



# CONSTITUTION OF THE UNIVERSITY OF THE SOUTH PACIFIC STUDENTS' ASSOCIATION

[Approved at the 87<sup>th</sup> meeting of the USP Council in Suva on 01<sup>st</sup> and 02<sup>nd</sup> of November 2018]

## **PART I**

### **1. Name and Status**

- 1.1 The name of the association is The University of the South Pacific Students' Association (USPSA).
- 1.2 It was created by Ordinance of The University of the South Pacific on 29 October 2009.

### **2. Preamble**

- 2.1 Article 16 of the Charter of The University of the South Pacific, promulgated on 4 February 1970, provides that "There shall be an organisation of the students of the University".
- 2.2 The Statutes of the University make provision for the students' association to appoint student members on the University Council and Senate on behalf of all students of the University.
- 2.3 The University of the South Pacific has students attending campuses in the Cook Islands, Fiji (Laucala, Lautoka and Labasa), Kiribati, Marshall Islands, Nauru, Niue, Samoa, Solomon Islands, Tokelau, Tuvalu, Tonga and Vanuatu, and other students studying by Distance and Flexible Learning (DFL).
- 2.4 There are at present three separate students' association, one each representing students attending Laucala campus in Fiji, Alafua campus in Samoa and Emalus campus in Vanuatu. A number of other campuses are in the process of setting up their own students' associations.
- 2.5 It is desirable that there be one association to represent all students of the University, to co-ordinate the students' associations that already exist, and to foster the creation of new associations on the other campuses and for DFL students.
- 2.6 The University Council, by Ordinance, has therefore decided to create a new body called The University of the South Pacific Students' Association to represent all students enrolled at the University.
- 2.7 The previous association known as The University of the South Pacific Students' Association, which represented students enrolled at the Laucala campus, will

henceforth be known as “The University of the South Pacific Students’ Association Laucala campus.”

### **3. Superiority**

Where there is any inconsistency between the provisions of this Constitution and any branch constitution, Federal or branch by-laws and policies, this Constitution shall prevail to the extent of the inconsistency.

### **4. Interpretation**

- 4.1 “Annual General Meeting” or “AGM” means the Annual General meetings of USPSA Federal Council;
- 4.2 “Association” and “USPSA” mean The University of the South Pacific Students’ Association established by this constitution;
- 4.3 “association” mean a student body representative of all students at a USP campus, seeking to become a branch of the USPSA.
- 4.4 “branch” means a students’ association representing students at one of the campuses of the University which is a member of the Association;
- 4.5 “By laws” means any rules as to conduct of the Association or students made by the Association;
- 4.6 “Council” or “USPSA Federal Council” means the governing body of the Association;
- 4.7 “member” means any student enrolled in the University who pays a fee to the Association;
- 4.8 “region” means all the member countries of the University as defined in the University Charter;
- 4.9 “Secretary-General” means the Secretary-General of the Association appointed under clause 10.4;
- 4.10 “student” means any full time or part-time student enrolled at the University at any of its campuses, and includes DFL students;
- 4.11 “University” means the University of the South Pacific” and includes all its campuses in the region.
- 4.12 “The USP council” or the “USP Council” means the governing body of USP.

## **PART II**

### **5. Objects**

The objects of the Association include, but are not limited to:

- 5.1 Representing the views of students, both on individual campuses, in individual countries and internationally, on matters of concern to students as students or as members of the wider community;
- 5.2 Supporting members of the Association to attain their academic and wider educational goals;
- 5.3 Encouraging participation in university education throughout the region;
- 5.4 Encouraging the formation and development of students' associations to represent students on individual campuses;
- 5.5 Co-operating with students' associations from other institutions, both nationally and internationally;
- 5.6 Appointing student members to the University Council and Senate and such other bodies of the University as requested by the University;
- 5.7 Fostering communications between students of the University through print and electronic media;
- 5.8 Promoting and upholding the general welfare of its members.
- 5.9 To Develop Strategic Plans that may complement the Strategic Plans of the University.

