Legal Advisor

The Legal Advisor shall:-

- (a) Be chosen from amongst the professionally qualified lawyers on the academic staff of Victoria University.
- (b) Be elected by the senate in its first meeting from a list of 3 names submitted by the Minister of Justice and Constitutional Affairs.
- (c) Be a non-voting member of the Disciplinary Committee.
- (d) Be a member of the Care-Taker Government.
- (e) Be a member of the petition Tribunal.
- (f) Advise the Guild on legal matters.
- (g) Be in office until the end of the first senate meeting following the Next General elections.

(h) Be a non-voting member of the Committee on the Justice and Constitutional Affairs.

#### 16. Affiliation to the Guild

1. Any registered students' organization in the University shall be affiliated to the Guild on its

Application for affiliation to the Executive, having been approved by the senate and the vice-

Chancellor provided that; -

(a) All its members are members of the Guild;

(b) Its Constitution is in line with the aims and aspirations of the Guild;

(c) It has not less than thirty-five (20) members.

2. Any affiliated societies may be eligible for financial assistance on application to the Minister for Finance and on approval by the senate.

(3) An up-to-date register of Affiliated Bodies ("Register of Affiliates") shall be kept by the Guild. The General Secretary shall be responsible for the establishment and maintenance of the Register of Affiliates.

## PART 4 –MEETINGS

### 19. General Meeting

1) There shall be at least two[2] General Meeting each academic year, called the "General Assembly"

2) The general assembly shall be the supreme decision making organ in addition to being an informative and consultative forum provided that decisions which require action by the senate or secretariat shall be through the senate.

3) The general assembly shall be held after giving at least seven [7] days notice for and ordinary meeting and 12 hours for an emergency meeting.

4) The general assembly shall be composed of all members of the student's guild presided over by the general secretary.

5) The general assembly shall convene to resolve contentious issues arising from the guild administration and to receive reports from the guild government.

### 21. Special General Assembly Meetings

[1] In addition to the general assembly meetings, a Special session of the General assembly may be convened if:

- (a) The Senate decides to do so by Special Resolution;
- (b) The General Secretary receives an application signed by at least 100 Members of the guild requesting the Special session of the general assembly to be convened and which application:-
  - (i) is in writing, signed by each of the Members indicating their names ,courses and registration numbers;
  - (ii) States the motion or motions to be considered by the meeting;
  - (iii) Is given to the office of the General Secretary or the President, or presented to a meeting of the Senate.

[2] Only those matters proposed under article 21[1] shall be considered at the Special session of the General Assembly.

[3] The Special session of the general assembly shall be conducted as determined by the Senators and in accordance with Standing Orders.

### 22. Day, Time and Place of Meetings

[1] A General assembly, senate and secretariat meetings may be held only:

- (a) On a Teaching Day;
- (b) At a time reasonably convenient for Members to attend; and
- (c) On a Campus.

(2) The Senate may by Resolution permit Members to participate in a General Meeting via:

- (a) Electronic means;
- (b) Tele- or video-conference; and/or
- (c) Proxy voting.

## 23. Notice of Meetings and Motions

1. The general secretary shall give notice of General assembly to Members and senators in accordance with the Standing Orders. Agenda items shall be included together with the Notice of Meeting.

2. The prime minister shall give notice of the secretariat meeting and also provide the agenda for the meeting

3) Subject to article 28[7], a motion or amendment to a motion shall be passed by Simple Majority. If an equal number of votes are cast for and against a motion or amendment, the chairperson shall declare the motion or amendment lost.

(4) Subject to the Act, Statute and Rules, motions or amendments to motions in relation to the following shall be decided by Special Resolution:

- (a) Change of functions of the Guild;
- (b) Change of name of the Guild; and

(c) The adoption, amendment or repeal of this Constitution.

(10) A Special Resolution shall be passed by Special Majority of members of the assembly

## 24. Quorum of the General Assembly

(1) The minimum quorum for the ordinary business of a General Assembly is the attendance of at least 40 Members present in person or by proxy, plus no fewer than 75% of Senators.

(2) If a quorum is not present within 30 minutes of the scheduled time as specified in the relevant notice of meeting for the General Assembly, the Assembly stands adjourned to the day, time and place that the assembly decides

## 25. Chairing and Conduct of general assembly Meetings

(1) The general secretary shall act as chairperson of all General assemblies and meetings of the senate at all material times.

(2) If the general secretary is not present and has not nominated another member of Senate to act as chairperson, the members of Senate present shall elect by Simple Majority a Senator to act as chairperson.

(3) The Guild shall specify in the Standing Orders any procedures for the conduct of General Assembly meetings not set out in this Constitution.

## 26. Voting at the general assembly

[1] General Members are entitled to vote at the General Assembly.

[2] The Patron, Associate Members and Honorary Life Members who are not Students may attend General Meetings as observers, but are not entitled to vote at General Meetings.

[3] Each General Member present at the General Assembly shall have one vote, which may only be placed in person or by proxy.

[4] The General Secretary is responsible for ensuring that accurate and complete minutes are taken and kept of all General Assembly Meetings.

[5] A Member (in this article called "the appointing member") may appoint in writing another Member who is a neutral person to be the proxy of the appointing member and to attend, and vote on behalf of the appointing member at, any General Meeting. The form for appointment of a proxy may be prescribed by Senate.

[6] Unless a secret ballot is required under article 28(5):

[a] Voting shall be by show of hands; and,

[b] The declaration by the chairperson of the result of a vote, as recorded in the minutes, shall be conclusive evidence of the vote.

[7] Any combination of 10 or more Members who are eligible to vote and are present at the General Assembly meeting may request a secret ballot.

## . 41. Meetings of the secretariat

[1] Meetings of the Secretariat shall be held at least 4 times during the Senate's term of office which shall be convened and conducted in accordance with the Standing Orders.

[2] The president shall chair meetings of the Secretariat at all times.

[3] In the absence of the president, the vice president shall chair meetings of the Secretariat. In the absence of both the president and the vice President, the Secretariat shall by Resolution passed by a Simple Majority elect one of its members to chair the meeting

[4] Quorum of the Secretariat shall be the presence in person, via telephone, or via video conference, of at least 8 or more of its members.

[5] Proxy voting shall not be permitted.

[6] voting in the secretariat shall be by secret ballot

### 32. Meetings of the senate

- (1) Meetings of the Senate shall be held at least twice a semester and chaired by the general secretary
- (2) Meetings of the Senate shall be convened and conducted in accordance with the Standing Orders.

### 33. Quorum

- (1) Subject to article 33(2), a quorum of the Senate shall be the presence in person, via phone, or via video conference, of not less than 60% of the total number of Senators.
- (2) Of those Senators present, no fewer than three shall be members of the Secretariat.
- (3) Subject to article 33(5) a Senator who is unable to attend a Senate meeting may grant proxy voting rights to another Senator.
- (4) Proxy voting rights shall be in writing and signed and dated by the Senator who is granting proxy voting rights.
- (5) A Senator may hold proxy voting rights on behalf of more than one Senator in any Senate year, but may not hold proxy voting rights on behalf of the same Senator more than once in any Senate year.

