



**UMSU INCORPORATED**

## **CONSTITUTION**

**Last amended: April 5th 2016**

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UMSU Incorporated Constitution  
Last amended April 5<sup>th</sup> 2016

## **UMSU INCORPORATED**

# **CONSTITUTION**

### **STATEMENT OF PURPOSES**

The purposes for which the UMSU Incorporated is incorporated are:

1. To advance the welfare and interests of Students;
2. To represent Students of the University within the University and to the community;
3. 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 MU Student Union Limited or the University, as the case may be, from time to time;
4. To provide an independent framework for Student social and political activity;
5. To develop, maintain and support Student clubs, societies and associational life generally;
6. 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;
7. 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.
8. To provide a democratic and transparent forum in which Students' affairs and interests can be governed in an effective and accountable manner; and
9. To promote free and accessible government-funded education.

In order to achieve these purposes, but for no other purpose and subject always to the terms of any agreements with MU Student Union Limited or the University, as the case may be, the Association has all the powers of a natural person.

## UMSU INCORPORATED CONSTITUTION

### RULES

#### GENERAL

##### 1 NAME

The name of the association shall be University of Melbourne Student Union Incorporated.

##### 2 INTERPRETATION

###### 2.1 Definitions. In this Constitution unless the context otherwise requires:

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

**Act** means the Incorporated Associations Reform Act 2012 (Vic).

**Activities Committee** means the committee of that name established in accordance with rule 67.

**Associate Member** means a non-student who subscribes to membership of UMSU, in accordance with rule 9.

**Association** means UMSU.

**Burnley Students Committee** means the committee of that name established in accordance with rule 67.

**Central Committee** means the governing body of the International Students Department established in accordance with rule 148.

**Clubs and Societies Committee** means the committee of that name established in accordance with rule 67.

**Clubs and Societies Council** means the body of that name established in accordance with rule 137.

**Collective** means a body corresponding to an area of activity by a Committee and the Media Officers which is open to all Students (with the exception of the Disabilities Collective, Queer Collective, ~~Wom\*n~~Women's Collective, People of Colour Collective and Indigenous Collective which are subject to the restrictions applicable to those Committees) to participate in events and discussions relating to that area of activity each as established in accordance with rule ~~92~~93.

**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, ~~Wom\*n~~Women's Committee, People of Colour Committee or the Victorian College of the Arts Department Committee each as established in accordance with rule 67.

**Constitution** means this Constitution, which comprises the Statement of Purposes and the Rules.

**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 67.



**Department** means all of the components corresponding to an area of activity including the respective Officer, Committee and Collective applicable to each respective area of activity and includes each of the departments established in accordance with rule 78.

**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 67.

**Education Committee** means the committee of that name established in accordance with rule 67.

**Elected Member** means a person who holds an elected position on the Students' Council or a Committee.

**Electoral Regulations** means regulations made by the Electoral Tribunal pursuant to rule 117.

**Electoral Tribunal** means the tribunal of that name established in accordance with rule 113.

**Environment Committee** means the committee of that name established in accordance with rule 67.

**General Meeting** means any general meeting or special meeting.

**General Member** means a Student or Officer who subscribes to membership of UMSU, in accordance with Rule 9.

**General Secretary** means the position established in accordance with rule 52(b).

**Graduate Student** means those persons satisfying the requirements in the Electoral Regulations as being within the category of Graduate Students.

**Grievance Tribunal** means the tribunal of that name established in accordance with rule 200.

**Honorary Life Member** is a person who has been made an Honorary Life Member in accordance with Rule 9.

**Indigenous Committee** means the committee of that name established in accordance with rule 67.

**Indigenous Student** means all Students recorded as being indigenous as evidenced by the roll kept at the Centre for Indigenous Education.

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

**International Student Department** means the department established in accordance with rule 14~~98~~ this department is known as [MUOSSUMSU International](#).

**Member** means a member of UMSU, and includes all categories of membership defined in Rule 9.

**Membership Fee** means a fee for joining or remaining a member of UMSU.

**Office** means each office to which an Officer or Officers is elected being the offices described in rule 52.

**Officers** means each of those officers referred to in rule 52 comprising the President, General Secretary, Education (Academic Affairs) Officer, Education (Public Affairs) Officer, Welfare Officer, ~~Wom\*n~~**Women's** Officer, Creative Arts Officer, Activities Officer, Queer Officer, Environment Officer, Disabilities Officer, [People of Colour Officer](#), Media Officer, Clubs and Societies Officer Indigenous Officer, Campus Co-ordinator, Victorian College of the Arts Department, and Campus Co-ordinator, Burnley Student Department each of which is also a defined term for the purposes of this Constitution.

**Ordinary Resolution** means a resolution other than a Special Resolution.

**Part-time Student** means those persons satisfying the requirements in the Electoral Regulations as being within the category of Part-time Students.

**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.

**People of Colour Committee** means the committee of that name established in accordance with rule 67.

**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 the Association as set out in rule 3.

**Queer Committee** means the committee of that name established in accordance with rule 67.

**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, or sex and/or gender diverse.

**Referendum** means a vote of all Students on a particular issue in accordance with rule 34.

**Register of Members or Register** means the register maintained by the Secretary in accordance with rule 17.

**Regulations** mean any regulations made by the Students' Council, the Electoral Tribunal or the Grievance Tribunal pursuant to this Constitution. The Regulations are subsidiary to this Constitution and prescribe certain procedures which apply to the area of activity described in the Regulations, as provided for in this Constitution.

**Representatives** means those persons elected or appointed to the Students' Council, a Committee or a Sub-Committee in accordance with this Constitution.

**Restricted Constituencies** means the Queer Students, Students of Colour, Indigenous Students, International Students and Graduate Students.

**Returning Officer** means the Returning Officer appointed in accordance with rule 123.

**Secretary of the Association** means the position established within the Act, which is a duty of the General Secretary, as per rule 65(f).

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

**Senior Staff Member** means that Staff Member designated by the Students' Council as the Senior Staff Member for the purposes of this Constitution.

**Special Constituency** means Graduate Students who are each represented by the organisations outlined in rule 8.

**Special Meeting** means a meeting other than an annual General Meeting.

**Special Resolution** has the same meaning as defined in the Act, being a resolution passed by a majority of not less than three fourths of the Members who are present in person or (if proxies are allowed) by proxy and entitled to vote at a General Meeting of the Association, of which notice specifying the intention to propose the resolution as a special resolution has been given in accordance with this Constitution.

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

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

**Students' Council** means the body established in accordance with rule 49 and having the responsibilities as outlined in rule 48 and elsewhere in the Constitution.

**Students of Colour** means students who identify as people of colour due to their African, Asian, Pacific Islander, Aboriginal, Indigenous, Latinx, Arab, multiracial or other relevant non-white background,

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**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.

**Sub-Committee** means the Operations Sub-Committee.

**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, agender 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.

**Victorian College of the Arts Department Committee** means the committee of that name established in accordance with rule 67.

~~**Woman** means a person who identifies as a woman as evidenced in the enrolment records of the University.~~ **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

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**Welfare Committee** means the committee of that name established in accordance with rule 67.

~~**Wom<sup>n</sup>Women's Committee**~~ **Women's Committee** means the committee of that name established in accordance with rule 67.

2.2 Construction. In this Constitution unless the context otherwise requires:

- (a) words importing the singular include the plural and vice versa;
- (b) words importing any gender include the other gender;
- (c) references to persons include corporations and bodies politic;
- (d) 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);
- (e) references to this or any other document include the document as varied or replaced, and notwithstanding any change in the identity of the parties;
- (f) references to writing include any mode of representing or reproducing words in tangible and permanently visible form, and includes facsimile transmission;
- (g) if a word or phrase is defined, cognate words and phrases have corresponding definitions;
- (h) an obligation incurred in favour of two or more parties shall be enforceable by them jointly and severally;
- (i) 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;
- (j) a defined term shall have the same meaning whether used as a noun or otherwise;
- (k) 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 shall end on the last day of the next succeeding calendar month;

- (l) references to this document include schedules and annexures;
- (m) in the event of any inconsistency between the provisions of any Regulation and any provision of this Constitution, the relevant provision of this Constitution shall prevail.

2.3 Headings. Headings shall be ignored in construing this Constitution.

### 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 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 MU Student Union Limited or the University, as the case may be, from time to time;
- (d) To provide an independent framework for Student social and political activity;
- (e) To develop, maintain and support Student clubs, societies and associational life generally;
- (f) 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;
- (g) 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.
- (h) To provide a democratic and transparent forum in which Students' affairs and interest can be governed in an effective and accountable manner; and
- (i) To promote free and accessible government-funded education.

### 4 POWERS

In order to achieve its Purposes, but for no other purpose and subject always to the terms of any agreements with MU Student Union Limited or the University, as the case may be, the Association has all the powers of a natural person.

### 5 INCORPORATION

5.1 UMSU is an association incorporated under the Incorporated Associations Reform Act 2012 (Victoria) and is subject to the provisions of that Act and the regulations made under that Act.

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

### 6 RECOGNITION OF ORIGINAL CUSTODIANS

UMSU Incorporated 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.

## REPRESENTATIVE ROLE

### 7 REPRESENTATIVE OF STUDENTS

At the time of its incorporation, UMSU was 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.

### 8 SPECIAL CONSTITUENCIES

- 8.1 UMSU in turn recognises the following organisations as representative of Special Constituencies of Students enrolled at the University:
  - (a) Graduate Student Association, which represents Graduate Students;
- 8.2 UMSU recognises the right of each of these bodies to speak on behalf of its Special Constituencies on issues, which specifically affect them.
- 8.3 UMSU may not make representations to the University on issues specific to any of these constituencies unless requested to do so by the relevant organisation.

### 9 MEMBERS OF UMSU

- 9.1 There shall be four categories of members recognised by this Constitution, these include:
  - (a) Elected Members;
  - (b) General Members;
  - (c) Associate Members; and
  - (d) Honorary Life Members.
- 9.2 A person shall be considered a Member of UMSU if they are in any one or more of the categories in Subrule 9.1.

### 10 ELECTED MEMBERS

- 10.1 Elected Members are those members elected to an Officer position within the Constitution, or appointed to serve as an Officer of UMSU.
- 10.2 Elected Members are granted full membership rights as granted in rule 16, regardless of their status as a student.

### 11 GENERAL MEMBERS

- 11.1 General Members are those members who subscribe to UMSU.
- 11.2 A subscription fee may be imposed by the Students' Council, and whereby no fee is imposed by the Students' Council, all students are deemed to be General Members.
- 11.3 Under rule 19, a student may cease to be a General Member if any of the requirements of ceasing membership under rule 14 are met.

### 12 ASSOCIATE MEMBERS

- 12.1 Associate Members are those members who subscribe to UMSU but do not meet the requirements of being a student.
- 12.2 This may include UMSU or University staff, or members of the community.
- 12.3 Associate Members may be charged a fee as determined by the Students' Council.
- 12.4 Associate Members are not granted the rights given to Members as per rule 16.

### 13 HONORARY LIFE MEMBERS

- 13.1 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.

13.2 The Students' Council shall determine Regulations governing the criteria and process for the award of Honorary Life Membership.

13.3 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.

#### 14 WHO IS A MEMBER?

14.1 If the Membership Fee applicable to a Student is zero, then that Student is a General Member of UMSU (unless they have resigned their membership subject to Subrule 19.2).

14.2 Otherwise, a Student becomes a General Member upon payment of the Membership Fee applicable to them.

14.3 A person is an Elected Member if they are:

- (a) an Officer, or
- (b) a voting Representative on a Committee.

14.4 A person who is not a Student becomes an Associate Member upon:

- (a) payment of the Membership Fee applicable to them; and
- (b) fulfilment of other requirements the Students' Council may prescribe by Regulation.

14.5 A person becomes an Honorary Life Member in accordance with Rule 13

#### 15 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.

#### 16 RIGHTS OF MEMBERS

16.1 Subject to restrictions imposed elsewhere in this Constitution (but not to any restrictions imposed by Regulations), every Student is entitled to:

- (a) vote at elections for membership of the Students' Council and Committees established by this Constitution;
- (b) attend and speak at meetings of the Students' Council, any Committee and any Sub-Committee, except for those parts of meetings held in camera;
- (c) inspect the Minutes, certified as a true copy by the Chair, of:
- (d) any meeting of the Students' Council;
- (e) any meeting of a Committee or Sub-Committee;
- (f) 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.

