

Constitution

UMSU Incorporated

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UMSU INCORPORATED
CONSTITUTION

1. GENERAL

1.1 Name

The name of the association is University of Melbourne Student Union Incorporated.

1.2 Interpretation

(a) Definitions

In this Constitution, unless the context otherwise requires:

“**Academic Day**” has the meaning adopted by the University.

“**ACNC**” means the Australian Charities and Not-for-profits Commission.

“**ACNC Legislation**” means the *Australian Charities and Not-for-profits Commission Act 2012* (Cth) and the *Australian Charities and Not-for-profits Commission (Consequential and Transitional) Act 2012* (Cth).

“**AIR Act**” means the *Associations Incorporation Reform Act 2012* (Vic).

“**Activities Committee**” means the Committee of that name established in accordance with rule 10.4(a).

“**Associate Member**” means a non-Student Member recorded in the Register as an Associate Member.

“**Burnley Students Committee**” means the committee of that name established in accordance with rule 10.4(a).

“**charitable at law**” means charitable within the meaning of the *Charities Act 2013* (Cth).

“**Campus Co-ordinator**” means the Burnley Campus Co-ordinator or the Southbank Students Campus Co-ordinator.

“**CEOCOC**” means the [UMSU Chief Executive Officer Contract Oversight Committee](#).

“**Chief Executive Officer**” means that Staff Member specifically employed by UMSU as the Chief Executive Officer for the purposes of this Constitution.

“**Clubs and Societies Committee**” means the committee of that name established in accordance with rule 10.4(a).

“**Clubs and Societies Council**” means the body established in accordance with rule 12.1(a).

“**Collective**” means a body corresponding to an area of activity by a

Committee to participate in events and discussions relating to that area of activity each as established in accordance with rule 10.3(a).

“**Committee**” means each and any of the Activities Committee, Clubs and Societies Committee, Creative Arts Committee, Education Committee, Environment Committee, Disabilities Committee, Indigenous Committee, Queer Committee, Welfare Committee, Women’s Committee, People of Colour Committee, International Student Committee or the Southbank Students Department Committee each as established in accordance with rule 10.4(a).

“**Constitution**” means this document.

“**Consumer Price Index**” means the consumer price index published by the Australian Government Statistician under the heading All Groups, Melbourne.

“**Council of the University**” means the Council of the University as constituted under the *University of Melbourne Act 2009* (Vic).

“**Creative Arts Committee**” means the committee of that name established in accordance with rule 10.4(a).

“**Department**” means all of the components corresponding to an area of activity including the respective Officer(s), Committee and Collective applicable to each respective area of activity and includes each of the departments established in accordance with rule 10.2(a).

“**Department Policy**” means the principles or means for implementing the Purposes relevant to a Department. Department Policy is made by the relevant Committee.

“**Disability**” means an ongoing experience of one or more of, but not limited to, the following: physical, intellectual, psychiatric, mental health, sensory or neurological impairment, learning disabilities, chronic medical conditions, developmental and/or autism spectrum disorders.

“**Disabilities Committee**” means the committee of that name established in accordance with rule 10.4(a).

“**Education Committee**” means the committee of that name established in accordance with rule 10.4(a).

“**Electoral Regulations**” means regulations made by the Electoral Tribunal pursuant to rule 15.10.

“**Electoral Tribunal**” means the tribunal established in accordance with rule 15.1.

“**Environment Committee**” means the committee of that name established in accordance with rule 10.4(a).

“**General Meeting**” means a meeting of Students convened pursuant to rule 4.1.

“**General Member**” means a Student or Officer who subscribes to membership of UMSU, in accordance with Rule 2.3.

“**General Secretary**” means the position established in accordance with rule 6.3(b).

“Graduate Student” means a person enrolled as a Graduate Student at the University.

“Grievance Procedure” means the process for resolving grievances established in accordance with rule 3.2.

“Grievance Tribunal” means the tribunal established in accordance with rule 3.2(a)

“Honorary Life Member” is a person who has been made an Honorary Life Member in accordance with Rule 2.2.

“Indigenous Committee” means the committee of that name established in accordance with rule 8.

“Indigenous Student” means a Student identified in the University records as being indigenous.

“International Student” means a person who has the enrolment status of an international student.

“Member” means a member of UMSU, and includes all Membership categories.

“Membership Category” means a category of UMSU membership described in Rule 2.2.

“Membership Fee” means the fee (if any) set by the Students’ Council for joining or remaining a member of UMSU in accordance with rule 2.11(a).

“Office” means each of the positions referred to in rule 6.3(b), whether the position is held jointly or by an individual.

“office holder” means an office holder within the meaning of the AIR Act.

“Officers” means each of the individuals holding an Office referred to in rule 6.3(b), whether the position is held jointly or by an individual.

“Operations Sub-Committee” means the Operations Sub-Committee established by rule 17.6(a).

“People of Colour” means people who identify as people of colour due to their African, Asian, Pacific Islander, Aboriginal, Indigenous, Latinx, Arab, multiracial or other relevant non-white background, and **“Person of Colour”** has the corresponding meaning.

“People of Colour Committee” means the committee of that name established in accordance with rule 8.

“Policy” means the principles or means for implementing the Purposes as applicable to the relevant area of activity or responsibility for each of UMSU, the Students’ Council or a Committee (as the case may be).

“Privacy Legislation” means the *Information Privacy Act 2000* (Vic) and any replacement or additional legislation governing the provision and distribution of personal information of any person.

“Purposes” mean the purposes of UMSU as set out in rule 1.3.

“Queer Committee” means the committee of that name established in accordance with rule 8.

“Queer Students” means those persons who identify as being within the category of Queer. Queer includes, but is not limited to, being same-sex attracted, homosexual, bisexual, pansexual, asexual, intersex, Trans, Non-binary, or sex and/or gender diverse.

“Referendum” means a vote of all Students on a particular issue in accordance with rule 5.

“Register” means the register of Members maintained by the Secretary in accordance with rule 2.8(c).

“Regulations” mean any regulations made by the Students’ Council, the Electoral Tribunal or the Grievance Tribunal pursuant to this Constitution.

“Restricted Constituency” means each of Queer Students, Students of Colour, Indigenous Students, Students with Disabilities, International Students, Southbank Students and Graduate Students.

“Returning Officer” means the Returning Officer appointed by the Electoral Tribunal.

“Semester” means a semester as prescribed by the University for the purposes of its academic programs made available to Students.

“sign” includes signing electronically or written text on an email confirming that a person has signed a particular document.

“signature” includes electronic signatures or written text on an email confirming that a person has signed a particular document.

“Special Meeting” means a Students’ Council meeting or Committee meeting that is not part of the regular calendar of Students’ Council meetings or Committee meetings.

“Southbank Students” means Members who are enrolled in a higher education course, as part of the Faculty of Fine Arts and Music, at the Southbank Students Campus.

“Southbank Students Committee” means the committee of that name established in accordance with rule 10.4(a).

“Special Resolution” means a resolution passed at a General Meeting:

- (i) of which notice specifying the intention to propose the resolution as a special resolution has been given in accordance with this Constitution and the Act;

- (ii) by a majority of not less than three fourths of the Members who are present in person and entitled to vote at a General Meeting.

“Staff Member” means a person employed as a member of staff of UMSU, and if there is none, will mean, where a function is to be performed by a Staff Member, the General Secretary.

“Student” is as defined under the *University of Melbourne Act 2009* (Vic).

“Students’ Council” means the body established in accordance with rule 6.2 and having the responsibilities as outlined in rule 6.1 and elsewhere in the Constitution. The members of Students’ Council are the Voting Council Representatives and Officers.

“Students of Colour” means Students who identify as People of Colour.

“Students with Disabilities” means those Students who identify as being within the category of Students with Disabilities, in accordance with the definition of Disability.

“Students studying at a campus other than Parkville” means those persons satisfying the requirements in the Electoral Regulations as being within the category of Students studying at a campus other than Parkville.

“Trans” means a person who identifies with a gender, or genders, other than that which they were assigned at birth, including, but not limited to, those who identify as transgender, transsexual, genderqueer, a gender or sex and/or gender diverse.

“University” means The University of Melbourne, a body politic and corporate constituted under the *University of Melbourne Act 2009* (Vic).

“UMSU” means UMSU Incorporated.

“UMSU Policy” means the principles or means for implementing the Purposes for UMSU and the Students’ Council. UMSU Policy is made by the Students’ Council.

“UMSU International” means the body which represents International Students at the University.

“UMSU International Committee” means the Committee of UMSU International established in accordance with the UMSU International Regulations.

“Voting Council Representative” means a Voting Council Representative elected to the Students’ Council pursuant to rule 6.2(a).

“voting representative” means a voting representative elected to a body other than the Students’ Council (including the Committee pursuant to rule 10.4(d)).

“Woman” means a person who identifies as a Woman regardless of gender assigned at birth, including but not limited to trans women, cis women and intersex women.

“Woman of Colour” means those who identify as being both a woman and a Person of Colour.

“Welfare Committee” means the committee of that name established in accordance with rule 8.

“Women’s Committee” means the committee of that name established in accordance with rule 8.

(b) **Construction**

In this Constitution, unless the context otherwise requires:

- (i) words importing the singular include the plural and vice versa;
- (ii) words importing any gender include the other gender;
- (iii) references to persons include corporations and bodies politic;
- (iv) a reference to 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 (whether of the same or any other legislative authority having jurisdiction);
- (v) references to this or any other document include the document as varied or replaced, and notwithstanding any change in the identity of the parties;
- (vi) references to writing include any mode of representing or reproducing words in tangible and permanently visible form, and includes facsimile transmission;
- (vii) if a word or phrase is defined, cognate words and phrases have corresponding definitions;
- (viii) an obligation incurred in favour of two or more parties is enforceable by them jointly and severally;
- (ix) reference to anything (including, without limitation, any amount) is a reference to the whole or any part of it and the reference to a group of things or persons is a reference to any one or more of them;
- (x) a defined term has the same meaning whether used as a noun or otherwise;
- (xi) reference to a month and cognate terms means a period commencing on any day of a calendar month and ending on the corresponding day in the next succeeding month but if a corresponding date does not occur in the next succeeding calendar month the period ends on the last day of the next succeeding calendar month;

- (xii) references to this document include schedules and annexures;
- (xiii) in the event of any inconsistency between the provisions of any Regulation and any provision of this Constitution, the relevant provision of this Constitution prevails.

(c) **Headings**

Headings must be ignored in construing this Constitution.

1.3 Purposes

The purposes for which UMSU is incorporated are:

- (a) To advance the welfare and interests of Students;
- (b) To represent Students of the University within the University and to the community;
- (c) To provide a democratic and transparent forum in which Students' affairs and interest can be governed in an effective and accountable manner;
- (d) To provide amenities and services, principally for Students and other members of the University community, and incidentally to the public, but in all cases not inconsistent with agreements made with the University, as the case may be, from time to time;
- (e) To provide an independent framework for Student social and political activity;
- (f) To develop, maintain and support Student clubs, societies and associational life generally;
- (g) To promote and defend the rights of Students to education on the basis of equality, without regard to race, colour, sex, sexuality, gender identity, age, physical disability, mental illness, economic circumstances, political religious or ideological conviction, or national or social origin;
- (h) To oppose violence and/or hatred through militarism, nationalism, or discrimination on the basis of race, colour, sex, sexuality, gender identity, age, physical disability, mental illness, economic circumstances, religion, or national or social origin; and
- (i) To promote free and accessible government-funded education.

1.4 Powers

In order to achieve its Purposes, but for no other purpose and subject always to the AIR Act and the terms of any agreements with the University, as the case may be, UMSU has all the powers of a natural person.

1.5 Incorporation

- (a) UMSU is an association incorporated under the AIR Act and is subject to the provisions of and the regulations made under the AIR Act.

- (b) In the event of any inconsistency between any provision of the AIR Act and this Constitution, the provisions of the AIR Act will apply and the offending provision of this Constitution will be read down to the extent necessary to ensure any inconsistency is resolved.

1.6 Recognition of Original Custodians

UMSU recognises that Aboriginal people, as the original custodians of the land on which the University sits:

- (a) have a unique status as the descendants of Australia's first peoples;
- (b) have a spiritual, social, cultural and economic relationship with their traditional lands and waters within Australia; and
- (c) have made a unique and irreplaceable contribution to the identity and wellbeing of Australia.

2. MEMBERS

2.1 Representative of Students

UMSU is recognised by the Council of the University as the representative body of all Students completing higher education award courses at all campuses of the University and at the Victorian College of the Arts which is an affiliated institution of the University.

2.2 Members of UMSU

- (a) There are three Membership Categories, as follows:
 - (i) General Members;
 - (ii) Associate Members; and
 - (iii) Honorary Life Members.
- (b) A person may become a Member of UMSU if they meet the requirements of any one or more of the Membership Categories set out in rules 2.3-2.5.

2.3 General Members

- (a) If no Membership Fee has been set in respect of General Members, all Students who apply for membership will be General Members.
- (b) If a Membership Fee has been set in respect of General Members, those Students pay the relevant Membership Fee will be General Members.

2.4 Associate Members

Individuals (including UMSU or University staff, or members of the community) who subscribe to UMSU but are not Students may be admitted as Associate Members, subject to payment of any relevant Membership Fee.

2.5 Honorary Life Members

- (a) The Students' Council may grant Honorary Life Membership to a person by a resolution passed by no fewer than two thirds of its voting members.
- (b) The Students' Council may determine Regulations governing the criteria and process for the award of Honorary Life Membership.
- (c) The Students' Council may not pass a resolution granting Honorary Life Membership until after the end of the final academic period of a given year.

2.6 Admission to Membership

- (a) A Student becomes a General Member:
 - (i) If no Membership Fee has been set in respect of General Members immediately on:
 - (A) completing enrolment for a higher education award course conducted by the University and indicating as part of that enrolment that the Student wishes to become or remain a Member of UMSU); or
 - (B) applying for membership in accordance with any application process prescribed by the Students' Council; and
 - (ii) If a Membership Fee has been set in respect of General Members, on payment of the relevant Membership Fee; and
- (b) A person who is not a Student becomes an Associate Member upon:
 - (i) payment of the relevant Membership Fee; and
 - (ii) fulfilment of any other requirements prescribed by Regulation of the Students' Council.
- (c) A person becomes an Honorary Life Member in accordance with Rule 2.5.

2.7 No Discrimination in the Provision of Funded Services

UMSU may not discriminate on the basis of membership of UMSU in relation to the provision of services funded in whole or in part by fees compulsorily imposed by the University as a non-academic fee.

2.8 Rights of Members

- (a) Subject to restrictions imposed elsewhere in this Constitution (but not to any restrictions imposed by Regulations), every Student is entitled to:
 - (i) vote at elections for membership of the Students' Council and Committees established by this Constitution;

- (ii) attend and speak at meetings of the Students' Council, any Committee and any Sub-Committee, except for those parts of meetings held in camera;
- (iii) inspect the Minutes, certified as a true copy by the Chair, of:
 - (A) any meeting of the Students' Council;
 - (B) any meeting of a Committee or Sub-Committee;
 - (C) any group of persons exercising delegated authority under this Constitution;

as soon as possible after the conclusion of that meeting, or the part of a meeting held on a particular day, and in no case later than the end of the third working day after the day on which the meeting or part of the meeting was held.

- (b) Subject to restrictions imposed elsewhere in this Constitution (but not to any restrictions imposed by Regulations), every General Member, Voting Council Representative and voting representative on a Committee and Officer is entitled to:
 - (i) all the rights granted to Students, subject to rule 2.8(c).
 - (ii) be advised that General Members are requesting the calling of a General Meeting or Referendum, and of the contact details of those General Members or at least one of them;
 - (iii) inspect any requests sent to the General Secretary for the calling of a General Meeting or Referendum;
 - (iv) take part in a request for the calling of a General Meeting or Referendum;
 - (v) receive notice of General Meetings and Referenda;
 - (vi) have access to the facilities of UMSU to call a General Meeting or Referendum if the General Secretary does not do so;
 - (vii) attend, speak and vote at General Meetings;
 - (viii) vote in a Referendum;
 - (ix) nominate and stand for election to the Students' Council (as an Officer or a Voting Council Representative), or to any Committee;
 - (x) inspect the Minutes, certified as a true copy by the chair, of any General Meeting as soon as possible after the conclusion of that meeting, or the part of a meeting held on a particular day, and in no case later than the end of the third working day after the day on which the meeting or part of the meeting was held.
- (c) an Officer who is no longer a General Member is not entitled to:
 - (i) vote:

- (A) at elections for membership of the Students' Council and Committees established by this Constitution;
- (B) at General Meetings; or
- (C) in any Referendum; or
- (ii) nominate and stand for election to the Students' Council (as an Officer or a Voting Council Representative), or to any Committee.

2.9 Register of Members

- (a) The Secretary must keep and maintain a Register that includes:
 - (i) for each current Member:
 - (A) the Member's name;
 - (B) the Member's email address;
 - (C) the date of becoming a Member;
 - (D) the Membership Category to which the person belongs; and
 - (E) any other information determined by the Students' Council; and
 - (ii) for each former member, only:
 - (A) the Member's name; and
 - (B) the date of ceasing to be a member.
- (b) The General Secretary must also keep a document containing a statement from the relevant officer of the University, stating the total number of Students as at the first Monday of first Semester in that year. That number will serve as the number of enrolled Students for the purposes of this Constitution until the first Monday of first Semester in the following year.

2.10 End of Membership

- (a) A person ceases to be a Member on:
 - (i) providing a signed resignation of their membership to the General Secretary;
 - (ii) if the Member is a General Member, on ceasing to be a Student;
 - (iii) if a Membership Fee applies in respect of the Member's Membership Category, at the end of one month after being advised that a Membership Fee or any other fee imposed under this Constitution is in arrears, (unless within that month all fees in arrears are paid):

- (iv) if the Member is a General Member or Associate Member, on expulsion in accordance with Rule 24.4(b).
- (b) An Officer or a voting representative of any Committee who ceases to be a General Member also ceases to be an Officer or voting representative of that Committee.
- (c) If an Associate Member becomes a Student:
 - (i) they cease to be an Associate Member;
 - (ii) they may become a General Member (in accordance with rule 2.3); and
 - (iii) any Membership Fee they have paid will be applied in accordance with the Regulations.

2.11 Membership Fees

- (a) The Students' Council may, by resolution approved by a simple majority, set a Membership Fee.
- (b) A resolution setting a Membership Fee takes effect on the date (which must be after the date the resolution is passed) prescribed in that resolution and remains in effect until a resolution is passed by Students' Council to either:
 - (i) set a different Membership Fee, or
 - (ii) remove the Membership Fee.
- (c) A resolution setting a Membership Fee must specify the amount of any joining fee or subscription fee, and may only specify differential rates on the basis of any combination of:
 - (i) Membership Category; or
 - (ii) in the case of Students, study load, campus, and duration; but on no other criteria.
- (d) The Membership Fee for an Honorary Life Member must be zero.