## PART 7 - DEPARTMENTS

### 44. Establishment and Dissolution

(1) The following Departments are established under this Constitution:

- (a) Under graduate department
- (b) Post graduate department
- (c) Diploma department
- (d) Certificate department

(2) For each Department established under this Constitution, the Senate shall approve a Policy ("Department Policy") which shall include:

- (a) Its title;
- (b) Its membership;
- (c) Its responsibilities, accountabilities and powers; and

(d) Any special provisions as to its meetings and elections or appointments, unless otherwise provided for in this Constitution.

**(3) Subject to article 47(4), the Senate may by Resolution passed by Special**

Majority create Departments in addition to those established under article 47(1).

(4) The Establishing Resolution shall include:

- (a) Its title;
- (b) Its membership;
- (c) Its responsibilities, accountabilities and powers; and

(d) Any special provisions as to its meetings and elections or appointments,

Unless otherwise provided for in this Constitution.

(5) All Departments are accountable to the Senate for the proper carrying out of their responsibilities and powers.

(6) A copy of the Establishing Resolution or Department Policy (as appropriate) of each Department shall be placed and kept in the Guild Policy Manual.

(7) The Senate may by Resolution passed by Special Majority dissolve any Department created under article 47(3) at any time.

#### **45. Election of Members**

Unless otherwise stated in this Constitution, the procedure and requirements for election of Members to Departments shall be prescribed in the relevant Establishing Resolution or Department Policy.

#### **46. Department Chairpersons**

(1) Each Department Chairperson shall be elected at General Elections in accordance with the Election Procedures.

(2) Each Department Chairperson is responsible for:

(a) Liaising with the relevant Guild office-bearers, staff and student groups on significant issues within the scope of the

Department, as they relate to, and affect Members;

(b) Convening regular meetings of the Department;

(c) Reporting regularly to Senate on all meetings, and relevant matters arising at, meetings of the Department;

(d) Reporting to other Guild Bodies on significant issues within the role of the Department as required;

(e) Developing in consultation with Members, and recommending to the Senate for adoption, Policies on issues within the scope of the Department;

(f) Implementing Policies on issues within the scope of the Department; and,

(g) Administering and managing the activities and budget of the Department, in accordance with the Policies.

(3) Each Department Chairperson is accountable to, and may be directed by the Senate.

### **PART 9 – ELECTIONS**

#### **57: Establishment of the Electoral Commission**

There shall be a commission known as the Electoral Commission which shall be responsible for civic education, provision of guidance, and in liaison with the Administration and other key stakeholders conduct, monitor and/or supervise Guild elections, and announce the results of the election process

### 58: Appointment to the Commission

- a) There shall be four [4] members appointed by the Administration and three [3] members appointed by the senate.
- b) The Executive of the Electoral Commission shall be voted in by members of the Commission at their first sitting.
- c) The commission shall be appointed not more than 30 calendar days from the start of the second semester of the academic year running. In the event that the committee has to be appointed after the 30th day then the Dean of Students should waive this clause with justification.

### 59: Eligibility to membership of the Electoral Commission

Each member of the Electoral Commission must:

- (a) Be a person of high integrity and good moral standing;
- (b) Not standing or intending to stand for elections in that particular Academic year. No student shall serve on the Electoral Commission if he/she is on the executive (President, Vice presidents, general Secretary).
- (c) Be a fully registered student of the University.
- (d) In the event of one or more posts within the Commission falling vacant, then the Electoral Commission shall notify the President for replacement. The vacant slots shall be filled by the appointing authority within thirty [30] calendar days from the position falling vacant with formal notice to the Dean of

Students.

### 60: Term of Office for members of the Electoral Commission

- a) The Chairperson shall hold office for a period of one year.
- b) Other members of the Electoral Commission shall hold office for a period of two academic years with the exception of members in their final year.

### 61: Cessation of term of office

An electoral commission member shall cease to hold office upon;

- a) The expiry of the academic year within which they have been elected or the expiry of their second term in office.
- b) Receipt of their resignation letter by the Guild President and copied to the general secretary and Dean of Students.
- c) Being found guilty of indulging in electoral malpractice or indiscipline. A member shall either be removed by the senate or by the University Administration.
- d) If appointed by the senate, the member shall be removed by resolution of the senate approved by a fifth of the voting members in the senate. This cannot happen during the election period.
- e) If appointed by the University Administration, the appointing Authority shall within five [5] days appoint a replacement for that member.



## 62: Swearing in of the Electoral Commission

Upon appointment, the Electoral Commission shall be sworn-in by the Dean of Students and senate within seven [7] working days.

## 63: Functions and Powers

### (i): The Returning Officer (Chairperson)

Shall:

- a) Issue election regulations and guidelines.
- b) Receive all materials and information for the purpose of conducting elections.
- c) Chair all meetings of the Commission.
- d) Publish an electoral report after the election process.
- e) Be responsible for the general conduct of the commissioners including recommending to the relevant authorities remedial action for errant members.
- f) Receive and publish written notice of resignation of any electoral commissioner.
- g) To declare the Results of Students' Guild elections within set times;
- h) To do such additional things relating to elections as are determined by the Students senate.
- i) Consult with the outgoing President and the Dean of Students and shall announce Nomination Day and the names

of Candidates at least seven working days before polling day.

j) Increase the number of general senator to be elected to the senate.

### (ii): The Vice Chairperson

Shall:

- a) Work with the Chairperson to execute the duties of the commission.
- b) Assume responsibility of the Chairperson in case he/she is absent. This may be waived by the Dean of Students with suitable justification.

### (iii) The Secretary

Shall:

- a) Record all the proceedings of the Commission.
- b) Be in charge of the publications of the Commission.
- c) Receive election related complaints.

### (iv) The Commissioners

Shall:

- a) Organize the general election process and ensure its efficiency with impartiality, diligence and confidentiality.
- b) Allocate polling stations and supervise the casting of ballots.
- c) Organize the ballots formation and design.
- d) Update the electorate on the election schedule and programs.

#### 64: Meetings of the Electoral Commission

- a) Meetings of the Electoral Commission shall be called by Chairman of the Electoral Commission by notice in accordance with this Constitution.
- b) At least five (5) days' notice shall be given of a meeting of the Electoral Commission outside of an election period.
- c) At least twelve (12) hours' notice shall be given of a meeting of the Electoral Commission during an election period.
- d) In the event of actual, and/or perceived emergency the electoral commission shall convene immediately, and thereafter even multiple times within forty eight (48) hours to address, avert, or calm such events as the need dictates with the Dean of Students presiding. : Preparation of and Materials for Elections  
In conjunction with the Office of the Dean of Students;
  - a) The Electoral Commission shall on appointment draft a budget, for the review by the senate, and thereafter approval by the Administration before implementation.
  - b) In all the publications of the commission unless circumstances otherwise warrant, names of candidates contesting for the same post shall be printed in the same form, visibly in alphabetical order, surname first.
  - c) Nomination forms shall be obtained from the commission at a non-refundable fee that shall be determined by the senate and approved by the Administration.
  - d) Discuss, agree on and disseminate the voters' eligibility checklist five (5) working days before the election.