16.2 Subject to restrictions imposed elsewhere in this Constitution (but not to any restrictions imposed by Regulations), every General Member is entitled to:

- (a) all the rights granted to Students;
- (b) 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;
- (c) inspect any requests sent to the General Secretary for the calling of a General Meeting or Referendum;
- (d) take part in a request for the calling of a General Meeting or Referendum;
- (e) receive notice of General Meetings and Referenda;
- (f) have access to the facilities of UMSU to call a General Meeting or Referendum if the General Secretary does not do so;

- (g) attend, speak and vote at General Meetings;
  - (h) vote in a Referendum;
  - (j) nominate and stand for election to the Students' Council (as an Officer or a voting Member), or to any Committee;
  - (k) 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.
- 16.3 Subject to restrictions imposed elsewhere in this Constitution (but not to any restrictions imposed by Regulations), every Elected Member is entitled to all the rights granted to General Members

## 17 REGISTER OF MEMBERS

17.1 The General Secretary shall keep a Register of Members. A Member shall appear on the Register of Members if they have consented to their inclusion in accordance with applicable Privacy Legislation.

17.2 Nomination for election shall constitute consent to inclusion on the Register of Members.

17.3 Each entry on the Register shall contain the name, email address and categories of membership applicable to each member.

17.4 The General Secretary shall 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 shall serve as the number of enrolled Students for the purposes of this Constitution until the first Monday of first Semester in the following year.

## 18 COMMENCEMENT OF MEMBERSHIP

A person becomes a Member when that person completes enrolment for a higher education award course conducted by the University, and has not indicated as part of that enrolment that the person does not wish to become or remain a Member of UMSU.

## 19 END OF MEMBERSHIP

19.1 An Associate Member or Honorary Life Member ceases to be a member of that category when the General Secretary receives a signed resignation of their membership.

19.2 A General Member ceases to be a General Member and also ceases to be an Officer and a voting Representative of any Committee when the General Secretary receives a signed resignation of their membership,

19.3A person ceases to be a General Member when they cease to be a Student.

19.4At the end of one month after being advised that a Membership Fee or any other fee imposed under this Constitution is in arrears, then (unless within that month all fees in arrears are paid):

(a) for a General Member or Associate Member, they cease to be a Member of the applicable category;

(b) for an Elected Member, they cease to be an Officer, voting Representative on all Committees, and they cease to be an Elected Member.

19.5 An Elected Member ceases to be an Elected Member when:

(a) they cease to be an Officer; or

(b) they are no longer a voting Representative on any Committee.

19.6 If a General Member or Associate Member is expelled in accordance with Rule 175.2, they cease to be a member of the applicable category.

19.7 If an Associate Member becomes a Student, they cease to be an Associate Member, and any Membership Fee they have paid shall be applied in accordance with the Regulations.

## 20 MEMBERSHIP FEES

20.1 The Students' Council may, by resolution approved by a simple majority, set a Membership Fee.

20.2 A resolution setting a Membership Fee shall take effect on the date (which shall be after the date the resolution is passed) prescribed in that resolution and shall remain in effect until a resolution is passed by Students' Council to either:

- (a) determine a different Membership Fee, or
- (b) to remove the Membership Fee.

20.3 A resolution setting a Membership Fee shall specify the amount of any joining fee or subscription fee, and may only specify differential rates on the basis of any combination of:

- (a) category of membership; or
- (b) in the case of Students, study load, campus, and duration, but on no other criteria.

20.4 The Membership Fee for an Honorary Life Member must be zero.

## GENERAL MEETINGS OF STUDENTS

### 21 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 its voting 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.

### 22 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 shall be deemed to have received any such direction or request when it is served on the General Secretary as provided in rule 21.

### 23 TIME WITHIN WHICH A GENERAL MEETING MUST BE HELD

23.1 The date notified for the holding of the General Meeting must not be later than the twelfth Academic Day after the date on which the direction is made and received by the General Secretary, or the required number of requests has been received by the General Secretary, unless a General Meeting is called to consider a Special Resolution.

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

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



## 24 RIGHTS IF GENERAL SECRETARY DOES NOT COMPLY

### 24.1 If:

- (a) no notice of a General Meeting has been given within the time specified in this Constitution; or
  - (b) the date for the holding of the General Meeting is later than the date required by this Constitution,
- any Representative of the Students' Council, or any General Member who requested the holding of the General Meeting, may give a notice of General Meeting which complies with this Constitution.

24.2 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.

## 25 HOW NOTICE MUST BE GIVEN

Notice of a General Meeting must be given:

- (a) to each Member by sending it to the email address notified by that Member to the University. 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;
- (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.

## 26 HOW MUCH NOTICE MUST BE GIVEN

Subject to rule 23, 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.

## 27 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.

## 28 CHAIRING GENERAL MEETINGS

28.1 The chair of a General Meeting is appointed:

- (a) by the Students' Council, if the meeting is called at the direction of the Students' Council;
- (b) by those requesting the holding of the meeting, if called on a request, pursuant to rule 21(b), or;
- (c) by the General Secretary should no chair be appointed under 28.1 (a) or (b), but 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.

28.2 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.

28.3 The chair does not have a casting vote in addition to any deliberative vote.

## 29 QUORUM AT GENERAL MEETINGS

29.1 The quorum required for a General Meeting is 400 General Members or at least 1 per cent of General Members, present and voting.

- 29.2 Notwithstanding rule 29.1, 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.
- 29.3 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.

### 30 PROXIES

Proxies are not permitted at General Meetings.

### 31 POWERS OF A GENERAL MEETING

- 31.1 Subject to the other provisions of this Constitution and the Act (including those restricting the entitlement of non-Members to vote), the Students present in General Meeting may:
- (a) 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 Act, if at least half of the Students voting vote in favour of the resolution; or
  - (b) dismiss any person elected in accordance with this Constitution, if at least two thirds of the Students voting vote in favour of the resolution.
- 31.2 For the avoidance of doubt, subject to any provisions of this Constitution and the 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.
- 31.3 Subject to the other provisions of this Constitution, the Members present in General Meeting may pass a Special Resolution, if at least three quarters of the Members voting vote in favour of the resolution as prescribed by the Act, and the other relevant provisions of the Act have been complied with.
- 31.4 A General Meeting considering one or more Special Resolutions cannot consider any resolutions which are not Special Resolutions.
- 31.5 If a resolution otherwise passed by the Members in accordance with this rule is referred to a Referendum in accordance with rule 34 or 35, the resolution only takes effect:
- (a) if and when the Referendum is withdrawn;
  - (b) 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
  - (c) 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.

### 32 MATTERS WHICH MAY NOT BE DETERMINED BY GENERAL MEETINGS

- 32.1 A General Meeting may not consider a motion specifically affecting Students of a Special Constituency as defined in rule 8 of this Constitution, if the proposed motion is not in accordance with a resolution of the representative body for that Special Constituency.
- 32.2 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.
- 32.3 A resolution, including a Special Resolution, passed at a General Meeting is suspended if a Referendum is requested in accordance with rule 31.5 within the specified time after the meeting.
- 32.4 A request for a Referendum in respect to a resolution made before or after a meeting must be made by at least fifty Members who are either Part-time Students or Post-graduate Students or Students studying at a campus other than Parkville.

- 32.5 The request must be in writing or by email and be addressed to the General Secretary.
- 32.6 The specified time for the purposes of rule 32.3 is the period ending at 5:00pm on the third Academic Day after the day on which the General Meeting is held.
- 32.7 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 31 before it has any effect, unless the terms of the Referendum provide that it is a resolution for the purposes of rule 31 and the terms of the Referendum are otherwise consistent with the Act and rule 46.

### 33 MINUTES OF GENERAL MEETING

- 33.1 Minutes must be taken and kept of all General Meetings detailing:
  - (a) that the General Meeting was duly convened and held;
  - (b) all proceedings, recorded as having taken place at the General Meeting; and
  - (c) all elections or appointments purporting to have been made at the General Meeting.
- 33.2 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.
- 33.3 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.

## REFERENDUM

### 34 REQUESTING A REFERENDUM

The General Secretary must call a Referendum if:

- (a) the Students' Council by vote approved by more than half of all its voting 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 in accordance with rule 32.

### 35 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.

### 36 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 174 also apply in relation to such receipt.

### 37 RIGHTS IF GENERAL SECRETARY DOES NOT COMPLY

#### 37.1 If:

- (a) no notice of a Referendum has been given within the time specified in this Constitution; or
  - (b) the date for the holding of the Referendum is later than the date required by this Constitution,
- any Representative of the Students' Council, or any Member who requested the holding of the Referendum, may give a notice of Referendum which complies with this Constitution.

- 37.2 The Officers and Staff Members of UMSU must facilitate the giving of a notice of Referendum which complies with the provisions of this Constitution.
- 38 HOW NOTICE MUST BE GIVEN  
Notice of a Referendum must be given in the same manner as for a General Meeting.
- 39 HOW MUCH NOTICE MUST BE GIVEN  
Subject to the 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.
- 40 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.
- 41 RETURNING OFFICER FOR REFERENDUM  
The Electoral Tribunal appoints the Returning Officer to conduct a Referendum.
- 42 LENGTH OF REFERENDUM  
A Referendum must be conducted over five consecutive Academic Days.
- 43 QUORUM AT REFERENDUM  
No result in a Referendum can occur unless at least three per cent of Students cast a vote in that Referendum.
- 44 PROXIES  
Proxies are not permitted at a Referendum.
- 45 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.
- 46 MATTERS WHICH MAY NOT BE DETERMINED BY REFERENDUM  
A Referendum may not determine a matter if:  
(a) it is a matter which under the Act is required to be dealt with by Special Resolution, and a Special Resolution has not been passed by a General Meeting; or  
(b) it is a matter only affecting Students of a Special Constituency as defined in rule 8 of this Constitution, and the proposed determination is not in accordance with a resolution of the representative body for that Special Constituency.
- 47 DETERMINATION OF REFERENDUM  
47.1 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.

- 47.2 Subject to this Constitution, confirmation of the outcome of a Referendum must be available for Students to inspect both online and in person.

## STUDENTS' COUNCIL AND OFFICERS

### 48 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 156 and 157;
- (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 employment of staff by UMSU, and the honoraria and conditions of Officers;
- (i) enacting Regulations, unless the power to enact Regulations is specifically entrusted with another body by this Constitution; and
- (j) such other matters as are prescribed in this Constitution and the Regulations.

### 49 MEMBERSHIP OF THE STUDENTS' COUNCIL

#### 49.1 The Students' Council consists of:

- (a) the following ~~eighteen~~twenty one voting Representatives:
  - (i) one Representative elected by each of the following constituencies:
    - (a) Queer Students
    - (b) Indigenous Students
    - (c) International Students
    - (d) Graduate Students
    - (e) Students with Disabilities
    - (f) Students of Colour
  - (ii) Fifteen general Representatives elected by all Students, of whom at least ~~seven~~eight must be Women. If at least ~~seven~~eight candidates for election are not Women, ~~—~~ those places not filled by Women may be filled by any other Member; and
- (b) the following non-voting Representatives:
  - (i) the Officers;
  - (ii) the President of the International Students Department;
  - (iii) the President of the Graduate Student Association;
  - (iv) the Campus Co-ordinator of Burnley Students Department;
  - (v) the Campus Co-ordinator of the Victorian College of the Arts Department

### 50 ELECTION OF VOTING REPRESENTATIVES

The voting Representatives of the Students' Council are elected by enrolled Students at the annual elections, subject to the restrictions set out in this Constitution dealing with such matters.

#### 51 ELIGIBILITY TO HOLD OFFICE

Only Members of UMSU are eligible to be elected as voting Representatives of the Students' Council.

