

# Constitution of University of Technology Sydney Students' Association

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# Constitution of University of Technology Sydney Students' Association

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# Constitution of University of Technology Sydney Students' Association

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## 1 Preliminary

### 1.1 Name

The name of the organization is the University of Technology Sydney Students' Association.

### 1.2 Definitions

**Academic Board** means the board as defined in the University of Technology, Sydney Act 1989 (NSW).

**Association** means the University of Technology Sydney Students' Association.

**Association Code of Conduct** means the code of that name made under the By-Laws (as amended from time to time).

**By-Laws** means the rules made by the SRC in accordance with article 18.4 of this Constitution (as amended from time to time).

**“Collective”** means a student collective recognised by the Association from time to time as contemplated by the By-laws, including the Women's Collective, the International Students' Collective, the Indigenous Collective, the Accessibilities Collective, the Queer Collective, the Enviro Collective and the Ethno-Cultural Collective. To avoid doubt, this does not prevent the formation or recognition of other collectives and clubs from time to time.

**Councillor** has the meaning given to it in article 4.1.

**Directly elected** means a person elected by UTS students in a general election in accordance with the Election Regulations.

**Election Regulations** means the procedures approved by the SRC for the conduct of elections by the Association.

**Ex-officio member** has the meaning given to it in article 4.1(a).

**Finance Committee** means a subcommittee of the SRC as constituted by article 14.

**General Member** means a UTS student who is directly elected to the SRC from the general student population (other than a person directly elected as an Officer or member of the Executive).

**Grievance Committee** means the grievance committee to be established in accordance with the By-Laws and described in article 14.

**Handbook** means the UTS Students' Association Handbook published annually by the Association.

**Internally elected** means the election of a Councillor to a position as an Officer in accordance with clause 12.3.

**International student** means a student studying at UTS on a student visa.

**LGBTIQA** means gay, lesbian, bisexual, transgender, intersex, queer or asexual.

**Notice Boards** means the official notice boards of the University.

**Officer** means an office-bearer of the Association listed in article 12, either directly elected by the student body or internally elected by the SRC, to specific portfolios to represent certain interest groups.

**Policy Review Committee** means a subcommittee of the SRC as constituted by article 14.

**Postgraduate student** means a member undertaking a postgraduate course as defined by the University.

**Representatives Elect meeting** means the meeting held annually following the Association election, whereby Councillors vote to fill the positions of Officers from their number for the purposes of clause 12.3.

**Returning Officer** means the person appointed to oversee the conduct of elections in accordance with this Constitution and the Election Regulations.

**SSAF** means the student services and amenities fee.

**SRC** means the Students' Representative Council.

**Term of Office** means:

- (a) for an ex-officio member, the length of time they hold the position granting them membership on the SRC in accordance with article 4.1; or
- (b) for all other Councillors and for members of the editorial team of the Association's student publication, Vertigo, from the day before the summer semester of the year they are elected until the day before of the summer semester in the following year.

**The University or UTS** means the University of Technology Sydney.

**University Council** means the Council of the University of Technology Sydney.

### 1.3 **Membership**

- (a) All presently enrolled students of the University are members of the Association.
- (b) A person ceases to be a member of the Association when they cease to be an enrolled student of the University.

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## **2 Objectives**

The objectives of the Association are:

- (a) to identify, advance and promote the interests of the students of the University;
- (b) to afford a recognised means of communication between the students and the academic and administrative arms of the University;
- (c) to represent or arrange representation of any student or group of students before any authority of the University or other authorities;
- (d) to support students, affiliated student organisations and other appropriate bodies within the University;

- (e) to provide students with goods, services and information relevant to their tertiary education;
- (f) to promote the active participation of students in, and the consideration of, matters affecting their interests; and
- (g) to concern itself with any other matter incidental to the above objectives.