3. DISCIPLINARY AND GRIEVANCE PROCEDURE

3.1 Disciplinary procedure

- (a) If a Grievance Procedure has been initiated in respect of a dispute between a Member and the Students' Council or any Committee, the Students' Council may not take disciplinary action against:
 - (i) the Member who initiated the Grievance Procedure; or
 - (ii) a Member appointed to act on behalf of the Member who initiated the Grievance Procedure;
 until the Grievance Procedure has been completed.

(b) Subject to rule 3.1(a), if the Students' Council considers that a Member should be suspended or expelled from the Membership of UMSU because of:

- (i) failure to comply with or observe, or commission of a breach of this Constitution or any Regulation; or
- (ii) conduct which is prejudicial or detrimental to the interests of UMSU,

the Students' Council must send to the Member concerned a written notice specifying:

- (iii) the proposed suspension or expulsion;
- (iv) the time, date and place of the Students' Council meeting at which the question of the suspension or expulsion will be considered; and
- (v) particulars of the Member's conduct which is the subject of the notice,

not less than 21 days prior to the date of such Students' Council meeting.

(c) At the Students' Council meeting referred to in rule 3.1(b), the Students' Council may, after having afforded the Member concerned a reasonable opportunity to be heard by, or to make written representations to, the Students' Council, suspend, expel or decline to suspend or expel a Member from Membership of UMSU and must provide a notice of suspension or expulsion to the Member within seven days of the Students' Council meeting at which the decision is made.

(d) A Member who receives a notice of suspension or expulsion pursuant to rule 3.1(c) may appeal the decision of the Students' Council to a General Meeting by lodging a notice of appeal with the General Secretary within 7 days of receiving the notice of suspension or expulsion.

(e) If a Member has lodged a notice of appeal under rule 3.1(d), a General Meeting must be convened by the General Secretary as soon as practicable, but in any event not later than 28 days, after the notice is received.

(f) At the General Meeting:

- (i) no business other than the question of the appeal may be conducted; and
- (ii) the President; or
- (iii) if the President is the Member whose notice of suspension or expulsion is the subject of the appeal, the General Secretary;

must state the grounds for suspending or expelling or reprimanding the Member and the reasons for taking that action; and

- (iv) the person whose Membership has been suspended or who has been expelled or reprimanded must be given an opportunity to be heard or to make written representations to the General Meeting.
- (g) After complying with sub-rule 3.1(f), the General Meeting must vote by secret ballot on the question of whether the decision to suspend or expel the Member should be upheld or revoked.
- (h) The suspension or expulsion of a Member takes effect:
 - (i) if the Member does not appeal to the General Meeting - with effect from 14 days after the date on which the notice of suspension or expulsion was provided to the Member in accordance with rule 3.1(c);
 - (ii) if the Member appeals to the General Meeting - with effect from 14 days after the date on which the General Meeting is held.
- (i) Nothing in this rule 3.1 derogates from any other disciplinary procedure applicable to Students including, without limitation, any University Regulations.

3.2 **Grievance Procedure**

- (a) The Grievance Tribunal must be constituted in accordance with and comply with the Terms of Reference set out in Schedule 3.
- (b) Only Students who are Members may utilise this Grievance Procedure.
- (c) If a dispute arises between Members as Members, or between a Member and the Students' Council or any Committee, a Member may refer the dispute to the Grievance Tribunal.
- (d) On receiving a referral under rule 3.2(c), the Grievance Tribunal must appoint a mediator to attempt to settle the dispute as soon as practicable, but in any event not later than 21 days after the referral is received,
- (e) A Member may appoint any person to act on behalf of that Member in the mediation of the dispute.
- (f) For the purposes of rule 3.2(c), only disputes as to whether or not these rules have been correctly followed can be referred to the Grievance Tribunal. The Grievance Tribunal has no power to determine disputes regarding the merits of any decision made or implemented in accordance with this Constitution.
- (g) In the event that:
 - (i) mediation does not result in the settlement of the dispute; or
 - (ii) a party to the dispute refuses to participate in the mediation within a reasonable time (as determined by the Grievance Tribunal) or at all;

the Grievance Tribunal may make a binding determination on that dispute, which cannot be appealed within UMSU. This does not preclude a Member bringing the matter before the Magistrates' Court of Victoria in accordance with the AIR Act.

- (h) A Member may appoint any person to act on behalf of that Member in the mediation and any arbitration of the dispute.
- (i) The mediation and any arbitration must allow for natural justice to be applied. In particular,:
 - (i) each party to the dispute must be given an opportunity to be heard; and
 - (ii) the mediator and Grievance Tribunal members must not:
 - (A) have a personal interest in the dispute; or
 - (B) be biased in favour of or against any party.

4. GENERAL MEETINGS

4.1 Requesting General Meetings

The General Secretary must call a General Meeting if:

- (a) the Students' Council by vote approved by more than half of all the Voting Council Representatives directs that one be held; or
- (b) at least one per cent of Students (including Students who are not Members) request in writing or by email that one be held.

4.2 Time Within Which Notice of a General Meeting Must be Given

The General Secretary must issue the notice for a General Meeting not later than the end of the fifth Academic Day after the day on which the direction of the Students' Council or the necessary number of requests is received by the General Secretary. The General Secretary will be deemed to have received any such direction or request when it is served on the General Secretary as provided in rule 4.1.

4.3 Time Within Which a General Meeting Must Be Held

- (a) The date notified for the holding of the General Meeting must not be later than the twelfth Academic Day after the date on which:
 - (i) the Students' Council direction is made and received by the General Secretary; or
 - (ii) the required number of requests has been received by the General Secretary;

unless a General Meeting is called to consider a Special Resolution.

- (b) If a Special Resolution is to be considered, at least twenty one days' notice, including at least five Academic Days' notice, must be given.

- (c) A General Meeting must be held on an Academic Day, and on University grounds at a location generally accessible to Students.

4.4 **Rights If General Secretary Does Not Comply**

- (a) If:
 - (i) no notice of a General Meeting has been given within the time specified in this Constitution; or
 - (ii) the date for the holding of the General Meeting is later than the date required by this Constitution;any Voting Council Representative or Officer, or any General Member who requested the holding of the General Meeting, may give a notice of General Meeting which complies with this Constitution.
- (b) The Officers and Staff Members of UMSU must facilitate the giving of a notice of General Meeting which complies with the provisions of this Constitution.

4.5 **How Notice Must Be Given**

Notice of a General Meeting must be given:

- (a) to each Member by sending it to the email address (if any) provided by that Member to UMSU;
- (b) by posting the notice on the UMSU website;
- (c) by posting the notice on a prominent notice board in Union House; and
- (d) in such additional manner as is set out in the Regulations.

4.6 **How Much Notice Must be Given**

Subject to rule 4.3, there must be at least five Academic Days between the day on which a notice of a General Meeting is given and the day on which the meeting is held.

4.7 **Accidental Failure to Give Notice**

A General Meeting is not invalid if a Member fails to receive a notice by the time specified in this Constitution for a reason not attributable to the fault or neglect of any Officer or Staff Member of UMSU.

4.8 **Chairing General Meetings**

- (a) The chair of a General Meeting is appointed:
 - (i) if the meeting was called at the direction of the Students' Council – by the Students' Council;
 - (ii) if the meeting was requested pursuant to rule 4.1(b) – by the Students requesting the meeting; or

- (iii) if no chair is appointed under 4.8(a)(i) or 4.8(a)(ii) - by the General Secretary.
- (b) If more than half the Students present at the General Meeting vote to remove the chair, the person appointed must vacate the chair, and the Students present must elect a new chair.
- (c) The chair will only have a deliberative vote if the chair is otherwise entitled to vote at the General Meeting in accordance with this Constitution.
- (d) The chair does not have a casting vote in addition to any deliberative vote.

4.9 Quorum at General Meetings

- (a) The quorum required for a General Meeting is 400 General Members or at least 1 per cent of General Members, present and voting, whichever is the lesser.
- (b) Notwithstanding rule 4.9(a), the quorum required for a General Meeting considering a Special Resolution is either 400 General Members or 1 per cent of General Members, whichever is the lesser.
- (c) If at the end of half an hour from the time advertised for the commencement of the meeting, a quorum is not present, the chair must close the meeting.

4.10 Proxies

Proxies are not permitted at General Meetings.

4.11 Powers of a General Meeting

- (a) Subject to the other provisions of this Constitution and the AIR Act (including those restricting the entitlement of non-Members to vote), the Students present in General Meeting may:
 - (i) pass a resolution stating the manner in which the Students' Council or any Committee should exercise its powers subject to the obligations of the Officers under this Constitution and the AIR Act, if at least half of the Students voting vote in favour of the resolution; or
 - (ii) dismiss any person elected in accordance with this Constitution, if at least two thirds of the Students voting vote in favour of the resolution.
- (b) For the avoidance of doubt, subject to any provisions of this Constitution and the AIR Act restricting the entitlement of non-Members to vote at a General Meeting, Students who are not Members are nevertheless entitled to vote at a General Meeting and any vote by a Student who is not a Member will be treated as a vote by a Member for the purposes of determining the votes in favour of or against a resolution. Students who are not Members are not entitled to vote on a Special Resolution.

- (c) Subject to the other provisions of this Constitution, the Members present in General Meeting may pass a Special Resolution.
- (d) A General Meeting considering one or more Special Resolutions cannot consider any other resolutions.
- (e) If a resolution otherwise passed by the Members in accordance with this rule is referred to a Referendum in accordance with rule 5.1 or 5.2, the resolution only takes effect:
 - (i) if and when the Referendum is withdrawn;
 - (ii) when the Referendum is concluded, unless the decision of the Referendum is contrary to the resolution in which case the resolution will have no effect; or
 - (iii) if the Referendum is not concluded within one month of the request to refer the matter to a Referendum, at the end of that period.

4.12 Matters Which May Not Be Determined at a General Meeting

- (a) A General Meeting may not consider a motion which does not require a Special Resolution if, before the meeting, a Referendum is requested in accordance with this rule.
- (b) A resolution, including a Special Resolution, passed at a General Meeting is suspended if a Referendum is requested in accordance with rule 5.1 within the specified time after the meeting.
- (c) The request must be in writing or by email and be addressed to the General Secretary.
- (d) The specified time for the purposes of rule 4.12(b) is the period ending at 5:00pm on the third Academic Day after the day on which the General Meeting is held.
- (e) In all cases, any matter or resolution considered and approved at a Referendum must still be passed as a resolution of UMSU as provided in rule 4.11 before it has any effect, unless the terms of the Referendum provide that it is a resolution for the purposes of rule 4.11 and the terms of the Referendum are otherwise consistent with the AIR Act and rule 5.13.

4.13 Minutes of General Meeting

- (a) Minutes must be taken and kept of all General Meetings detailing:
 - (i) that the General Meeting was duly convened and held;
 - (ii) all proceedings recorded as having taken place at the General Meeting; and
 - (iii) all elections or appointments purporting to have been made at the General Meeting.

- (b) Minutes of the meeting certified as a true copy by the chair of the General Meeting must be displayed as soon as possible after a General Meeting on the UMSU website.
- (c) Subject to this Constitution, meeting minutes and documents tabled at a General Meeting must be made available for Students to inspect both online and in person.

5. REFERENDUM

5.1 Requesting a Referendum

The General Secretary must call a Referendum if:

- (a) the Students' Council by vote approved by more than half of all the Voting Council Representatives directs that one be held; or
- (b) at least one per cent of Students (including Students who are not Members) request in writing or by email that one be held; or
- (c) a Referendum has been requested by at least 50 Students studying at a campus other than Parkville.

5.2 Time Within Which Notice of a Referendum Must Be Given

The General Secretary must issue the notice for a Referendum not later than the end of the fifth Academic Day after the day on which the direction of the Students' Council or the necessary number of requests is received.

5.3 Time Within Which a Referendum Must be Held

The date notified for the commencement of a Referendum must not be later than the twenty-first day after the date on which the direction is made or the required number of requests has been received by the General Secretary; and in respect of which the relevant provisions of rule 20.1 also apply in relation to such receipt.

5.4 Rights If General Secretary Does Not Comply

- (a) If:
 - (i) no notice of a Referendum has been given within the time specified in this Constitution; or
 - (ii) the date for the holding of the Referendum is later than the date required by this Constitution,any Voting Council Representative or Officer, or any Member who requested the holding of the Referendum, may give a notice of Referendum which complies with this Constitution.
- (b) The Officers and Staff Members of UMSU must facilitate the giving of a notice of Referendum which complies with the provisions of this Constitution.

5.5 How Notice Must be Given

Notice of a Referendum must be given in the same manner as for a General Meeting.

5.6 How Much Notice Must be Given

Subject to the AIR Act, there must be at least five Academic Days between the day on which a notice of a Referendum is given and the first of the days on which it is held.

5.7 Accidental Failure to Give Notice

A Referendum is not invalid if a Student fails to receive a notice by the time specified in this Constitution for a reason not attributable to the fault or neglect of any Officer or Staff Member of UMSU.

5.8 Returning Officer for Referendum

The Electoral Tribunal must appoint a Returning Officer to conduct the Referendum.

5.9 Length of Referendum

A Referendum must be conducted over five consecutive Academic Days.

5.10 Quorum at Referendum

No result in a Referendum can occur unless at least three per cent of Students cast a vote in that Referendum.

5.11 Proxies

Proxies are not permitted at a Referendum.

5.12 Powers of a Referendum

Subject to the other provisions of this Constitution, the Members, by Referendum, may, if at least half of the Students voting vote Yes to the question put:

- (a) direct the Students' Council or any Committee to make a decision within its powers; or
- (b) direct the dismissal of any person elected in accordance with this Constitution.

5.13 Matters Which May Not Be Determined by Referendum

A Referendum may not determine a matter if it is a matter which under the AIR Act is required to be dealt with by Special Resolution, and a Special Resolution has not been passed by a General Meeting.

5.14 Determination of Referendum

- (a) Confirmation of the outcome of a Referendum certified as a true copy by the Returning Officer must be displayed as soon as possible after a Referendum is concluded on the UMSU website.
- (b) Subject to this Constitution, confirmation of the outcome of a Referendum must be available for Students to inspect both online and in person.

6. STUDENTS' COUNCIL AND OFFICERS

6.1 Students' Council

Subject to the other provisions of this Constitution, the Students' Council is responsible for:

- (a) the control and management of UMSU;
- (b) coordinating the activities of UMSU;
- (c) determining appeals as outlined in rule 16 and 16.2;
- (d) affiliating, cooperating with, and joining other organisations in order to carry out the Purposes of UMSU;
- (e) representing Students, and petitioning on behalf of Students, to the University and in the community;
- (f) the finances of UMSU;
- (g) setting the UMSU budget;
- (h) the appointment of the UMSU Chief Executive Officer (subject to the delegation under rule 17.1(e) to the CEOCOC, whose powers include advertising for, interviewing and recruiting any new CEO and renewing the Chief Executive Officer's employment contract);
- (i) setting the honoraria and conditions of Voting Council Representatives and Officers;
- (j) enacting Regulations, unless the power to enact Regulations is specifically entrusted with another body by this Constitution; and
- (k) such other matters as are prescribed in this Constitution and the Regulations.

6.2 Membership of the Students' Council

The Students' Council consists of:

- (a) twenty two Voting Council Representatives, comprising:
 - (i) one Voting Council Representative elected by each of the following Restricted Constituencies:
 - (A) Graduate Students;
 - (B) Indigenous Students;

- (C) International Students;
 - (D) Queer Students;
 - (E) Students of Colour;
 - (F) Students with Disabilities; and
 - (G) Southbank Students.
- (ii) Fifteen Voting Council Representatives elected by all Students, of whom at least eight must be Women. If at least eight candidates for election are not Women, those places not filled by Women may be filled by any other Member; and
- (b) the Officers elected pursuant to rule 6.3(b); and
- (c) the UMSU International President and one of the UMSU International Vice Presidents as ex officio members.

6.3 Election of the Students' Council

- (a) Voting Council Representatives are elected by all Students at the annual elections, subject to any restrictions set out in rule 6.2(a)(i) and elsewhere in this Constitution.
- (b) Officers of the Students' Council are elected by all Students at the annual elections for the following Offices, subject to any restrictions set out in this Constitution:
- (i) President;
 - (ii) General Secretary;
 - (iii) Education (Academic Affairs) Officer;
 - (iv) Education (Public Affairs) Officer;
 - (v) Welfare Officer;
 - (vi) Women's Officer;
 - (vii) Creative Arts Officer;
 - (viii) Activities Officer;
 - (ix) Queer Officer;
 - (x) Environment Officer;
 - (xi) Media Officers;
 - (xii) Clubs & Societies Officer;
 - (xiii) Indigenous Officer;
 - (xiv) Disabilities Officer;

- (xv) People of Colour Officer;
 - (xvi) the Burnley Campus Co-ordinator;
 - (xvii) the Southbank Students Campus Co-ordinator;
 - (xviii) the Southbank Activities Officer; and
 - (xix) the Southbank Education Officer.
- (c) For the avoidance of doubt, Students who are not Members are nevertheless entitled to vote in the annual elections and any vote by a Student who is not a Member will be treated as a vote by a Member for the purposes of determining the outcome of the election.

6.4 Eligibility to be a Voting Council Representative or Officer

- (a) A person is eligible to be a Voting Council Representative or Officer if the person supports the Purpose of UMSU and:
- (i) in the case of a Voting Council Representative, is a General Member;
 - (ii) in the case of an Officer, is (or will be at the date of the election) a General Member; and
 - (iii) is not disqualified:
 - (A) from managing a corporation by the *Corporations Act 2001* (Cth); or
 - (B) from being a Committee member by the ACNC Commissioner under the provisions of the ACNC Legislation.
- (b) The Returning Officer is responsible for identifying whether a person is disqualified under rule 6.4(a)(iii), to the extent applicable. The Returning Officer must:
- (i) perform a search of the publicly available registers as soon as practicable after becoming aware that a person has been, or may be, elected as a Student Council member; and
 - (ii) must obtain a declaration from each Student Council member to the effect that they are not disqualified under this rule, and that they will notify the General Secretary as soon as possible in the event that they become disqualified.

6.5 Joint Office

- (a) Any Office may be held by two ~~or more~~ persons jointly except the positions of President, General Secretary, Media Officer, UMSU International President and the Burnley Campus Co-ordinator.
- (b) The position of UMSU International Vice-president must be held jointly by three people.

- (c) If more than one person holds the Office of Queer Officer, at least one of them must be a Woman, Trans or Non-Binary.
- (d) If more than one person holds the Office of Women's Officer, at least one of them must be a Woman of Colour.
- (e) If more than one person holds any other Office, at least one of them must be a Woman.
- (f) The position of Media Officer must be held jointly by no less than three and no more than four persons, at least one of whom must be a Woman.
- (g) Each person holding a position jointly is separately responsible for the carrying out of the duties of the Office and for attendance at meetings in accordance with this Constitution.

6.6 **Term of Office**

- (a) The UMSU International President, UMSU International Vice Presidents hold office in accordance with the terms of the UMSU International Regulations.
- (b) All other elected Voting Council Representatives, Officers and voting representatives of Committees elected at the annual elections hold office from 1 December in the year elected, until 30 November of the following year.