#### 52 OFFICERS

The following Officers shall be elected annually:

- (a) President;
- (b) General Secretary;
- (c) Education (Academic Affairs) Officer;
- (d) Education (Public Affairs) Officer;
- (e) Welfare Officer;
- (f) ~~Wom\*n~~Women's Officer;
- (g) Creative Arts Officer;
- (h) Activities Officer;
- (i) Queer Officer;
- (j) Environment Officer;
- (k) Media Officers;
- (l) Clubs & Societies Officer;
- (m) Indigenous Officer;
- (n) Disabilities Officer;
- ~~(o)~~ People of Colour Officer;
- ~~(p)~~ Campus Co-ordinator, Victorian College of the Arts Department; and
- ~~(q)~~ Campus Co-ordinator, Burnley Students Department

#### 53 BY WHOM ELECTED

53.1 The Officers are elected by all Students (including Students who are not Members), subject to the restrictions set out in this Constitution dealing with such matters.

53.2 For the avoidance of doubt, Students who are not Members are nevertheless entitled to vote in the annual elections for Officers 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.

#### 54 ELIGIBILITY TO HOLD OFFICE

Only General Members of UMSU are eligible to be elected as Officers.

#### 55 JOINT OFFICE

55.1 Any Officer position may be held by two persons jointly except the positions of President, General Secretary, Campus Co-ordinator Victorian College of the Arts Department, Campus Co-ordinator, Burnley Students Department, and Media Officer.

55.2 If more than one person holds the office of Queer Officer, one of them must be a Woman or Trans.

55.3 If more than one person holds the office of Women's Officer, one of them must be a Woman of Colour

55.4 If more than one person holds any other office, one of them must be a Woman.

~~55.2~~

55.3 The position of Media Officer shall be held jointly by no less than three and no more than four persons.

55.4 Each person holding a position jointly is responsible for the carrying out of the duties of the office and for attendance at meetings in accordance with this Constitution.

## 56 TERM OF OFFICE

All Officers, voting Representatives of the Students' Council 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.

## 57 OFFICERS NOT EMPLOYEES

- 57.1 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.
- 57.2 All Officers, with the exception of Campus Co-ordinator, Victorian College of the Arts Department, and Campus Co-ordinator, Burnley Student Department, holding an office individually shall be remunerated an honorarium in the same amount irrespective of the office held.
- 57.3 The Campus Co-ordinator, Victorian College of the Arts Department and the Campus Co-ordinator, Burnley Students Department shall be remunerated with an honorarium being 50% of the honorarium received by Officers holding an Office individually.
- 57.4 Each Officer holding an office jointly shall be remunerated with an honorarium being 60% of the honorarium received by Officers holding an office individually.
- 57.6 The Students' Council may by Regulation set honoraria for the Media Officers provided that:
- Each Media Officer is not to receive less than 60% of the honorarium received by an Officer holding an office individually; and
  - Each Media Officer is not to receive more than 100% of the honorarium received by Officers holding an office individually.

## 58 CASUAL VACANCIES

- 58.1 A person ceases to be an Officer or other Representative of the Students' Council or of a Committee if:
- the General Secretary receives a resignation in writing or by email from that person;
  - the person is dismissed by a General Meeting or Referendum;
  - the person ceases to be a General Member;
  - the person is employed by the University, any body controlled by the University, MU Student Union Limited, or UMSU in at least a .5 position; or
  - the person, without leave granted by resolution of the Students' Council or the Committee to which they are a member, fails on three consecutive occasions 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 or the Committee to which they are a member.
- 58.2 If an Officer holding a position jointly ceases to be an Officer, the other joint holder continues to hold that office individually. A casual vacancy will only arise if all joint holders of an office cease to hold that office.
- 58.3 Should 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 61.
- 58.4 If a vacancy arises in the Office of the General Secretary, the President will assume the position of Secretary of the Association until such a time that an *interim* General Secretary is appointed by the Students' Council.

- 58.5 If the President is absent due to vacancy or due to being on leave, the General Secretary shall assume the duties of the President until such a time that the President returns, or an interim President is appointed by the Students' Council.
- 58.6 If the General Secretary is absent due to vacancy or due to being on leave, the President shall assume the duties of the General Secretary until such a time that the General Secretary returns, or an interim President is appointed by the Students' Council.

#### 59 LEAVE

- 59.1 Leave may only be granted retrospectively if documented evidence is produced of the circumstances which prevented the timely application for a leave of absence.
- 59.2 Not more than three months' leave may be granted to any person in a calendar year.
- 59.3 No person may receive any remuneration whilst on leave.

#### 60 FILLING CASUAL VACANCIES

- 60.1 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.
- 60.2 Any by-election to be held in Semester Two before the end of the annual election must be held concurrently with the annual election.
- 60.3 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.

#### 61 TEMPORARY FILLING OF OFFICER POSITIONS

- 61.1 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.
- 61.2 If the Officer position of Media Officers becomes vacant, the Students' Council may appoint a Member or Members to act as the Media Officers on a temporary basis.
- 61.3 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.
- 61.4 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.
- 61.5 If a person so appointed is an elected voting Representative of the Students' Council or a Committee under this Constitution, the right to vote, but not membership of the Committee or the Students' Council, is suspended while the person is acting as an Officer.

#### 62 RESPONSIBILITIES OF OFFICERS

- 62.1 Each Officer is accountable to and subject to direction by the Students' Council, as the governing body of UMSU.
- 62.2 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 ~~9394~~.6 will apply in



the event of any inconsistency between the direction of the Committee and the Students' Council.

- 62.3 The President and General Secretary are accountable to and subject to direction by the Students' Council and must act in accordance with the direction of the Students' Council except to the extent the direction would require the President or the General Secretary to act in breach of this Constitution or the Act.
- 62.4 The Media Officers are accountable to and subject to direction by the Students' Council in respect of finance and compliance with the law and with the Purposes of UMSU.
- 62.5 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).

### 63 DUTIES OF OFFICERS

Each Officer in carrying out his or her functions and duties:

- (a) must report in writing to each regular meeting of the Students' Council and of the Committee to which they are accountable;
- (b) is directly accountable through the relevant Committee corresponding to the Office held by the Officer to the Members;
- (c) is bound at all times by UMSU Policy and Regulations in the execution of their duties;
- (d) is responsible for implementing the decisions of the relevant Committee corresponding to the Office held by the Officer;
- (e) must liaise with grant applicants and recipients at the direction of the relevant Committee corresponding to the Office held by the Officer;
- (f) must provide support and resources for Committees and the Students' Council;
- (g) must ensure that appropriate research has been undertaken to ensure an informed decision-making process occurs in the Students' Council and the Committees;
- (h) must endeavour to inform all Students of the working and decisions of the Committee corresponding to the Office held by the Officer by reporting to UMSU print and electronic media;
- (i) must maintain the Department noticeboard and web page corresponding to the Office held by the Officer;
- (j) must provide the Students' Council and the Committee corresponding to the Office held by the Officer with timely and accurate financial information;
- (k) must report the workings of the Department corresponding to the Office held by the Officer to each regular meeting of the Students' Council;
- (l) must endeavour to provide information and assistance to Students with regards to UMSU Regulations and Policy;
- (m) must liaise with other UMSU Departments to better coordinate the activities of UMSU;
- (n) must liaise with other student organisations to better the interests of Students;
- (o) must endeavour to implement the Purposes of UMSU;
- (p) must endeavour to implement the aims and objectives of the Department corresponding to the Office held by the Officer;
- (q) must act in good faith, honestly and for proper purposes consistent with the Purposes and interests of UMSU;
- (r) must undertake financial and prudential oversight and management;
- (s) must exercise appropriate care and diligence; and
- (t) must take reasonable steps to avoid all conflicts of interest.

## DUTIES OF SPECIFIC OFFICERS

### 64 PRESIDENT

The responsibilities of the President are:

- (a) To act as a spokesperson for UMSU;
- (b) To implement the Purposes and Policies of UMSU;
- (c) To be available for Student consultations on any matter relating to the interests of Students at the University; and
- (d) To carry out such other duties as are prescribed by this Constitution and the Regulations or directed by the Students' Council.
- (e) To assume the role of General Secretary, in accordance with sub-rules 58.4 and 58.6, should a vacancy occur.

### 65 GENERAL SECRETARY

The responsibilities of the General Secretary are:

- (a) 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;
- (b) to liaise regularly with MU Student Union Limited regarding the financial situation of UMSU, and to the extent financial information is available and able to be passed on, ensure accurate and timely financial information is provided to Officers, Students' Council Representatives and Committee Representatives;
- (c) to present half-yearly reports to the Students' Council on UMSU finances, where possible.
- (d) 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;
- (e) to be the publisher of all material published by the Association, unless otherwise decided by Regulation;
- (f) to act as the Secretary of the Association, unless otherwise decided by Regulation; and
- (g) to carry out such other duties as are prescribed by this Constitution and the Regulations or directed by the Students' Council.
- (h) To assume the role of President, in accordance with Rule 58.5, should a vacancy occur.

### 66 MEDIA OFFICERS

The responsibilities of the Media Officers are:

- (a) to produce regular editions of a student newspaper, named Farrago, showcasing Student opinion and creativity, and UMSU activities;
- (b) to ensure all Media Department publications do not contravene the aims and purposes of UMSU;
- (c) 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) training Students;
  - (vi) being involved with art festivals; and
  - (vii) supporting other Student media initiatives; and

- (d) to provide opportunities for Students to gain skills in publishing, editing and design.

## COMMITTEES

### 67 COMMITTEES

The following Committees are established:

- (a) Activities Committee
- (b) Creative Arts Committee
- (c) Clubs and Societies Committee
- (d) Education Committee
- (e) Environment Committee
- (f) Indigenous Committee
- (g) Queer Committee
- (h) Welfare Committee
- (i) ~~Wom\*n~~Women's Committee
- (j) Disabilities Committee
- (k) People of Colour Committee
- (l) Burnley Students Committee
- (m) Victorian College of the Arts Department Committee

### 68 MEMBERSHIP OF COMMITTEES

Each Committee, with the exception of the Victorian College of the Arts Department Committee, the Burnley Student Department Committee, Women's Committee and the Creative Arts Committee, consists of:

- (a) seven voting Representatives, of whom at least ~~three-four~~ three-four must be Women. If at least ~~three-four~~ three-four candidates for each Committee 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) not more than three additional non-voting Representatives co-opted by the Committee.
  
- (d) The Creative Arts Committee consists of:
  - (i) seven voting Representatives, of whom at least ~~three-four~~ three-four must be Women. If at least ~~three-four~~ three-four candidates for ~~the each~~ Committee are not Women, those places not filled by Women may be filled by other candidates;
  - (ii) two voting Representatives elected by and from the voting members of the Victorian College of the Arts Department Committee, of whom at least one must be a Woman. If at least one candidate for each position is not a Woman, those places not filled by Women may be filled by other candidates;
  - (iii) the relevant Officer or Officers as a non-voting Representative; and
  - (iv) not more than three additional non-voting Representatives co-opted by the Committee.

e) The Women's Committee consists of:

- (i) seven voting representatives, of whom at least three must be women of colour. If at least three candidates for the Committee are not women of colour, those places not filled by women of colour may be filled by other women.
- (ii) the relevant Officer or Officers as a non-voting Representative; and
- (iii) not more than three additional non-voting Representatives co-opted by the Committee.

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69 VICTORIAN COLLEGE OF THE ARTS DEPARTMENT

The Victorian College of the Arts Department Committee consists of the following voting members:

- (a) Campus Co-ordinator ;
- (b) Activities and Events Co-ordinator
- (c) Campaigns Co-ordinator
- (d) Seven General Representatives, of whom at least four must be Women. If at least three four candidates for each Committee are not Women, those places not filled by Women may be filled by other candidates;
- (e) The student or students holding the position of Creative Arts Officer as established by Rule 52(g) will be ex-officio and non-voting members of the Committee.

70 BURNLEY STUDENT DEPARTMENT

There is a Burnley Student Department, which consists of the Burnley Campus Co-ordinator and Committee.

The Burnley Student Committee shall have the following voting members:

- (a) Campus Coordinator; and
- (b) Seven (7) general representatives, of whom at least four must be Women. If at least three four candidates for each Committee are not Women, those places not filled by Women may be filled by other candidates;-

71 BY WHOM ELECTED

71.1 Subject to this rule 71, the voting Representatives of each Committee are elected by enrolled Students at the annual elections.