### **6. Powers**

- 6.1 The Association has, without limiting its general powers under this Constitution, the power to:
  - 6.1.1 Do all things it deems necessary in pursuit of the objects of the Association;
  - 6.1.2 Formulate policies and by - laws;
  - 6.1.3 Establish committees of the Association;
  - 6.1.4 Approve the Association's budget;
  - 6.1.5 Pay reasonable remuneration to employees and contractors of the Association and reasonable grants and expenses to any authorised representative or delegate of the Association;
  - 6.1.6 Approve applications by students' associations from the various University campuses to become branch members;

6.1.7 Approve the Association becoming a member of any other student organisation or join with any other association or person in pursuit of common objects.

6.1.8 Enforce its regulations Governing Student Conduct

6.1.9 Delegate powers, duties and roles.

6.2 The Association does not have the power to borrow money or to authorise any security over any property it may hold.

### **PART III**

#### **7. Members**

All students of the University who have paid the relevant student association fee are members of the Association, whether or not they are also members of a branch association.

#### **8. Branches**

8.1 The following associations are the inaugural branches of the Association:

8.1.1 The University of the South Pacific Students' Association Laucala Campus (formerly known as the University of the South Pacific Students' Association);

8.1.2 The University of the South Pacific Student Association Alafua Campus (formerly known as the University of the South Pacific Alafua Campus Student Association);

8.1.3 The University of the South Pacific Student Association Emalus Campus (formerly known as the University of the South Pacific Emalus Campus Student Association).

8.2 A student association representing all students enrolled at any other campus of the University may become a branch of the Association (USPSA).

8.3 A student association seeking to become branch of USPSA shall;

8.3.1 provide the USPSA with a copy of its constitution; and

8.3.2 provide evidence that the constitution and its Executive officers have been endorsed by the student body of that campus, by way of a meeting, election or other democratic process.

The Secretary-General may seek additional information to be satisfied that the association is representative, including liaising with the Director of that campus and other relevant persons.

8.4 The Association (USPSA) must advise the Secretary to the University Council of any proposed new branch.

8.5 The University Council may approve an amendment to Schedule 1 of the schedule of branches of the Association.

## **9. Suspension and Termination of Branches**

- 9.1 The Association, through the Federal Council, may suspend any branch which fails to participate in two consecutive AGMs.
- 9.2 The Association may also suspend any branch which has acted contrary to this Constitution or any by-laws of the Association, provided the Association is satisfied based on evidence of violation by the branch.
- 9.3 A branch which has been suspended must be given a fair opportunity to seek reinstatement to the Association.
- 9.4 When a branch is suspended, the Association may recommend to the University that the student association fees collected from students attending that campus be held by the University and, after consultation with the Association, disbursed for the benefit of the students from that campus.
- 9.5 When a branch has been suspended, the Association, with the assistance of the University, must use its best endeavours to ensure a functional and democratic association is formed or exists to represent students at that campus.
- 9.6 The membership of a branch must not be terminated unless that campus no longer exists or all reasonable attempts have been made to form a functional and representative students' association at that campus.
- 9.7 If the membership of a branch has been terminated by the University Council, it must be removed from the schedule of branches.

## **PART IV**

### **10. USPSA Federal Council**

- 10.1 The Association shall have a Council (USPSA Council) which is the governing body of the Association and is conferred the authority to exercise the powers provided under Article 6 of this Constitution.
- 10.2 The USPSA Federal Council shall comprise:
  - (a) Five members from USPSA Laucala Campus;
  - (b) One member from each of the other branches;
  - (c) The Secretary General of the Association;
  - (d) Up to 4 co-opted members appointed by the USPSA Council;
- 10.3 The members from each branch are elected or appointed according to the constitution of that branch.
- 10.4 A branch may appoint an alternate member to attend the USPSA Council meeting where the primary member is unable to attend. The alternative member must be a member of the executive of the branch concerned and must be in a position to represent that branch and to present a report on behalf of that branch. The vote of an alternate member counts as the vote of that branch.