- e) Ensure that voting materials like ballot papers, tally sheets and boxes have been secured, and that the voters register is in place and that all are secure.
- f) Gazette and notify voters of where voting shall take place at least five (5) working days to the election
- g) Develop and seek approval of the election plan from the senate and Administration at least seven (7) working days to the election date
- h) Put in place coordination, monitoring and feedback systems to be in place at least fourteen (14) days to the election
- i) Conduct civic education at least within fourteen (14) days to the election.

#### 65: Facilitation of Commissioners

- a) ~~The Administration shall facilitate the Chairperson, Vice Chairperson, Secretary and Commissioners with a consolidated~~ fee for the entire electoral process. The fee shall be proposed by the senate and approved by the University Administration before the Electoral Commission is put in place and is made known to the appointees.
  - b) In addition to this, the administration shall also provide the above members of the commission with a Certificate of recognition after completion of their term of office.
- #### 66: Election period, Re-run and Eligibility

#### (i): Annual Elections

a) Guild elections shall be held annually to elect members of the Students' Guild government; six (6) weeks before the mandate of the current government is due to expire.

b) Only registered students who are eligible to vote may vote.

c) All elections shall be by secret ballot and the results shall be determined by simple majority, on the basis of 'one-person, one vote'.

d) Voters shall cast their vote by putting any mark in the box beside the name of the candidate they wish to vote. A vote cast shall be nullified only if it shows a tick or mark in more than one box, which shows that, the voter has chosen more than one candidate.

e) Where there is a tie between two candidates in any Students' Guild Elections, elections to these positions shall be repeated after three (3) days, for the two (2) leading contenders until, one candidate obtains a simple majority.

f) When one candidate withdraws from contesting for a particular position where there are only two contestants, the remaining contestant shall be declared the winner.

g) When one candidate withdraws from contesting for a particular position where there are more than two candidates, the remaining candidates shall be voted for.

h) Where only one candidate remains after several competitors have withdrawn for no justifiable reason, the sole candidate shall be declared the winner.

i) In the event that the reasons for the withdrawal of candidate(s) from the election are found valid then the election shall be called off by the electoral commission and another election prepared for.

#### (ii): Eligibility to Vote

a) Only registered students shall be eligible to vote on presentation of a valid student identity card and/or their original stamped examination permit for the semester in which the election is to be carried out.

b) Pursuant to (a) above, the administration, senate and Electoral Commission preserve the right to amend the above clause in the event where the Guild election date has been set before the issuance of examination permits for the semester running.

c) Any such change shall be formally communicated on the day of election Guidelines being published, to the Guild Candidates, the General student Guild and the administration by publishing and placing the notice at the guild offices and on select notice boards within the University.

#### (iii): Presidential and senate Elections

There shall be the Presidential and the senate elections which shall normally take place within first Semester of the Academic Year, unless waived by the Dean of Students with justification. Both elections shall be conducted simultaneously.

## 67: Eligibility, Campaigns and Elections for Presidential Elections

### (1). Criteria for Eligibility

a) A candidate for presidential elections shall be a full member of the Guild having spent at least one undergraduate full academic year at Victoria University with good academic performance (a normal progress with a CGPA of not less than 3.6) and has no retake that is pending in his/her examinations at the University.

b) Students on two year programs shall not be eligible to stand for the post of Guild

President even if they have been full members of the Guild.

c) Any member of the Guild intending to contest for any seat shall pay a non-refundable fee determined by the Electoral Commission in consultation with the senate and approved by the University Administration.

### (2). Campaigns and Elections

a) Nomination forms for Presidential Elections shall be signed by candidates, proposed and seconded by one fifth (1/2) of the members of the Electorate and shall be submitted in writing to the Chairperson.

b) No candidate shall be allowed to withdraw from the candidacy to Presidency within twelve (12) hours of the General Election. Any withdrawal must be formally notified in writing to the Chairperson of the Electoral Commission who must notify the

Students' Guild and the Administration with immediate effect.

c) Any candidate who withdraws within twelve (12) hours of the General Election shall be considered to have lost the vote.

d) All Presidential candidates shall have the privilege to address students and any other officials at the University on such dates and periods as may be determined and published by the Electoral Commission.

f) The Returning Officer in consultation with the out-going President shall announce the nomination day and call for nominations of presidential candidates at least 4 (four) weeks before polling day.

g) The Chairperson of the Electoral Commission shall announce and cause to be published the results of the elections not later than one hour after receiving the results from all the polling stations.

h) A person who has been elected president once shall only serve on one Guild Government while on the same Academic program.

i) No Candidate or agent shall campaign twenty four hours to the election time. If found guilty of this offence, a Candidate shall lead to disciplinary action against the candidate and or payment of a fine.

## 68. Senate Criteria for Eligibility, Representation and Elections

### (1): Criteria for Eligibility

There shall be the senate elections which shall:

(a) Take place the same day and time with Presidential Elections;

(b) The outgoing senate shall be dissolved one week before nomination day.

(2) A person shall qualify to be a Member of senate if he/she:

(a) Is a member of Students' Guild.

(b) Has spent at least one undergraduate full academic year at Victoria University with good academic performance (a normal progress with a CGPA of not less than 3.0) and has no retake that is pending in his/her examinations at the University;

(c) Is not a first year, transfer student or finalist.

(d) Has obtained clearance from the Faculty.

(e) Has never been convicted of a criminal offence.

(f) Has a good disciplinary record and has never been found guilty of violating any Victoria Rules and Regulations by the university Disciplinary Committee.

(g) Has a valid student identity card and a stamped valid examination permit as per Academic guidelines / policies for the semester in which the elections are to be held, with the exception of the President who shall be eligible only after having paid his or her fees in full.

(h) Is a full-time day student with the exception of the Evening and Master's program representatives.

#### 69: Election Agents

(a) Any candidate contesting for any post in the Students' Guild elections shall have not more than two Election Agents at each polling station.

(b) The names of the agents shall be submitted to the Returning Officer at least one day (24 hours) before polling day.

#### 70: Prohibitions during Elections;

The following are prohibited and shall lead to disqualification of a candidate from the election:

a) Adopting or using a flag or symbol or motto of any country or political party in order to solicit votes.

b) Contesting for more than one position in the election.

c) Any inducement, whether financial or otherwise, to encourage or discourage a Member to vote or not to vote in a particular way.

d) Holding of more than one voting position.

#### 71: Elections Cancellation and By-Elections

##### 1: Cancellation of Elections or Voting Process

An election or a voting process may be cancelled or nullified

by the Vice Chancellor after notifying the Dean of Students, Legal advisor, Electoral Commission Chairperson and the Chief Security personnel. Such cancelation or nullification shall be in case of violence or a major threat of violence.