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### **3 The Students' Representative Council**

3.1 The management and control of the Association is vested in the SRC.

3.2 The SRC is empowered to:

- (a) make decisions that are consistent with this Constitution;
- (b) investigate complaints and grievances and to take such action as is deemed necessary in the interests of a member or members of the Association;
- (c) determine and direct the policy of the Association in all matters affecting the interests of UTS students and to direct any subsequent action;
- (d) obtain any office or building for the purposes of the Association;
- (e) purchase, hire or otherwise acquire property, real or personal, necessary for the purposes of the Association, and dispose of it in the interests of the Association;
- (f) determine the form of any action deemed necessary in the interests of the general welfare of the Association, or of its members and to take that action;
- (g) recommend affiliation or federation with any other body or association;
- (h) submit questions to members of the Association;
- (i) set up any committees to advise the SRC on particular matters; and
- (j) establish its own body of rules and regulations by way of policy resolutions governing all aspects of the SRC operations.

3.3 This Constitution, any By-laws, and all minuted decisions, resolutions and regulations made by the SRC are binding on the members as defined in clause 1.3 of this Constitution and the future successors of the members of the SRC as defined in clause 4.1 of this Constitution, unless and until amended in accordance with this Constitution.

3.4 In instances of emergency:

- (a) any three members of the Executive may, acting together, make decisions on behalf of the SRC; and
- (b) the members involved must provide a written report detailing any actions taken in response to the instance of emergency to the next meeting of the SRC.

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## 4 Membership of the SRC

4.1 Membership of the SRC is comprised of the persons who hold the following positions:

- (a) the directly elected student members of the University Council (each an **ex-officio member**);
- (b) the President;
- (c) the General Secretary;
- (d) the Assistant General Secretary;
- (e) the Education Officer;
- (f) the Welfare Officer;
- (g) the Indigenous Students' Officer;
- (h) the Postgraduate Officer;
- (i) the Women's Officer;
- (j) the International Students' Officer; and
- (k) 14 General Members,

each, a **Councillor**.

4.2 A Councillor's membership of the SRC will begin on the first day of the Councillor's Term of Office and will cease in the following circumstances:

- (a) the General Secretary, or in the event the resigning member is the General Secretary, the President, receives a written notice of resignation from the resigning Councillor;
- (b) the SRC approves a resolution in relation to the Councillor under article 5.5 of this Constitution;
- (c) the Councillor's enrolment at the University is terminated;
- (d) the Councillor experiences such significant mental or physical impairment that prevents them from being able to fulfil their role as a Councillor for the remainder of their Term of Office; or
- (e) the Councillor's Term of Office expires.

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## 5 Authority and responsibility of the Councillors

5.1 Subject to the other articles of this Constitution, each Councillor must attend all meetings of the SRC.

5.2 Each Councillor has the right to move or second motions at SRC meetings.

5.3 Each Councillor undertakes to:

- (a) abide by the articles of this Constitution and any By-Laws made in accordance with this Constitution;
- (b) act in accordance with the objectives of the Association;

- (c) communicate matters affecting the interests and welfare of UTS students to the SRC;
  - (d) assist with the resolution of conflicts between students and the Association or between two or more students;
  - (e) avoid any actual or potential conflicts of interest with their roles and responsibilities as Councillors;
  - (f) protect and further the interests and welfare of all UTS students;
  - (g) interact with students, other Councillors and the University in a respectful and considerate manner; and
  - (h) implement the directives of the SRC.
- 5.4 If a Councillor is unable to attend any meeting of the SRC, the Councillor must provide to the Secretary at least 24 hours before the scheduled start of the meeting a written apology detailing why the Councillor is unable to attend the meeting
- 5.5 Subject to the By-laws, a Councillor may be dismissed from their role as Councillor by a absolute majority of Councillors present and voting at a general meeting of the SRC, where:
- (a) the Councillor has failed to attend without apology:
    - (i) at least two consecutive meetings of the SRC; or
    - (ii) any three meetings of the SRC within any 12 month period; or
  - (b) there is evidence that:
    - (i) the Councillor has knowingly misappropriated Association funds; or
    - (ii) the Councillor has engaged in gross misconduct or gross neglect; or
    - (iii) the Councillor has materially failed to comply with the undertakings given under article 5.3 or the Association Code of Conduct.

and the Grievance Committee has considered that evidence and recommends the dismissal of the Councillor; or
  - (c) the Grievance Committee otherwise recommends the dismissal of the Councillor.