71.2 This does not apply to the voting Representatives of the ~~Wom\*<sup>n</sup>Women~~'s Committee, Queer Committee, Indigenous Committee and Disabilities Committee.

71.3 The voting Representatives of the ~~Wom\*<sup>n</sup>Women~~'s Committee are elected by enrolled Students who are Women.

71.4 The voting Representatives of the Queer Committee are elected by enrolled Students who are Queer Students.

71.5 The voting Representatives of the Indigenous Committee are elected by enrolled Students who are Indigenous Students, as evidenced by a roll kept at the Centre for Indigenous Education.

71.6 The voting Representatives of the Disabilities Committee are elected by enrolled Students who are Students with Disabilities.

71.7 The voting representatives of the People of Colour Committee are elected by enrolled students who are people of colour.

71.~~86~~ The voting Representatives of the Burnley Students Department Committee are elected from Members who are enrolled in a higher education course at the Burnley Campus.

71.~~97~~ The voting Representatives of the Victorian College of the Arts Department Committee are elected from Members who are enrolled in a higher education course at the Southbank Campus, and subject to the additional restrictions set out in Rule 71.

72 ELIGIBILITY TO HOLD OFFICE

72.1 Only Members of UMSU are eligible to be voting Representatives of Committees.

72.2 Additional restrictions apply to the voting Representatives of the ~~Wom\*<sup>n</sup>Women~~'s Committee, Queer Committee, Indigenous Committee, ~~and~~ Disabilities Committee and People of Colour Committee.

- 72.3 The voting Representatives of the ~~Wom\*n~~Women's Committee are elected from Members of UMSU who are Women.
- 72.4 The voting Representatives of the Queer Committee are elected from Members of UMSU who are Queer Students.
- 72.5 The voting Representatives of the Indigenous Committee are elected from Members of UMSU who are Indigenous Students as evidenced by a roll kept at the Centre for Indigenous Education.
- 72.6 The voting Representatives of the Disabilities Committee are elected from Members of UMSU who are Students with Disabilities.
- ~~72.7~~ The voting Representatives of the People of Colour Committee are elected from Members of UMSU who are People of Colour.
- ~~72.8~~ 7 The voting Representatives of the Burnley Students Department Committee are elected from Members who are enrolled in a higher education course at the Burnley Campus.
- ~~72.9~~ 8 The voting Representatives of the Victorian College of the Arts Department Committee are elected from Members who are enrolled in a higher education course at the Southbank Campus, and subject to the additional restrictions set out in Rule 72.

#### 73 RESPONSIBILITIES OF COMMITTEES

Each Committee is responsible in the relevant area of activity to which the Committee relates for:

- (a) setting the direction of the Department;
- (b) developing Policy;
- (c) developing and administering the Committee's budget;
- (d) overseeing grants to Students;
- (e) encouraging Student discussion of, and participation in, activities relating to the Department;
- (f) fostering, resourcing and consulting a Collective corresponding to the Department which, unless restricted elsewhere in this Constitution, is to be open to all Students;
- (g) direction of the relevant Officer (or in the case of the Education Committee, Officers);
- (h) implementing the Purposes of UMSU; and
- (i) implementing the aims and objectives of the Department.

#### 74 RESPONSIBILITIES OF BURNLEY STUDENTS COMMITTEE

The Burnley Students Department Committee is responsible for:

- (a) setting the direction of Burnley Student Association Department;
- (b) developing policy;
- (c) making regulations relating to the operations of the Burnley Student Association Department;
- (d) developing and administering the Burnley Student Association Department budget and finances;
- (e) overseeing grants to students;
- (f) direction of the BSD Campus Co-ordinator; and
- (g) implementing the aims and objectives of the Department and of UMSU.

#### 75 RESPONSIBILITIES OF VICTORIAN COLLEGE OF THE ARTS COMMITTEE

The Victorian College of the Arts Committee is responsible for:

- (a) setting the direction of Victorian College of the Arts Department;
- (b) developing policy;

- (c) making regulations relating to the operations of the Victorian College of the Arts Department;
- (d) developing and administering the Victorian College of the Arts Department budget and finances;
- (e) overseeing grants to students;
- (f) direction of the Campus Co-ordinator, Campaigns Co-ordinator and Activities and Events Co-ordinator, Victorian College of the Arts Committee; and
- (g) implementing the aims and objectives of the Department and of UMSU

#### 76. STAFF DIRECTION

76.1 No Committee has the authority to direct any Staff Member of UMSU.

76.2 All directions of the Students' Council in relation to Staff Members are transmitted to the Senior Staff Member for implementation.

#### 77. DIRECTION OF OTHERS

No Committee has the authority to direct another Committee, Coordinator or Officer.

### DEPARTMENTS

#### 78. DEPARTMENTS

78.1 UMSU has the following Departments, which consist of the Committee, the Officer(s) and the Collective in the following areas:

- (a) Activities;
- (b) Creative Arts;
- (c) Clubs and Societies;
- (d) Education;
- (e) Environment;
- (f) Disabilities;
- (g) Indigenous;
- (h) Queer;
- (i) Welfare;
- (j) ~~Women~~ Women's;
- (k) ~~People of Colour~~ People of Colour
- (l) ~~Victorian College of the Arts Student Department;~~ and
- (m) ~~Burnley Student Department;~~
- (n) ~~International Students Department;~~ and
- (o) ~~Media Department.~~

78.2 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.

### AIMS AND OBJECTIVES OF DEPARTMENTS

#### 79. ACTIVITIES DEPARTMENT

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;

#### 80 CLUBS & SOCIETIES DEPARTMENT

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.

#### 81 CREATIVE ARTS DEPARTMENT

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.

#### 82 DISABILITIES DEPARTMENT

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.

#### 83 EDUCATION DEPARTMENT

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.

#### 84 ENVIRONMENT DEPARTMENT

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;
- (c) to make recommendations to Students' Council, MU Student Union Ltd and the University on environmental practice;
- (d) to collect, collate, publish and disseminate information relating to environmental issues;
- (e) to raise awareness and discussion of environmental issues;
- (f) to liaise with relevant University bodies, environment organisations and Student groups on environmental issues; and
- (g) to campaign for the protection of non-human animal habitats, in particular the habitats of endangered species.
- (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
- (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.

#### 85 INDIGENOUS DEPARTMENT

The aims and objectives of the Indigenous Department shall be:

- (a) to ensure the interests of Indigenous Students at the University are determined by Indigenous Students; and
- (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.

#### 86 MEDIA DEPARTMENT

The aims and objectives of the Media Department include:

- (a) to promote greater Student participation in all forms of media;
- (b) to provide opportunities for Students to gain skills in publishing, writing, editing and design; and
- (c) to inform students about news, events, activities, and matters of importance within the Student Union.

#### 87 PEOPLE OF COLOUR DEPARTMENT

The aims and objectives of the People of Colour department are:

- (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
- (b) To oversee the activities, policies and direction of UMSU in areas related to the interests of students of colour
- (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

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(g) To provide opportunities for community building for students of colour

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#### 88 QUEER DEPARTMENT

The aims and objectives of the Queer Department include:

- (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.

#### 898 WELFARE DEPARTMENT

The aims and objectives of the Welfare Department are:

- (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;
- (c) to liaise with Student service providers to ensure that all Students can participate fully in UMSU and the University;
- (d) to raise awareness of support services available for Students facing difficulties; and
- (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.

#### 9089 WOM\*~~N~~WOMEN'S DEPARTMENT

The aims and objectives of the Wom\*~~n~~Women's Department are:

- (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;
- (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;
- (c) to advocate for Women within UMSU and the University;
- (d) to organise political, educational and social events which promote feminist debate and action;
- (e) to provide and protect safe, autonomous Women's space on UMSU premises, and to maintain the materials, facilities and literature therein;
- (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;
- (g) to facilitate a collective to produce the Women's publication, Judy's Punch, at least once per year;

- (h) to promote a culture of consent both within and outside sexual contexts
- (i) to ensure the participation of all Women in the activities of the Department, and UMSU generally; and
- (j) to act as a contact for Women Students, providing support, advocacy, information and referral as required.

| **919** BURNLEY STUDENTS DEPARTMENT

The aims and objectives of the Burnley Students Department are:

- (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.
- (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.
- (c) to represent Students' interests in any matters as deemed necessary or desirable by the Department.
- (d) to provide, or ensure the provision of, facilities and services for the academic support, professional education, refreshment, entertainment, recreation and convenience of Students.
- (e) to occupy and operate premises, which shall be a common meeting place and social centre for Students.
- (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.
- (g) to be represented within UMSU and to cooperate with the Departments of UMSU and contribute to the specified aims and objectives of UMSU.
- (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.

| **924** VICTORIAN COLLEGE OF THE ARTS DEPARTMENT

The aims and objectives of the Victorian College of the Arts Department are:

- (a) to provide a suitable cultural and social climate on campus and create opportunities for, and encourage, the development of social interaction between Students.
- (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.
- (c) to represent Students' interests in any matters as deemed necessary or desirable by the Department.
- (d) to provide, or ensure the provision of, facilities and services for the academic support, professional education, refreshment, entertainment, recreation and convenience of Students.
- (e) to occupy and operate premises, which shall be a common meeting place and social centre for Students.
- (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.
- (g) to be represented within UMSU and to cooperate with the Departments of UMSU and contribute to the specified aims and objectives of UMSU.

- (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.

### **9293 COLLECTIVES**

- 9293.1** Each Committee is responsible for the fostering and resourcing of, and consultation with, a Collective open (unless participation is restricted elsewhere in this Constitution) to all Students.
- 9293.2** Participation in the Collectives established by the ~~Wom\*n~~Women's Committee, Queer Committee, Indigenous Committee, ~~and~~ Disabilities Committee ~~and~~ People of Colour Committee is restricted to Students who qualify to vote in elections for the relevant Committee.
- 9293.2** The relevant Committee may by resolution permit other Members of UMSU to participate in a Collective.
- 9293.2** 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.
- 9293.2** A Collective does not have any independent power in addition to the Committee to which the Collective relates.

### **HIERARCHY BETWEEN STUDENTS' COUNCIL, COMMITTEES, DEPARTMENTS AND COLLECTIVES**

#### **9394 STUDENTS' COUNCIL IS PARAMOUNT**

- 9394.1** Subject to any determination by the Electoral Tribunal or the Grievance 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.
- 9394.2** 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.
- 9394.3** 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 156 or 157.
- 9394.4** Subject to rule **9394.1**, each Committee is responsible for determining Policy and making decisions relevant to its own area of activity.
- 9394.5** Subject to this rule **9394**, a Committee may direct any Officer whose Office corresponds to that Committee, but may not direct any other Officer.
- 9394.6** 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.
- 9394.7** A Department or Collective does not have any independent power in addition to the Committee to which the Department or Collective relates.

## STUDENTS' COUNCIL MEETINGS

### 9495 HOW OFTEN MUST THE STUDENTS' COUNCIL MEET?

The Students' Council must meet at least once in each calendar month and must meet at least once every two weeks during first and second Semesters.

### 9596 SETTING MEETING SCHEDULE

At the first meeting of the Students' Council in each Semester, a meeting schedule must be set, such that there is, as far as possible, no overlap with the meeting schedule of any Committee.

### 9697 REQUESTING A STUDENTS' COUNCIL MEETING

The General Secretary must call a 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 Representatives of the Students' Council request in writing or by email that a special meeting be held.

### 9798 TIME WITHIN WHICH NOTICE OF A 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, and in respect of which the relevant provisions of rule 174 also apply in relation to such receipt.

### 9899 TIME WITHIN WHICH A 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.

### 99100 HOW MUCH NOTICE MUST BE GIVEN

99100.1 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.

99100.2 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 Representatives of the Students' Council notify the General Secretary in writing or by email that they believe that a meeting should be held with less notice.

### 400101 RIGHTS IF GENERAL SECRETARY DOES NOT COMPLY

400101.1 If:

- (a) no notice of a special Students' Council meeting has been given within the time specified in this Constitution; or
  - (b) the date for the holding of the Students' Council meeting is later than the date required by this Constitution,
- any Representative of the Students' Council may give a notice of a special Students' Council meeting which complies with this Constitution.