## 2: By-Elections/Re-run

- a) If candidates in an election tie in the vote tally, the Chairperson of the Electoral Commission shall declare a re-run of the election between the tied candidates and supervise the rerun three days after the announcement of the tie.
- b) If the Electoral Commission nullifies an election, the Chairperson of the Electoral Commission shall declare a re-run of the election and set a date for the re-run.
- c) In the event of a post falling vacant in the senate, the general secretary shall notify the Electoral Commission in consultation with the Dean of Students to carry out by-elections.
- d) The by-election in (a) above shall take place within 28 days of the office or seat falling vacant, unless waived by the Dean of Students, with justification.
- e) Except otherwise stated, all other by-elections shall follow the procedures as provided for those particular offices or seats falling vacant. 36
- f) Any member of the Guild intending to contest for the vacant seat shall pay a non-refundable fee determined by the Electoral Commission in consultation with the senate and approved by the University Administration.

## 72: The Committees

Members to the various committees shall be elected in the second senate meeting.

### 1: The Vetting Committee

There shall be a Vetting Committee in every academic year which shall;

- a) Be composed of members of the senate.
- b) Be chaired by the general secretary;
- c) Vet the presidential appointees and nominees;
- d) Guidelines to the eligibility of the Vetting Committee shall be based on the same requirements as those of eligibility of the members of senate.

### 2: The Vetting Committee procedure

Procedure of Vetting shall be as follows:

- a) The President shall give names of the appointees and nominees to the Vetting Committee through its Chairman immediately after the Committee has been formed;
- b) The committee shall vet the candidates, research, deliberate and decide on the appointees & nominees after which they shall communicate their decisions to the senate within a period of not more than three (3) days after election;

c) On the first {1st} Day of the three {3} days as stated in (b) above, the Presidential appointees and nominees shall appear before the Vetting committee;

d) Any person who may feel treated unfairly by the Vetting Committee shall petition in writing to the Dean of Students and the University Legal Advisor for redress within a period of 72 Hours;

e) The Dean of Students and the University Legal Advisor shall study the petition in line with the provisions of this Constitution and dislodge it within a period of 48 Hours and their decision shall be final.

#### 73: Petition Tribunal

a) There shall be an Electoral Petition Tribunal and it shall have a quorum of at least 5 (Five) of its members including the Chairperson.

b) The members of the Elections Petitions Tribunal Shall comprise of:-

i) The Dean of Students;

ii) The Legal Advisor as Chairperson;

iii) The president of the secretariat;

iv) The general secretary of the secretariat

v) The vice president Finance minister of the secretariat

vi) A senior member of the University Administration appointed by the Vice Chancellor.

vii) One person selected by senate.

c) A candidate or any member of the Guild may lodge a petition to the Tribunal whenever he/she thinks that there has been a contravention of any election procedure during the elections.

d) The petition must be lodged within 72 hours after the elections, and must be signed by at least a fifth of the people who participated in the respective elections.

e) The Chairperson of the Tribunal shall notify within 24 hours, members of the Students' Guild that a Petition has been lodged.

f) The Tribunal shall sit to make a ruling on the petition within four days thereafter.

g) The hearing of the petition shall be in camera and the ruling shall be announced within 48 hours after the hearing.

h) The Tribunal's ruling shall be final.

#### 74: Swearing-In

a) The senate shall be sworn-in at its first sitting by the Dean of Students.

b) The Guild President and the Executive shall be sworn in by the Vice Chancellor at the General Assembly at which the senate members shall be recognized.

c) The Vice Chancellor shall be notified by the Dean of Students of the ceremony at least seven days before it takes place.

d) The Chairperson Electoral Commission shall notify members of the Guild of the ceremony at least 3 {three} days before it takes place.

[e] The Swearing in Ceremony shall be organized jointly by the Electoral Commission, the Dean of Students, and the Outgoing President in accordance with this Constitution.

### **75: Oath of Allegiance**

Every holder of elective office shall upon taking his/her seat, swear an oath of allegiance to the University and subscribe before the Guild as provided in this constitution.

## **ARTICLE 10: TERMINATION OF OFFICE**

### **Section 1: Resignation**

[a] Whenever there is an occasion for the resignation of the secretariat to be tendered, the President shall tender the resignation of the same collectively to the senate through the general secretary.

[b] In case a member of the secretariat wishes to resign, he shall tender his resignation in writing to the President giving at least 7 [seven] days' notice.

[c] In case a member of the senate or one of the Guild Committee members wishes to resign, he shall tender resignation in writing to the general secretary.

### **Section 2: Suspension and Dismissal**

[a] The president shall have power to suspend or dismiss a member of the secretariat. The duration of suspension shall be at the discretion of the President and but shall not exceed 30 [thirty] days.

[b] The general secretary shall have power to suspend a member who fails to attend 2 [two] consecutive senate meetings without satisfactory reasons. The period of suspension shall not exceed 2 [two] successive meetings.

[c] If the senate feels that a member merits dismissal, the case shall be referred to the members of the disciplinary committee which members shall give a ruling, the member shall be deemed withdrawn.

Section 3: Vote of No Confidence in the Guild President and the secretariat

A vote of no confidence in the President and the Executive may originate from the senate or the Guild.

## **IN AND BY THE SENATE**

[a] Any member of the senate shall be entitled to move a vote of no confidence in the President and the secretariat.

[b] A 7 [seven] days' notice accompanied by the formulated motion shall be given by the mover to the general secretary who shall then cause it to be published within 24 hours, and convene a meeting of the senate to be held on the 7th (seventh) day from the receipt of the motion.

[c] For the motion of no confidence to be carried, it shall require at least two-thirds of the total membership of the senate by secret ballot.



(d) In the event of the motion of no confidence being carried as provided in Article 10 Section 3 (a) above, the secretariat shall be expected to resign within 3 (three) days.

(e) Should the secretariat refuse to resign within the 3 (three) days provided in Article 10 Section 3 (d) above, it must make a written appeal within the 3 (three) days, to the general secretary who shall make arrangements for the motion of no confidence to be voted by the Guild as provided in Article 10 Section 3.

(f) Should the secretariat not resign within the days as provided in (d) of this Section; and further fail to make a written appeal to the general secretary within 3 (three) days as proved in (e) of this section then, the secretariat shall automatically be deemed out of office and thereafter the Care-Taker Government will assume office.

(g) If the Guild endorses the vote of no confidence by special majority in a secret ballot, or in the event of the secretariat being out of office as provided in (e) and (f) of this section, new elections for the president shall be held within 14 (fourteen) days.

(h) If the vote of no confidence of the G.R.C is rejected by the Guild in secret ballot, all senators shall resign and new elections shall take place within fourteen (14) days.

### IN AND BY THE GUILD

(a) A vote of no confidence in the President and the secretariat by the Guild shall require a petition signed by at least a 1/5 (one fifth) of the members of the guild, to the general secretary.

(b) The general secretary shall cause the list of the signatories to be displayed on all university Notice Boards within 48 hours of receipt of the petition.

(c) After 24 hours' display of the signatories, general secretary shall give notice of a General Assembly meeting to take place within 7 days to hear the petition and the President's defence.

(d) The quorum for such a meeting shall be 3/4 (a quarter) of the whole Guild membership. If no quorum is realized, the vote no confidence shall be deemed lost.

(e) There shall be no voting taken at this meeting.

(f) After the meeting of the General Assembly, the general secretary shall conduct a secret ballot on the motion of no confidence within 48 hours.