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## **6 Election to the SRC**

- 6.1 The election of members of the Executive and the SRC must be conducted every year between September and November by means of a secret ballot of Association members in accordance with the procedures set out in the Election Regulations.
- 6.2 The election of all internally elected Officers is to be conducted at the Representatives Elect meeting of the SRC.

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## **7 General meetings of the SRC**

- 7.1 Ordinary general meetings of the SRC must be held at least once every month except in December, January and July. Meetings in December, January and July may be called, if deemed necessary, by the General Secretary or the President.
- 7.2 Meetings of the SRC are to be held for the purposes of:
- (a) raising and resolving issues in accordance with the objectives of the Association;
  - (b) resolving matters that may affect UTS students as they arise;
  - (c) deciding the policy of the Association on all matters; and
  - (d) determining any other relevant matter that falls within the powers of the SRC.
- 7.3 The General Secretary must:
- (a) provide all members of the SRC at least seven days' written notice of the time and place of any meeting; and
  - (b) circulate the agenda for each meeting at least 48 hours prior to the meeting.
- 7.4 Quorum for an ordinary meeting of the SRC is the higher of:
- (a) one half of all the Councillors who have not apologised in writing plus one; and
  - (b) seven Councillors.
- 7.5 If a quorum is not present within 30 minutes after the notified time for the start of the meeting, the meeting stands adjourned to the same day in the next week and the same time and place, or to such other day, time and place as the General Secretary appoints by notice to all Councillors in accordance with article 7.3.
- 7.6 Meetings of the SRC are open to all UTS students, who may attend as observers.
- 7.7 Meetings of the SRC must be held at the University.
- 7.8 The President will be the chairperson for all meetings of the SRC. In the absence of the President, the Councillors may elect one of their number as chairperson.
- 7.9 A Councillor who is absent from a meeting and has apologised in writing in accordance with article 5.4 may proxy their vote to another voting member of the SRC by notifying the General Secretary in writing before the meeting.
- 7.10 A Councillor may only hold their vote and one proxy in respect of a general meeting at any given time.
- 7.11 Subject to the other articles of this Constitution, a resolution is taken to be carried if a simple majority of the votes cast on the resolution are in favour of it.

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## **8 Extraordinary general meetings of the SRC**

- 8.1 In addition to ordinary general meetings of the SRC held in accordance with article 7, extraordinary general meetings of the SRC may be requested by either a majority of the Executive (provided that majority includes either or both of the General Secretary or the President) or at least ten Councillors.



- 8.2 The request for an extraordinary general meeting must:
- (a) be in writing;
  - (b) signed by the Councillors making the request;
  - (c) specify the resolution to be proposed at the meeting; and
  - (d) be provided to the General Secretary.
- 8.3 The specific resolution being proposed is to be the only item of business at an extraordinary general meeting of the SRC.
- 8.4 Upon receipt of a valid request for an extraordinary general meeting, the General Secretary must provide all members of the SRC at least 48 hours' written notice of the time and place of the meeting and the resolution being proposed at the meeting.
- 8.5 Quorum for an extraordinary general meeting of the SRC is the same as for an ordinary meeting of the SRC under article 7.
- 8.6 A Councillor who is absent from an extraordinary general meeting and has apologised in writing in accordance with article 5.4 may proxy their vote to another voting member of the SRC by notifying the General Secretary in writing before the meeting.
- 8.7 A Councillor may only hold their vote and one proxy in respect of an extraordinary general meeting at any given time.

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## **9 Membership of the Executive of the Association**

- 9.1 The Executive is comprised of the persons who hold the following positions:
- (a) the President;
  - (b) the General Secretary;
  - (c) the Assistant General Secretary;
  - (d) the Education Officer; and
  - (e) the Welfare Officer.
- 9.2 The President, the General Secretary, the Assistant General Secretary, the Education Officer, and the Welfare Officer are to be directly elected by the general student population in accordance with the Election Regulations.
- 9.3 A person's membership of the Executive will cease in the following circumstances:
- (a) the General Secretary, or in the event the resigning member is the General Secretary, the President, receives a written notice of resignation from the resigning member;
  - (b) the person ceases to be a Councillor pursuant to article 4.2(b);
  - (c) the termination of that person's enrolment at the University; or
  - (d) the expiry of the person's Term of Office.