~~400~~101.2 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.

~~404~~102 HOW NOTICE MUST BE GIVEN

Notice of a Students' Council meeting must be given:

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

~~402~~103 ACCIDENTAL FAILURE TO GIVE NOTICE

A Students' Council meeting is not invalid if a Students' Council Representative 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.

~~403~~104 CHAIRING STUDENTS' COUNCIL MEETINGS

~~403~~104.1 At the commencement of each Students' Council meeting the voting Representatives present elect a chair for that meeting. If at any stage of the meeting a majority of Representatives vote to remove the chair, the chair must be vacated.

~~403~~104.2 The chair does not have a casting vote in addition to any deliberative vote.

~~403~~104.3 The chair will only have a deliberative vote if the chair is a voting Representative.

104 QUORUM AT STUDENTS' COUNCIL MEETINGS

104.1 The quorum required for a Students' Council meeting is the lowest integer greater than half the number of voting Representatives of that body then in office. A person exercising a proxy is not to be counted in determining whether a quorum is present.

104.2 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.

105 VOTING AT STUDENTS' COUNCIL MEETINGS

105.1 The consent of a majority of the voting Representatives present is necessary for decisions of meetings of the Students' Council. In the event of a tie, the motion will be defeated.

105.2 This does not apply to a particular situation if another provision of this Constitution requires a greater majority.

106 PROXIES AT STUDENTS' COUNCIL MEETINGS

106.1 A voting Representative of the Students' Council may appoint another Member of UMSU as their proxy for a single meeting, but no Member may hold more than one proxy.

106.2 A voting Representative may only appoint a proxy for more than one meeting if the voting Representative has been granted leave of absence by the Students' Council.

106.3 The Students' Council may provide by Regulation the required form of proxy and in the absence of any prescribed form, 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.

#### 107 PLACE AND TIME OF MEETING

- 107.1 Meetings must be held on University grounds at locations generally accessible to Students.
- 107.2 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.
- 107.3 Any adjournment of a meeting to a different day must be notified to all the Representatives of the Students' Council.
- 107.4 Any known accessibility requirement on the part of a student intending to attend a meeting of Students' Council must be honoured in the selection of a location.

#### 108 MINUTES OF STUDENTS' COUNCIL MEETINGS

- 108.1 Minutes must be taken and kept of all Students' Council meetings detailing:
  - (a) the meeting was duly convened and held;
  - (b) all proceedings recorded as having taken place at the meeting; and
  - (c) all elections or appointments purporting to have been made at the meeting.
- 108.2 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.
- 108.3 Minutes of the meeting as confirmed by any subsequent Students' Council meeting must be displayed on the UMSU website
- 108.4 Subject to this Constitution, meeting minutes and documents tabled at meetings must be made available for Students to inspect both online and in person.

#### 109 REGULATIONS FOR THE CONDUCT OF STUDENTS' COUNCIL MEETINGS

- 109.1 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 Act.
- 109.2 The Students' Council may regulate its own proceedings to the extent that there is no provision of the Constitution, the Regulations or the Act which deals with a particular matter.

#### 110 PARTICIPATION IN STUDENTS' COUNCIL AND COMMITTEES

- 110.1 Elected Representatives of the Students' Council and Committees are required to make all reasonable efforts to attend, prepare for and participate in meetings of those bodies.
- 110.2 The Students' Council must develop an induction process for all elected Representatives of the Students' Council and Committees.

### **COMMITTEE MEETINGS**

#### 111 COMMITTEE MEETINGS

- 111.1 The provisions set out in this Constitution for the calling, conduct of, and rights of Representatives in relation to the Students' Council meetings, shall apply equally to the calling and conduct of meetings of Committees established under this Constitution, with the following amendments:
  - (a) the word "Committee" shall be substituted for the words "Students' Council"; and
  - (b) the words "Committee Representative" shall be substituted for the words "Students' Council Representative" wherever appropriate.
- 111.2 Three voting Representatives of a Committee may request the calling of a meeting of that Committee.
- 111.3 The following additional provisions shall apply to meetings of Committees and Sub-Committees:

- (a) the Students' Council may direct the holding of a meeting; and
- (b) the General Secretary of UMSU is responsible for the giving of notice of all meetings.

## **ELECTORAL TRIBUNAL**

### **112 CONTROL OF ELECTIONS**

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

### **113 ELECTORAL TRIBUNAL**

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

### **114 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.

### **115 APPOINTMENT OF MEMBERS**

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

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

### **116 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 of the Students' Council approved by two thirds of the voting Members of that Students' Council but not during the election period.

### **117 POWERS OF THE ELECTORAL TRIBUNAL**

The Electoral Tribunal has power;

- (a) to make Regulations governing the conduct of UMSU elections and Referenda;
- (b) to appoint a Returning Officer for UMSU elections and Referenda;
- (c) to call UMSU elections;
- (d) to give directions in relation to elections;
- (e) to hear appeals against decisions of the Returning Officer;
- (f) to declare the results of UMSU elections;
- (g) to hear appeals against the results of UMSU elections;
- (h) to do such additional things relating to elections and referenda as are determined by the Students' Council by Regulation,
- (i) to exercise the powers described in rule 117 (a)-(h) in relation to provisional elections, and
- (i) to make regulation governing its own proceedings.

#### 118 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 rule 119.

#### 119 NOTICE OF MEETINGS OF THE ELECTORAL TRIBUNAL

- 119.1 At least five days' notice must be given of a meeting of the Electoral Tribunal outside of an election period.
- 119.2 At least 12 hours' notice must be given of a meeting of the Electoral Tribunal during an election period.
- 119.3 Notice must be given to each member of the Electoral Tribunal, and
  - (a) to the Returning Officer (if appointed);
  - (b) 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
  - (c) to the General Secretary.
- 119.4 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.

#### 120 ATTENDANCE AT MEETINGS

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

#### 121 DECISIONS

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

#### 122 REMUNERATION

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

### **RETURNING OFFICER**

#### 123 RETURNING OFFICER

- 123.1 The Electoral Tribunal must appoint a Returning Officer
  - (a) for a calendar year; or
  - (b) at least two weeks before nominations open for an annual election; or
  - (c) at least one week before nominations open for a by-election.
- 123.2 The position must be advertised.
- 123.3 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.
- 123.4 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.



## ELECTIONS

### 124 ANNUAL ELECTIONS

- 124.1 An election for all elected positions must be held each year in second Semester.
- 124.2 The election must be held in the first full academic week in September, where it falls no earlier than the fifth week of Semester. Should there be no academic weeks in September, it will be held in the first academic week following that period.
- 124.3 If:
- (a) the University's academic year changes, so that the week referred to in the previous sub-rule is no longer an appropriate time to hold the annual elections; or
  - (b) the electoral procedure set out in the Constitution or the Regulations is disrupted, the Electoral Tribunal may determine the week in which the elections are to be held.
- 124.4 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 members of the Students' Council, regarding the week in which elections are to be held.
- 124.5 The annual elections must be held over five consecutive Academic Days.

### 125 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).

### 126 FORM OF ELECTION

- All elections must be conducted:
- (a) by secret ballot, using optional preferential proportional representation; and
  - (b) by a physical ballot.

### 127 SEPARATE BALLOTS

- 127.1 There must be a separate ballot for:
- (a) each Officer position as listed in rule 52;
  - (b) the fifteen general Representatives of the Students' Council;
  - (c) each Representative elected to the Students' Council from a Restricted Constituency as listed in rule 49.1(a)(i);
  - (d) each Representative elected to the Victorian College of the Arts Student Association Council as listed in rule 69; and
  - (e) each other Committee.
- 127.2 Each voter must vote separately for:
- (a) each Officer position as listed in rule 52; and
  - (b) if eligible, for each Representative elected to the Students' Council from a Restricted Constituency as listed in rule 49.1(a)(i), and the Victorian College of the Arts Committee as listed in rule 69.
- 127.3 Each voter:
- (a) may vote separately for each candidate to be a general Representative of the Students' Council and for each candidate to be an elected Representative of each Committee; or
  - (b) may indicate their preference in relation to:

- (i) the candidate to be a general Representative of the Students' Council by voting "above the line" for a ticket; or
  - (ii) each Committee by voting "above the line" for a ticket in relation to that Committee.
- 127.4 A voter may not indicate with one vote "above the line" their preference in relation to more than one multi-member body.

#### 128 INDUCEMENTS TO VOTE PROHIBITED

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

#### 129 RESTRICTIONS ON STANDING FOR ELECTION

129.1 There are restrictions on standing for election to the following positions:

- (a) The ~~Wom\*n~~Women's Officer and each Representative of the ~~Wom\*n~~Women's Committee must be a Woman.
- (b) The Representative of the Students' Council elected by Queer Students, the Queer Officer, and the voting Representatives of the Queer Committee must be Queer Students.
- (c) If the position of Queer Officer is not held jointly, the Queer Officer must be a Woman or Trans.
- (d) If the position of Queer Officer is held jointly, one of the persons holding the position must be a Woman or Trans
- (e) 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.
- (f) If any other officer position is held jointly, at least one of the persons holding the position must be a woman.
- ~~(g)~~ The Representative of the Students' Council elected by Indigenous Students, the Indigenous Officer, and the voting members on the Indigenous Committee must be Indigenous Students, as evidenced by a roll kept at the Centre for Indigenous Education.
- ~~(h)~~ The Representative of the Students' Council elected by Students with Disabilities, the Disabilities Officer, the voting Representatives of the Disabilities Committee must be Students with Disabilities.
- (i) The Representative of the Students' Council elected by People of Colour, the People of Colour Officer, the voting Representatives of the People of Colour Committee must be People of Colour.
- ~~(j)~~ The Representative of the Students' Council elected by International Students must be a person who is an International Student.
- ~~(k)~~ The Representative of the Students' Council elected by Graduate Students must be a person who is a Graduate Student, as defined in the Electoral Regulations.

129.2 A person who is employed in at least a .5 position by:

- (a) the University;
  - (b) any body corporate controlled by the University;
  - (c) MU Student Union Limited;
  - (d) UMSU;
  - (e) any tenant of MU Student Union Limited; or
  - (f) a combination of these entities,
- cannot stand for election to any position.

129.3 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 and MUSUI cannot stand for an Officer position.

- 129.4 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.
- 129.5 A person who is not a General Member of UMSU cannot stand for election to any position.
- 129.6 The Co-ordinator and Committee representatives of the Burnley Student Association Department must be Members who are Students at the Burnley Campus.
- 129.7 The Co-ordinators and Committee representatives of the Victorian College of the Arts Department must be Members who are Students at the Southbank Campus.

### 130 RESTRICTIONS ON VOTING IN ELECTIONS

The following positions have restricted electorates:

- 130.1 The ~~Wom\*n~~Women's Officer and each Representative of the ~~Wom\*n~~Women's Committee are elected by Students who are Women.
- 130.2 The Representative of the Students' Council elected by Queer Students, the Queer Officer, and the voting Representatives of the Queer Committee are elected by Students who are Queer Students;
- 130.3 The Representative of the Students' Council elected by Indigenous Students, the Indigenous Officer, and the voting Representatives on the Indigenous Committee are elected by students who are Indigenous Students, as evidenced by a roll kept at the Centre for Indigenous Education.
- 130.4 The Representative of the Students' Council elected by Students with Disabilities, the Disabilities Officer, and the voting Representatives of the Disabilities Committee are elected by Students with Disabilities.
- 130.5 The Representative of the Students' Council 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.
- 130.~~65~~ The Clubs and Societies Committee is elected by the Clubs and Societies Council established under this Constitution.
- 130.~~76~~ The Representative of the Students' Council elected by International Students is elected by Students who are International Students.
- 130.~~87~~ The Representative of the Students' Council elected by Graduate Students is elected by Students who are Graduate Students.
- 130.~~98~~ The International Students Department Central Committee is elected by members of UMSU who are International Students as set out in the International Students Department Electoral Regulations.