(g) The vote of no confidence shall be carried out if at least 2/3 (two thirds) majority of the members of the Guild vote for it in the secret ballot.

In the event of the vote of no confidence being carried as provided in (g) of this section, the President and the secretariat shall instantaneously vacate their offices, and new elections of Presidency shall be held within 14 days.

### Section 4: Vote of No Confidence in the General Secretary

(a) A Vote of no confidence in the general secretary shall be moved after a petition duly signed by at least 25 (twenty- five) percent of all senate members.

(b) The petition shall be presented to the Chairperson of the care-taker Government who shall publish the petition and chair

the meeting to discuss the motion within 14 days.

(c) The quorum shall be at least  $3/4$  [three fifth] of the senate members.

(d) The motion of no confidence shall be carried if at least  $2/3$  [two- thirds] of the members present vote for it in a secret ballot.

## **FINANCE**

### **Collection of Revenue**

(a) The subscriptions of members shall be determined and collected in a manner prescribed by the senate approved by the University Council and shall be transferred to the Guild Account before any expenditure is made.

(b) Grants, donations or any legal entitlements shall be made to the Minister for Finance, p[roperty and business affairs and declared to the Dean of Students.

### **Source of Revenue**

The source of Revenue shall be: -

- a) Subscription from members of the Guild.
- b) Fundraising activities of the Guild;
- c) Grants, donations, bequests and trusts;
- d) Interests and profit from the Guild property and capital;
- e) Any legal entitlement to the Guild;
- f) Registration of affiliate associations and;
- g) Any other source or means approved by the senate.

### **Budgeting**

(a) The Minister of Finance together with the Finance

Committee shall prepare and lay before the senate during the second [2<sup>nd</sup>] Session estimates of all revenue and expenditure for the whole year the Government is in office for approval.

(b) The senate shall pass a Guild Budget before the beginning of each fiscal year, which budget shall reflect the objective of this constitution to promote the general Welfare of all the Students of Victoria University. Such Budget shall conform to the budgetary conventions of the University and shall have separate subheadings for; (i) expenses which inure to the benefit of the student, or some part thereof, directly and (ii) the expenses of the Government and its officers and legislators, including office expenses, emoluments, refreshments, transportation and other incidental expenses of conducting the government which do not directly benefit the wider student body.

(c) The budget so approved as in (b) above shall be submitted to the Financial Advisor to the Guild who will present it to the University Council for ratification.

(d) Copies of the approved and ratified budget shall be made available to all faculties/institutes/departments/schools and to the university officials concerned.

## **Supervision and Authorization of Finances**

(a) The Guild funds shall be kept by the University Bursar.

(b) The Guild Minister of Finance shall keep up to date books of accounts indicating the income and Expenditure of the Guild through and or by any minister or official or any member of the Guild.

(c) The minister for finance shall deposit all monies with the bank.

[d] No Guild official shall keep Guild monies for longer than three 3 days unless specific official authority has been granted by the Dean of Students.

[e] The authority to withdraw or to authorize withdrawing Guild money shall rest with the minister for finance in conjunction with the Guild president, and the Dean of students.

[f] The Guild Cheques shall be signed by the Dean of students as the Principal signatory the minister for Finance and Guild President. Where one signatory other than the principal is not available; the financial Advisor shall sign.

[g] All financial transactions shall be made in the names of the guild.

[h] The Minister for Finance shall receive and keep any receipt or written evidence certifying any expenditure of the Guild funds.

[i] All monies received in the name of the Guild shall be receipted by the finance minister.

[j] The finance minister shall present a signed Balance Sheet for endorsement by the Financial Advisor to be submitted to the senate at the end of their term of office.

[k] Before any of the Guild incurs any expenditure, the estimates of that expenditure shall be discussed and approved by the finance committee, which finance committee shall meet and receive an account of such approved expenditure.

[l] The Minister for Finance shall submit monthly financial reports to the Financial Advisor.

In the event of temporary absence or physical incapacity of Minister for Finance, the President shall carry on his duties for such a time, as the Minister himself shall be unable to

carry out the duties.

[n] In the event of the Guild Minister for Finance resigning before his term of office comes to an end, the Minister shall handover a signed financial statement to his successor. Such a financial statement must be approved by the finance committee.

[o] The Executive may authorize allocation of funds within the heads of expenditure and must report such expenditure to the following senate meeting for approval.

[p] All transactions of the Guild shall follow the laid down procedures of procurement and disposal of public assets.

#### **Auditing.**

[a] The accounts of the Guild shall be audited not later than four weeks before the Guild General Elections by the University Auditor.

[b] The Audited accounts and Balance Sheet shall be approved and signed by the Financial Advisor before being presented to the senate.

[c] The Audited Accounts and Balance Sheet shall be published after approval by the senate not later than 7 (seven) days before the Presidential and Senate Elections.

## PART 8 - CODE OF CONDUCT

### 47. Applicability of this Part

This Part applies to all Guild Bodies unless a specific provision of this Constitution, the Policies or the Resolution establishing the relevant Guild Body provide otherwise.

(2) The Code of Conduct will include (but will not be limited to) the duties, obligations and liabilities of Officers set out in herein and any other matters set out in the university rules.

### 48. Duties, Obligations and Liabilities of Officers

(1) By nominating for election or accepting appointment, Officers agree to comply with this Constitution, the Policies, the Rules, the Statute and all applicable laws.

#### (2) All Officers shall:

- (a) Act honestly and in good faith;
- (b) Not make improper use of their position or information obtained in their position to gain directly or indirectly an advantage for themselves or another person or to cause detriment to the Guild;
- (c) Disclose conflicts of interest in accordance with the Statute and the rules;
- (d) Exercise reasonable care and diligence;

(e) Act in accordance with the Code of Conduct as described in herein and

(f) Comply with the university rule and constitution.

(3) Officers have no liability to contribute towards payment of the debts and liabilities of the Guild by virtue only of their status as an Officer provided that they have acted in good faith and have acted in accordance with this Constitution and the Code of Conduct.

(4) The Senate may investigate and take disciplinary action and/or impose penalties in accordance with the Statute against an Officer in relation to a breach or suspected breach of article 48(2). The procedures for such investigation and the imposition of disciplinary action and any penalties are set out in Schedule 1.

### 49. Disclosure of interest by Officers

(1) Following an Officer's disclosure of interest to the General Secretary in accordance with the Rules, the Guild Body considering or about to consider the matter in which the Officer has declared an interest shall:

- (a) Subject to article 52(2), consider the nature of the officer's interest and decide by Special Resolution whether the Officer shall:
  - (i) Be disqualified from participating in discussion and from voting on the matter;

- (ii) Be disqualified from voting on the matter while being permitted to participate in discussion on the matter; or
- (iii) Be permitted to participate in discussion and vote on the matter.

**(b) Ensure that the minutes of the meeting record:**

- (i) The nature of the Officer's disclosure, and
  - (ii) The Guild Body's decision and reasons for decision with respect to the Officer's further participation in discussion or voting on the matter.
- (2) The Officer who has declared the interest shall not be present during, nor participate in, discussion or voting on the Special Resolution at article 52(1)(a).