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## **10 Roles and responsibilities of the Executive**

- 10.1 The Executive is responsible for the day to day operation of the Association, subject to any policies and directives approved by the SRC and the articles of this Constitution.
- 10.2 The Association may hire both paid and volunteer employees to assist with the administration of the Association. All employees hired by the Association are subject, at all times, to the direction of the President.
- 10.3 The President has the following responsibilities and duties:
- (a) ensuring that the directives of the SRC are properly followed and enacted;
  - (b) directing the proper management of the property, records and accounts of the Association and the SRC;
  - (c) fostering and maintaining relationships with community groups and organisations to promote the interests and welfare of students;
  - (d) representing the interests of any student or students to any University authority;
  - (e) attending student consultations on any matter relating to the welfare of students at the University;
  - (f) leading the resolution of conflicts between students and the Association;
  - (g) supporting the welfare of all staff of the Association in accordance with the policies of the Association;
  - (h) providing a written report outlining their activities to every ordinary meeting of the SRC; and
  - (i) in the absence of either any SRC or Executive directives or policy, taking action to further the objectives of the Association.
- 10.4 The General Secretary has the following responsibilities and duties:
- (a) the production of the Association's Handbook;
  - (b) ensuring that all members of the Association, SRC and the Executive are, as required by this Constitution:
    - (i) properly notified of all meetings and provided with agendas and/or information prior to any meetings;
    - (ii) provided with access to adequate records of such meetings;
    - (iii) in receipt of adequate notice of elections, resignations, casual vacancies, and or notices deemed necessary by the SRC;
  - (c) keeping minutes of all meetings within the Association;
  - (d) in conjunction with Association staff, preparing all correspondence of the Association in accordance with the directives of the SRC;
  - (e) in conjunction with the President, ensuring that the records of the Association are properly maintained;

- (f) assisting the Returning Officer with the collection of all nominations for elections of the SRC;
- (g) ensuring that all monies owing to the Association are properly collected and accounted for;
- (h) ensuring that monies are expended or invested as the SRC directs and in accordance with the long-term objectives of the Association;
- (i) in conjunction with staff employed by the Association, accounting for the correct and proper expenditure of monies;
- (j) in conjunction with staff employed the Association, keeping an account of all receipts and expenditures of the Association to be maintained in such a manner as is prescribed by the appointed auditors of the Association;
- (k) in conjunction with staff employed the Association, preparing and submitting all books and statements of accounts to the appointed auditors of the Association and ensuring that such records are a true and fair record of the financial transactions that have taken place in the preceding year.
- (l) facilitating Vertigo's smooth operation and alignment with UTSSA governance requirements; and
- (m) providing a written report outlining their activities to every ordinary meeting of the SRC.

10.5 The Assistant General Secretary has the following responsibilities and duties:

- (a) assisting the General Secretary in the performance of their role, including in relation to the publication of the Association's Handbook;
- (b) maintaining and moderating all social media and websites representing the Association;
- (c) assisting the President and General Secretary in drafting and preparing press releases and correspondence of the Association; and
- (d) providing a written report outlining their activities to every ordinary meeting of the SRC.

10.6 The Welfare Officer has the following responsibilities and duties:

- (a) ensuring that matters directly or indirectly affecting the welfare of UTS students are brought before the SRC;
- (b) working within the Association and with the University to promote the general welfare of students on and off campus;
- (c) attending student consultations on matters affecting the welfare of UTS students; and
- (d) providing a written report outlining their activities to every ordinary meeting of the SRC.

10.7 The Education Officer has the following responsibilities and duties:

- (a) ensuring matters directly or indirectly affecting the education of UTS students are brought before the SRC;

- (b) communicating matters relating to the educational welfare of UTS students to the general student body and to the academic and professional staff of the University;
- (c) attending student consultations on matters affecting the education of UTS students; and
- (d) providing a written report on their activities to every ordinary meeting of the SRC.