### 131 RESTRICTIONS ON ELECTION

- 131.1 A person cannot hold
- more than one voting position on the Students' Council;
  - more than one Officer position (whether permanent or interim);
  - an Officer position and a voting position on the Students' Council;
  - an Officer position and a voting position on any Committee;
  - voting positions on the Students' Council and more than one Committee; or
  - voting positions on more than two Committees.
- 131.2 At least:
- ~~seven-eight~~ general Representatives of the Students' Council; ~~and~~
  - ~~three-four~~ 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-~~

(c) three voting representatives of the Women's Committee 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.

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131.3 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 131.1, 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 shall declare the person elected in accordance with that list.

131.4 A person shall be permitted to withdraw from an election after the close of nominations.

131.5 A person cannot hold an Officer position in UMSU and a Coordinator position in the Burnley Student Department or the Victorian College of the Arts Department.

## 132 ELECTORAL REGULATIONS

132.1 The Electoral Tribunal shall make Electoral Regulations which must not be inconsistent with this Constitution.

132.2 Electoral Regulations cannot be made during an election period.

132.3 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.

132.4 The Students' Council may recommend to the Electoral Tribunal changes to the Electoral Regulations, and the Electoral Tribunal must consider the recommendations.

## 133 TICKETS

133.1 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.

133.2 The application must contain the signatures of at least fifteen General Members.

133.3 No Member may sign more than one application.

133.4 If the proposed name of a ticket includes the name of a club or society affiliated with UMSU, the application must include

- (a) the terms of a resolution of that club or society approving the use of the name; and
- (b) the signature of a member of that club or society appointed in accordance with rule 138.2 certifying the passing of the resolution.

133.5 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.

133.6 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.

133.7 The Returning Officer may refuse to permit a ticket name which is misleading or offensive, and shall give the applicant the option of choosing another name.

133.8 The Regulations must afford the same rights and responsibilities to all tickets.

133.9 Each Member standing on a ticket must sign and give to the Returning Officer an acknowledgement that their name is included on a ticket.

133.10 A Member may not stand on more than one ticket in the same ballot.

133.11 The list of names of candidates standing on each ticket must be prominently displayed at each polling booth and in other election publicity.

#### 134 PREFERENCES

134.1 Candidates and tickets may submit lists of preferences.

134.2 Preferences may not be split.

134.3 The lists of preferences must be prominently displayed at each polling booth and in other election publicity.

#### 135 INDIGENOUS ELECTIONS

135.1 A Member may vote in the election for the Indigenous Officer, the Indigenous Committee, the voting Member of the Students' Council elected by Indigenous Students at a polling booth either within, or within twenty metres of, the Centre for Indigenous Education.

#### 136 PAPER USED IN ALL ELECTIONS

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

### **CLUBS AND SOCIETIES**

#### 137 CLUBS AND SOCIETIES COUNCIL

137.1 There shall be a Clubs and Societies Council.

137.2 The Clubs and Societies Council:

- (a) shall elect the Clubs and Societies Committee, and fill casual vacancies in its number; and
- (b) may remove the Clubs and Societies Committee in accordance with this Constitution.

137.3 The Clubs and Societies Council must meet at least once each Semester.

#### 138 COMPOSITION

138.1 The Clubs and Societies Council consists of one representative of each club and society affiliated with UMSU, as a voting member.

138.2 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.

138.3 No person may be appointed as the representative of more than one club or society at any one time.

#### 139 CLUBS AND SOCIETIES COMMITTEE

139.1 The Clubs and Societies Committee consists of:

- (a) seven voting members elected by and from the Clubs and Societies Council;
- (b) the Clubs and Societies Officer as a non-voting member; and
- (c) not more than three members co-opted by the Clubs and Societies Committee.

139.2 The Clubs and Societies Committee shall, in accordance with Regulations determined by the Students' Council:

- (a) affiliate clubs and societies with UMSU;
- (b) administer funding of, and grants to, clubs and societies;
- (c) review the financial operation of clubs and societies;
- (d) provide an opportunity for conciliation of disputes;

- (e) consider, and where appropriate take action on, allegations of misconduct on the part of an affiliated club or society; and
- (f) recommend Regulations to the Students' Council.

139.3 The disciplinary powers of the Clubs and Societies Committee shall include probation, suspension of eligibility for grants, suspension of the right to use UMSU resources, and disaffiliation from UMSU. Disciplinary powers shall be exercised only in accordance with the Regulations determined by the Students' Council.

139.4 The Regulations shall 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.

139.5 The Regulations shall 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 157.

#### 140 POLICY AND REGULATIONS

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

#### 141 POLICY DECISION OF CLUBS AND SOCIETIES COUNCIL TAKES PRECEDENCE

141.1 Any decision of the Clubs and Societies Council takes precedence over a decision of the Clubs and Societies Committee.

141.2 A decision of the Clubs and Societies Council may not be amended or overruled by the Clubs and Societies Committee within six months of the decision being made.

#### 142 AFFILIATION OF CLUBS AND SOCIETIES

142.1 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.

#### 143 DISMISSAL OF CLUBS AND SOCIETIES COMMITTEE

143.1 If a petition requesting the dismissal of the members of the Clubs and Societies Committee, signed by:

- (a) at least twenty members of the Clubs and Societies Council; or
- (b) twenty per cent of the members of the Clubs and Societies Council, (whichever is the lesser),

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

143.2 The meeting must be held not later than the fourteenth day after the date on which the General Secretary received the petition.

143.3 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.

143.4 The motion is carried if more than half of all the members of the Clubs and Societies Council vote in favour of it.

143.5 If the motion is carried, the Clubs and Societies Council must, at the same meeting, elect a new Clubs and Societies Committee.

#### 144 LIAISON WITH CLUBS AND SOCIETIES

- 144.1 Each club or society must also provide the names and contact details of at least two members of the club or society for the purpose of liaising with staff and Student representatives.
- 144.2 No additional requirements may be imposed on the structure of clubs or societies in addition to those requirements specified in rules 144.1

#### STUDENT THEATRE COUNCIL

145 There shall be a Student Theatre Council.

145.1 The Student Theatre Council shall:

- (a) act as a forum to discuss ideas, opportunities and concerns regarding Union House Theatre;
- (b) provide an opportunity to influence the way student theatre in Union House Theatre is organised and resourced;
- (c) allow members to express their views on the administration and programs of Union House Theatre; and
- (d) provide an opportunity to create better networking and communication between students interested in the performing arts.

145.2 The Student Theatre Council must meet at least once per semester.

145.3 The General Secretary is responsible for calling meetings of the Council.

145.4 Meetings must occur on University grounds in accordance with rule 107.

#### 146 COMPOSITION

146.1 The Student Theatre Council consists of:

146.2 one (1) representative of each theatre club or group affiliated to UHT, as a voting member.

(a) 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.

(b) No person may be appointed as the representative of more than one club or group or another club or group, except in regards to rule 146.2(a).

146.3 The Union House Theatre Artistic Director and Admin and Development Officer, as non-voting members.

146.4 The UMSU Creative Arts Officer/s, as a non-voting member/s.

146.4.1 The Creative Arts Officer/s may not be a nominee as outlined in rule 146.2.

146.4.2 The Creative Arts Officer/s are responsible for chairing a meeting of the Council and recording minutes of the meeting.

146.4.3 The Creative Arts Officer/s are responsible for organising meetings of the Council.

#### 147 POLICY AND REGULATIONS

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

#### INTERNATIONAL STUDENTS DEPARTMENT

148. There shall be an International Students Department which is a restricted constituency on issues relating to International Students.

149. AIMS AND OBJECTIVES

The aims of the International Students Department 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 Central Committee;
- (c) to occupy and operate premises, which shall 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.

150. GOVERNING BODY

144.1 The International Students Department shall have a Central Committee elected annually from members of UMSU who are International Students by International Students.

151. RESPONSIBILITIES OF CENTRAL COMMITTEE

151.1 Subject to the Regulations and such oversight and direction as may be required by the Students' Council acting reasonably, the Central Committee shall have control over and be responsible for:

- (a) executing and implementing the aims and objectives of the International Students Department and UMSU;
- (b) setting the direction of the International Students Department;
- (c) arranging and undertaking all activities of the International Students Department;
- (d) developing and administering the International Student Department budget and finances;
- (e) overseeing grants to International Students;
- (f) co-opting any International Student and/or any Non-international Student as it sees fit;
- (g) forming and dissolving any sub-committees of the Central Committee as it sees fit;
- (h) relieving any irresponsible and misconducting Central Committee member or International Student Department Co-Opted Office Bearer of their post;
- (i) deciding upon the manner in which the International Student Department Annual General Election and International student Department By-Election(s) shall be conducted under recommendations from the International Students Department Returning Officer(s);
- (j) appointing the International Students Department Returning Officer(s) to conduct the International Students Department Annual General Election and International Students Department By-Election(s);
- (k) interpreting the International Student Department Regulation as it sees fit; and
- (l) adopting policy.

151.2 The Central Committee must meet at least once a month during semester.

151.3 Participation in the collective established by the Central Committee is restricted to International Students at the University.

152. COMPOSITION

152.1 The Central Committee shall be defined in the International Students Regulations.



152.2 The International Student Representative on Students' Council shall be an ex-officio non-voting member of the Central Committee.

### 153 ELECTIONS

153.1 The International Students Department Annual General Elections and International Students Department By-Elections shall occur in accordance with the International Students Department Electoral Regulations.

153.2 The International Students Department Annual General Elections and International Students Department By-Elections shall be independent of and not subject to the UMSU Electoral Regulations.

### 154 POLICY AND REGULATIONS

154.1 The International Students Department shall be governed by the International Student Department Regulations.

154.2 Students' Council may enact regulations for the control and management of the International Students Department upon the advice of the International Students Department President or Central Committee.

154.2 Should a conflict arise between the Constitution and the Regulations set out under rule 154, the Constitution shall prevail.

### 154 RELATIONSHIP TO UMSU

154.1 The International students Department is bound by all UMSU Regulations and Policy, but the UMSU Students' Council is obliged to consult with the Central Committee before enacting any Regulation or Policy that may specifically affect the International Students Department.

154.2 UMSU Students' Council will not refuse to endorse or overturn any decision of the Central 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.

### 155 FUNDING AND BUDGET OF THE INTERNATIONAL STUDENTS DEPARTMENT

155.1 UMSU shall grant to the International Students Department annually a level of funding as follows:

- (a) Students' Council shall grant an amount to be negotiated between the Students' Council and the Central Committee, consistent with the proportion allocated in the 2012 budget. This amount shall not include any funding for specific purposes or activities.
- (b) Students' Council shall take into account the proportion of international students on campus and their significance.
- (c) Should the Student Services and Amenities Fee or similar funding not be allocated to UMSU, the Students' Council shall negotiate an appropriate amount of funding with the International Students Department.
- (d) any other such money distributed from MU Student Union Ltd or the University for the express use of the International Students Department.

155.2 The operational budget shall be allocated to the International Students Department from UMSU in semester instalments.

155.3 The International Students Department Executive shall meet following receiving an allocation from Students' Council and determine an interim budget until such a time that Central Committee can pass an operating budget.

155.4 This interim budget shall be presented to the Students' Council.

- 155.5 As a department of UMSU, the International Students Department is accountable to the UMSU Students' Council for the proper expenditure of funds allocated to it from the UMSU Budget.
- 155.6 Central Committee may choose to seek additional funding from International Students or external organisations through the payment of voluntary contributions, subscriptions, sponsorship, donations, etc.
- 155.7 In the event of changes to legislation associated with University grant funding, a revised allocation of funding shall be put into place by UMSU that is proportionate to that set out in rule 168.

## **APPEALS AGAINST COMMITTEE DECISIONS**

### **156 APPEALS AGAINST COMMITTEE DECISIONS**

- 156.1 If a Committee makes a budgetary decision or a decision to spend money, it must give notice of that decision on the UMSU website.
- 156.2 Until the end of the fifth Academic Day, or the fourteenth day, whichever is the lesser, after notice of the decision has been given:
- (a) three voting Representatives of the Committee which made the original decision; or
  - (b) four voting Representatives of any other Committee; or
  - (c) thirty Students
- may appeal to the Students' Council against the decision by delivering a signed notice of appeal to the General Secretary.
- 156.3 Decisions which have been appealed are suspended until the appeal has been determined.
- 156.4 The Students' Council must determine the appeal at or before its next regular meeting.
- 156.5 If the Students' Council does not determine the appeal in accordance with rule 156.4 or rejects the appeal, the original decision of the Committee stands.
- 156.6 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.