6.7 **Officers Not Employees**

An elected Officer is not an employee of UMSU, and is not entitled to benefits resulting from employment. This does not affect the obligation of UMSU to comply with statutory obligations.

6.8 **Honorariums**

- (a) All Officers, with the exception of the Burnley Campus Co-ordinator, the Southbank Activities Officer and the Southbank Education Officer holding an Office individually must be remunerated an honorarium in the same amount irrespective of the Office held.
- (b) The Burnley Campus Co-ordinator will be remunerated with an honorarium being 50% of the honorarium received by Officers holding an Office individually.
- (c) The Southbank Activities Officer and the Southbank Education Officer will be remunerated with an honorarium being 60% of the honorarium received by Officers holding an Office individually.
- (d) Each Officer holding an Office jointly will be remunerated with an honorarium being 60% of the honorarium received by Officers holding an Office individually.
- (e) The Students' Council may by Regulation set honoraria for the UMSU International President and UMSU International Vice-Presidents provided that:

- (i) UMSU International President is not to receive less than 40% of the honorarium received by an Officer holding an Office individually; and
 - (ii) Each UMSU International Vice President is not to receive less than 30% of the honorarium received by an Officer holding an Office individually; and
 - (iii) UMSU International President and each UMSU International Vice President is not to receive more than 100% of the honorarium received holding an Office individually.
- (f) The Students' Council may by Regulation set honoraria for the Media Officers provided that:
- (i) Each Media Officer is not to receive less than 60% of the honorarium received by an Officer holding an Office individually; and
 - (ii) Each Media Officer is not to receive more than 100% of the honorarium received by Officers holding an Office individually.

6.9 Casual Vacancies

- (a) A person ceases to be a Voting Council Representative, Officer or Committee member if:
- (i) the General Secretary receives a resignation in writing or by email from that person;
 - (ii) the person is dismissed by a General Meeting or Referendum;
 - (iii) the person ceases to be a General Member (unless the individual is an Officer);
 - (iv) the person is employed by the University, any body controlled by the University or UMSU in at least a 0.5 position;
 - (v) the person is a Voting Council Representative or Officer and without leave granted by the General Secretary fails to attend at or within thirty minutes after the time specified for the commencement of a meeting (other than a Special Meeting) of the Students' Council:
 - (A) on two consecutive occasions; or
 - (B) on five occasions within a single academic year; or
 - (vi) the person is a Committee member and without leave granted by the Committee of which they are a member, fails to attend at or within thirty minutes after the time specified for the commencement of a meeting (other than a Special Meeting) of the Committee of which they are a member on three consecutive occasions; or
 - (vii) the person is disqualified:

- (A) from managing a corporation by the *Corporations Act 2001* (Cth); or
 - (B) from being a responsible person by the ACNC Commissioner under the provisions of the ACNC Legislation.
- (b) Sub-rule 6.9(a)(vi):
- (i) shall only apply if UMSU is registered with the ACNC, and the ACNC Legislation operates to disqualify the person; and
 - (ii) in any event, will not apply to disqualify a person if an exemption is obtained from the ACNC Commissioner.
- (c) If an Officer holding a position jointly ceases to be an Officer, the other joint holder continues to hold that Office individually and will be eligible for the full amount of the honorarium for that period. A casual vacancy will only arise if all joint holders of an Office cease to hold that office.
- (d) If an Officer holding a position jointly ceases to be an Officer, and the other joint holder wishes to force a casual vacancy in order to seek reappointment with another member, they must notify the General Secretary of this, who will then give notice of a casual vacancy. This Officer may hold the Office in the interim until the Committee has met to determine a reappointment, as per rule 6.12.
- (e) If the President is absent due to vacancy or due to being on leave, the General Secretary must assume the duties of the President until the President returns, or an interim President is appointed by the Students' Council.
- (f) If the General Secretary is absent due to:
- (i) vacancy, the President must assume the duties of the General Secretary (including the position of secretary under the AIR Act) until an interim General Secretary is appointed by the Students' Council.
 - (ii) due to being on leave, the President must assume the duties of the General Secretary until the General Secretary returns.

6.10 Leave

- (a) Leave may only be granted retrospectively if documented evidence is produced of the circumstances which prevented the timely application for a leave of absence.
- (b) Not more than three months' leave may be granted to any person in a calendar year.
- (c) No person may receive any remuneration whilst on leave.
- (d) The General Secretary or a Committee (as the case may be) may, in their sole discretion (which must be exercised reasonably) waive attendance requirements in the following circumstances:

- (i) in advance for the balance of the individual's term, on receiving a request from a Student with a permanent Disability; or
- (ii) in respect of individual meetings, on receiving a request from a Student experiencing other extenuating circumstances such as a temporary Disability or course contact hours which may prevent their attendance without prior notice.

6.11 Filling Casual Vacancies

- (a) If a casual vacancy occurs in an elected position at any time between the declaration of results of the annual election prior to the relevant term of office commencing, and a date which is at least 21 days prior to the opening of polling in the annual election in the year of office, that vacancy is to be filled at a by-election or other method as regulated by the Electoral Tribunal, unless it is an Officer position. If it is an Officer position, the position may only be permanently filled by a by-election, or temporarily filled according to the procedure for temporary filling a vacancy.
- (b) Any by-election to be held in Semester Two before the end of the annual election must be held concurrently with the annual election.
- (c) If a casual vacancy in an elected position occurs during the term of office, but after the date 21 days before the opening of polling in the annual election, it may be filled in a manner to be determined by the Electoral Tribunal, unless it is an Officer position. If it is an Officer position, the procedure for temporarily filling a vacancy applies, unless the body entitled to fill that vacancy decides that it is not necessary to fill the vacancy.

6.12 Temporary Filling of Officer Positions

- (a) If the Officer position of President or General Secretary becomes vacant, the Students' Council may appoint a Member to act as the President or General Secretary on a temporary basis.
- (b) If the Officer position of one or more Media Officers becomes vacant, the Students' Council may appoint the same number of Members to act as the Media Officers on a temporary basis.
- (c) If any other Officer position becomes vacant, the Committee to which that Officer is accountable may appoint a Member or Members to act as the Officer on a temporary basis.
- (d) The vacancy must be notified to Members by email for at least one week prior to the appointment, in addition to any requirements as to advertising prescribed by Regulation.
- (e) If a person so appointed is a Voting Council Representative or a Committee under this Constitution, the right to vote (including through a proxy), but not membership of the Committee or the Students' Council, is suspended while the person is acting as an Officer.

7. ROLE AND RESPONSIBILITIES OF VOTING REPRESENTATIVES AND OFFICERS

7.1 Council Charter

All Voting Council Representatives and Officers must comply with the expectations and duties set out in the Council Charter.

7.2 Accountability of Voting Council Representatives and Officers

- (a) All Voting Council Representatives and Officers are accountable to and subject to direction by the Students' Council, as the governing body of UMSU, except to the extent the direction would require a Voting Council Representative or Officer to act in breach of this Constitution, the AIR Act or the ACNC Legislation.
- (b) Each Officer is also accountable to and subject to direction by the relevant Committee corresponding to the Office held by the Officer. The provisions of rule 10.1(f) will apply in the event of any inconsistency between the direction of the Committee and the Students' Council.
- (c) The Media Officers are accountable to and subject to direction by the Students' Council in respect of accuracy of information published or broadcast, finance and compliance with the law and with the Purposes of UMSU.
- (d) No Officer has the capacity to bind UMSU or any Committee or incur liabilities on behalf of UMSU or any Committee except with the prior authority of the Students' Council or the Committee (as the case may be).

7.3 Responsibilities of the President and General Secretary

- (a) The responsibilities of the President are:
 - (i) To act as a spokesperson for UMSU;
 - (ii) To implement the Purposes and Policies of UMSU;
 - (iii) To be available for Student consultations on any matter relating to the interests of Students at the University;
 - (iv) To carry out such other duties as are prescribed by this Constitution and the Regulations or directed by the Students' Council; and
 - (v) To assume the role of General Secretary, in accordance with sub-rule 6.9(f), if a vacancy occurs.
- (b) The responsibilities of the General Secretary are:
 - (i) to maintain proper records of UMSU, including up to date copies of this Constitution, the Regulations and Policy documents and to make them accessible to all Students;
 - (ii) to the extent financial information is available and able to be passed on, ensure accurate and timely financial information is

provided to Officers, Voting Council Representatives and Committee members;

- (iii) to present half-yearly reports to the Students' Council on UMSU finances, where possible;
- (iv) to act as Secretary to the Students' Council, the Committees and all Sub-Committees of UMSU, except where other provision for this responsibility is made in, or in accordance with, this Constitution or the Regulations;
- (v) to be the publisher of all material published by UMSU, unless otherwise decided by Regulation;
- (vi) to act as the secretary under the AIR Act, unless otherwise decided by Regulation;
- (vii) to carry out such other duties as are prescribed by this Constitution and the Regulations or directed by the Students' Council; and
- (viii) To assume the role of President, in accordance with Rule 6.9(e), if a vacancy occurs.

7.4 Responsibilities of the Media Officers

The responsibilities of the Media Officers are:

- (a) to produce regular editions of a student newspaper, showcasing Student opinion and creativity, and UMSU activities;
- (b) to take reasonable steps to ensure all Media Department publications and broadcasts do not contravene the aims and purposes of UMSU;
- (c) to take reasonable steps to ensure the accuracy of all information published or broadcast by the Media Department;
- (d) to operate a radio station, including ensuring that UMSU complies with the terms of its community broadcasting licence;
- (e) to promote greater Student participation in all forms of media, including, but not limited to:
 - (i) supporting publications produced by other Officers;
 - (ii) producing election broadsheets;
 - (iii) producing weekly newsletters;
 - (iv) liaising with other media outlets;
 - (v) broadcasting news and other information;
 - (vi) training Students;
 - (vii) being involved with art festivals; and

- (viii) supporting other Student media initiatives; and
- (f) to provide opportunities for Students to gain skills in publishing, editing and design.

8. DISCIPLINE OF VOTING REPRESENTATIVES, OFFICERS AND COMMITTEE MEMBERS

8.1 Motion of Censure of Voting Council Representatives and Officers

- (a) If a Voting Council Representative considers that a member of Council should be sanctioned for violating the Council Charter, the Voting Council Representative may move a 'Motion of Censure'.
- (b) Before the motion can be voted on, it must be referred to the Charter Tribunal to determine if there has been a breach of the Council Charter.
- (c) The Charter Tribunal may return one of three determinations:
 - (i) 'No breach', in which case the vote may not proceed;
 - (ii) 'Open finding', in which case the vote may not proceed; or
 - (iii) 'Breach' in which case the vote may proceed.
- (d) If two thirds of Voting Council Representatives vote in favour of a 'Motion of Censure' the fact that the motion was passed must be published in the Minutes of Council, in the student newspaper produced by the Media Department (in the same manner and place as other official notices such as corrections) and on the UMSU website for a period of thirty days.
- (e) Only the Students' Council may pass a 'Motion of Censure'. The Students' Council's decision will be final with no further ability to appeal.
- (f) The Charter Tribunal must be constituted in accordance with and comply with the Terms of Reference set out in Schedule 4.

8.2 Disciplinary procedure for Voting Council Representatives, Officers and Committee members

- (a) If the Students' Council considers that a Voting Council Representative, Officer or a Committee member should be suspended or removed from their position because of:
 - (i) a breach of the Council Charter;
 - (ii) failure to comply with or observe the specific obligations of the position in accordance with this Constitution or the AIR Act; or
 - (iii) conduct which is prejudicial or detrimental to the performance of the office held by that person;

the Students' Council must send to the Member concerned a written notice specifying:

- (iv) the proposed suspension or removal;

- (v) the time, date and place of the Students' Council meeting at which the question of the suspension or removal will be considered; and
- (vi) particulars of the Member's conduct which is the subject of the notice,

not less than 21 days prior to the date of such Students' Council meeting.

- (b) At the Students' Council meeting referred to in rule 8.2(a), the Students' Council may, giving the Member concerned a reasonable opportunity to be heard by, or to make written representations to, the Students' Council, recommend the suspension or removal of the Member or decline to recommend the suspension or removal of that Member from the office held. The General Secretary must communicate the decision in writing to the Member within seven days of the Students' Council meeting at which the decision is made.
- (c) If the Students' Council determines to recommend the suspension or removal of the Member from the Office held, the General Secretary must call a General Meeting of the Members in accordance with rule 4.11(a) to determine whether or not the Member should be suspended or removed from the Office held.
- (d) If the Students' Council determines to recommend the suspension or removal of the General Secretary in accordance with rule 8.2(c), the President must call a General Meeting of the Members in accordance with rule 4.11(a) to determine whether or not the General Secretary should be suspended or removed from Office.
- (e) UMSU in General Meeting may, after having afforded the Member a reasonable opportunity to be heard by or to make written representation to, UMSU and General Meeting, may suspend or remove the Member from the Office held on such terms as the General Meeting determines.
- (f) This rule 8.2 does not apply to an Officer who ceases to be an Officer or other member of the Students' Council or of a Committee in accordance with rule 6.9(a).

8.3 No Other Disciplinary Procedures

- (a) Subject always to rights exercisable at law, including under the AIR Act, and the power of the Electoral Tribunal, the Grievance Tribunal and the Charter Tribunal to make determinations in accordance with their powers under this Constitution, any internal disciplinary procedures proposed to be undertaken against a Voting Council Representative, Officer or a Committee member under this Constitution must only be undertaken in accordance with rules 8.1 and 8.2.
- (b) Nothing in this rule 8.3 derogates from any other disciplinary procedure applicable to Students including, without limitation any University Regulations.

9. STUDENTS' COUNCIL MEETINGS

9.1 Frequency of Student Council Meetings

The Students' Council must meet at least once in each calendar month and must meet at least once every two weeks during each academic semester.

9.2 Place and Time of Meeting

- (a) At the first meeting of the Students' Council in each semester, a meeting schedule must be set.
- (b) Students' Council meetings must be held:
 - (i) between the hours of 8am and 8pm; and
 - (ii) from Monday to Friday.
- (c) Meetings must be held on University grounds at locations generally accessible to Students.
- (d) A meeting of the Students' Council cannot be held at or adjourned on the same day to a place other than that given in the notice of meeting.
- (e) Any adjournment of a meeting to a different day must be notified to all Voting Council Representatives and Officers.
- (f) Any known accessibility requirement on the part of a Student intending to attend a meeting of Students' Council must be allowed for in the selection of a location.

9.3 Requesting a special Students' Council meeting

The General Secretary must call a special Students' Council meeting if:

- (a) the Students' Council directs that one be held (either as part of the regular program or as a Special Meeting); or
- (b) at least four of the Voting Council Representatives request in writing or by email that a Special Meeting be held.

9.4 Time Within Which Notice of a special Students' Council Meeting must be Given

The General Secretary must issue the notice for a special Students' Council meeting not later than the end of the second day after the day on which the direction of the Students' Council or the necessary number of requests is received by the General Secretary.

9.5 Time Within Which a special Students' Council Meeting Must be Held

The date notified for the holding of a special Students' Council meeting must not be later than the fifth day after the date on which the direction is made or the required number of requests has been received by the General Secretary.

9.6 How Much Notice Must be Given of Students' Council Meetings

- (a) There must be at least four Academic Days between the day on which notice of a regular Students' Council meeting is given and the day on which the meeting is held.
- (b) There must be at least two Academic Days between the day on which a notice of a special Students' Council meeting is given and the day on which the meeting is held, unless more than half of the Voting Council Representatives notify the General Secretary in writing or by email that they believe that a meeting should be held with less notice.

9.7 Rights If General Secretary Does not Comply

- (a) If:
 - (i) no notice of a special Students' Council meeting has been given within the time specified in this Constitution; or
 - (ii) the date for the holding of the Students' Council meeting is later than the date required by this Constitution,

any Voting Council Representative or may give a notice of a special Students' Council meeting which complies with this Constitution.
- (b) The Officers and Staff Members of UMSU must facilitate the giving of a notice of a special Students' Council meeting which complies with these provisions of this Constitution.

9.8 How Notice Must Be Given

Notice of a Students' Council meeting must be given:

- (a) to each Voting Council Representative and Officer by sending it to the email address notified by that individual on the Register of Members;
- (b) by posting the notice on the UMSU website; and
- (c) in such additional manner as is set out in the Regulations.

9.9 Accidental Failure to Give Notice

A Students' Council meeting is not invalid if a Voting Council Representative or Officer fails to receive a notice by the time specified in this Constitution for a reason not attributable to the fault or neglect of any Officer or Staff Member of UMSU.

9.10 Chairing Students' Council Meetings

- (a) At the commencement of each Students' Council meeting the Voting Council Representatives present must elect a chair for that meeting. If at any stage of the meeting a majority of Voting Council Representatives vote to remove the chair, the chair must be vacated.
- (b) The chair does not have a casting vote in addition to any deliberative vote.

- (c) The chair will only have a deliberative vote if the chair is a Voting Council Representative.

9.11 Quorum at Students' Council Meetings

- (a) The quorum required for a Students' Council meeting is the lowest integer greater than half the number of Voting Council Representatives then in office and entitled to vote.
- (b) A person exercising a proxy may be counted towards quorum, if:
 - (i) they are not a Voting Council Representative or Officer; and
 - (ii) if the Voting Council Representative has been elected by a Restricted Constituency, the person exercising the proxy is a member of the same Restricted Constituency.
- (c) A vacancy in the membership of the Students' Council does not affect the right of the Students' Council to meet, provided a quorum is present.

9.12 Voting at Students' Council Meetings

- (a) Subject to any provision of this Constitution requiring a higher proportion, a simple majority of the Voting Council Representatives present must vote in favour of a motion for it to be passed.
- (b) In the event of a tie, the motion will be defeated.

9.13 Proxies at Students' Council Meetings

- (a) A Voting Council Representative may appoint another Member of UMSU as their proxy for a single meeting, but no Member may hold more than one proxy.
- (b) A Voting Council Representative may only appoint a proxy for more than one meeting if the Voting Council Representative has been granted leave of absence by the Students' Council in respect of the meetings for which the Voting Council Representative proposes to appoint a proxy.
- (c) The Students' Council may prescribe a proxy form by Regulation. If no form has been prescribed, the proxy will be valid if it clearly specifies that it constitutes a proxy and outlines the basis on which the proxy may be exercised.

9.14 Minutes of Students' Council Meetings

- (a) Minutes must be taken and kept of all Students' Council meetings detailing:
 - (i) the meeting was duly convened and held;
 - (ii) all proceedings recorded as having taken place at the meeting; and
 - (iii) all elections or appointments purporting to have been made at the meeting.

- (b) Minutes of the meeting certified as a true copy by the chair of the meeting must be displayed as soon as possible after a meeting on the UMSU website.
- (c) Minutes of the meeting as confirmed by any subsequent Students' Council meeting must be displayed on the UMSU website.
- (d) Subject to this Constitution, meeting minutes and documents tabled at meetings must be made available for Students to inspect both online and in person.