- 10.5 The five members from USPSA Laucala Campus must exercise their votes as individuals in the best interests of USPSA, not as block members of the USPSA Laucala campus.
- 10.6 If any member ceases to be a student, is unable to continue as a member or is removed by his or her student association or this Association for misconduct, the branch which appointed him or her must appoint a replacement member.
- 10.7 The co-opted members may be appointed by the Council for terms of up to 2 years, and renewable for further terms of up to 2 years from any of the USP regional campuses.
- 10.8 Co-opted members may be past members of the Association, university employees from any of the USP regional campuses or other persons who have requisite experience to contribute to the Association.
- 10.9 The quorum for meetings of the Council is one third the current members of the Association, provided there is representation of at least two members from the Laucala campus and at least four of the other campuses are represented.
- 10.10 Executive Officers of the Council referred to in clause 11 below have voting rights
- 10.11 Members and Executive Officers of the Council must sign the Oath and Affirmation of Office form, acknowledging that they have read, understood and will comply with the USPSA Constitution, By-Laws, Policy, Procedures and Administrative Guide. (Refer to Schedule 2)

## **11. Office Bearers of the USPSA Federal Council**

- 11.1 The Council shall appoint from among its members the following Office Bearers:
  - (a) A Chairperson (Executive Officer);
  - (b) A Deputy Chairperson (Executive Officer);
  - (c) Any other Office Bearer as the Council may from time to time decide
- 11.2 In appointing Executive Officers, the Association must ensure that at least one of the Executive Officers is from the Laucala campus and must endeavour, as far as reasonably possible, to obtain a fair representation within the region and gender equity.
- 11.3 Executive Officers are appointed for 1 year, commencing from the Second AGM of the Council in any year, and finishing at the second AGM of the second year, unless they are no longer eligible to be members under clause 10.6.
- 11.4 If any Executive Officer
  - (a) Ceases to be a student, or
  - (b) Upon resignation, or
  - (c) Is removed for misconduct, or
  - (d) Is unable to continue in that role;

An alternative interim Executive Officer shall be appointed from amongst the inaugural branches (Laucala, Alafua, and Emalus) until a substantive appointment is made at the subsequent AGM. The interim Executive Officer shall not be required to relinquish his or her substantive appointment at the branch.

## **PART V**

### **12. The USPSA Federal Office**

- 12.1 The Council shall establish a Federal Office of the Association that shall be the administrative centre for the Association, to assist branch associations with compliance issues and promote and support good governance throughout the branch associations.
- 12.2 The Federal Office shall hold such powers and perform such functions as provided under this constitution and other relevant ordinances of the Association.
- 12.3 The Council shall appoint a Secretary-General who shall be responsible for:
  - (a) Organising regular meetings of the Association;
  - (b) Distributing agendas and papers for that meeting;
  - (c) Taking and keeping minutes of the USPSA Council;
  - (d) Advising the University of appointments to the University Council, Senate and other committees and other resolutions affecting the University;
  - (e) Assisting the USPSA Council in the preparation of the annual budget;
  - (f) Ensuring correspondence to and from the Association is dealt with;
  - (g) Implementing any internal or external communications of the Association.
  - (h) Recruiting employees of the Federal Office in accordance with the applicable recruitment laws and policies.
  - (i) the daily control and management of the Federal Office including supervision of inter alia the general welfare of the employees.
- 12.4 The Secretary General shall report to the Chairperson and Deputy Chairperson of the Federal Office all matters including those arising from the legitimate performance of his or her responsibilities provided under Article 12.3 herein, provided he or she is prohibited from engaging in such reporting process by relevant law and/or policy.

### **13. Standing Committees**

**The following shall be Permanent Standing Committees of the Association.**

#### **13.1 The Executive Committee**

- (a) There shall be an Executive Committee of the Association that will consist of the Chairperson as Chair, the Co-opted members, the Deputy Chairperson, Secretary General, a Member at Large;

- (b) The Executive Committee shall;
  - (i) serve as an advisory body to the Council;
  - (ii) exercise general oversight of the USPSA Federal Office; Governance and Policy matters; Strategic planning; and such other responsibilities as the Council determines from time to time;
  - (iii) Prepare a report in particular on matters pertaining to its responsibilities provided in 13.1(b)(ii) herein, which report is to be compiled by the Secretary General;
  - (iv) meet at least twice a semester either face to face or online.