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## **11 Meetings of the Executive**

- 11.1 Members of the Executive may meet as and when is necessary to perform their respective duties as prescribed under this Constitution.
- 11.2 A meeting of the Executive may be called by:
  - (a) the General Secretary; or
  - (b) any other two members of the Executive.
- 11.3 The members convening the meeting of the Executive must provide all members of the Executive and all other Councillors and Officers of the Association with at least 48 hours' written notice of the time and place of any meeting.
- 11.4 A meeting of the Executive may be held with less than 48 hours' notice only after reasonable attempts have been made to notify all members of the Executive and all other Councillors and Officers of the Association of the time and place of the meeting.
- 11.5 Councillors and Officers of the Association may observe and speak at meetings of the Executive.
- 11.6 The President will be the chairperson of all meetings of the Executive. In the absence of the President, the other members of the Executive may elect one of their number as chairperson.
- 11.7 Quorum for a meeting of the Executive is three.
- 11.8 The General Secretary must arrange for minutes of all meetings and copies of resolutions of the Executive to be tabled at the next meeting of the SRC.
- 11.9 A member of the Executive who cannot attend a meeting of the Executive may proxy their vote to another member of the Executive by notifying the General Secretary or President in writing before the meeting.
- 11.10 A member of the Executive may only hold their vote and one proxy at any given time.

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## **12 Roles and responsibilities of Officers of the Association**

- 12.1 The Officers listed in this article 12 have the responsibility of representing their interest groups on the SRC.
- 12.2 The following Officers are to be directly elected by the general student population in accordance with the Election Regulations, subject to any eligibility requirements imposed by the articles of this Constitution:
  - (a) the Women's Officer;

- (b) the International Students' Officer;
  - (c) the Indigenous Students' Officer; and
  - (d) the Postgraduate Students' Officer.
- 12.3 The following Officers must be General Members and are to be internally elected each year at the Representatives Elect meeting of the SRC, by a majority of Councillors present and voting at that meeting, subject to any limitations imposed by the articles of this Constitution:
- (a) the Cultural Diversity Officer;
  - (b) the Accessibility Officer;
  - (c) the Queer Students' Officer; and
  - (d) the Environment and Technology Officer.
- 12.4 Any person internally elected as an Officer will cease to hold that position immediately if that person ceases to be a Councillor pursuant to article 4.2.
- 12.5 The Women's Officer must have lived experience as a woman and has the following responsibilities and duties:
- (a) ensuring matters directly or indirectly affecting women, transgender and non-binary students are brought before the SRC;
  - (b) working within the Association and with the University to promote the welfare of affecting women, transgender and non-binary students on and off campus;
  - (c) attending student consultations on matters affecting women, transgender and non-binary students;
  - (d) providing a written report on their activities to every ordinary meeting of the SRC; and
  - (e) liaising with the Women's Collective.
- 12.6 The International Students' Officer must be an international student and has the following responsibilities and duties:
- (a) ensuring matters directly or indirectly affecting international students are brought before the SRC;
  - (b) working within the Association and with the University to promote the welfare of international students on and off campus;
  - (c) attending student consultations on matters affecting international students;
  - (d) providing a written report on their activities to every ordinary meeting of the SRC; and
  - (e) liaising with the International Students' Collective.
- 12.7 The Indigenous Students' Officer must be a student who:
- (a) is of Aboriginal and/or Torres Strait Islander descent; and

- (b) identifies as an Aboriginal and/or Torres Strait Islander, and
  - (c) is recognised by the Indigenous community in which they live as an Aboriginal and/or Torres Strait Islander.
- 12.8 The Indigenous Students' Officer has the following responsibilities and duties:
- (a) ensuring matters directly or indirectly affecting Aboriginal and Torres Strait Islander students are brought before the SRC;
  - (b) working within the Association and with the University to promote the welfare of Aboriginal and Torres Strait Islander students on and off campus;
  - (c) attending student consultations on matters affecting Aboriginal and Torres Strait Islander students;
  - (d) providing a written report on their activities to every ordinary meeting of the SRC; and
  - (e) liaising with the Indigenous Collective.
- 12.9 The Postgraduate Students' Officer must be a postgraduate student and has the following responsibilities and duties:
- (a) ensuring matters directly or indirectly affecting postgraduate students are brought before the SRC;
  - (b) working within the Association and with the University to promote the welfare of postgraduate students on and off campus;
  - (c) attending student consultations on matters affecting postgraduate students;
  - (d) providing a written report on their activities to every ordinary meeting of the SRC; and
  - (e) liaising with the Postgraduate Advisory Committee.
- 12.10 The Queer Students' Officer must be an LGBTIQA identifying student and has the following responsibilities and duties:
- (a) ensuring matters directly or indirectly affecting LGBTIQA students are brought before the SRC;
  - (b) working within the Association and the University to promote the welfare of LGBTIQA students on and off campus;
  - (c) attending student consultations on matters affecting LGBTIQA students;
  - (d) providing a written report on their activities to every ordinary meeting of the SRC; and
  - (e) liaising with the Queer Collective.
- 12.11 The Accessibility Officer must be a student who identifies as having a disability (which may take the form of a physical disability, mental health disorder or intellectual disability) and has the following responsibilities and duties:
- (a) ensuring matters directly or indirectly affecting students with disabilities are brought before the SRC;