9.15 Regulations for the Conduct of Students' Council Meetings

- (a) The Students' Council may make Regulations in accordance with this Constitution for the conduct of its meetings and of Committee meetings. A provision of a Regulation is invalid and of no effect if it is inconsistent with any provision of this Constitution or the AIR Act.
- (b) The Students' Council may regulate its own proceedings to the extent that there is no provision of the Constitution, the Regulations or the AIR Act which deals with a particular matter.

9.16 Participation in Students' Council and Committees

- (a) Voting Council Representatives, Officers and elected Committee members are required to make all reasonable efforts to attend, prepare for and participate in meetings of those bodies.
- (b) The Students' Council must develop an induction process for all Voting Council Representatives, Officers and elected Committee members.

10. DEPARTMENTS, COLLECTIVES AND COMMITTEES

10.1 UMSU Hierarchy

- (a) Subject to any determination by the Electoral Tribunal, the Grievance Tribunal or the Charter Tribunal of a matter within their authority in accordance with this Constitution, the Students' Council has overall responsibility for UMSU and ultimate decision making power rests with the Students' Council. Any decision of the Students' Council is binding on all Committees, Departments and Collectives.
- (b) To the extent consistent with the Purposes of UMSU, in making any determination, the Students' Council will have due regard to the decision or recommendation of any Committee to which the determination relates and will avoid overturning any decision or recommendation of any Committee except to the extent that the Students' Council consider it necessary to implement the Purposes of UMSU.
- (c) The Students' Council will not overturn a decision of a Committee relating to an area of activity for which that Committee is responsible unless the Committee's decision is subject to an appeal to the Students' Council in accordance with rule 16.1 and 16.2.
- (d) Subject to rule 10.1(a), each Committee is responsible for determining Policy and making decisions relevant to its own area of activity.

- (e) Subject to this rule 10.1, a Committee may direct any Officer whose Office corresponds to that Committee, but may not direct any other Officer.
- (f) In the event of an inconsistency between a direction to an Officer by a Committee and the Students' Council, the direction of the Students' Council will apply to the extent of any inconsistency.
- (g) A Department or Collective does not have any independent power in addition to the Committee to which the Department or Collective relates.

10.2 Departments

- (a) UMSU has the Departments listed in Column 1 of Schedule 1.
- (b) Each Department has the aims and objectives pertaining to that Department listed in Column 2 of Schedule 1.
- (c) Each Department comprises a Committee (with the sole exception of the Media Department), Officer(s) and Collective.
- (d) Departments comprise all of the entities relating to an area of activity and do not have any independent existence or power in addition to those individual entities.

10.3 Collectives

- (a) Each Committee is responsible for the fostering and resourcing of, and consultation with, a Collective open (subject to rule 10.3(b)) to all Students.
- (b) Participation in the Collectives established by the Women's Committee, Queer Committee, Indigenous Committee, Disabilities Committee, People of Colour Committee and UMSU International Committee is restricted to Students who qualify to vote in elections for the relevant Committee (pursuant to Column 3 of Schedule 1).
- (c) The relevant Committee may by resolution permit other Members of UMSU to participate in a Collective.
- (d) Each Collective must be consulted and resourced by the respective Committee to which the Collective relates, but the Collective does not have any decision-making or other power under this Constitution.
- (e) A Collective does not have any independent power in addition to the Committee to which the Collective relates.

10.4 Committees

- (a) Each Department (other than the Media Department) and UMSU International has a Committee.
- (b) Each Committee will be known by the name of its Department.
- (c) Each Committee (other than the UMSU International Committee) must consist of the representatives elected, appointed or co-opted to that Department in accordance with Column 3 of Schedule 1.

- (d) The voting representatives of each Committee (other than the UMSU International Committee):
- (i) must be elected by the body of Students described under "Elected by" pertaining to that Department in Column 4 of Schedule 1; and
 - (ii) must meet the relevant eligibility requirements pertaining to that Department in Column 4 of Schedule 1.

10.5 Responsibilities of Committees

- (a) Each Committee is responsible in the relevant area of activity to which the Committee relates for:
- (i) setting the direction of the Department;
 - (ii) developing Department Policy;
 - (iii) developing and administering the Committee's budget and finances;
 - (iv) overseeing grants to Students;
 - (v) encouraging Student discussion of, and participation in, activities relating to the Department;
 - (vi) fostering, resourcing and consulting a Collective corresponding to the Department which, unless restricted elsewhere in this Constitution, is to be open to all Students;
 - (vii) direction of the relevant Officer (or in the case of the Education Committee, Officers);
 - (viii) implementing the Purposes of UMSU; and
 - (ix) implementing the aims and objectives of the Department.
- (b) In addition to its responsibilities under rule 10.5(a), the UMSU International Committee is responsible for:
- (i) executing and implementing the aims and objectives of UMSU International and UMSU;
 - (ii) arranging and undertaking all activities of UMSU International;
 - (iii) overseeing grants to International Students;
 - (iv) co-opting any International Student and/or any Non-international Student as it sees fit;
 - (v) forming and dissolving any sub-committees of the UMSU International Committee as it sees fit;
 - (vi) relieving any irresponsible and misconducting UMSU International Committee member or UMSU International Co-Opted Office Bearer of their post;

- (vii) deciding upon the manner in which the UMSU International Annual General Election and UMSU International By-Election(s) will be conducted under recommendations from the UMSU International Returning Officer(s);
 - (viii) appointing the UMSU International Returning Officer(s) to conduct the UMSU International Annual General Election and International Students Department By-Election(s);
 - (ix) interpreting the UMSU International Regulation as it sees fit; and
 - (x) developing and adopting policy.
- (c) In addition to its responsibilities under rule 10.5(a), the Burnley Students Committee is responsible for:
- (i) making Regulations relating to the operations of the Burnley Students Department;
 - (ii) direction of the Burnley Campus Co-ordinator; and
 - (iii) implementing the aims and objectives of the Burnley Students Department and of UMSU.
- (d) In addition to its responsibilities under rule 10.5(a), the Southbank Students Committee is responsible for:
- (i) making regulations relating to the operations of the Southbank Students Department;
 - (ii) direction of the Southbank Students Campus Co-ordinator, Campaigns Co-ordinator and Activities and Events Co-ordinator, Southbank Students Committee; and
 - (iii) implementing the aims and objectives of the Southbank Students Department and of UMSU.

10.6 UMSU Staff Direction

- (a) No Committee has the authority to direct any UMSU Staff Member.
- (b) All directions of the Students' Council in relation to UMSU Staff Members must be transmitted to the Chief Executive Officer for implementation.

10.7 Direction of Others

No Committee has the authority to direct another Committee, Campus Co-ordinator or Officer.

10.8 Committee Meetings

- (a) The provisions set out in this Constitution for the calling, conduct of, and rights of Voting Council Representatives and Officers in relation to the Students' Council meetings, will apply equally to the calling and conduct of meetings of Committees established under this Constitution, with the following amendments:

- (i) the word "Committee" will be substituted for the words "Students' Council";
 - (ii) the words "Committee representative" will be substituted for the words "Voting Council Representative" wherever appropriate; and
 - (iii) Committee meetings may be held on weekends with the prior approval of a majority of the Committee.
- (b) Three voting representatives of a Committee may request the calling of a meeting of that Committee.
 - (c) The following additional provisions will apply to meetings of Committees and Sub-Committees:
 - (i) the Students' Council may direct the holding of a meeting; and
 - (ii) the General Secretary is responsible for the giving of notice of all meetings.

11. UMSU INTERNATIONAL

11.1 Aims

The aims of UMSU International are:

- (a) to provide a suitable, cultural, and social climate on campus and create opportunities for, and encourage, the development of social interaction between International students and with other Students;
- (b) to represent the interests of International Students in any matters as deemed necessary or desirable by the UMSU International Committee;
- (c) to occupy and operate premises, which will be a common meeting place and social centre for International Students;
- (d) to be represented within UMSU and cooperate with the Departments of UMSU, and contribute to the specified aims and objectives of UMSU;
- (e) to afford a recognised means of communication between International Students, and with other Students, and authorities of the campus, University, the community at large, and other organisations of students.

11.2 Meetings of the UMSU International Committee

The UMSU International Committee must meet at least once a month during semester.

11.3 Elections

- (a) The UMSU International Annual General Elections and UMSU International By-Elections must:
 - (i) be overseen by an independent Returning Officer (who may be appointed by the Electoral Tribunal at the request of the UMSU International Committee); and

- (ii) otherwise, must occur in accordance with the UMSU International Electoral Regulations.
- (b) The UMSU International Annual General Elections and UMSU International By-Elections will be independent of and not subject to the UMSU Electoral Regulations.

11.4 Policy and Regulations

- (a) UMSU International is governed by the UMSU International Regulations.
- (b) Students' Council may enact regulations for the control and management of UMSU International upon the advice of the UMSU International President or UMSU International Committee.
- (c) If a conflict arises between the Constitution and the UMSU International Regulations, the Constitution will prevail.

11.5 Committee

- (a) The UMSU International Committee is established by the UMSU International Regulations.
- (b) The International Student Representative on Students' Council will be an ex officio non-voting member of the UMSU International Committee.

11.6 Relationship To UMSU

- (a) UMSU International is bound by all UMSU Regulations and Policy, but the UMSU Students' Council is obliged to consult with the UMSU International Committee before enacting any Regulation or Policy that may specifically affect UMSU International.
- (b) UMSU Students' Council will not overturn or refuse to endorse any decision of the UMSU International Committee relating to an area of activity for which it is responsible except to the extent that Students' Council consider such decision to be inconsistent with the Purposes of UMSU.

11.7 Funding and Budget of UMSU International

- (a) Students' Council must grant to UMSU International annually a level of funding as follows:
 - (i) the amount allocated in the 2019 budget (reviewed at the beginning of each academic year and indexed to changes in UMSU's core operating funding (excluding non-recurrent or specific purpose grant funding)).
 - (ii) if the Student Services and Amenities Fee or similar funding is not allocated to UMSU, an appropriate amount of funding to be negotiated between the Students' Council and the UMSU International Committee; and
 - (iii) any other such money distributed from the University for the express use of UMSU International.

- (b) The UMSU International Executive must meet following receiving an allocation from Students' Council and determine an interim budget until such a time that UMSU International Committee can pass an operating budget.
- (c) This interim budget must be presented to the Students' Council.
- (d) As a department of UMSU, UMSU International is accountable to the UMSU Students' Council for the proper expenditure of funds allocated to it from the UMSU Budget.
- (e) UMSU International Committee may choose to seek additional funding from International Students or external organisations through the payment of voluntary contributions, subscriptions, sponsorship, donations, etc.
- (f) In the event of changes to legislation associated with University grant funding, a revised allocation of funding will be put into place by UMSU that is proportionate to that set out in rule 18.1.

12. CLUBS AND SOCIETIES

12.1 Clubs and Societies Council

- (a) There must be a Clubs and Societies Council.
- (b) The Clubs and Societies Council:
 - (i) must elect the Clubs and Societies Committee, and fill casual vacancies in its number; and
 - (ii) may remove the Clubs and Societies Committee in accordance with this Constitution.
- (c) The Clubs and Societies Council must meet at least once each Semester.

12.2 Composition of Clubs and Societies Council

- (a) The Clubs and Societies Council consists of one representative of each club and society affiliated with UMSU, as a voting member.
- (b) If no representative is nominated, the president, convener or equivalent of a club or society will be that representative, unless that person is already the representative of another club or society.
- (c) No person may be appointed as the representative of more than one club or society at any one time.

12.3 Roles of Clubs and Societies Committee

- (a) The Clubs and Societies Committee must, in accordance with Regulations determined by the Students' Council:
 - (i) affiliate clubs and societies with UMSU;
 - (ii) administer funding of, and grants to, clubs and societies;

- (iii) review the financial operation of clubs and societies;
 - (iv) provide an opportunity for conciliation of disputes;
 - (v) consider, and where appropriate take action on, allegations of misconduct on the part of an affiliated club or society; and
 - (vi) recommend Regulations to the Students' Council.
- (b) The disciplinary powers of the Clubs and Societies Committee in relation to clubs and societies include probation, suspension of eligibility for grants, suspension of the right to use UMSU resources, and disaffiliation from UMSU. Disciplinary powers must be exercised only in accordance with the Regulations determined by the Students' Council.
- (c) The Regulations must specify that, before the Clubs and Societies Committee may vote on a motion to discipline a club, that the club must be given notice of at least five (5) Academic Days or fourteen days (whichever is lesser) of the meeting of the Clubs and Societies Committee, including the provisions of the Regulations under which disciplinary action is proposed, and the action that is proposed to be taken.
- (d) The Regulations must specify the rights and obligations of a club in the period of time between a motion of the Clubs and Societies Committee to disaffiliate that club, and the expiry of rights of appeal under rule 16.2.

12.4 Clubs and Societies Regulations

The Students' Council may make Regulations for the affiliation and regulation of clubs and societies.

12.5 Policy Decision of Clubs and Societies Council Takes Precedence

- (a) Any decision of the Clubs and Societies Council takes precedence over a decision of the Clubs and Societies Committee.
- (b) A decision of the Clubs and Societies Committee may not be amended or overruled by the Clubs and Societies Council within six months of the decision being made.

12.6 Affiliation of Clubs and Societies

The Clubs and Societies Committee may not affiliate a club or society or permit a club or society to remain affiliated if its activities are not consistent with the Purposes of UMSU.

12.7 Dismissal of Clubs and Societies Committee

- (a) If a petition requesting the dismissal of the members of the Clubs and Societies Committee, signed by:
 - (i) at least twenty members of the Clubs and Societies Council; or
 - (ii) twenty per cent of the members of the Clubs and Societies Council,

(whichever is the lesser),

is delivered to the General Secretary, the General Secretary must call a meeting of the Clubs and Societies Council.

- (b) The meeting must be held not later than the fourteenth day after the date on which the General Secretary received the petition.
- (c) At the meeting, the Clubs and Societies Council must consider and vote on a motion to dismiss all the members of the Clubs and Societies Committee.
- (d) The motion is carried if more than half of all the members of the Clubs and Societies Council vote in favour of it.
- (e) If the motion is carried, the Clubs and Societies Council must, at the same meeting, elect a new Clubs and Societies Committee.

12.8 Liaison with Clubs and Societies

- (a) Each club or society must provide the names and contact details of at least two members of the club or society to the Clubs and Societies Committee for the purpose of liaising with UMSU.
- (b) No additional requirements may be imposed on the structure of clubs or societies in addition to those requirements specified in rule 12.8(a).

13. STUDENT THEATRE

13.1 Student Theatre Council

- (a) There must be a Student Theatre Council.
- (b) The Student Theatre Council will:
 - (i) act as a forum to discuss ideas, opportunities and concerns regarding Union House Theatre;
 - (ii) provide an opportunity to influence the way student theatre in Union House Theatre is organised and resourced;
 - (iii) allow members to express their views on the administration and programs of Union House Theatre; and
 - (iv) provide an opportunity to create better networking and communication between students interested in the performing arts.
- (c) The Student Theatre Council must meet at least once per semester.
- (d) The General Secretary is responsible for calling meetings of the Council.
- (e) Meetings must occur on University grounds.

13.2 Composition of Student Theatre Council

- (a) The Student Theatre Council consists of:
 - (i) one representative of each theatre club or group affiliated to Union House Theatre, as a voting member;
 - (ii) if no representative is nominated, the president, convener or equivalent of each club or group will be that representative, unless that person is already the representative of another club or group;
 - (iii) any UMSU staff whose role includes responsibility for student theatre, as non-voting members; and
 - (iv) The UMSU Creative Arts Officer/s, as a non-voting member/s.
- (b) No person may be appointed as the representative of more than one club or group or another club or group.
- (c) The Creative Arts Officer/s are responsible for chairing and taking minutes of meetings of the Student Theatre Council.
- (d) The Creative Arts Officer/s are responsible for organising meetings of the Student Theatre Council.

13.3 Policy and Regulation for Student Theatre

The Students' Council may make Regulations for the affiliation and regulation of theatre clubs or groups.

14. FOOD COOPERATIVE

14.1 Role of Food Co-Operative

UMSU recognises that the Melbourne University Food Cooperative ('MUFC'):

- (a) provides a valuable and unique service for Students at the University;
- (b) supports sustainable commercial and agricultural practices;
- (c) operates as a not-for-profit Student service which is not in direct competition with other food outlets in Union House;
- (d) is owned and controlled by a Student base, thereby providing for its Members experience in all aspects of running a small business; and
- (e) creates an atmosphere that promotes social awareness and possibilities for social change, and encourages Student participation in activities relating to a broad range of social and environmental issues.

15. ELECTIONS

15.1 Electoral Tribunal

The Electoral Tribunal must be constituted in accordance with and comply with the Terms of Reference set out in Schedule 2.

15.2 Annual Elections

- (a) An election for all elected School Council and Committee positions must be held each year in second Semester.
- (b) The election must be held in the first full academic week in September, where it falls no earlier than the fifth week of Semester. If there are no academic weeks in September, it will be held in the first academic week following that period.
- (c) If:
 - (i) the University's academic year changes, so that the week referred to in rule 15.2(b) is no longer an appropriate time to hold the annual elections; or
 - (ii) the electoral procedure set out in the Constitution or the Regulations is disrupted;

the Electoral Tribunal must determine the week in which the elections are to be held.
- (d) The Students' Council may, in the case of either of the above instances occurring, make recommendations to the Electoral Tribunal, by resolution approved by more than half of all the Voting Council Representatives, regarding the week in which elections are to be held.
- (e) The annual elections must be held over five consecutive Academic Days.

15.3 By Elections

By-elections may be held to fill casual vacancies either:

- (a) at any time in Semester One before the final week of the Semester;
- (b) concurrently with the annual elections; or
- (c) after the declaration of the poll in the annual elections (for a position which commences on the following 1 December).

15.4 Form of Election

- (a) All elections must:
 - (i) be conducted by secret ballot, using optional preferential proportional representation; and
 - (ii) include a physical voting booth(s) on campus, as subject to the Electoral Regulations (unless campus has been shutdown); and
 - (iii) be conducted digitally where possible to save paper.
- (b) The Electoral Tribunal may determine:
 - (i) that all or part of a ballot will take place online or by physical ballot; and

- (ii) in the case of an online ballot, whether online polling booths will be made available on campus.
- (c) In making any determination under rule 15.4(b), the Electoral Tribunal must consider all relevant factors, including (without limitation):
 - (i) the integrity of the election;
 - (ii) voting accessibility for Members; and
 - (iii) any relevant public health orders.