### 13.2 **The Finance Committee**

- (a) There shall be a Finance Committee of the Association that will consist of the Deputy Chair as Chair; the Co-opted member Finance; the Finance Officer; the Laucala Post Graduate rep to Council.
- (b) The Finance Committee shall;
  - (i) Serve as an advisory body to the Council;
  - (ii) Exercise general oversight regarding the monitoring and regular review of the financial policies and procedures including investment and audit practices of the Association;
  - (iii) Prepare a report in particular on matters pertaining to its responsibilities provided in 13.2(b)(ii) herein, which report is to be compiled by the Finance Officer;
  - (iv) meet at least twice a semester at the appointment of the Chair.

### 13.3 **The Policy Reform Committee**

- (a) There shall be a Policy Reform Committee that will consist of the Chairperson as Chair; the Secretary General; the Co-opted members, the Council member from Emalus, and one member at large.
- (b) The Policy Review Committee shall
  - (i) serve as an advisory body to the Council on matters of policy reform;
  - (ii) sit as the Constitution Review Committee in relation to any proposed amendments to the USPSA Federal Constitution.
  - (iii) Prepare a report in particular on matters pertaining to its responsibilities provided in 13.3(b)(ii) herein, which report is to be compiled by the Secretary General;
  - (iv) Meet at least twice a year.



## **PART VI**

### **14. Meetings of the Council**

- 14.1 The USPSA Federal Council must convene at least two times a year, either by video or tele-conferencing, or in person.
- 14.2 At least once a year the Council must meet at the Laucala campus or one of the other campuses of the University to hold its Annual General Meeting.
- 14.3 Other meetings of the Council may be arranged at such times and places as determined by the Council.
- 14.4 The Annual General Meetings are the main meetings at which policy is debated, and any proposed changes to the Constitution are considered.
- 14.5 Any member of the Association is entitled to attend the AGM, but only members of the Council may vote.
- 14.6 The Council may, however, move into committee for confidential matters where necessary, and in particular when election of Council officers and appointment of University Council and Senate members takes place.
- 14.7 The Council may adopt Standing Orders that shall regulate the conduct of its meetings.
- 14.8 The Secretary to Council shall gazette all resolutions of the Council including by-laws, and relevant amendments.
- 14.9 The Secretary General shall publish the Hansard of all USPSA Federal Council Meetings, except confidential and privileged information.

### **15. Appointment of Members to University Council, Senate and other Committees**

- 15.1 The USPSA Council must, at its last scheduled meeting of the year, appoint student members of the University Council and to the Senate for the coming year.
- 15.2 Student members on the University Council may be appointed or elected from among the members of the Student Council.
- 15.3 The USPSA Council must facilitate the appointment of student members of the Senate, one being the Chairperson of the USPSA Council and one each to represent each of the three faculties. The USPSA Council may refer the selection of those members to students from those faculties.
- 15.4 The members appointed must intend to be enrolled at the University for the forthcoming year and fulfill the criteria set out in the University Statutes 12(j) and 27 and the Ordinances on the appointment of students to the Council and the Senate;
- 15.5 The Council must also appoint alternate members to attend meetings of the University Council and the Senate if that member is unable to attend any meeting.

- 15.6 In making appointments to Senate and University committees, the USPSA Federal Council must work with the University to try to ensure there is a reasonable representation of students from campuses in the region.
- 15.7 The USPSA Federal Council may appoint members to any committees of the University Council and Senate as requested by the University according to any criteria for membership of that committee. Where the committees are campus or faculty focused, the appointments may continue to be made by branch associations, or students within individual faculties or other academic units, as the case may be.
- 15.8 The Association must inform the University of the names of members and alternate members as soon as reasonably possible.
- 15.9 The students appointed as members of the University Council, Senate and any committee must ensure that they have sufficient knowledge of the interests of the students they represent, and must provide a report containing relevant information (other than any confidential material) to the Association after each meeting.
- 15.10 A student must be removed as a member of the Council or Senate if that student:
- (a) ceases to be a student; or
  - (b) resigns;
  - (c) does not attend 2 consecutive meetings of that body, without reasonable excuse; or
  - (d) fails to provide feedback to the Association on the meetings.
- 15.11 If any student representative who is a member of any working committee of the University Council or the Senate is removed by the Association, the Council must appoint a replacement member (who may be the alternate member) as soon as possible.