## **50. Indemnity of Officers and Members of Guild Bodies**

The Guild indemnifies all Officers against any liability incurred by them by reason of any act or omission done by the Officer in good faith in his or her capacity as an Officer, unless the liability arises out of conduct involving a breach or breaches of the duties and obligations set out in article 51.

## **51. Standing Orders**

The Senate shall make standing orders providing for the convening and conduct of meetings of all Guild Bodies. The Standing Orders shall include provisions concerning:

- (a) Scheduling of meetings;
- (b) Provision of notice;
- (c) Rules of debate; and
- (d) Such other matters regarding the conduct of meetings as the Senate considers necessary.

## **52. Term of Office**

- (1) Members elected to positions at the General Elections hold office subject to Clause 55(1b), for the twelve-month period from 1 December to 30 November, or
  - (2) The President and General Secretary may not hold the same office for more than two consecutive terms as either President or General Secretary, as the case may be.
  - (3) An Officer who has been appointed to his or her position other than by election shall hold office from the date of his or her appointment for a fixed term as specified by the relevant Guild Body.
- (1) The position of an Officer becomes vacant if the person holding the position:
- (a) Gives a signed resignation to the General Secretary (or in the case of the General Secretary, to the President)
  - (b) Ceases to be a Student;

- (c) Is removed for non-attendance at meetings in accordance with article 58;
  - (d) Is removed by Resolution of a Special Majority passed at a General Meeting or Referendum;
  - (e) Is suspended, removed or disqualified by Resolution passed by a Special Majority of the Senate;
  - (f) Ceases to have required qualifications as may be prescribed for the position in the Establishing Resolution or Department Policy of the relevant Department or other Resolution establishing the position; or
  - (g) Ceases to have legal capacity.
- (2) Vacancies in elected Senate positions shall be filled:
- (a) In the case of the President or General Secretary
    - (i) If the vacancy occurs a By-election, subject to article 56(2) (a ii); or
    - (ii) In the case of a Chairperson of a Department – by a Member elected by secret ballot of Members of that Department or, if there are fewer than three Members of the Department at the time of the vacancy occurring,
  - (i) By a Member appointed by Resolution passed by a Special Majority of the Senate; or
  - (ii) If there are fewer than three members of Senate at the time of the vacancy occurring – by a Member elected by secret ballot of Members present at a General Meeting.

(c) In the case of a General Senators – by a Member appointed by Resolution passed by a Special Majority of the Senate; or, if there are fewer than three members of the Senate at the time of the vacancy occurring, by a Member elected by secret ballot of Members present at a General Meeting.

(3) Subject to article 56(2)(b), vacancies in elected positions in Departments or other Guild Bodies shall be filled in accordance with the procedures prescribed in the Department Policy or Resolution establishing the relevant Guild Body.

(4) Subject to this clause, persons filling vacancies in elected positions hold those positions for the remainder of the term of office

(5) Vacancies in co-opted Senate positions shall be filled (if required) in accordance with article 33(6).

(6) Vacancies in co-opted or appointed positions in Departments or other Guild Bodies shall be filled (if required) in accordance with the procedures prescribed in the Department Policy or Resolution establishing the relevant Guild Body.

### 53. Validation

Even if it is later found that a person who has acted as an Officer was not properly elected or appointed, the validity of:

- (1) The acts of the person acting in that capacity; and,
- (2) Decisions of meetings in which that person has participated; are not affected provided that Officer has acted in accordance

with article 51(1) and (2).

#### 54. Leave of Absence and Non-Attendance at Meetings

[1] An Officer may inform the Senate of a leave of absence in accordance with the Standing Orders.

[2] If an Officer is absent without leave on three consecutive meetings without approval given under the Standing Orders then that Officer's position automatically becomes vacant.

#### 56. Eligibility for Attendance at Meetings

[1] Any Member may attend any meeting of any Guild Body, unless the relevant Guild Body decides by Resolution to proceed in camera.

[2] The President may attend and speak at meetings of all Guild Bodies of which he or she is not a member, unless the relevant Guild Body decides by Resolution to proceed in camera.

[3] Any Guild Body may invite a person who is not a member of that Guild Body to attend while the

#### 84. Amendment or Repeal of Constitution

The Constitution may only be amended or repealed in accordance with the approval of a simple majority of the senate and special majority of the general members.

[2] All resolutions to make amend or repeal a Policy shall be by Simple Majority of the Senate following recommendation from the Policy and Accountability Committee.

[3] All Policies shall be placed in the Guild Policy Manual. The Guild Policy Manual shall be published by the Senate each year.

[4] Members shall at all times comply with the Policies as if they formed part of this Constitution.

#### 85. Validity of Acts and Decisions

[1] The acts and decisions of Guild Bodies shall be valid irrespective of:

(a) One or more casual vacancies in its membership (including a vacancy arising out of the failure to elect or appoint a member of the Guild Body);

(b) A defect or irregularity in, or in connection with the election or appointment of a member of the Guild Body; or

(c) A defect or irregularity in, or in connection with the election or appointment of the chairperson of a meeting.

[2] The acts and decisions of Officers shall be valid despite any defect or irregularity in connection with the election or appointment of such Officers, provided that the Officers have acted in accordance with article 51.

[3] After a period of five years, any act or decision of a Guild Body or Officer that may otherwise be or may be challenged as being invalid shall be deemed to be valid and binding on the Guild.

#### 86. Resolution of Disputes between the University and the Guild

Any disputes or unresolved matters between the University and the Guild shall be resolved in accordance with the procedure set out in the constitution, rules

#### 87. Inconsistencies

This Constitution is to be read in conjunction with the Statute and the University Rules. In the event of any inconsistency between this Constitution and the Statute or the Rules, then the Statute or the University Rules (as the case may be) shall prevail.

#### Schedule 1

#### DISPUTE RESOLUTION PROCEDURES

The dispute resolution procedures for disputes between the Guild and a Member or Members of the guild shall be as follows:

[a] The parties to the dispute shall meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties;

[b] The parties may elect to bring a support person, who is not a legal representative, to any meetings;

[c] A support person may not be a person acting on the behalf of parties to a complaint or as an agent or representative of a party to a complaint;

[d] If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties shall, within 10 days (or such longer time as agreed by the parties), hold a meeting in the presence of a mediator;

[e] Subject to article 20(2f), the mediator shall be a person chosen by agreement between the parties;

[f] In the absence of agreement between the parties, the University shall be asked to appoint a mediator;

[g] The mediator cannot be a Member who is a party to the dispute;

[h] The parties to the dispute shall, in good faith, attempt to settle the dispute by mediation;

[i] The mediator, in conducting the mediation, shall -

[j] Give the parties to the mediation process every opportunity to be heard;

[k] Allow due consideration by all parties of any written statement submitted by any party; and



- (l) Ensure that the mediation process is conducted fairly and without bias;
- (m) The mediation must be confidential and without prejudice; and
- (n) The costs of the mediation shall normally be borne by the Guild.
- (o) The decision of the mediation process shall be final.