15.5 Separate Ballots

- (a) There must be a separate ballot for:
 - (i) each Office listed in rule 6.3(b);
 - (ii) the fifteen general Voting Council Representatives referred to in rule 6.2(a)(ii);
 - (iii) each Voting Council Representative elected to the Students' Council from a Restricted Constituency as listed in rule 6.2(a)(i); and
 - (iv) each other Committee.
- (b) Each voter must vote separately for:
 - (i) each Officer position as listed in rule 6.3(b); and
 - (ii) if eligible, for each Voting Council Representative elected to the Students' Council from a Restricted Constituency as listed in rule 6.2(a)(i).
- (c) Each voter:
 - (i) may vote separately for each candidate to be a Voting Council Representative referred to in rule 6.2(a)(ii) and for each candidate to be an elected Representative of each Committee; or
 - (ii) may indicate their preference in relation to:
 - (A) the candidate to be a Voting Council Representative referred to in rule 6.2(a)(ii) by voting "above the line" for a ticket; or
 - (B) each Committee by voting "above the line" for a ticket in relation to that Committee.
- (d) A voter may not indicate with one vote "above the line" their preference in relation to more than one multi-member body.

15.6 Inducements to Vote Prohibited

Any inducement, whether financial or otherwise, to encourage a Student or Member to vote or to vote in a particular way, is prohibited.

15.7 Restrictions on Standing for Election

- (a) There are restrictions on standing for election to the following positions:
- (i) The Women's Officer and each Representative of the Women's Committee must be a Woman.
 - (ii) The Voting Council Representative elected by Queer Students, the Queer Officer, and the voting representatives of the Queer Committee must be Queer Students.
 - (iii) If the position of Queer Officer is not held jointly, the Queer Officer must be a Woman, Trans Woman or Non-binary.
 - (iv) If the position of Queer Officer is held jointly, one of the persons holding the position must be a Woman or Trans Woman.
 - (v) If the position of Women's Officer is held jointly, at least one of the persons holding the position must be a Woman of Colour.
 - (vi) If any other Officer position is held jointly, at least one of the persons holding the position must be a Woman.
 - (vii) The Voting Council Representative elected by Indigenous Students, the Indigenous Officer and the voting members on the Indigenous Committee must be Indigenous Students.
 - (viii) The Voting Council Representative elected by Students with Disabilities, the Disabilities Officer and the voting representatives of the Disabilities Committee must be Students with Disabilities.
 - (ix) The Voting Council Representative elected by People of Colour, the People of Colour Officer and the voting representatives of the People of Colour Committee must be People of Colour.
 - (x) The Voting Council Representative elected by International Students must be a person who is an International Student.
 - (xi) The Voting Council Representative elected by Graduate Students must be a person who is a Graduate Student.
 - (xii) The Voting Council Representative elected by Southbank Campus Students, the Southbank Students Campus Co-ordinator, Southbank Activities Officer, Southbank Education Officer, and the voting representatives of the Southbank Students Committee must be Southbank Campus Students.
- (b) A person who is employed in at least a 0.5 position by:
- (i) the University;

- (ii) any body corporate controlled by the University;
- (iii) UMSU;
- (iv) any tenant of the University; or
- (v) a combination of these entities,

cannot stand for election to any position.

- (c) A person who has been an Officer (in one or more positions) for two terms of Office (excluding an Officer filling a casual vacancy) in UMSU cannot stand for an Officer position.
- (d) A person who has been suspended or banned from standing for election by the Electoral Tribunal cannot stand for election during the period of the suspension or ban.
- (e) A member of Council whose term has been terminated for any reason may not be appointed by a ticket registrant within the same academic year in which they were terminated.
- (f) A person who is not a General Member of UMSU cannot stand for election to any position.
- (g) The Campus Co-ordinator and Committee representatives of the Burnley Student Department must be Members who are Students at the Burnley Campus.

15.8 Restrictions on Voting in Elections

The following positions have restricted electorates:

- (a) The Women's Officer and each representatives of the Women's Committee are elected by Students who are Women.
- (b) The Voting Council Representative elected by Queer Students, the Queer Officer, and the voting representatives of the Queer Committee are elected by Queer Students;
- (c) The Voting Council Representative elected by Indigenous Students, the Indigenous Officer, and the voting representatives on the Indigenous Committee are elected by Indigenous Students.
- (d) The Voting Council Representative elected by Students with Disabilities, the Disabilities Officer, and the voting representatives of the Disabilities Committee are elected by Students with Disabilities.
- (e) The Voting Council Representative elected by People of Colour, the People of Colour Officer, and the voting representatives of the People of Colour Committee are elected by People of Colour.
- (f) The Voting Council Representative elected by Graduate Students is elected by Students who are Graduate Students.
- (g) The Voting Council Representative elected by International Students is elected by Students who are International Students.

- (h) The Voting Council Representative elected by Southbank Students, the Southbank Students Campus Co-ordinator, Southbank Activities Officer, the Southbank Education Officer, and the voting representatives of the Southbank Students Committee are elected by Students who are Southbank Campus Students.
- (i) The UMSU International Committee is elected by members of UMSU who are International Students.
- (j) The Clubs and Societies Committee is elected by the Clubs and Societies Council.

15.9 Restrictions on Election

- (a) A person cannot hold:
 - (i) more than one voting position on the Students' Council;
 - (ii) more than one Officer position (whether permanent or interim);
 - (iii) an Officer position and a voting position on the Students' Council;
 - (iv) an Officer position and a voting position on any Committee;
 - (v) voting positions on the Students' Council and more than one Committee;
 - (vi) voting positions on more than two Committees.
- (b) At least:
 - (i) more than half of all general Representatives of the Students' Council;
 - (ii) more than half of all voting representatives of each Committee, must be Members of UMSU who are Women. If there are insufficient Women candidates to satisfy this requirement, any shortfall may be made up by Members who are not Women; and
 - (iii) half of all voting representatives of the Women's Committee, rounded down, must be members of UMSU who are Women of Colour. If there are insufficient Women of Colour candidates to satisfy this requirement, any shortfall may be made up by women members who are not Women of Colour.
- (c) If a person stands for a position or number of positions which could result in that person being elected to a number of positions in breach of rule 15.9(a), that person must lodge with the Returning Officer at the time of nomination a list giving, in order, the position or positions which that person wishes to hold, and the Returning Officer must declare the person elected in accordance with that list.
- (d) A person may withdraw from an election after the close of nominations.

15.10 Electoral Regulations

- (a) The Electoral Tribunal may make Electoral Regulations which must not be inconsistent with this Constitution.
- (b) Electoral Regulations cannot be made during an election period.
- (c) The election period extends from a date one week prior to the opening of nominations for an annual election or a by-election to the declaration of the poll at that election or by-election.
- (d) The Students' Council may recommend to the Electoral Tribunal changes to the Electoral Regulations, and the Electoral Tribunal must consider the recommendations.

15.11 Tickets

- (a) If a number of General Members of UMSU wish to stand for election on a common platform, one of those Members may apply to register a ticket name with the Returning Officer.
- (b) The application must contain the signatures of at least fifteen General Members.
- (c) No Member may sign more than one application.
- (d) If the proposed name of a ticket includes the name of a club or society affiliated with UMSU, the application must include:
 - (i) the terms of a resolution of that club or society approving the use of the name; and
 - (ii) the signature of a member of that club or society appointed in accordance with rule 12.2 certifying the passing of the resolution.
- (e) If the proposed name of a ticket includes the name of a ticket used in any UMSU election in the past three years, the application must include the consent of the person who most recently registered the ticket.
- (f) If the proposed name of a ticket includes the name of a club or society and includes the name of a ticket used in any UMSU election, the application must include the consent of the person who most recently registered the ticket.
- (g) The Returning Officer may refuse to permit a ticket name which is misleading or offensive, and must give the applicant the option of choosing another name.
- (h) The Electoral Regulations must afford the same rights and responsibilities to all tickets.
- (i) Each Member standing on a ticket must sign or provide written acknowledgement to the Returning Officer that their name is included on a ticket.
- (j) A Member may not stand on more than one ticket in the same ballot.

- (k) The list of names of candidates standing on each ticket must be prominently displayed at each polling booth (in the event that elections are held on campus) and in other election publicity.

15.12 Preferences

- (a) Candidates and tickets may submit lists of preferences.
- (b) Preferences may not be split.
- (c) The lists of preferences must be prominently displayed at each polling booth (in the event that elections are held on campus) and in other election publicity.

15.13 Location of Indigenous Election Polling Booth

In addition to the voting methods made available for all positions, in the event of an on campus election a Member may vote for:

- (a) the Indigenous Officer;
- (b) the Indigenous Committee; or
- (c) the voting Member of the Students' Council elected by Indigenous Students;

at a polling booth either within, or within twenty metres of, any location where services and supports are provided to Indigenous Students by the University.

15.14 Paper Used in all Elections

All paper used as election material must be recycled and recyclable.

16. APPEALS AGAINST COMMITTEE DECISIONS

16.1 Appeals Against Committee Decisions

- (a) If a Committee makes a budgetary decision or a decision to spend money, it must give notice of that decision on the UMSU website.
- (b) Until the end of the fifth Academic Day, or the fourteenth day, whichever is the lesser, after notice of the decision has been given:
 - (i) three voting representatives of the Committee which made the original decision; or
 - (ii) four voting representatives of any other Committee; or
 - (iii) thirty Students;may appeal to the Students' Council against the decision by delivering a signed notice of appeal to the General Secretary.
- (c) Decisions which have been appealed are suspended until the appeal has been determined.

- (d) The Students' Council must determine the appeal at or before its next regular meeting.
- (e) If the Students' Council does not determine the appeal in accordance with rule 16.1(d) or rejects the appeal, the original decision of the Committee stands.
- (f) For the purpose of the provisions of this Constitution relating to appeals, a reference to making a decision includes failing to pass a motion which has been moved.

16.2 Appeals Against Disaffiliation of Clubs and Societies

- (a) Any Student may appeal a decision made at a meeting of the Clubs and Societies Committee to disaffiliate a club or society to the Students' Council. The appeal must be on one of the following grounds:
 - (i) that there is insufficient evidence to establish a breach of the Clubs and Societies Regulations;
 - (ii) that the required grounds for disciplinary action under the Clubs and Societies Regulations have not been established;
 - (iii) that disaffiliation is not appropriate given the nature of the grounds for disciplinary action and the club or society's established track record; or
 - (iv) that the discipline procedure under the Clubs and Societies Regulations was not followed, unfairly disadvantaging the club or society.
- (b) Such an appeal must be delivered in writing to the General Secretary by the end of the fifth Academic Day or fourteenth day (whichever is sooner) after the Clubs and Societies Committee meeting at which the decision to disaffiliate was made.
- (c) The appeal must be determined by the Student's Council:
 - (i) no sooner than five days after receipt of the appeal; and
 - (ii) otherwise at or before the next regular meeting of Students' Council, whether or not that meeting occurs in the same calendar year that the was received.
- (d) Until the Students' Council determines the appeal in accordance with rule 16.2(c), the original decision of the Committee is suspended.

17. DELEGATION OF POWER BY STUDENTS' COUNCIL AND COMMITTEES

17.1 Delegation

- (a) Subject to the restrictions in rules 17.2-17.4, the Students' Council may by resolution in writing delegate any of its powers to
 - (i) a Committee or a Sub-Committee;
 - (ii) an ad hoc sub-committee of Voting Council Representatives;

- (iii) a Voting Council Representative or Officer; or
 - (iv) a Staff Member of UMSU.
- (b) The Students' Council delegates preparation of a budget to the Students' Council-elect as contemplated by rule 18.1.
- (c) The Students Council delegates the appointment of Student representatives to University committees and other University bodies (to the extent such appointments are required) to the Students Council-elect. These appointments must be made before the end of November in each year.
- (d) Except for the delegation set out in rule 17.1(e), Aa delegation may be revoked by the Students' Council by resolution in writing at any time.
- (e) The Students' Council delegates to the CEOCOC its powers regarding the management and oversight of the contract of employment of the Chief Executive Officer. The CEOCOC must be constituted in accordance with and comply with the Terms of Reference set out in Schedule 5.

17.2 No Standing Delegation

- (a) Except where otherwise provided in this Constitution, including specifically at rule 17.1(e), the Students' Council cannot make standing delegations of power, but can only delegate between regular meetings of the Students' Council.
- (b) The decisions of the body or person to which power has been delegated must be reported to the next regular meeting of the Students' Council.

17.3 Restrictions on Delegation

A delegation made in accordance with rule 17.1 (other than the delegation set out in rule 17.1(e)), cannot delegate the power to make decisions on behalf of UMSU or the Students' Council in relation to:

- (a) contracts and agreements, including the use of the common seal of UMSU;
- (b) financial transactions, except those matters permitted by rule 17.8 to be delegated to the Operations Sub-Committee;
- (c) staffing and salaries of UMSU Staff Members, except those matters permitted by rule 17.8 to be delegated to the Operations Sub-Committee;
- (d) forming or dissolving any ad hoc sub-committee;
- (e) Regulations;
- (f) Policy;
- (g) proposed constitutional amendments;
- (h) a proposal for a Referendum;

- (i) a proposal for a General Meeting; or
- (j) the power to delegate.

17.4 **No Delegation by Committees and the Operations Sub-Committee**

Committees and the Operations Sub-Committee may not delegate any of their powers, except as specified in rule 17.9.

17.5 **Discipline of Sub-Committees**

- (a) If the Students' Council considers that a voting representative of a Sub-Committee should be suspended or removed from their position because of:

- (i) failure to comply with or observe the specific obligations of the position in accordance with this Constitution or the AIR Act; or
- (ii) conduct which is prejudicial or detrimental to the performance of the Office held by that person,

the Students' Council must send to the voting representative concerned a written notice specifying:

- (iii) the proposed suspension or removal;
- (iv) the time, date and place of the Students' Council meeting at which the question of the suspension or removal will be considered; and
- (v) particulars of the representative's conduct which is the subject of the notice,

not less than 21 days prior to the date of such Students' Council meeting.

- (b) At the Students' Council meeting referred to in rule 17.5(a), the Students' Council by resolution approved by more than half of all the Voting Council Representatives may, after having afforded the voting representative concerned a reasonable opportunity be heard by, or to make written representations to, the Students' Council suspend or remove the voting representative from the Sub-Committee and appoint a replacement voting representative in their place.
- (c) The General Secretary must communicate the decision in writing of the Students' Council to the voting representative within seven days of the Students' Council meeting at which the decision is made.
- (d) Nothing in rules 17.5(b) and 17.5(c) operate to restrict the ability of the Students' Council to revoke the power of the Sub-Committee at any time.

17.6 **Operations Sub-Committee**

- (a) The Operations Sub-Committee will manage the affairs of the Students' Council between meetings.
- (b) The representatives of the Operations Sub-Committee are:
 - (i) Five voting members, elected by and from the Voting Council Representatives, two of whom must be Women. If at least 2

Women do not stand for election, any shortfall in the number of women elected may be filled by other representatives; and

- (ii) The President and General Secretary, as non-voting members.

17.7 Election of voting representatives of Operations Sub-Committee

- (a) An election for the voting representatives of the Operations Sub-Committee must take place each year, prior to the dates on which they take office.
- (b) The dates on which the voting representatives of the Operations Sub-Committee take Office are 1 December each year.
- (c) The representatives holding Office for the period commencing on 1 December must be elected by and from the Voting Council Representatives of the Students' Council-elect.

17.8 Powers of The Operations Sub-Committee

- (a) The Operations Sub-Committee has authority to make decisions in relation to:
 - (i) Officer leave of absence (other than in respect of leave that may be granted pursuant to rule 6.10);
 - (ii) Student participation in UMSU Staff Selection Procedures;
 - (iii) expenditure proposals in excess of \$1,000 (as reviewed at the beginning of each academic year in accordance with the movement in the Consumer Price Index) made to Students' Council to ensure that they contain sufficient information for the Students' Council's consideration;
 - (iv) expenditure of the Students' Council budget to a limit of \$1000 (as reviewed at the beginning of each academic year in accordance with the movement in the Consumer Price Index) per budget line, per meeting;
 - (v) Staff Training and Development expenditure;
 - (vi) guidance for staff in performance of operational roles;
 - (vii) recommendations to Students' Council in relation to Policy and Regulations; and
 - (viii) any other matter as directed by Students' Council.
- (b) Students' Council may specify a separate financial delegation for the Media Department for the amount required to print an edition of *Farrago*.

17.9 Committee Expenditure by the Operations Sub-Committee

- (a) The Operations Sub-Committee may only authorise expenditure from a Committee budget when there is a delegation from the Committee that sets out the guidelines to the Operations Sub-Committee expressly

specifying limits to expenditure and budget lines from which expenditure may be authorised.

- (b) A delegation must be made in the form of a resolution and provided to the General Secretary.
- (c) The General Secretary will maintain a register of delegations to the Operations Sub-Committee and is responsible for ensuring the Operations Sub-Committee acts within any delegated authority.
- (d) A Committee may vary the terms of its delegation to the Operations Sub-Committee at any time.
- (e) Delegations from a Committee to the Operations Sub-Committee lapse on 30 November each year.
- (f) A Committee-elect may make an authorised delegation for the following calendar year.
- (g) For the purpose of clarity, the Operations Sub-Committee cannot authorise expenditure from a Committee Budget in the absence of a delegation from the Committee as set out in rule 17.9.

17.10 Attendance at Operations Sub-Committee meetings

- (a) The non-voting representatives are expected to attend every meeting of the Operations Sub-Committee, but the absence of a non-voting representative will not affect the validity of a meeting of the Operations Sub-Committee.
- (b) If a voting member of the Operations Sub-Committee fails to attend three consecutive regular meetings of the Operations Sub-Committee, they will cease to be a member of the Operations Sub-Committee.
- (c) Meetings of the Operations Sub-Committee are open to all students.
- (d) The Chief Executive Officer will normally attend meetings of the Operations Sub-Committee and other UMSU Staff may attend and participate as required.

17.11 Vacancy in the Operations Sub-Committee

- (a) If a casual vacancy arises by resignation or by a member ceasing to be eligible to be a member of the Operations Sub-Committee (including pursuant to rule 17.10(b)), then:
 - (i) the vacancy will be filled via the ticket appointment process set out in Regulation 18 of the Electoral Regulations.
 - (ii) Where the casual vacancy is not filled via this process, then Students' Council must elect a replacement to fill the vacancy.
 - (iii) If a vacancy arises due to a vacancy on Students' Council, then Students' Council must elect a replacement to fill the vacancy.

17.12 Notice of Operations Sub-Committee Meetings

- (a) The General Secretary is responsible for giving notice of meetings of the Operations Sub-Committee.
- (b) If the General Secretary receives a requisition signed by two voting representatives of the Operations Sub-Committee stating the business proposed for a meeting, the General Secretary must give notice of a meeting of the Operations Sub-Committee to be held within a week of receiving the requisition.
- (c) If the General Secretary does not give notice of the meeting of the Operations Sub-Committee in accordance with rule 17.12(b), any representative who signed the requisition may do so.