- (b) working within the Association and with the University to promote the welfare of students with disabilities on and off campus;
  - (c) attending student consultations on matters affecting students with disabilities or who require accessibility services at UTS;
  - (d) providing a written report on their activities to every ordinary meeting of the SRC; and
  - (e) liaising with the Accessibilities Collective.
- 12.12 The Environment and Technology Officer has the following responsibilities and duties:
- (a) ensuring matters directly or indirectly affecting environmental issues at UTS are brought before the SRC;
  - (b) working within the Association and the University to promote environmentally friendly, sustainable policies and practices on and off campus;
  - (c) attending student consultations on matters affecting the environment at UTS;
  - (d) advocating for considerations related to technology use at the University, including its impact on students, ethics, and sustainability, and supporting initiatives that align with these values.
  - (e) providing a written report on their activities to every ordinary meeting of the SRC; and
  - (f) liaising with the Enviro Collective.
- 12.13 The Cultural Diversity Officer must be a student from a non-English speaking background and has the following responsibilities and duties:
- (a) ensuring matters directly or indirectly affecting students from non-English speaking backgrounds are brought before the SRC;
  - (b) working within the Association and the University to promote the welfare of students from non-English speaking backgrounds on and off campus;
  - (c) attending student consultations on matters affecting students from non-English speaking backgrounds;
  - (d) providing a written report on their activities to every ordinary meeting of the SRC; and
  - (e) liaising with the Ethno-Cultural Collective.

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## 13 Casual vacancies of the SRC

- 13.1 If a casual vacancy is created by the cessation of a Councillor's membership of the SRC in accordance with articles 4.2(a), 4.2(b) or 4.2(c), then:
- (a) if the period before the start of the next Term of Office is greater than three months, the candidate who received the next highest number of votes in the most recent election for the same position as the departing Councillor will be offered to fill the casual vacancy; or
  - (b) if the period before the start of the next Term of Office is three months

or less, the casual vacancy may remain unfilled until the end of the departing Councillor's Term of Office.

- 13.2 In the event the casual vacancy is not filled in accordance with article 13.1(a), the SRC will conduct a by-election for the vacant position if it is for the roles of President, General Secretary, or Assistant General Secretary, in accordance with the Election Regulations and the By-Laws. For all other positions, the vacancy will remain unfilled until the end of the departing Councillor's Term of Office.
- 13.3 Notwithstanding 13.2, if nominations for a general election of the Executive and the SRC have opened, the casual vacancy may be filled for the remainder of the departing Councillor's Term of Office by the person elected to that position in that general election, otherwise the position may remain vacant.