### **157 APPEALS AGAINST DISAFFILIATION OF CLUBS AND SOCIETIES**

- 157.1 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 shall be on one of the following grounds:
- (a) that there is insufficient evidence to establish a breach of the Regulations;
  - (b) that disaffiliation is not appropriate given the nature of the grounds for disaffiliation and the club or society's established track record; or
  - (c) that a procedural or administrative error was made under the Regulations, unfairly disadvantaging the club or society.
- 157.2 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 lesser) after the meeting at which the decision to disaffiliate was made.
- 157.3 At least five ordinary days must intervene between the receipt of the appeal and any meeting of the Students' Council at which the appeal is considered, but otherwise the Students' Council must determine the appeal at or before its next regular meeting, whether or not that meeting occurs in the same calendar year that the decision was appealed.
- 157.4 Until the Students' Council determines the appeal in accordance with rule 157.3, the original decision of the Committee is suspended.

## **DELEGATION OF POWER BY STUDENTS' COUNCIL AND COMMITTEES**

### **158 DELEGATION**

- 158.1 Subject to the restrictions in rules 159-161, the Students' Council may by resolution in writing delegate any of its powers to
- (a) a Committee or a Sub-Committee;
  - (b) an ad hoc sub-committee of voting Representatives of the Students' Council;
  - (c) a Representative of the Students' Council including non-voting Representatives; or
  - (d) a Staff Member of UMSU or a MU Student Union Limited staff member.
- 158.2 The Students' Council may by resolution in writing delegate preparation of a budget to the Students' Council-elect or Operations Sub-Committee-elect as contemplated by rule 162.
- 158.3 A delegation may be revoked by the Students' Council by resolution in writing at any time.

### **159 NO STANDING DELEGATION**

- 159.1 Except where otherwise provided in this Constitution, the Students' Council cannot make standing delegations of power, but can only delegate between regular meetings of the Students' Council.
- 159.2 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.

### **160 RESTRICTIONS ON DELEGATION**

A delegation made in accordance with rule 158 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 164 to be delegated to the Operations Sub-Committee;
- (c) staffing and salaries of Staff Members, except those matters permitted by rules 161.1 and 163 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.

### **161 DELEGATION DURING SUMMER BREAK**

- 161.1 For the purposes of this Rule 161, the term 'Summer Break' shall refer to the period commencing at the non-instructional period prior to Semester Two examinations and ending at the conclusion of the first teaching week in Semester One of the following year.

### **161 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 165.

## 162 OPERATIONS SUB-COMMITTEE

- 162.1 There shall be one standing Sub-Committee of the Students' Council:  
(a) the Operations Sub-Committee.
- 162.2 If the Students' Council considers that a voting Representative of a Sub-Committee should be suspended or removed from their position because of:  
(a) failure to comply with or observe the specific obligations of the position in accordance with this Constitution or the Act; or  
(b) conduct which is prejudicial or detrimental to the performance of the Office held by that person,  
the Students' Council shall send to the Representative concerned a written notice specifying:  
(c) the proposed suspension or removal;  
(d) the time, date and place of the Students' Council meeting at which the question of the suspension or removal will be considered; and  
(e) 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.
- 162.3 At the Students' Council meeting referred to in rule 162.2, the Students' Council by resolution approved by more than half of all the voting Representatives of the Students' Council may, after having afforded the Representative concerned a reasonable opportunity be heard by, or to make written representations to, the Students' Council suspend or remove the Representative from the Sub-Committee and appoint a replacement Representative in their place.
- 162.4 The General Secretary shall communicate the decision in writing of the Students' Council to the Representative within seven days of the Students' Council meeting at which the decision is made.
- 162.5 Nothing in rules 158.2 and 158.3 operate to restrict the ability of the Students' Council to revoke the power of the Sub-Committee at any time.

## 163 ANNUAL ELECTIONS

- 163.1 An election for the voting Representatives the Sub-Committee shall take place each year, prior to the dates on which they take office.
- 163.2 The dates on which the voting Representatives of the Sub-Committee take office are 1 December each year.
- 163.3 The Representatives holding office for the period commencing on 1 December shall be elected by and from the voting Representatives of the Students' Council-elect.

## 164 POWERS OF THE OPERATIONS SUB-COMMITTEE

- 164.1 The Operations Sub-Committee has authority to make decisions in relation to:  
a) Office Bearer Leave of Absence;  
b) Student Representative participation in UMSU Staff Selection Procedures;  
c) Expenditure of the Students' Council budget to a limit of \$1000 per budget line, per meeting;  
d) Staff Training and Development expenditure;  
e) Guidance for staff in performance of operational roles;  
f) Recommendations to Students' Council in relation to Policy and Regulations; and  
g) Any other matter as directed by Students' Council.
- 164.2 Students' Council may specify a separate financial delegation for the Media Department for the amount required to print an edition of *Farrago*.

## 165 COMMITTEE EXPENDITURE BY THE OPERATIONS SUB-COMMITTEE

- 165.1 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 authorising limits to expenditure and budget lines from which expenditure may be authorised.
- 165.2 A delegation is made in the form of a resolution and must be provided to the General Secretary.
- 165.3 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.
- 165.4 A committee may vary the terms of its delegation to the Operations Sub-Committee at any time.
- 165.5 Delegations from Committee to the Operations Sub-Committee lapse on 30 November each year.
- 165.6 A Committee-elect may make an authorised delegation for the following calendar year.
- 165.7 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 165.

#### 166 MEMBERS OF THE OPERATIONS SUB-COMMITTEE

- 166.1 The Representatives of the Operations Sub-Committee are:
  - (a) Five (5) voting members, elected by and from the voting Representatives of the Students' Council, 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
  - (b) The President and General Secretary, as non-voting members.
- 166.2 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.
- 166.3 Should a voting member of the Operations Sub-Committee fail to attend 3 consecutive regular meetings of the Operations Sub-Committee, they shall cease to be a member of the Operations Sub-Committee.
- 166.4 Meetings of the Operations Sub-Committee are open to all students.
- 166.5 The Senior Staff Members will normally attend meetings of the Operations Sub-Committee and other UMSU Staff may attend and participate as required.
- 166.6 The Operations Sub-Committee shall 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.
- 166.7 If a casual vacancy arises by resignation or if the member ceases to be eligible to be a member of the Operations Sub-Committee only, then:
  - (a) the vacancy will be filled via the ticket appointment process set out in Regulation 18 of the Electoral Regulations.
  - (b) Where the casual vacancy is not filled via this process, then Students' Council must elect a replacement to fill the vacancy.
  - (c) If a vacancy arises due to a vacancy on Students' Council, then Students' Council must elect a replacement to fill the vacancy.

#### 167 MEETINGS

- 167.1 The General Secretary is responsible for giving notice of meetings of the Operations Sub-Committee.

- 167.2 If the General Secretary receives a requisition signed by two voting Representatives of a Sub-Committee stating the business proposed for a meeting, the General Secretary must give notice of a meeting of the Sub-Committee to be held within a week of receiving the requisition.
- 167.3 If the General Secretary does not give notice of the meeting of the Sub-Committee in accordance with rule 167.2, any Representative who signed the requisition may do so.
- 167.4 The quorum for the Sub-Committees is three voting Representatives.
- 167.5 The General Secretary must report on each meeting of the Sub-Committee to the next regular meeting of the Students' Council.
- 167.6 For as long as any delegation from the Students' Council in accordance with rule 158 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.
- 167.7 The Operations Sub-Committee may meet in camera.

## **BUDGET PROCESS**

### **168 BUDGET**

- 168.1 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.
- 168.2 Before the end of November in each year the Students' Council-elect must appoint Student representatives to University committees, other University bodies and the Melbourne University Student Amenities and Services Committee of MU Student Union Ltd, to the extent such appointments are required.
- 168.3 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.
- 168.4 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.
- 168.5 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.
- 168.6 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.
- 168.7 Should the Students' Council-elect delegate 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.
- 168.8 Each Committee must subsequently meet to confirm the allocations within its budget, and may alter those allocations.
- 168.9 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 156.

## REGULATIONS

### 169 ELECTORAL REGULATIONS

The Electoral Tribunal may make and amend Electoral Regulations as provided in rule 117.

### 170 OTHER REGULATIONS

170.1 The Students' Council has power to make and amend Regulations (other than Electoral Regulations) concerning any matter in furtherance of the purposes of UMSU.

170.2 The Grievance Tribunal may make and amend Regulations (other than Electoral Regulations) concerning:

- (a) any disputes between Members as Members, or between a Member and the Officers, the Students' Council or any Committee; and
- (b) requests for examination of documents on behalf of Members refused access to those documents.

### 171 PROVISIONS OF REGULATIONS

171.1 Regulations must not be inconsistent with this Constitution.

171.2 Regulations may specify the roles and responsibilities of Officers.

171.3 Regulations may specify the procedures to apply in relation to the area of activity to which they relate as provided for in this Constitution.

171.4 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.

171.4 The Students' Council, in making Regulations concerning the Victorian College of the Arts Department, must take into account any recommendations from the Victorian College of the Arts Committee

171.5 The Electoral Tribunal in making any Electoral Regulations must take into account any recommendations from the Students' Council.

171.6 The Grievance Tribunal in making any Regulations concerning the matters referred to in rule 170.2 must take into account any recommendations from the Students' Council.

### 172 NOTICE OF INTENTION TO MAKE REGULATIONS

172.1 All Representatives of the Students' Council must be given at least fourteen days notice of any proposal to make Regulations, including the text of the proposed Regulations.

172.2 Notice must be given:

- (a) by email to all Representatives of the Students' Council; and
- (b) on the UMSU website; in addition to any other notice requirements prescribed by Regulation.

172.3 No motion for the making or amendment of any Regulation may be considered unless the notice requirements relating to Regulations in this rule 172 have been met.

172.4 Subject to rule 170, a resolution of the Students' Council to make or amend a Regulation is not passed unless at least two thirds of all the voting Representatives of the Students' Council then in office vote in favour of it.

172.5 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.

172.6 A resolution to make Regulations cannot be referred to Referendum.

### 173 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.

### NOTICE

#### 174 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.

### POLICY

#### 175 MAKING OF POLICY

175.1 UMSU, the Students' Council and Committees may, in accordance with this Constitution, make Policy which is not inconsistent with this Constitution or the Regulations.

175.2 Responsibility for making UMSU Policy is set out in this rule 175.

175.3 All Committees may enact Policy relevant to their Department and area of activity.

175.4 The Students' Council may enact, repeal or amend Policy.

175.5 In a dispute over Policy between a Committee and the Students' Council, the view of the Students' Council prevails, except in the case of –

- (a) ~~Wom\*n~~Women's Policy, where the view of the ~~Wom\*n~~Women's Committee prevails;
- (b) Queer Policy, where the view of the Queer Committee prevails;
- (c) Indigenous Policy, where the view of the Indigenous Committee prevails; and
- (d) Disabilities Policy, where the view of the Disabilities Committee prevails.
- ~~(d)~~(e) People of Colour Policy, where the view of the People of Colour committee prevails.

175.6 UMSU Committees and the Students' Council have an obligation to develop Policy in consultation with Collectives, Students generally and relevant organisations.

175.7 The Students' Council shall make Regulations concerning the consultation process for the development of Policy.

175.8 All Representatives of the Students' Council must be given notice of any proposal to make Policy, including the text of the proposed Policy.

175.9 If the proposal to make Policy is to be considered by a Committee, all members of that Committee must be given notice of the proposal to make Policy, including the text of the proposed Policy.

175.10 The Students' Council, in making Policy regarding the Victorian College of the Arts Department, or Students enrolled in the Faculty of the VCA and Music, must take into account any recommendations from the Victorian College of the Arts Department Committee

175.11 At least four days' notice must be given of any proposal to make Policy.



## **FOOD COOPERATIVE**

### **176 ROLE OF FOOD CO-OPERATIVE**

- 176.1 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.
- 176.2 UMSU, its Officers, and its Committees may not make any decision or support any development that poses a threat to the continuing status and mode of operation of the MUFC, unless approved by MUFC. This includes any decision threatening the MUFC's supportive lease agreement with MU Student Union Ltd.
- 176.3 The Students' Council must advocate, on behalf of the MUFC, to MU Student Union Ltd or any other body in the event that any threat is posed to the status and mode of operation of the MUFC, including the status of the lease.