17.13 Operations Sub-Committee Meetings

- (a) The Operations Sub-Committee must elect a chair, who will serve in that role until their term lapses, or they resign from that role, resign from the Operations Sub-Committee or cease to be eligible for membership of the Operations Sub-Committee.
- (b) The quorum for the Operations Sub-Committees is three voting representatives.
- (c) The General Secretary must report on each meeting of the Operations Sub-Committee to the next regular meeting of the Students' Council.
- (d) For as long as any delegation from the Students' Council in accordance with rule 17.2 remains in force, the Operations Sub-Committee must meet at least once every two weeks during both Semester and the non-teaching period, in alternate weeks to regular meetings of Students' Council where possible.
- (e) The Operations Sub-Committee may meet in camera.

18. BUDGET PROCESS**18.1 Budget**

- (a) Before the end of November in each year, the Committees-elect must prepare a draft budget for the following year in their respective area of activity.
- (b) Before the end of December in each year the Students' Council-elect must consider the draft budgets and set the UMSU budget for the following year.
- (c) The Students' Council-elect may delegate the consideration of draft budgets and the setting of the UMSU budget for the following year to the Operations Sub-Committee-elect.
- (d) If the Students' Council-elect delegates the budget development process to the Operations Sub-Committee-elect, the Operations Sub-Committee-elect must meet before the end of December to consider the draft budgets and set the UMSU budget for the following year.

- (e) The budget set by the Students' Council-elect or the Operations Sub-Committee-elect comes into effect on January 1, without the requirement for any ratification by the Students' Council.
- (f) If the Students' Council-elect delegates the budget development process to the Operations Sub-Committee-elect, that delegation must expire on December 31, and the Students' Council must meet by the end of January of its year of office to review the UMSU budget.
- (g) Each Committee must subsequently meet to confirm the allocations within its budget, and may alter those allocations.
- (h) The Students' Council may subsequently alter the UMSU budget, but may not alter the allocations within a Committee's budget, nor direct a Committee to do so, except in the resolution of an appeal in accordance with rule 16.

19. REGULATIONS

19.1 Power to make Regulations

- (a) The Students' Council has power to make and amend Regulations (other than Electoral Regulations) concerning any matter in furtherance of the Purposes of UMSU.
- (b) The Electoral Tribunal may make and amend Electoral Regulations as provided in rule 15.10.
- (c) The Grievance Tribunal may make and amend Regulations (other than Electoral Regulations) concerning:
 - (i) any disputes between Members as Members, or between a Member and the Officers, the Students' Council or any Committee; and
 - (ii) requests for examination of documents on behalf of Members refused access to those documents.

19.2 Provisions of Regulations

- (a) Regulations must not be inconsistent with this Constitution.
- (b) Regulations may specify the roles and responsibilities of Officers.
- (c) Regulations may specify the procedures to apply in relation to the area of activity to which they relate as provided for in this Constitution.
- (d) The Students' Council, in making Regulations concerning Clubs and Societies, must take into account any recommendations from the Clubs and Societies Committee or Clubs and Societies Council.
- (e) The Students' Council, in making Regulations concerning the Southbank Students Department, must take into account any recommendations from the Southbank Students Committee.

- (f) The Students' Council, in making Regulations concerning the Burnley Students Department, must take into account any recommendations from the Burnley Students Committee.
- (g) The Electoral Tribunal in making any Electoral Regulations must take into account any recommendations from the Students' Council.
- (h) The Grievance Tribunal in making any Regulations concerning the matters referred to in rule 19.1(c) must take into account any recommendations from the Students' Council.

19.3 Notice of Intention to Make Regulations

- (a) All Voting Council Representatives and Officers must be given at least fourteen days' notice of any proposal to make Regulations, including the text of the proposed Regulations.
- (b) Notice must be given:
 - (i) by email to all Voting Council Representatives and Officers of the Students' Council; and
 - (ii) on the UMSU website; in addition to any other notice requirements prescribed by Regulation.
- (c) No motion for the making or amendment of any Regulation may be considered unless the notice requirements relating to Regulations in this rule 19.3 have been met.
- (d) A resolution to make or amend a Regulation is not passed unless at least two thirds of all the Voting Council Representatives vote in favour of it.
- (e) A resolution of the Electoral Tribunal to make or amend an Electoral Regulation is not passed unless all members of the Electoral Tribunal then in office approve it.
- (f) A resolution to make Regulations cannot be referred to Referendum.

19.4 Regulations Must Be Displayed on Website

All Regulations, including any amending Regulations, must be posted on the UMSU website as soon as they have been made. The website must also note the date of the making of the regulation.

20. NOTICE

20.1 How Notice Must Be Given

Notices required under this Constitution to be given to Members of UMSU or members of the Students' Council or Committees must be given:

- (a) to each Member by sending it to the email address notified by that Member to UMSU. If no email address has been notified by a Member, this obligation will not apply in relation to that Member;
- (b) by posting the notice on the UMSU website; and

- (c) in such additional manner as is set out in Regulations.

21. POLICY AND POSITION STATEMENTS

21.1 Policy

- (a) UMSU, the Students' Council and Committees may, in accordance with this Constitution, make, repeal or amend UMSU and Department Policy provided the Policy, repeal or amendment is consistent with this Constitution and the Regulations.
- (b) Responsibility for making Policy is set out in this rule 21.1.
- (c) All Committees may enact Department Policy relevant to their Department and area of activity.
- (d) In a dispute over Policy between a Committee and the Students' Council, the view of the Students' Council prevails, except in the case of:
 - (i) Women's Policy, where the view of the Women's Committee prevails;
 - (ii) Queer Policy, where the view of the Queer Committee prevails;
 - (iii) Indigenous Policy, where the view of the Indigenous Committee prevails; and
 - (iv) Disabilities Policy, where the view of the Disabilities Committee prevails.
 - (v) People of Colour Policy, where the view of the People of Colour Committee prevails; and
 - (vi) International Students Policy, where the view of UMSU International prevails.
- (e) UMSU Committees and the Students' Council have an obligation to develop Policy in consultation with Collectives, Students generally and relevant organisations.
- (f) The Students' Council may make Regulations concerning the consultation process for the development of Policy.
- (g) All Voting Council Representatives and Officers must be given:
 - (i) at least four days' notice of any proposal by the Students' Council to make UMSU Policy, including the text of the proposed Policy; and
 - (ii) notice within four days of any Department Policy made by a Committee, including the text of the Department Policy.
- (h) All Committee members of a relevant Department must be given at least four days' notice of any proposal:

- (i) by the Students' Council to make UMSU Policy relevant to that particular Department; or
- (ii) by the relevant Committee to make Department Policy;

including the text of the proposed Policy.

- (i) The Students' Council, in making Policy regarding the Burnley Department, must take into account any recommendations from the Burnley Committee.
- (j) The Students' Council, in making Policy regarding the Southbank Students Department, must take into account any recommendations from the Southbank Students Committee.

21.2 Position Statements

- (a) The Students' Council may, in accordance with this Constitution, make, repeal or amend Position Statements.
- (b) A Position Statement sets out the position of UMSU in relation to any matter other than the governance, operations and Policies of UMSU.
- (c) A Position Statement may not impose any obligations or duties on or create any rights in respect of UMSU, the Students' Council, a Committee or the Members.
- (d) Any resolution of the Students' Council in relation to a Position Statement is final.

22. COMMON SEAL

UMSU does not have a common seal.

23. REGISTER OF CONTRACTS

23.1 Register of Contracts

- (a) Every written contract entered into by or on behalf of UMSU, must be:
 - (i) recorded in a register which includes the location of UMSU's copy of the document; and
 - (ii) reported in the minutes of the Students' Council.
- (b) Rule 23.1(a) does not apply to a contract not exceeding \$5,000 in value.

24. CUSTODY OF DOCUMENTS AND SECURITIES

24.1 Custody of Documents

The documents and securities of UMSU must be kept at the office of UMSU. The Chief Executive Officer, or if there is none, the General Secretary, must ensure their security.

25. INSPECTION OF DOCUMENTS**25.1 Inspection**

- (a) A Member is entitled to inspect the documents and securities of UMSU on reasonable notice to the General Secretary.
- (b) A Member is not entitled to inspect documents:
 - (i) which contain personal information (including staff files);
 - (ii) concerning or relevant to any legal proceedings in which UMSU is or may be engaged; or
 - (iii) which would otherwise cause UMSU to be in breach of Privacy Legislation, or any confidentiality or other applicable contractual obligations of UMSU.
- (c) If a Member is refused access to a document on the grounds that the Member is not entitled to inspect it, the Member may apply to the Grievance Tribunal requesting that a member of the Grievance Tribunal inspect the document and advise the Member:
 - (i) whether the document exists;
 - (ii) whether the document does appear to be covered by the exemption in rule 25.1(b); and
 - (iii) that the document does not disclose any matter of concern.
- (d) Every Officer and Staff Member must facilitate the inspection of a document by the member of the Grievance Tribunal in accordance with rule 25.1(c).
- (e) If the member of the Grievance Tribunal is unable to advise the Member in the terms outlined in the sub-rule 25.1(c), the member of the Grievance Tribunal must advise the Students' Council and the Vice Chancellor of that fact.

26. NOT FOR PROFIT**26.1 Application of Income and Property**

- (a) The profits (if any) or other income and property of UMSU must be applied solely towards the promotion of the Purposes of UMSU set out in rule 1.3 and no portion of it may be paid or transferred, directly or indirectly, to any Member of UMSU whether by way of dividend, bonus or other profits of UMSU.
- (b) Nothing in rule 26.1(b) prevents any payment in good faith by UMSU of:
 - (i) reasonable and proper remuneration to any Member, Officer or Staff Member for any services actually rendered or goods supplied in the ordinary and usual course of business to UMSU;

- (ii) the payment or reimbursement of out-of-pocket expenses incurred by a Member, Officer or Staff Member of UMSU on behalf of UMSU where the amount payable does not exceed an amount previously approved by the Students' Council;
- (iii) reasonable and proper rent for premises let or demised by any Member of UMSU to UMSU; or
- (iv) moneys to any Member, Officer or Staff Member, being a solicitor, accountant or other person engaged in any profession, for all usual professional or other charge for work done by that person or that person's firm or employer, where the provision of the service has the prior approval of the Students' Council and where the amount payable is approved by the Students' Council and is not more than an amount which commercially would be reasonable payment for the service.

26.2 Disposal of Assets on Winding Up

If UMSU is wound up or its incorporation cancelled, any assets remaining after the payment of all debts, liabilities and expenses must not be paid or distributed to the Members but must be given or transferred to some other fund, institution or organisation determined by the Students' Council on the winding up or dissolution of UMSU (or failing which a Judge of the Supreme Court of Victoria) that is charitable at law and has purposes similar to the Purposes.

27. FINANCIAL

27.1 Payments

- (a) All accounts must be paid by cheque or by any other payment method authorised in writing by the Students' Council.
- (b) All cheques must be signed by two of four persons appointed by the Students' Council for that purpose, one of whom must be the President or the General Secretary.
- (c) The General Secretary is responsible to ensure that no payment is made which is not in accordance with the approved budget.

27.2 Annual Statements

The General Secretary is responsible to ensure that the statements required by the AIR Act and the ACNC Legislation are prepared and audited annually.

27.3 Sources of Funding

The funds of UMSU may be derived from grants (including funding from any applicable funding agreement or facilities and services agreement), donations, subscriptions, fees for services and such other sources as are approved by the Students' Council.

28. VALIDATION OF ACTS

28.1 Validation

If it is afterwards discovered

- (a) that there was some defect in a decision, or the appointment or election of a person to any position under this Constitution; or
- (b) that a person so appointed or elected was ineligible,

all acts done at any meeting of the Students' Council or of a Committee or by any person acting as a member of the Students' Council, a Committee or as an Officer of UMSU before the discovery are as valid as if that person had been duly appointed or elected and was eligible to be a member of the relevant body.

29. INDEMNITY

29.1 Members Bound by Constitution

- (a) This Constitution binds every Member and UMSU to the same extent as if every Member and UMSU had signed and sealed this Constitution and agreed to be bound by all its provisions.
- (b) Subject always to rights exercisable at law and under the AIR Act every Member will be bound by the decisions of the Students' Council, subject to the right where provided in this Constitution for any matter to be determined by the Grievance Tribunal, the Charter Tribunal or the Electoral Tribunal.

29.2 Officers Not Liable

No office holder of UMSU will be liable for the acts of any other office holder, or for any loss or damage or expense suffered or incurred by UMSU unless the same is caused or contributed by the wilful act, neglect or default of that office holder.

29.3 Indemnification of Officers and Other Members

Subject to the AIR Act, every Voting Council Representative, every Officer, every representative of any Committee, every member of the Electoral Tribunal, Grievance Tribunal or Charter Tribunal, and every employee or agent of UMSU will be indemnified out of the funds of UMSU against any losses, costs or expenses incurred by them about in connection with the discharge of their duties except where such losses, costs and expenses are incurred by their own wilful act, neglect or default.

29.4 Limitation on Liability of Members and Officers

In accordance with section 52 of the AIR Act, a Member or office holder of UMSU is not liable, merely because that person was a Member or office holder, to contribute towards:

- (a) the payment of the debts and liabilities of UMSU; or
- (b) the costs, charges and expenses of the winding up of UMSU.

30. TRANSITIONAL PROVISIONS

The rules in this Part apply notwithstanding anything to the contrary in this Constitution.

30.1 Members

The Members immediately following the adoption of these Rules will be those Members listed on the Register at the time of adoption.

30.2 Voting Council Representatives, Officers and Committee Members

The Voting Council Representatives, Officers and Committee members immediately following the adoption of these Rules will be those in office at the time of adoption.

31. ALTERATION OF THIS CONSTITUTION

31.1 Alteration

- (a) In accordance with the AIR Act, the Constitution may only be amended by Special Resolution.
- (b) Any proposed alteration to the Constitution must be notified in writing to the University prior to the holding of the General Meeting to vote on the alteration.
- (c) If the Constitution is altered in accordance with rule 31.1(a), the General Secretary must notify the University within 14 days and supply the University with full details of the alteration.

31.2 Restrictions on Alteration

Rule 26.2 may not be amended, if the rule as amended would permit the transfer of assets on winding up to a body that is not charitable at law.

SCHEDULE 1: DEPARTMENTS AND COMMITTEES

COLUMN 1 Department	COLUMN 2 Aims and objectives of Department	COLUMN 3 Committee Composition	COLUMN 4 Election of Committee voting representatives
Activities	The aims and objectives of the Activities Department include: (a) to oversee the social and recreational activities of UMSU; (b) to oversee orientation planning and activities; (c) to organise and promote events including, but not limited to, concerts, barbecues, balls and union nights for Students; (d) to liaise with Student organisations and bodies in order to expand, develop and co-ordinate the range of cultural events and social activities for Students; and (e) to liaise with the Arts Department, Union House Theatre and the MUDFest steering Committee to expand, develop and co-ordinate artistic activities for Students;	(a) seven voting representatives, of whom at least half, rounded up, must be Women. If at least this number of candidates are not Women, those places not filled by Women may be filled by other candidates; (b) the relevant Officer or Officers as a non-voting representative; and (c) up to three additional non-voting representatives co-opted by the Committee.	Eligibility: Must be Members of UMSU Elected by: All enrolled Students
Clubs & Societies	The aims and objectives of the Clubs & Societies Department include: (a) to assist in offering Students a vibrant university experience through the formation of clubs and societies; (b) to oversee the registration and affiliation of clubs and societies to enable Students to access facilities, funding, grants and subsidies; and (c) to encourage the active involvement of Students in clubs & societies.	(a) seven voting representatives, of whom at least half, rounded up, must be Women. If at least this number of candidates are not Women, those places not filled by Women may be filled by other candidates; (b) the Clubs and Societies Officer as a non-voting representative; and (c) up to three additional non-voting representatives co-opted by the Clubs and Societies Committee.	Eligibility: Must be Members of UMSU who are on the Clubs and Societies Council Elected by: The Clubs and Societies Council
Creative Arts	The aims and objectives of the Arts Department include: (a) to facilitate and create an environment that fosters and actively supports the exploration of the arts by Students; (b) to involve Students as active participants and/or audiences in all Arts Department sponsored and/or initiated projects; and (c) to encourage Student involvement in and access to the arts beyond the confines of the University courses.	(a) seven voting representatives, of whom at least half, rounded up, must be Women. If at least this number of candidates for the Committee are not Women, those places not filled by Women may be filled by other candidates; (b) two voting representatives elected by and from the voting members of the Southbank Students Department Committee, of whom at least half, rounded up, must be a Woman. If at least this number of all candidates for each position is not a Woman, those places not filled by Women may be filled by other candidates;	Eligibility: Must be Members of UMSU Elected by: All enrolled Students

		(c) the relevant Officer or Officers as a non-voting representative; and up to three additional non-voting representatives co-opted by the Committee.	
Disabilities	The aims and objectives of the Disabilities Department include: (a) to initiate and coordinate disabilities campaigns, particularly with regard to access and equity for disabled students; (b) to actively increase visibility, awareness, and acceptance of Students with Disabilities on campus; (c) to oversee the activities, policy, and direction of UMSU in areas related to promoting the advancement of Students with Disabilities; (d) to provide social and community building opportunities for Students with Disabilities; (e) to provide advocacy for all Students with Disabilities; (f) to provide information about and/or referrals to disability support services and other relevant resources or organisations; (g) to liaise with existing student services on campus around issues affecting Students with Disabilities; and (h) to increase awareness around the variety of experiences of disability that can affect students throughout their studies, including intersections between disability and gender, class, race, sexuality, and all forms of marginalisation.	(a) seven voting representatives, of whom at least half, rounded up, must be Women. If at least this number of candidates are not Women, those places not filled by Women may be filled by other candidates; (b) the relevant Officer or Officers as a non-voting representative; and (c) up to three additional non-voting representatives co-opted by the Committee.	Eligibility: Must be Members of UMSU who are Students with Disabilities Elected by: Enrolled Students who are Students with Disabilities
Education	The aims and objectives of the Education Department include: (a) to initiate and coordinate education campaigns, particularly with regard to access and equity for all Students; (b) to raise awareness of educational issues among staff and Students; (c) to campaign and advocate on issues relating to the quality of education, Student rights, and the needs of specific groups of Students at all campuses; and (d) to monitor the implementation of education policy and teaching arrangements within the University.	(a) seven voting representatives, of whom at least half, rounded up, must be Women. If at least this number of candidates are not Women, those places not filled by Women may be filled by other candidates; (b) the relevant Officer or Officers as a non-voting representative; and (c) up to three additional non-voting representatives co-opted by the Committee.	Eligibility: Must be Members of UMSU Elected by: All enrolled Students
Environment	The aims and objectives of the Environment Department include: (a) to oversee the activities of UMSU in relation to the environment, including campaigning on environmental issues and assessing UMSU compliance with environmental standards; (b) to develop, promote and implement policy on environment-related issues;	(a) seven voting representatives, of whom at least half, rounded up, must be Women. If at least this number of candidates are not Women, those places not filled by Women may be filled by other candidates;	Eligibility: Must be Members of UMSU Elected by: All enrolled Students