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## **14 Standing committees of the Association**

- 14.1 The Association must establish and support the following standing committees:
- (a) the Finance Committee;
  - (b) the Policy Review Committee; and
  - (c) the Grievance Committee
- 14.2 The Finance Committee, in consultation with any relevant Association staff members, is:
- (a) responsible for:
    - (i) preparing the Association's annual budget for consideration and approval by the SRC; and
    - (ii) monitoring the performance of the Association against its annual budget and reporting to the SRC on matters of concern; and
  - (b) comprised of the following members:
    - (i) the General Secretary, who will act as chairperson;
    - (ii) the President and Assistant General Secretary; and
    - (iii) three General Members internally elected by the SRC.
- 14.3 The Policy Review Committee is:
- (a) responsible for reviewing the policies and documents of the Association;
  - (b) responsible, in conjunction with the staff of the Association, for maintaining a register of any policies approved by the SRC, which is to be available on the Association's website; and
  - (c) comprised of the following members:
    - (i) the President, who will act as a chairperson;
    - (ii) the General Secretary and Assistant General Secretary; and
    - (iii) three General Members internally elected by the SRC.
- 14.4 The Grievance Committee:



- (a) is responsible for considering:
  - (i) any dispute between the Association and any Councillor or other person elected or appointed to a position by or within the Association;
  - (ii) any dispute between the Association and a Collective, an office-bearer of a Collective or a member of a Collective;
  - (iii) any dispute between a Collective and its members and office-bearers;
  - (iv) any motion to dismiss a Councillor in accordance with this Constitution,
  - (v) other disciplinary action against a member or Councillor; and
  - (vi) any matter referred to it by the SRC (by majority resolution), by the Executive (by majority resolution), or at the request of a personnel committee comprised of Association staff.

or otherwise as prescribed in the By-laws; and

- (b) will, subject to the By-laws, be comprised of the following members:
  - (i) two Association staff members;
  - (ii) two Councillors; and
  - (iii) an independent person who is not associated with the University or the Association, such as an external mediator,

provided that:

- (iv) an ad hoc subcommittee may be established to consider a particular dispute or matter; and
- (v) where the Grievance Committee is required to consider a grievance or dispute involving, or disciplinary action against, a particular member of the Association, no member of the Committee may be biased against, or in favour of, the person concerned. The By-laws will address how any allegation of bias may be addressed.

- 14.5 The Grievance Committee may refer disputes, disciplinary and other matters to an external party (such as an external mediator or community legal centre) to be resolved in accordance with the By-laws.
- 14.6 A decision of the Grievance Committee may be appealed in accordance with the By-laws.
- 14.7 The SRC may establish other such standing committees as it sees fit.

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## 15 Student publications

- 15.1 The editorial team of the Association's publication, Vertigo, must consist of at least six people and at most 12 people directly elected each year by the general student body in accordance with the Election Regulations.
- 15.2 The editorial team must prepare an annual budget covering the necessary costs for publishing, to be submitted for consideration and approval by the SRC. The

SRC's approval of budget is not to be unreasonably withheld.

- 15.3 A person's membership of the Vertigo editorial team will begin on the first day of the editorial team's Term of Office and will cease in the following circumstances:
- (a) the person resigns from their position by providing a written notice of resignation to the General Secretary;
  - (b) the person's enrolment at the University is terminated;
  - (c) the Grievance Committee recommends the dismissal of the person from the Vertigo editorial team;
  - (d) the person experiences such significant mental or physical impairment that prevents them from being able to fulfil their role as a member of the editorial team for the remainder of their Term of Office; or
  - (e) the editorial team's Term of Office expires.

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## 16 Finance

- 16.1 Responsibility for the management of the property and monies of the Association is vested in the members of the Executive as trustees of the Association during each relevant members' Term of Office and is to be applied solely for the use and benefit of members of the Association.
- 16.2 The Association must open and maintain such account or accounts with a reputable financial institution in accordance with applicable law as the SRC determines from which all expenditure of the Association is made and into which all of the Association's revenue and funding is deposited.
- 16.3 All cheques, drafts, bills of exchange, promissory notes and other negotiable financial instruments provided in the name of the Association must be signed by two members of the Executive.
- 16.4 Funds may only be drawn from an account of the Association by cheques or orders signed by two members of the Executive (including by way of authorised electronic funds transfer).
- 16.5 Subject to the articles of this Constitution:
- (a) the SRC may approve expenditure on behalf of the Association; and
  - (b) in addition to article 16.5(a), the Executive may approve expenditure on behalf of the Association up to an aggregate sum of \$5,000 without the prior approval of the SRC.
- 16.6 In the event the Executive approves expenditure on behalf of the Association pursuant to article 16.5(b), the President and General Secretary must include details of this expenditure in their written reports at the next ordinary meeting of the SRC.
- 16.7 The financial year of the Association terminates on the 31<sup>st</sup> day of December in each year.
- 16.8 The books and accounts of the Association must be open for inspection by all UTS students on receipt by the General Secretary of a written request.