## DISCIPLINE

1. The Senate shall have the power to take disciplinary action against Members or Officers in respect of their Membership and involvement in the Guild and its activities.

The Senate may from time to time make policies regarding the discipline of Members or Officers, outlining the:

- (1) Types of action or conduct which would constitute grounds for disciplinary action;
- (2) Procedures to be followed in taking disciplinary action;
- (3) Nature and scope of such disciplinary action (including timeframes for periods of suspension, if applicable); and
- (4) Process for appeal against any disciplinary action.

2. Disciplinary action undertaken by the Senate shall be in accordance with the Statute.

## 3. DISCIPLINARY COMMITTEE

(1) The Senate shall establish a Disciplinary Committee

(2) The role of the Disciplinary Committee shall be to investigate all charges of contraventions of the Policies or of this Constitution, and to impose penalties prescribed.

(3) Membership

(a) The Disciplinary Committee shall comprise:

(i) The Chairperson, who shall be the guild President;

(ii) the vice president

(ii) (ii) chair persons of the departments

(ii) the legal advisor as a non voting member

(iii) 3 Members who are not Members of the Senate, at least one of whom shall be female and at least one of whom shall be male.

### (4) General Regulations

(a) The deliberations and decisions of the Disciplinary Committee shall be confidential.

(b) The Disciplinary Committee shall determine its own procedures consistent with the principles of fairness and natural justice.

(c) The Disciplinary Committee may determine that the submission of evidence may be confidential.

- (d) Decisions of the Disciplinary Committee shall be subject to review by Senate.
- (e) Any person or persons affected by a decision of the Disciplinary Committee may appeal to the Senate in writing within 14 days of the date of any decision.
- (f) Any Officer, Guild Body or Affiliated Body may refer any contravention of the Policies or this Constitution to the Disciplinary Committee.
- (g) Before any investigation may be commenced by the Disciplinary Committee, the chair person shall provide the person or persons charged with a contravention of the Policies with a notice in writing requiring the person or persons to appear before the Disciplinary Committee.
- (h) The notice specified under item 3(4)(f) shall include:
- (i) Sufficient details of the alleged contravention of the Policies or this Constitution to enable the person or persons to respond orally or in writing to the allegation;
  - (ii) Reference to the particular Policies or clauses of this Constitution allegedly contravened;
  - (iii) The provision of any documents, including edited versions of documents, relevant to the allegation which may be used as evidence;
  - (iv) An offer to the person or persons of the opportunity to be heard, including the date, time and place that the matter will be considered by the Disciplinary Committee;

- (v) Advice that the person or persons has the right to be accompanied by a student, or by a staff member of the University or of the Student Guild ("The accompanying person"), provided that the accompanying person is not a legal practitioner; and
- (vi) A copy of the part of the Constitution concerning the Disciplinary Committee.
- (i) A person or persons served with a notice under item 3(4)(f) shall attend and appear before the Disciplinary Committee as required or shall submit a written explanation in relation to the charges of contravention of the Policies or the Constitution to the chair person of the Disciplinary Committee.
- (j) The Disciplinary Committee may proceed with the investigation notwithstanding the non-attendance of the person or persons charged if the Disciplinary Committee is satisfied that the notice to attend was duly served on the relevant person or persons.
- (k) The chair person of the Disciplinary Committee may, by not less than 4 working days' notice in writing, require any Member to attend at a stated time before the Disciplinary Committee for the purposes of providing evidence.
- (l) A Member served with a notice under item 3(4) (j) may request an extension of time to attend and a reasonable extension shall be granted by the Disciplinary Committee.
- (m) The Disciplinary Committee may admit evidence by declaration made in the form of a Statutory Declaration.

(n) The Disciplinary Committee may permit persons who are not Members to provide evidence to the Discipline Committee.

(o) The Disciplinary Committee may permit any group of persons required to appear before the Disciplinary Committee, to appear by a representative (provided the representative is not a legal practitioner).

(p) A Member whose conduct, in the opinion of the Disciplinary Committee, constitutes contempt of the Disciplinary Committee, shall be liable to the penalties applicable under item 4(2)(a).

(q) Where a person is charged with persistent breaches of the Policies or Constitution or has not paid any fine imposed by the Disciplinary Committee within the prescribed period, the Disciplinary Committee may recommend to the Senate that action be taken by the Senate in the terms of item 4(2)(b).

(r) As soon as practicable after the Disciplinary Committee has reached a conclusion in relation to any particular investigation and made a decision in relation to penalties to be applied, the chair person of the Disciplinary Committee shall serve notice of the particulars of the conclusion and decision on:

(i) The person or persons charged with contraventions of the Policies or Constitution; and

(ii) The Senate and the Officer, Guild Body or Affiliated Body that referred the matter to the Disciplinary Committee for investigation.

(s) If the Disciplinary Committee has imposed a fine, the notice required under item 3(4)(r) shall also inform the person or persons on which the fine has been imposed of the right of appeal under items 4(2)(l) to 4(2)(p) and item 5 inclusive, and shall provide a copy of the part of Constitution relating to appeals.

#### 4. DISCIPLINARY PENALTIES

##### (1) General Regulations

(a) The Chair person of the Disciplinary Committee shall submit a written report of the investigation to the Senate at the first Senate meeting after the Disciplinary Committee has made its decision.

(b) The report under item 4(1a) shall include:

(i) Copies of all written declarations and other documentary evidence presented to the Discipline Committee;

(ii) A summary of oral evidence presented to the Disciplinary Committee;

(iii) Particulars of the decision; and

(iv) Reasons for the decision.

(c) Any member of the Disciplinary Committee may submit a dissenting report to the Senate.

(d) The Senate shall not vary or set aside any decision of the Disciplinary Committee unless a successful appeal is made by

the relevant person or persons.

## **(2) Penalties**

(a) Except where otherwise expressly provided, a Member who is found to have contravened the Policies or Constitution shall be liable to:

(i) For a first offence other than a Serious Offence, pay a fine of an amount not exceeding 50% of the Membership Subscription payable by a full-time;

(ii) For a subsequent offence of the same nature as a prior offence, pay a fine of an amount not exceeding the Membership Subscription or

(iii) For a Serious Offence, or any third or subsequent offence, or for non-payment of a fine within the prescribed period, pay a fine not exceeding 150% of the Membership Subscription payable by a Member, or

(iv) Perform any other non-monetary punishment that the Disciplinary Committee considers fit.

(b) The Senate, on the recommendation of the Disciplinary Committee, may suspend a person's membership rights for a period not exceeding one year where that person has:

(i) Committed a Serious Offence,

(ii) Committed a third or subsequent contravention of the Policies or the Constitution, or

(iii) Not paid any fine imposed by the Disciplinary Committee within the prescribed period.

(c) In accordance with Section 7 of the Statute, the Senate may by resolution passed by Special Majority impose a penalty against an Officer including:

(i) The suspension or removal of the relevant Officer from his or her position for a period as determined by the Senate; or

(ii) The disqualification of the relevant Officer from holding any position as an Officer within the Guild for a period as determined by the Senate.