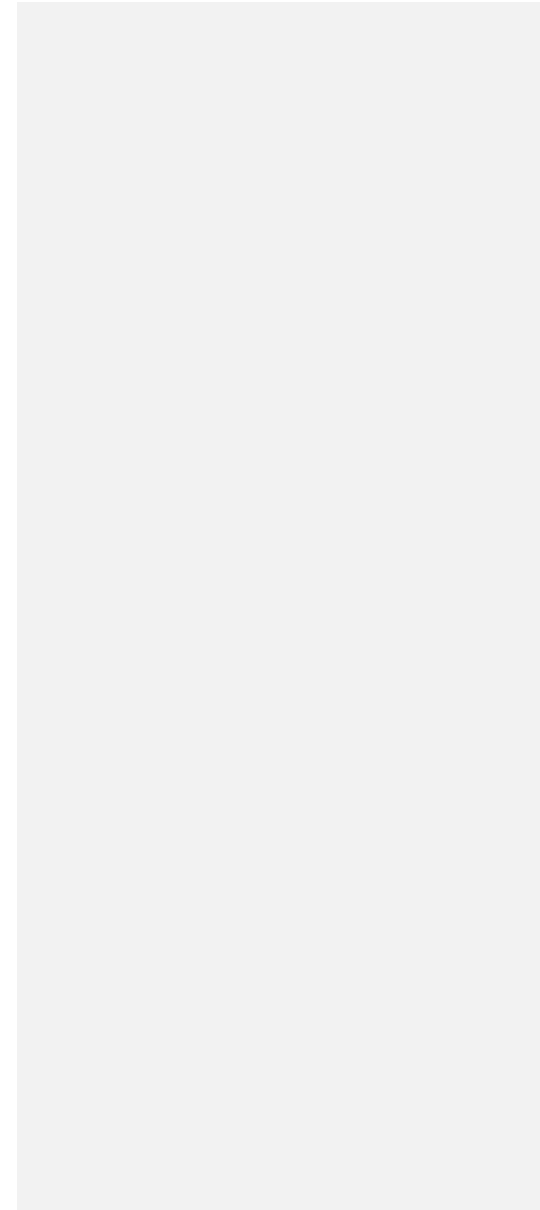
	<p>(c) to make recommendations to Students' Council and the University on environmental practice;</p> <p>(d) to collect, collate, publish and disseminate information relating to environmental issues;</p> <p>(e) to raise awareness and discussion of environmental issues;</p> <p>(f) to liaise with relevant University bodies, environment organisations and Student groups on environmental issues; and</p> <p>(g) to campaign for the protection of non-human animal habitats, in particular the habitats of endangered species.</p> <p>(h) to educate Students and run campaigns aimed at preventing cruelty to, and exploitation of animals, and improving the welfare of non-human animals; and</p> <p>(i) to campaign to and liaise with the University on issues relating to the harmful use of animals in education and research where live non-human animals are used, or where an animal was killed prior to the class for the purposes of a class.</p>	<p>(b) the relevant Officer or Officers as a non-voting representative; and</p> <p>(c) up to three additional non-voting representatives co-opted by the Committee.</p>	
Indigenous	<p>The aims and objectives of the Indigenous Department are:</p> <p>(a) to ensure the interests of Indigenous Students at the University are determined by Indigenous Students; and</p> <p>(b) to ensure the interests of Indigenous Students are effectively represented, advocated and promoted in all aspects, operations and activities of UMSU and the University.</p>	<p>(a) seven voting representatives, of whom at least half, rounded up, must be Women. If at least this number of candidates are not Women, those places not filled by Women may be filled by other candidates;</p> <p>(b) the relevant Officer or Officers as a non-voting representative; and</p> <p>(c) up to three additional non-voting representatives co-opted by the Committee.</p>	<p>Eligibility: Members of UMSU who are Indigenous Students.</p> <p>Elected by: Enrolled Students who are Indigenous Students.</p>
Media	<p>The aims and objectives of the Media Department include:</p> <p>(a) to promote greater Student participation in all forms of media;</p> <p>(b) to provide opportunities for Students to gain skills in publishing, writing, editing design and broadcasting; and</p> <p>(c) to inform students about news, events, activities, and matters of importance within the Student Union.</p>	<p>(a) No Committee</p>	<p>No Committee</p>
People of Colour	<p>The aims and objectives of the People of Colour department are:</p> <p>(a) To ensure the interests of people of colour (Students of Colour) are effectively represented and advocated for in all aspects, operations and activities of UMSU and the University</p> <p>(b) To oversee the activities, policies and direction of UMSU in areas related to the interests of Students of Colour</p>	<p>(a) seven voting representatives, of whom at least half, rounded up, must be Women. If at least this number of candidates are not Women, those places not filled by Women may be filled by other candidates;</p>	<p>Eligibility: Members of UMSU who are People of Colour</p> <p>Elected by: Enrolled Students of Colour</p>

	<ul style="list-style-type: none"> (c) To actively increase visibility and awareness about issues faced by Students of Colour at university (d) To combat racist attitudes and expressions within UMSU, the University and the community (e) To initiate and coordinate campaigns in regards to the wellbeing of Students of Colour (f) To provide support, information, advocacy and referral to support services and other relevant resources or organisations as required for Students of Colour (g) To provide opportunities for community building for Students of Colour. 	<ul style="list-style-type: none"> (b) the relevant Officer or Officers as a non-voting representative; and (c) up to three additional non-voting representatives co-opted by the Committee. 	
Queer	<p>The aims and objectives of the Queer Department include:</p> <ul style="list-style-type: none"> (a) to actively increase visibility, awareness and acceptance of the presence of Students of all sexualities and genders on campus; (b) to encourage freedom of expression of all sexualities and genders at all levels of the University without fear of harassment or discrimination; (c) to combat queerphobic attitudes, violence and expression within UMSU, the University and the community; (d) to provide a safe, autonomous and discreet queer space or environment on UMSU premises; (e) to provide support to all Students having difficulty with issues of sexuality or gender; (f) to provide access to support services available in the wider community to Students seeking sexuality or gender related information or referral; and (g) to provide Queer Students with awareness of safe-sex practices and the prevention of sexually transmitted diseases, and to distribute information on sexual health issues. (h) to promote a culture of consent both within and outside sexual contexts. 	<ul style="list-style-type: none"> (a) seven voting representatives, of whom at least half, rounded up, must be Women. If at least this number of candidates are not Women, those places not filled by Women may be filled by other candidates; (b) the relevant Officer or Officers as a non-voting representative; and (c) up to three additional non-voting representatives co-opted by the Committee. 	<p>Eligibility: Members of UMSU who are Queer Students</p> <p>Elected by: Enrolled Students who are Queer Students.</p>
Welfare	<p>The aims and objectives of the Welfare Department are:</p> <ul style="list-style-type: none"> (a) to oversee the activities of UMSU in areas related to Student welfare, including but not limited to Student poverty, racism, accessibility constraints, physical and mental health issues, marginalisation, discrimination and harassment; (b) to raise awareness of the diversity of Student experiences and ensure UMSU and the University are safe, accessible and respectful of diversity; 	<ul style="list-style-type: none"> (a) seven voting representatives, of whom at least half, rounded up, must be Women. If at least this number of candidates are not Women, those places not filled by Women may be filled by other candidates; (b) the relevant Officer or Officers as a non-voting representative; and 	<p>Eligibility: Must be Members of UMSU</p> <p>Elected by: All enrolled Students</p>

	<p>(c) to liaise with Student service providers to ensure that all Students can participate fully in UMSU and the University;</p> <p>(d) to raise awareness of support services available for Students facing difficulties; and</p> <p>(e) to provide Students with awareness of safe-sex practices and the prevention of sexually transmitted diseases, and to distribute information on sexual health issues.</p>	<p>(c) up to three additional non-voting representatives co-opted by the Committee.</p>	
Women's	<p>The aims and objectives of the Women's Department are:</p> <p>(a) to oversee the activities, Policy and direction of UMSU in areas related to promoting the advancement and welfare of Women Students including, but not limited to, education, Student rights, Student representation, equal opportunity, publications and media;</p> <p>(b) to promote and assist in the development and maintenance of high quality services within the University that are responsive to the needs of Women Students;</p> <p>(c) to advocate for Women within UMSU and the University;</p> <p>(d) to organise political, educational and social events which promote feminist debate and action;</p> <p>(e) to provide and protect safe, autonomous Women's space on UMSU premises, and to maintain the materials, facilities and literature therein;</p> <p>(f) to provide Women Students with awareness of safe-sex practices and the prevention of sexually transmitted diseases, and distributing information on sexual health issues;</p> <p>(g) to facilitate a collective to produce the Women's publication, Judy's Punch, at least once per year;</p> <p>(h) to promote a culture of consent both within and outside sexual contexts</p> <p>(i) to ensure the participation of all Women in the activities of the Department, and UMSU generally; and</p> <p>(j) to act as a contact for Women Students, providing support, advocacy, information and referral as required.</p>	<p>(a) seven voting representatives, of whom at least half, rounded down, must be women of colour. If at least this number of candidates for the Committee are not women of colour, those places not filled by women of colour may be filled by other women.</p> <p>(b) the relevant Officer or Officers as a non-voting representative; and</p> <p>(c) up to three additional non-voting representatives co-opted by the Committee.</p>	<p>Eligibility: Members of UMSU who are Women</p> <p>Elected by: Enrolled Students who are Women</p>
Burnley Students	<p>The aims and objectives of the Burnley Students Department are:</p> <p>(a) to provide a suitable cultural, social and sporting climate on campus and create opportunities for, and encourage, the development of social interaction between Students.</p> <p>(b) to provide for, protect and develop the interests of Students with regard to financial, social, educational, professional and welfare</p>	<p>(a) There is a Burnley Student Department, which consists of the Burnley Campus Co-ordinator and Committee.</p> <p>(b) The Burnley Student Committee must have the following voting members:</p> <p>(i) Campus Coordinator; and</p>	<p>Eligibility: Members who are enrolled in a higher education course at the Burnley Campus.</p> <p>Elected by:</p>

	<p>matters and encourage interest groups and clubs and societies on campus.</p> <p>(c) to represent Students' interests in any matters as deemed necessary or desirable by the Department.</p> <p>(d) to provide, or ensure the provision of, facilities and services for the academic support, professional education, refreshment, entertainment, recreation and convenience of Students.</p> <p>(e) to occupy and operate premises, which will be a common meeting place and social centre for Students.</p> <p>(f) to assume other such responsibilities and organise and direct such activities as may be deemed appropriate for giving expression to the interests of the Department, or for carrying out any of the objects aforesaid.</p> <p>(g) to be represented within UMSU and to cooperate with the Departments of UMSU and contribute to the specified aims and objectives of UMSU.</p> <p>(h) to afford a recognised means of communication between students and the authorities of the campus, University, the community at large and other organisations of students.</p>	<p>(ii) Seven general representatives, of whom at least half, rounded up must be Women. If at least this number of candidates are not Women, those places not filled by Women may be filled by other candidates;</p>	<p>Members who are enrolled in a higher education course at the Burnley Campus.</p>
<p>Southbank Students</p>	<p>The aims and objectives of the Southbank Students Department are:</p> <p>(a) to provide a suitable cultural and social climate on campus and create opportunities for, and encourage, the development of social interaction between Students.</p> <p>(b) to provide for, protect and develop the interests of Students with regard to financial, social, educational, professional and welfare matters and encourage interest groups and clubs and societies on campus.</p> <p>(c) to represent Students' interests in any matters as deemed necessary or desirable by the Department.</p> <p>(d) to provide, or ensure the provision of, facilities and services for the academic support, professional education, refreshment, entertainment, recreation and convenience of Students.</p> <p>(e) to occupy and operate premises, which will be a common meeting place and social centre for Students.</p> <p>(f) to assume other such responsibilities and organise and direct such activities as may be deemed appropriate for giving expression to the interests of the Department, or for carrying out any of the objects aforesaid.</p>	<p>(a) Seven General Representatives, of whom at least half, rounded up, must be Women. If at least this number of candidates are not Women, those places not filled by Women may be filled by other candidates;</p> <p>(b) The student or students holding the position of Creative Arts Officer as established by Rule 6.3(b) will be ex-officio and non-voting members of the Committee; and</p> <p>(c) The Southbank Students Campus Co-ordinator, Southbank Activities Officer and Southbank Education Officer as non-voting representatives.</p>	<p>Eligibility: Members who are enrolled in a higher education course at the Southbank Campus, including those courses listed underneath the Faculty of Fine Arts and Music.</p> <p>Elected by: Members who are enrolled in a higher education course at the Southbank Campus, including those courses listed underneath the Faculty of Fine Arts and Music.</p>

	<p>(g) to be represented within UMSU and to cooperate with the Departments of UMSU and contribute to the specified aims and objectives of UMSU.</p> <p>(h) to afford a recognised means of communication between students and the authorities of the campus, University, the community at large and other organisations of students.</p>		
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SCHEDULE 2: ELECTORAL TRIBUNAL TERMS OF REFERENCE

1. Control of Elections

All elections and Referenda under this Constitution will be controlled by the Electoral Tribunal.

2. Electoral Tribunal

There must be an Electoral Tribunal, consisting of three members.

3. Qualifications for Electoral Tribunal Members

Each member of the Electoral Tribunal must:

- (a) have been admitted to practise as a barrister and solicitor of the Supreme Court of Victoria more than five years before their appointment; and
- (b) not have stood for election in an election of a student body at the University in the ten years prior to appointment.

4. Appointment of Members

The members of the Electoral Tribunal must be appointed as follows:

- (a) one member will be appointed by the Vice Chancellor;
- (b) one member will be appointed by the Dean of Melbourne Law School; and
- (c) one member will be appointed by the Students' Council.

A member of the Electoral Tribunal may also be a member of the Charter Tribunal and/or the Grievance Tribunal.

5. Term of Office

A member of the Electoral Tribunal holds office until:

- (a) the member resigns in writing;
- (b) if appointed by the Vice Chancellor or the Dean of Melbourne Law School, the member is replaced by the person having the power to appoint that member; or
- (c) if appointed by the Students' Council, the member is removed by resolution approved by two thirds of the Voting Council Representatives present and voting (provided that any resolution to remove a member made during an election period will not come into effect until after the election period).

6. Powers of the Electoral Tribunal

The Electoral Tribunal has power to exercise any of the powers conferred directly or indirectly on it by the Constitution, including power;

- (a) to make Regulations governing the conduct of UMSU elections and Referenda;

- (b) to appoint a Returning Officer for UMSU elections, Referenda and UMSU International;
- (c) to call UMSU elections;
- (d) to give directions in relation to elections;
- (e) to determine whether all or part of an election will be held by physical ballot or online ballot;
- (f) to determine whether online polling booths will be made available on campus;
- (g) to determine the week in which elections are to be held if the University's academic year changes;
- (h) to suspend or ban a person from standing for election;
- (i) to hear appeals against decisions of Returning Officer(s);
- (j) to declare the results of UMSU and UMSU International elections;
- (k) to hear appeals against the results of UMSU and UMSU International elections;
- (l) to do such additional things relating to elections and referenda as are determined by the Students' Council by Regulation;
- (m) to exercise the powers described in term 6(a) – (k) in relation to provisional elections, and
- (n) to make regulations governing its own proceedings.

7. Returning Officer

- (a) The Electoral Tribunal must appoint a Returning Officer
 - (i) for a calendar year; or
 - (ii) at least two weeks before nominations open for an annual election; or
 - (iii) at least one week before nominations open for a by-election.
- (b) The position must be advertised.
- (c) The Returning Officer must be a natural person with demonstrated qualifications and experience sufficient to enable proper performance of the role of Returning Officer in accordance with this Constitution. Nothing in this Constitution prevents the Returning Officer being an employee or director of any organisation.
- (d) The Returning Officer must establish a website, on which is posted all information relevant to the election, including the relevant provisions of this Constitution and the Electoral Regulations.

8. Meetings of the Electoral Tribunal

Meetings of the Electoral Tribunal may be called by any member of the Electoral Tribunal by notice in accordance with term 9.

9. Notice of Meetings of the Electoral Tribunal

- (a) At least five days' notice must be given of a meeting of the Electoral Tribunal outside of an election period.
- (b) At least 12 hours' notice must be given of a meeting of the Electoral Tribunal during an election period.
- (c) Notice must be given to each member of the Electoral Tribunal, and
 - (i) to the Returning Officer (if appointed);
 - (ii) if it relates to an appeal against a decision of the Returning Officer or against the result of the election, to all appellants and to any candidate, who, in the opinion of the Electoral Tribunal, is materially affected by the appeal; and
 - (iii) to the General Secretary.
- (d) If the notice relates to an appeal, the notice must include all appeals to be dealt with and the notice of appeal in relation to each appeal.

10. Attendance at Meetings

Meetings of the Electoral Tribunal are open to Members unless the Electoral Tribunal determines to hold the meeting in camera.

11. Decisions

- (a) The Electoral Tribunal must provide to the General Secretary a brief summary of each decision on an appeal in relation to an election.
- (b) The General Secretary must post the decision on the UMSU website.

12. Remuneration

The remuneration (if any) of the members of the Electoral Tribunal will be determined by the Students' Council from time to time.

13. Liability and Indemnity

- (a) No Electoral Tribunal member will be liable for the acts of any other office holder, or for any loss or damage or expense suffered or incurred by UMSU unless the same is caused or contributed by the wilful act, neglect or default of that Electoral Tribunal member.
- (b) Pursuant to rule 29.3 of the UMSU Constitution, all Electoral Tribunal members are indemnified out of the funds of UMSU against any losses, costs or expenses incurred by them in connection with the discharge of their duties except where such losses, costs and expenses are incurred by their own wilful act, neglect or default.

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SCHEDULE 3: GRIEVANCE TRIBUNAL TERMS OF REFERENCE

1. Grievance Tribunal

There shall be a Grievance Tribunal consisting of three Members.

2. Qualifications for Grievance Tribunal Members

Each member of the Grievance Tribunal must:

- (a) have been admitted to practice as a barrister and solicitor of the Supreme Court of Victoria more than five years before their appointment; and
- (b) not have stood for election in an election of a Student body at the University in the ten years prior to appointment.

3. Appointment of Members

(a) The members of the Grievance Tribunal shall be appointed as follows:

- (i) one member shall be appointed by the Vice Chancellor;
- (ii) one member shall be appointed by the Dean of Melbourne Law School; and
- (iii) one member shall be appointed by the Students' Council.

(b) A member of the Grievance Tribunal may also be a member of the Electoral Tribunal and/or the Charter Tribunal.

4. Term of Office

A member of the Grievance Tribunal holds office until:

- (a) the member resigns in writing;
- (b) if appointed by the Vice Chancellor or the Dean of the Faculty of Law, the member is replaced by the person having the power to appoint that member; or
- (c) if appointed by the Students' Council, the member is removed by resolution approved by two thirds of the Voting Council Representatives.