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## 17 Auditors

- 17.1 A suitably qualified accountant, not being a Councillor or an "associate" of a Councillor as defined under the *Corporations Act 2001* (Cth), must be appointed

each year by the SRC as the auditor of the Association to carry out an annual audit on the books, records and accounts of the Association.

- 17.2 The SRC must not appoint the same person as auditor of the Association for more than three consecutive years.
- 17.3 The SRC must procure that the auditor of the Association produce a report on the audit to the SRC within four months following the end of the Association's financial year.
- 17.4 The auditor may, at their discretion, carry out such inspections of the books and accounts of the Association as they deem necessary to fulfil their duties. The SRC must provide the auditor with such timely access to the books, records and accounts of the Association as requested by the auditor.
- 17.5 The SRC must provide a copy of the auditor's report to the University Council within 29 days from receipt of the report.
- 17.6 Subject to the auditor's report being formally tabled and noted at a meeting of the University Council, the SRC must ensure that the auditor's report is published on the UTS Students' Association website.

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## **18 This Constitution and By-Laws**

- 18.1 This constitution is to come into effect at 4pm on 1 December 2019 and is binding on all Association members.
- 18.2 This Constitution may only be amended by:
  - (a) the General Secretary:
    - (i) providing 28 days' notice of the proposed amendments to all members; and
    - (ii) displaying copies of the proposed amendments to the Constitution on the Association website and Notice Boards as soon as notice has been given;
  - (b) a two-thirds majority of SRC voting members approving the amendments at the general meeting in which the proposed amendments are discussed; and
  - (c) with the approval of the University Council.
- 18.3 A copy of the current Constitution must be available on the Association's website at all times.
- 18.4 The SRC may, from time to time, make any rules, regulations, forms, procedures and policies as the SRC reasonably considers necessary or convenient to facilitate the Association's activities and governance (By-Laws), subject to the objectives of the Association.
- 18.5 The SRC may enact, amend and revoke any By-Laws by a two-thirds majority of Councillors present and voting at the general meeting in which the proposed By-Laws are discussed.
- 18.6 A resolution approved in accordance with article 18.5 will not take effect until 28 days after it is passed, unless the resolution provides for a different timeframe.
- 18.7 The General Secretary must:

- (a) display copies of current By-Laws on the Association website at all times; and
  - (b) maintain a list of the current By-Laws in force and must ensure it appears as an appendix to this Constitution.
- 18.8 To the extent of any inconsistency, the articles of this Constitution apply to the exclusion of any By-Laws.

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## **19 Distributions to members**

- 19.1 No part of the property or monies of the Association may be distributed directly or indirectly to or amongst its members.
- 19.2 To avoid doubt, this article 19 does not prevent the Association from making items freely available to all students as part of the performance of its Objectives, particularly the objective described in article 2(e).
- 19.3 This article 19 does not prevent the payment in good faith:
- (a) to any member, of interest in respect of money advanced by that member to the Association, or otherwise owing to that member;
  - (b) of reasonable and proper remuneration to any officer or employee of the Association;
  - (c) to any member of the Association or other person for services rendered to the Association;
  - (d) to any member of out of pocket expenses, reasonable and proper charges for the hire of goods by the Association, reasonable and proper rent for premises let to the Association, to which that member would be entitled in accordance with the purposes, if not a member, may remove any office bearer of the Association.

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## **20 Notices**

- 20.1 A notice that is required to be given in writing under this Constitution may be given:
- (a) personally; or
  - (b) by sending it by post to the address that the member or the Association (as applicable) has registered with the University;
  - (c) by sending it to the electronic address that the member or the Association (as applicable) has registered with the University to receive communications; or
  - (d) by any other reasonable means requested by the member.
- 20.2 Service of a notice is to be deemed effective:
- (a) where a notice is sent by post, at the time at which the letter would be delivered in the ordinary course of post; and
  - (b) where a notice is sent by electronic means, on the Business Day after it is sent.