(d) A penalty may be imposed collectively upon a group of Members, or upon a Guild Body or Affiliated Body, if it is found that the individuals of such group or body were collectively responsible for the offence or that the individual or individuals responsible belong to such group or body but cannot be identified.

(e) Unless determined otherwise by the Appeals Committee or Disciplinary Committee, any fines imposed shall be payable within 14 days.

(f) A Member may be disciplined in accordance with the Constitution if he or she is shown to have:

(i) Persistently committed breaches of the Policies or Constitution or to have refused to comply with the authority of the Senate or any duly appointed employee or Officer of the Guild; or

(ii) Behaved within the Guild or University premises in a manner which discredits the Guild.

(g) In addition to any other penalties set out in this Schedule, a Member who makes a false statement, knowing it to be false or not believing it to be true, in any declaration made under Constitution or in any disciplinary investigation before the Senate sitting as the Appeals or Disciplinary Committees, shall be liable to a fine of an amount not exceeding 80% of the Membership Subscription.

(h) A Member giving evidence before any such Senate or committee shall be warned of the penalties that may be incurred for making false statements.

(i) Notices relating to disciplinary investigations or appeals may be served personally or by registered post.

(j) A notice served by registered post, addressed to the person to whom it is directed at their last known place of residence, in the absence of evidence to the contrary, may be presumed to have been received by the person in the ordinary course of the post.

(k) A notice served on the Secretary of a Guild Body or Affiliated Body shall be sufficient notice to the relevant Body.

(l) An Officer, the Senate, the Guild Body or Affiliated Body, who referred a matter for investigation, and the person or persons charged, may appeal to the Senate against any decision of the

Disciplinary Committee made on the matter.

(m) Notice of the appeal shall be in writing setting out the grounds for the appeal and shall reach the Secretary of the Guild within 14 days after the notice of the decision to which the appeal applies was served on the appellant.

(n) A copy of the notice shall also be served within the 14 days upon the other party or parties concerned.

(o) The notice of appeal and its service under the Constitution shall be the responsibility of the appellant.

(p) When notice of appeal is duly given, action on the decisions of the Disciplinary Committee shall be stayed.

(q) The rights, powers, benefits and remedies of the Guild under this Schedule (including any penalties) are in addition to, and not exclusive of, any other right, power, benefit or remedy provided by law.

## 5. THE APPEALS COMMITTEE

(1) General Regulations

(a) The Senate shall sit as an Appeals Committee

(b) Members of the Disciplinary Committee shall be excluded from membership of the Appeals Committee.

(c) The appeals committee shall comprise of

(i) General Secretary who shall Chair the Appeals Committee

(ii) The legal advisor

(ix) 5 senators appointed randomly before the sitting of that session of the Appeals Committee

(g) The chair person shall, as soon as convenient after an Appeals Committee is appointed, provide the Members of that Appeals Committee with copies of each of the following:

(i) The notice of appeal;

(ii) The report of the Disciplinary Committee;

(iii) The report, if any, of any dissenting member of the Disciplinary Committee; and

(iv) Any other documents relating to the matter.

(h) The chair person shall give the appellant and any other parties concerned at least 7 days notice of the date and time for the consideration of the appeal.

(i) The appellant and other parties concerned shall be entitled to appear personally and to be represented before the Appeals Committee.

(j) The Appeals Committee, when considering an appeal, may permit the appellant and other parties concerned to appear, to present a case, or both, in such a manner or form as the Appeals Committee decides.

(k) The chair person shall notify the appellant and other parties of any decisions taken.

(l) The General Secretary, by not less than four working days notice in writing, may require any Member to give evidence to the Appeals Committee.

(m) A Member served with such notice shall attend as required.

(n) The Appeals Committee may:

(i) Admit evidence by statutory declaration made under the Constitution;

(ii) Permit persons who are not Members to give evidence before it; and

(iii) Permit any group of Members, any Guild Body or any Affiliated Body required or entitled to appear before it to appear by a representative.

(o) The Appeals Committee may confirm, reverse or vary any decision made by the Discipline Committee but the Appeals Committee may not impose penalties in excess of those authorized by the Constitution.

(p) Decisions of the Appeals Committee shall be final and shall not be subject to further appeal or review within the Guild.

## Schedule 2

### DECLARATION AND PRESENTATION OF THIS CONSTITUTION

This document was presented to the secretariat on the ——— and to the Victoria University council on the ——— where it was approved as the amended Victoria university Guild Constitution.

## CITATIONS/SWEARING- IN

### (a) The President

"I \_\_\_\_\_ swear that I shall discharge my duties as President of Victoria University Students' Guild with all honesty and to the best of my ability, abiding fully by the Guild Constitution. So help me God"

### (b) The Executive (Each)

Citation as in (a), substituting the respective secretariat post for "President"

### (c) The senators (all at a go)

"I \_\_\_\_\_swear that I shall discharge my duties as a member of the senate with all honesty and to the best of my ability, abiding fully by the Guild Constitution. So help me God"

### (d) The Guild Standing Committee Members (all at a go)

"I \_\_\_\_\_swear that I shall discharge my duties as a member of the Committee with all honesty and to the best of my ability, abiding fully by the Guild Constitution. So help me God"

### (e) Electoral Commission

I \_\_\_\_\_ do hereby solemnly swear that I shall execute my duties as Chairperson/vice Chairperson/Secretary/member of the Electoral Commission (of year) with all honesty, confidentiality and to the best of my ability. So help me God.

## APPENDIX II: HANDING OVER

### (a) Oath of the Out-going President

"I hereby affirm that the files and all other Guild Property for which my Executive and I have been in charge are hereby handed over.

### Schedule 3

## CODE OF CONDUCT.

The conduct of senate ad secretariat members shall be governed by the following principles;

- a) Respect; for all students, staff and members of public.
- b) Hard work; in promotion of the good name of Victoria university.
- c) Morality; in avoiding vices like drunkenness, violence, vulgar language and profanity.
- d) Decency; in dress code that shall portray a professional image of the University, especially when representing the University in their official capacity.

- e) Legality; in all their actions and interactions among each

other and with other students, members of staff and members of public.

f) Any student or member of the Guild involved in riots or strikes upon being found guilty of involvement shall be dismissed from Victoria University. Members involved in strikes shall be liable criminally and legally for any damage to property or injury to people during the strike or riot. They shall therefore pay for damages caused or face arrest and prosecution.

### **ELECTORAL RULES AND REGULATIONS**

1. The Electoral Commission shall draw up a program for nominations, campaigns and voting, and every candidate in co-operation with the other members of the Guild shall strictly abide by it.

2. Any candidate who shall be found guilty of instigating any form of violence, or guilty of any other form of misconduct shall be disqualified by the Electoral Commission in consultation with the caretaker Government.

3. Disciplinary action shall be taken by the University Disciplinary Committee against any student who interferes with the smooth running of the Electoral Process or is found guilty of any form of electoral malpractice.

4. There shall be no campaigning at any time beyond 7:00 p.m.

### **SUPREMACY**

The Constitution shall be the Supreme Law governing the Guild and any Law to the contrary shall be null and void, to the extent to which it is contrary to the Constitution.