5. Powers of the Grievance Tribunal

The Grievance Tribunal has power:

- (a) to make Regulations governing the determination of disciplinary matters and disputes which may be referred to the Grievance Tribunal under this Constitution;
- (b) to give directions in relation to the process and resolution of disciplinary matters and disputes referred to the Grievance Tribunal under this Constitution;
- (c) to determine all disputes referred to the Grievance Tribunal under this Constitution;

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- (d) to appoint a mediator in respect of a disputes referred to the Grievance Tribunal under this Constitution;
- (e) to determine all appeals in relation to proposed disciplinary action referred to the Grievance Tribunal under this Constitution; and
- (f) to do such additional things relating to disciplinary matters and disputes as are determined by the Students' Council by Regulation.

6. Meetings of The Grievance Tribunal

Meetings of the Grievance Tribunal must be called by the General Secretary at any time that a dispute arising under this Constitution arises.

7. Notice of Meetings of The Grievance Tribunal

- (a) At least five days' notice must be given of a meeting of the Grievance Tribunal.
- (b) Notice must be given to each member of the Grievance Tribunal, and to all appellants and any other Member who, in the opinion of the Grievance Tribunal, is materially affected by the referral of a dispute to the Grievance Tribunal.
- (c) If the notice relates to an appeal, the notice must include all appeals to be dealt with and the notice of appeal in relation to each appeal.

8. Attendance at Meetings

Meetings of the Grievance Tribunal are open to Members unless the Grievance Tribunal determines to meet in camera.

9. Decisions

- (a) The Grievance Tribunal must provide to the General Secretary and to any appellant, a brief summary of each decision of an appeal in relation to a matter referred to the Grievance Tribunal for determination.
- (b) The General Secretary must post the decision on the UMSU website.

10. Remuneration

Remuneration (if any) of the members of the Grievance Tribunal will be determined by the Students' Council from time to time.

11. Liability and Indemnity

- (a) No Grievance Tribunal member will be liable for the acts of any other office holder, or for any loss or damage or expense suffered or incurred by UMSU unless the same is caused or contributed by the wilful act, neglect or default of that Grievance Tribunal member.
- (b) Pursuant to rule 29.3 of the UMSU Constitution, all Grievance Tribunal members are indemnified out of the funds of UMSU against any losses, costs or expenses incurred by them in connection with the discharge of their duties except where such losses, costs and expenses are incurred by their own wilful act, neglect or default.

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SCHEDULE 4: CHARTER TRIBUNAL

1. Purpose

The role of the Charter Tribunal is to determine whether a breach of the Council Charter has occurred and if so, to make a recommendation in relation to what disciplinary action (if any) available to the Students' Council is appropriate.

2. Delegation of powers from Students' Council

(a) The Students' Council has power to discipline Voting Council Representatives and Officers that breach the Council Charter, including by:

- (i) recommending that a General Meeting suspend the Member from the Office held;
- (ii) resolving to withhold all or part of a sitting fee or honorarium; and
- (iii) passing a motion of censure in respect of the Council Member.

(b) Subject to these terms, the Students' Council delegates power to the Charter Tribunal to determine whether a breach of the Council Charter has occurred and make a recommendation in relation to what disciplinary action (if any) available to the Students' Council is appropriate.

(c) The Students' Council must take the Charter Tribunal's recommendation in relation to disciplinary action into account, but is not required to follow that recommendation.

3. Qualifications for Charter Tribunal members

Each member of the Charter Tribunal must:

- (a) have been admitted to the legal profession as an Australian Lawyer and an officer of the Supreme Court of Victoria at least five years prior to their appointment; and
- (b) not have stood for election in an election of a Student body at the University in the ten years prior to appointment.

4. Appointment of Members

The Charter Tribunal must comprise the following members:

- (a) one member appointed by the Vice Chancellor;
- (b) one member appointed by the Dean of the Faculty of Law; and
- (c) one member appointed by the Students' Council.

A member of the Charter Tribunal may also be a member of the Electoral Tribunal and/or the Grievance Tribunal.

5. Term of Office

- (a) A member of the Charter Tribunal holds office until:

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- (i) the member resigns in writing;
 - (ii) if appointed by the Vice Chancellor or the Dean of the Faculty of Law, the member is replaced by the person having the power to appoint that member; or
 - (iii) if appointed by the Students' Council, the member is removed by resolution approved by two thirds of the Voting Council Representatives.
- (b) A member of the Charter Tribunal cannot be replaced or removed while an investigation is open.

6. Referral to the Charter Tribunal

- (a) The Charter Tribunal may only be convened by the Students' Council.
- (b) The Students' Council may convene the Charter Tribunal by referring an alleged breach of the Council Charter to the Charter Tribunal for investigation.
- (c) The Charter Tribunal may not make a Determination, but may make a finding of fact in relation to:
 - (i) an individual who is not the subject of a referral from the Students' Council; or
 - (ii) any matter not materially connected to a referral from the Charter Tribunal.

7. Notice to Voting Council Representative or Officer

- (a) Before an investigation commences, the Charter Tribunal must give written notice to the affected Voting Council Representative or Officer:
 - (i) stating that the Charter Tribunal proposes to investigate and make a determination in relation to an alleged breach of the Council Charter; and
 - (ii) stating the nature of the alleged breach; and
 - (iii) specifying the date, place and time of the meeting at which the Charter Tribunal intends to consider the matter ("the Tribunal hearing"); and
 - (iv) advising the Voting Council Representative or Officer that they may do one or more of the following:
 - (A) attend the Charter Tribunal hearing and address the Charter Tribunal at that meeting;
 - (B) give a written statement to the Charter Tribunal at any time before the Charter Tribunal hearing; and
 - (C) bring one person to the Charter Tribunal hearing to speak on the Voting Council Representative or Officer's behalf.
- (b) The notice must be given no earlier than 28 days, and no later than 14 days, before the Charter Tribunal hearing is held.

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8. Charter Tribunal Hearing

- (a) At the Charter Tribunal hearing, the Charter Tribunal must:
 - (i) give the Voting Council Representative or Officer (or their representative) an opportunity to be heard; and
 - (ii) consider any written statement submitted by the Voting Council Representative or Officer.
- (b) The Charter Tribunal must make its Determination as soon as reasonably possible and in any event within 30 days of the Charter Tribunal hearing.
- (c) Subject to term 8(b), the Charter Tribunal may adjourn and later reconvene the Charter Tribunal hearing if, in its sole discretion, it considers that it is necessary to do so in order to obtain further information or give the Voting Council Representative or Officer an opportunity to produce further information.

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9. Attendance at Charter Tribunal hearings

Charter Tribunal hearings are open only to:

- (a) the Charter Tribunal members;
- (b) the Voting Council Representative or Officer;
- (c) any representative of the Voting Council Representative or Officer; and
- (d) any person expressly asked to attend by the Charter Tribunal.

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10. Determination of the Charter Tribunal

On completing an investigation, the Charter Tribunal must, on the balance of probabilities, make a Determination that:

- (a) that the Voting Council Representative or Officer breached the Council Charter; or
- (b) that the Voting Council Representative or Officer did not breach the Council Charter.

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11. Reporting to the Students' Council

The Charter Tribunal must provide a report to the General Secretary on completing an investigation setting out:

- (a) the Charter Tribunal's Determination;
- (b) any material findings of fact that the Charter Tribunal relied on in making its Determination; and
- (c) any other matters that the Charter Tribunal deems appropriate.

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12. No Appeals from the Charter Tribunal

The Determination of the Charter Tribunal is final.

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13. Remuneration

Remuneration (if any) of the members of the Charter Tribunal will be determined by the Students' Council from time to time.

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14. Liability and Indemnity

(a) No Charter Tribunal member will be liable for the acts of any other office holder or for any loss or damage or expense suffered or incurred by UMSU unless the same is caused or contributed by the wilful act, neglect or default of that Charter Tribunal member.

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(b) Pursuant to rule 29.3 of the UMSU Constitution, all Charter Tribunal members are indemnified out of the funds of UMSU against any losses, costs or expenses incurred by them in connection with the discharge of their duties except where such losses, costs and expenses are incurred by their own wilful act, neglect or default.

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SCHEDULE 5: CEO CONTRACT OVERSIGHT COMMITTEE TERMS OF REFERENCE

1. Purpose of the CEOCOC

The principal purpose of the CEOCOC is to assist UMSU to discharge its obligations under the CEO's contract of and relevant legislation.

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2. Conduct and Duties of the CEOCOC Committee

(a) The duties of the CEOCOC are as follows:

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- (i) to develop key performance indicators (KPIs) for the CEO role;
- (ii) to monitor the CEO's progress against the KPIs;
- (iii) to conduct an annual performance review of the CEO;
- (iv) to determine the CEO's remuneration (taking into account executive remuneration benchmarking);
- (v) to implement performance management protocols and procedures including (in the event that it becomes necessary) termination if the CEO breaches the employment contract, fails to meet KPIs or engages in serious misconduct;
- (vi) to facilitate the resolution of any dispute and/or grievance that may arise between UMSU and the CEO or University Staff and the CEO;
- (vii) to determine whether or not to renew the CEO's employment contract;
- (viii) to advertise for, interview and recruit a new CEO when necessary (noting that the Students' Council retains the power to appoint the CEO); and
- (ix) to negotiate the terms of the CEO's employment contract when it becomes due for renewal or a new CEO is engaged.

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(b) At all times, CEOCOC members must:

- (i) carry out their duties with reasonable care and diligence;
- (ii) act in good faith;
- (iii) maintain confidentiality in relation to both the negotiations and the terms of the CEO's contract of employment; and
- (iv) disclose any conflict of interest to the CEOCOC and (if the conflict is material) resign from the CEOCOC.

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3. Delegation to the CEOCOC

- (a) The Students' Council is responsible for the employment of the CEO by UMSU.
- (b) Subject to the conditions set out in these Terms, the Students' Council delegates the management of the CEO's employment contract to the CEOCOC.
- (c) The Students' Council may vary these Terms by resolution only with the agreement of the CEO and after taking into account any recommendation of the CEOCOC.

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4. Terms to be Incorporated into Contract of Employment

These Terms must, as far as possible and to the extent that is appropriate, be incorporated into the CEO's contract of employment.

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5. Composition of the CEOCOC

(a) The CEOCOC will comprise the following individuals:

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(i) The UMSU Representatives, being:

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- the President;
- the General Secretary; and
- in the event of an Impasse, three additional members of the Students' Council appointed by resolution of the Students' Council.

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(b) The Support Officers, being two individuals selected by the UMSU Representatives following an open advertisement and expression of interest process who are:

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(i) independent of UMSU and the University of Melbourne; and

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(ii) in the reasonable assessment of the UMSU Representatives, suitably qualified and experienced individuals having regard to the recommendations of the UMSU Manager, People & Culture.

(c) The Chair of the CEOCOC will be the President.

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6. Meetings

(a) The CEOCOC must meet as often as necessary to discharge its duties and at least once every three months.

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(b) More frequent meetings may be required in the event that:

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(i) performance management of the CEO becomes necessary;

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(ii) the CEO's employment contract is being renewed; or

(iii) a new CEO is being engaged.

(c) A quorum for the CEOCOC is:

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(i) in the event of an Impasse, any three UMSU Representatives and both Support Officers; and

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(ii) otherwise, the President, General Secretary and both Support Officers.

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7. Decisions of the CEOCOC

(a) Resolutions of the CEOCOC may be passed:

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(i) by unanimous vote of the President and General Secretary; and

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(ii) in the event of an Impasse, by majority vote of the five UMSU Representatives.

(b) Resolutions of the CEOCOC may be considered at a CEOCOC meeting or by circulated resolution.

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(c) In order to be validly passed, a circulated resolution must meet the following requirements:

(i) the wording of the proposed resolution must be sent by email to all CEOCOC members at an email address provided for the receipt of CEOCOC notices;

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(ii) receipt of the proposed resolution must be acknowledged by return email by all non-voting CEOCOC members; and

(iii) the necessary majority pursuant to clause 7(a) must vote in favour of the resolution by return email.

8. Support Officers

(a) The primary role of the Support Officers is to provide support and advice to the CEOCOC.

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(b) Support Officers may propose, but may not vote on CEOCOC resolutions.

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(c) Support Officers may veto any resolution of the CEOCOC in relation to:

(i) performance management of the CEO;

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(ii) termination of the CEO's employment contract;

(iii) renewal of the CEO's employment contract;

(iv) the CEO's remuneration; and

(v) a proposed term of the CEO's employment contract.

(d) Support Officers may only exercise their veto power:

(i) at the CEOCOC meeting at which the resolution is proposed; or

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(ii) if the resolution is a circulated resolution (that is, a resolution made outside of a CEOCOC meeting), within 24 hours of receiving written notice that the resolution has passed.

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(e) Within 48 hours of a Support Officer exercising their veto power, the Support Officer:

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(i) must provide a written statement to the UMSU Representatives explaining why they have exercised their veto power; and

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(ii) may provide suggestions as to how the resolution might be improved.

(f) If a veto power is exercised in respect of a resolution, then:

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(i) the resolution will be of no effect; and

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(ii) the resolution or substantially the same resolution cannot be proposed again for consideration by the CEOCOC within 14 days of the veto without the consent of the Support Officer that exercised the veto power.

(g) If a Support Officer exercises their veto power pursuant to clause 8(c) more than once, then the UMSU Representatives may nominate substitute individuals with the requisite skills for the role(s).

(h) If a Support Officer resigns in writing, then the UMSU Representatives must nominate a substitute individual.

9. UMSU Representative Impasse

(a) An Impasse will occur if:

(i) the President and General Secretary cannot reach a unanimous decision on a CEOCOC resolution and any one of the CEOCOC members requests that the Students' Council appoints additional UMSU Representatives; or

(ii) the President and General Secretary cannot:

- negotiate the terms of an employment contract renewal with the CEO within 30 days of the term of the current employment contract expiring; or
- employ a new CEO within 60 days of the term of the current CEO's employment expiring.

(b) In the event of an Impasse the Students' Council must appoint three Students' Council members to join the President and General Secretary as UMSU Representatives.

(c) The three additional Students' Council members appointed as UMSU Representatives will serve until the Impasse is resolved, that is:

(i) a majority vote of the five UMSU Representatives is taken on the CEOCOC resolution referred to at clause 9(a)(i)8(a)(f); or

(ii) a new CEO employment contract is signed;

as the case may be.

10. Continuation of Contract

If a CEO's employment contract expires during a period of contract renewal negotiation:

(a) UMSU will continue to employ the CEO on a month by month basis;

(b) the employment will be on the terms and conditions of the CEO's employment contract, so far as those terms are applicable to a monthly engagement; and

(c) UMSU may end the employment at any time by giving two weeks' prior notice.

11. Secretariat Support

UMSU will nominate an individual to provide secretariat support to the CEOCOC, comprising:

(a) inviting CEOCOC members to contribute to the content of agendas;

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- (b) preparing and sending out the agenda prior to each meeting;
- (c) recording the minutes for each meeting;
- (d) distributing the minutes and any written statement prepared under clause 8(e) to all CEOCOC members within one week from the date of the meeting;
- (e) arranging for publication of any employment advertisements in consultation with UMSU's human resources department;
- (f) assisting with the preparation of any employment contract or obtaining legal assistance for this purpose at UMSU's costs; and
- (g) any other administrative duties associated with the CEOCOC.

12. Training

- (a) The CEOCOC may arrange for the President and General Secretary to receive any training deemed necessary by the Support Officers in order to assist the President and General Secretary to understand and carry out their duties pursuant to these Terms.
- (b) UMSU will bear the cost of any training provided pursuant to this clause.

13. Reporting

The President and the General Secretary must provide a written report to the next meeting of the Students' Council immediately following each CEOCOC meeting.

14. Liability and Indemnity

- (a) No CEOCOC member will be liable for the acts of any other office holder, or for any loss or damage or expense suffered or incurred by UMSU unless the same is caused or contributed by the wilful act, neglect or default of that CEOCOC member.
- (b) Pursuant to rule 29.3 of the UMSU Constitution, all CEOCOC members are indemnified out of the funds of UMSU against any losses, costs or expenses incurred by them in connection with the discharge of their duties except where such losses, costs and expenses are incurred by their own wilful act, neglect or default.

15. Remuneration

Remuneration of the Support Officers will be determined by the UMSU Representatives.

16. Definitions

CEO means the Chief Executive Officer of UMSU.

CEOCOC Terms means the Terms of Reference contained in this Schedule.

Impasse is defined in clause 9(a) of the CEOCOC Terms.

Support Officers means the individuals appointed to support the UMSU Representatives pursuant to clause 4(b) of the CEOCOC Terms.

UMSU Representatives means the President and the General Secretary and (in the event of an Impasse) the three additional Students' Council members appointed by the Students' Council.

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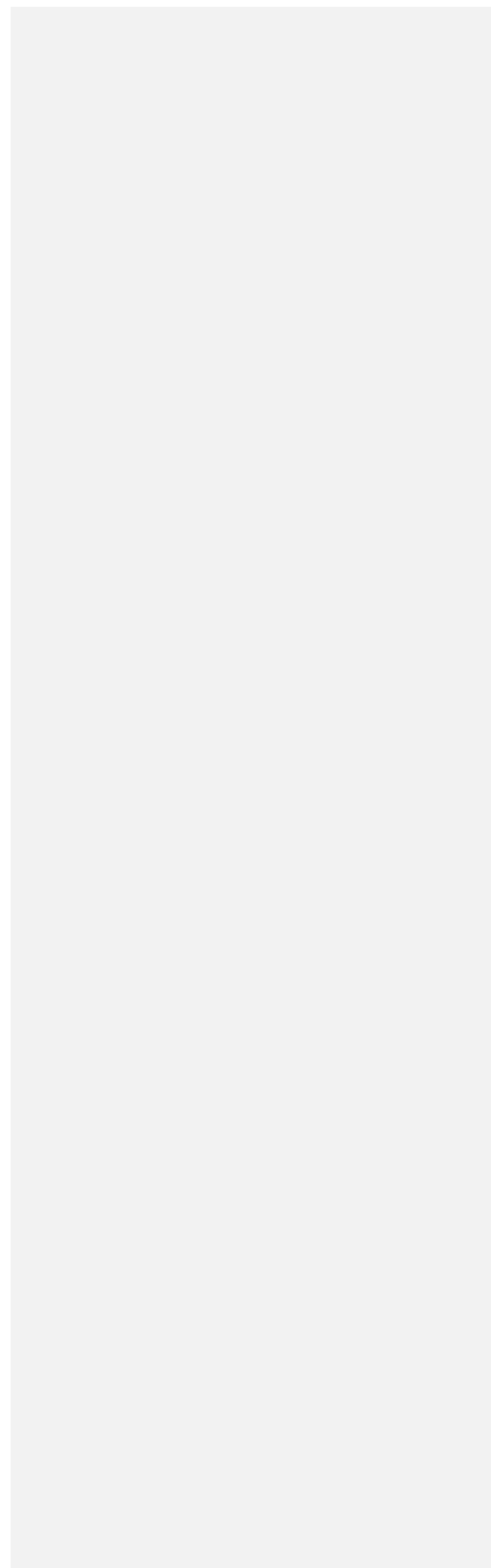
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Veto power means the Support Officers' power to veto resolutions of the UMSU Representatives pursuant to clause 7(c) of the CEOCOC Terms.



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