## **COMMON SEAL**

### **177 USE OF COMMON SEAL**

- 177.1 The common seal of UMSU may only be used with the approval of a resolution of the Students' Council.
- 177.2 The authority to affix the seal may not be delegated.
- 177.3 The common seal must be affixed in the presence of two Officers.
- 177.4 The common seal must be kept by the Senior Staff Member, or if there is none, the General Secretary, at the office of UMSU.

### **178 RECORDING USE OF COMMON SEAL**

- 178.1 Every use of the common seal must be recorded in a register kept by UMSU for that purpose. The register must include:
- (a) the name of the document to which the common seal was affixed;
  - (b) the parties to the document to which the common seal was affixed;
  - (c) the date of the affixing; and
  - (d) the persons witnessing the affixing.
- 178.2 Every use of the common seal must be recorded in the minutes of the Students' Council.
- 178.3 The minute must include all of the information required to be included in the register in relation to that matter.

## **REGISTER OF CONTRACTS**

### **179 REGISTER OF CONTRACTS**

- 179.1 Every written contract entered into by or on behalf of UMSU, must be:
- (a) recorded in a register which includes the location of UMSU's copy of the document; and
  - (b) reported in the minutes of the Students' Council.
- 179.2 Rule 179.1 does not apply to a contract not exceeding in value \$5,000.

## **CUSTODY OF DOCUMENTS AND SECURITIES**

### **180 CUSTODY OF DOCUMENTS**

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

## **INSPECTION OF DOCUMENTS**

### **181 INSPECTION**

181.1 A Member is entitled to inspect the documents and securities of UMSU on reasonable notice to the General Secretary.

181.2 A Member is not entitled to inspect documents:

- (a) which contain personal information, (including staff files);
- (b) concerning or relevant to any legal proceedings in which UMSU is or may be engaged; or
- (c) which would otherwise cause UMSU to be in breach of Privacy Legislation, or any confidentiality or other applicable contractual obligations of UMSU.

181.3 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:

- (a) whether the document exists;
- (b) whether the document does appear to be covered by the exemption in rule 181.2;
- and
- (c) that the document does not disclose any matter of concern.

181.4 Every Officer and Staff Member must facilitate the inspection of a document by the member of the Grievance Tribunal in accordance with rule 181.3.

181.5 If the member of the Grievance Tribunal is unable to advise the Member in the terms outlined in the sub-rule 181.3, the member of the Grievance Tribunal must advise the Students' Council and the Vice Chancellor of that fact.

## **NOT FOR PROFIT**

### **182 APPLICATION OF INCOME AND PROPERTY**

182.1 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 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.

182.2 Nothing in rule 182.2 prevents any payment in good faith by UMSU of:

- (a) 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;
- (b) 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;
- (c) reasonable and proper rent for premises let or demised by any Member of UMSU to UMSU; or
- (d) 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.

**183 AUTHORITY TO TRADE UNDER THE INCORPORATED ASSOCIATIONS REFORM ACT (2012)**

UMSU is authorised to trade in accordance with section 51(4) of the Act, but only within the scope of the purposes set out in rule 3.

**184 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) having purposes similar to the purposes of UMSU.

**FINANCIAL**

**185 PAYMENTS**

185.1 All accounts shall be paid by cheque or by any other payment method authorised in writing by the Students' Council.

185.2 All cheques shall 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.

185.3 The General Secretary is responsible to ensure that no payment is made which is not in accordance with the approved budget.

**186 ANNUAL STATEMENTS**

The General Secretary is responsible to ensure that the statements required by section 30 of the Act are prepared and audited annually.

**187 SOURCES OF FUNDING**

The funds of UMSU shall be derived from grants (including funding from MU Student Union Limited under the terms of 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.

**ALTERATION OF THIS CONSTITUTION**

**188 ALTERATION**

188.1 In accordance with the Act, the Constitution may only be amended by Special Resolution at a General Meeting of UMSU.

188.2 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.

188.3 If the Constitution is altered in accordance with rule 189, the General Secretary must notify the University within 14 days and supply the University with full details of the alteration.

## 189 RESTRICTIONS ON ALTERATION

- 189.1 Rule 8 may not be amended without the approval of the organisation affected by the amendment.
- 189.2 Rule 183 must not be altered without the consent of the Minister administering the Act
- 189.3 Rule 184 may not be amended without the consent of the Minister administering the Act, if the rule as amended would permit the transfer of assets on winding up to a body the predominant purpose of which was not charitable.

## DISCIPLINE OF MEMBERS

### 190 NOTICE OF PROPOSED SUSPENSION OR EXPULSION

- 190.1 If the Students' Council considers that a Member should be suspended or expelled from the Membership of the Association because of:
- (a) failure to comply with or observe, or commission of a breach of this Constitution or any Regulation; or
  - (b) conduct which is prejudicial or detrimental to the interests of the Association, the Students' Council shall send to the Member concerned a written notice specifying:
  - (c) the proposed suspension or expulsion;
  - (d) the time, date and place of the Students' Council meeting at which the question of the suspension or expulsion will be considered; and
  - (e) 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.
- 190.2 At the Students' Council meeting referred to in rule 190.1, 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, expel or decline to suspend or expel a Member from Membership of the Association and shall communicate the decision in writing to the Member within seven days of the Students' Council meeting at which the decision is made.
- 190.3 The Member who is expelled under rule 190.2 from Membership of the Association ceases to be a Member with effect from 14 days after the date on which the decision to expel the Member is communicated to the Member in accordance with rule 190.2.

### 191 DISCIPLINE OF OFFICERS

- 191.1 If the Students' Council considers that an Officer, other member of the Students' Council or of a Committee should be suspended or removed from their position because of:
- (a) failure to comply with or observe the specific obligations of the position in accordance with this Constitution or the Act; or
  - (b) conduct which is prejudicial or detrimental to the performance of the Office held by that person, the Students' Council shall send to the Member concerned a written notice specifying:
  - (c) the proposed suspension or removal;
  - (d) the time, date and place of the Students' Council meeting at which the question of the suspension or removal will be considered; and
  - (e) 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.
- 191.2 At the Students' Council meeting referred to in rule 191.1, 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, recommend the suspension or removal of the Member or decline to recommend the suspension or removal of that

Member from the office held and shall communicate the decision in writing to the Member within seven days of the Students' Council meeting at which the decision is made.

- 191.3 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 31.1 to determine whether or not the Member should be suspended or removed from the Office held.
- 191.4 If the Students' Council determines to recommend the suspension or removal of General Secretary in accordance with rule 191.3, the President must call a General Meeting of the Members in accordance with rule 31.1 to determine whether or not the General Secretary should be suspended or removed from Office.
- 191.5 The Association in General Meeting may, after having afforded the Member a reasonable opportunity to be heard by or to make written representation to, the Association and General Meeting, may suspend or remove the Member from the Office held on such terms as the General Meeting determines.
- 191.6 This rule 191 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 58.1.

#### **19293 NO OTHER DISCIPLINARY PROCEDURES**

- 19293.1 Subject always to rights exercisable at law, including under the Act, and the power of the Electoral Tribunal and the Grievance Tribunal to make determinations in accordance with their powers under this Constitution, any internal disciplinary procedures proposed to be undertaken against a Representative, an Officer, other member of the Students' Council or of a Committee under this Constitution must only be undertaken in accordance with rules 190 and 191.
- 19293.2 Nothing in this rule 19293 derogates from any other disciplinary procedure applicable to Students including, without limitation, Statute 13.1 – Student Discipline of the University Regulations.

### **VALIDATION OF ACTS**

#### **19394 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.

### **INDEMNITY**

#### **19495 MEMBERS BOUND BY CONSTITUTION**

- 19495.1 This Constitution binds every Member and the Association to the same extent as if every Member and the Association had signed and sealed this Constitution and agreed to be bound by all its provisions.
- 19495.2 Subject always to rights exercisable at law and under the Act every Member shall 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 or the Electoral Tribunal.

**19696 OFFICERS NOT LIABLE**

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

**19697 INDEMNIFICATION OF OFFICERS AND OTHER MEMBERS**

Subject to the Act, every Officer of the Association, every Representative of the Students' Council, every Representative of any Committee and every employee or agent of UMSU shall be indemnified out of the funds of the Association against any losses, costs or expenses incurred by them about the discharge of their duties except where such losses, costs and expenses are incurred by their own wilful act, neglect or default.

**19798 LIMITATION ON LIABILITY OF MEMBERS AND OFFICERS**

In accordance with section 15 of the Act, a Member or Officer of the Association is not liable, merely because that person was a Member or Officer, to contribute towards:  
(a) the payment of the debts and liabilities of the incorporated Association; or  
(b) the costs, charges and expenses of the winding up of the incorporated Association.

**RESOLVING DISPUTES BETWEEN MEMBERS**

**19899 APPOINTMENT OF MEDIATOR**

**19899.1** If a dispute arises between Members as Members, or between a Member and the Students' Council or any Committee, the dispute shall be referred to the Grievance Tribunal who shall appoint a mediator to determine the dispute.

**19899.2** A Member may appoint any person to act on behalf of that Member in the mediation of the dispute.

**19899.3** The mediation must allow for natural justice to be applied.

**19899.4** Only Students who are Members may utilise the dispute resolution procedures in this Constitution.

**19899.5** For the purposes of rule **19899.1**, 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.

**200499 DETERMINATION BY GRIEVANCE TRIBUNAL**

**200499.1** If mediation does not result in the settlement of the dispute, the Grievance Tribunal shall make a binding determination on that dispute, which cannot be appealed within UMSU. This does not preclude a Member bringing the matter before the Court in accordance with section 14A of the Act.

**200499.2** A Member may appoint any person to act on behalf of that Member in the arbitration of the dispute.

**GRIEVANCE TRIBUNAL**

**200 GRIEVANCE TRIBUNAL**

There shall be a Grievance Tribunal consisting of three Members.

**200.1 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.

## 201 APPOINTMENT OF MEMBERS

201.1 The members of the Grievance Tribunal shall be appointed as follows:

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

201.2 A member of the Grievance Tribunal may also be a member of the Electoral Tribunal.

## 202 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 of the Students' Council approved by two thirds of the voting Representatives of the Students' Council.

## 203 POWERS OF THE GRIEVANCE TRIBUNAL

The Grievance Tribunal has power:

- (a) to make Regulations governing the determination of disputes which may be referred to the Grievance Tribunal under this Constitution;
- (b) to give directions in relation to the process and resolution of disputes referred to the Grievance Tribunal under this Constitution;
- (c) to determine all disputes referred to the Grievance Tribunal under this Constitution as provided for in this Constitution; and
- (d) to do such additional things relating to disputes as are determined by the Students' Council by Regulation.

## 204 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.

## 205 NOTICE OF MEETINGS OF THE GRIEVANCE TRIBUNAL

205.1 At least five days' notice must be given of a meeting of the Grievance Tribunal.

205.2 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.

205.3 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.

## 206 ATTENDANCE AT MEETINGS

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

## 207 DECISIONS

207.1 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.

207.2 The General Secretary must post the decision on the UMSU website.

208 REMUNERATION

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

209 TRANSITIONAL PROVISIONS

209.1 The change to term of office as prescribed in section 56 applies to Officers elected in 2014 onwards, and excludes Officers elected prior to the adoption of this version of the UMSU Constitution.

209.2 This means that Officers elected at the Annual General Election in 2014 shall hold Office from 1 January 2015 until 30 November 2015.

209.3 Following the Special General Meeting where the proposed Constitution is adopted, the Secretary shall engage an external solicitor to ensure the numbering and internal referencing in the Constitution is coherent and correct and lodge the final document with Consumer Affairs Victoria for approval.

209.4 After receiving approval from Consumer Affairs Victoria, the Secretary shall notify the Students' Council via email, by publishing it on the website, and by placing a notice in a prominent noticeboard in Union House.