## **16. Student association fees**

- 16.1 Every student, enrolling to study at the University must pay the prescribed students' association fee to the University at the beginning of each semester or trimester
- 16.2 From the students' association fees it receives, the University must deduct a USPSA levy, to be paid to the USPSA Federal Office vote code.
- 16.3 The USPSA levy must be set annually by 1 December each year for the forthcoming year by the Vice-Chancellor or his or her delegate in consultation with the USPSA Council.<sup>1</sup>
- 16.4 At the same time, the Vice-Chancellor or delegate, in consultation with the Council, must set a budget for the distribution of students' association fees to the Association and to each branch;

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<sup>1</sup> To be set at \$F5 for the 2010 year.

- 16.5 The budget should reflect the numbers of full-time and part-time students enrolled at each campus, but may be adjusted to reflect special needs of individual campuses or the fact that a campus does not have a functioning association.
- 16.6 The University must hold the students' association fees in a separate bank account to be disbursed to the Association and its branches on a regular basis, as provided in the annual budget.
- 16.7 The USPSA Federal Office shall appoint auditors for the purposes of auditing accounts of the Association.
- 16.8 All audit reports of the Association shall be published and distributed to the branches.

## **17. Financial Provisions**

- 17.1 All funds of the Association must be applied towards the promotion of the objects of the Association.
- 17.2 **No funds of the Association shall be disbursed unless the Financial by-law and policies have been fully complied with.**
- 17.3 No funds may be paid to any individual member of the Association, apart from:
- (a) Authorised travel allowances for members of the Council and any other students travelling on Association business; and
  - (b) Payments to employees or persons contracted by the Association.
- 17.4 The Association through its Federal Office must have at least one bank account with a bank operating in Suva.
- 17.5 Signatories to the Federal Office bank account must be two persons, being the Secretary-General and an Executive Officer of the Association based at Laucala or, if one of those persons is unavailable, the President of the USPSA Laucala Campus. The Council may appoint one or two additional person(s), who may or may not be Executive Officers of the Association, to act as signatories if it is likely that two of the signatories will not be available for any significant period.
- 17.6 No funds may be disbursed from the Federal Office bank account without a resolution of the Council approving the expenditure.
- 17.7 From time to time the Association may implement measures to allow branches to meet certain costs of the running of the Association.
- 17.8 Branches of the Association are allowed to raise revenue in their respective campuses for their own purposes.

## **PART VIII**

### **18. Conduct of the Council Members**

- 18.1 Members of the Association must:

- (a) Act consistently with the interests of the Association;
- (b) Administer the resources of the Association in a prudent and effective manner;
- (c) Not place the Association under any obligation, financial or otherwise, without the approval of the Council;
- (d) Not speak on behalf of the Association without the approval of the Council;
- (e) Declare any conflict of interest, including but not limited to any financial interest, in any matter being dealt with by the Association, and stand aside from any decisions taken in relation to that matter;
- (f) Not use or divulge any information held by the Association without proper authorisation;
- (g) Not act in any personal way which is likely to bring the Association into disrepute.

18.2 Comply with any code of conduct, leadership code and by-laws of the Association.

18.3 Any member in breach of this provision or any Code of the Association may be removed by a resolution of the Council, or by the branch which he or she represents.

## **19. Disciplinary Committee**

19.1 There shall be a Disciplinary Committee of the Association duly appointed and constituted by the Council, to hear matters pertaining to alleged breaches of the Financial by law.

19.2 Any member of the Association found in breach of Article 17 of this Constitution by the Disciplinary Committee may:

- (a) Be fined; or
- (b) Be suspended from his or her position as an office bearer; or
- (c) Be reprimanded; or
- (d) Be suspended and fined; or

19.3 The decision of the Disciplinary Committee regarding a student may be appealed in accordance with section 5 of the Regulation regarding Student Discipline Appeals Committee.

19.4 The decision of the Disciplinary Committee regarding a non-student may be appealed to the Disciplinary Appeal Panel provided for under Article 20, herein.

## **20. Disciplinary Appeal Panel**

20.1 The Disciplinary Appeal Panel may:

- (a) Dismiss the appeal; or
- (b) Uphold the appeal; and

(c) Make the necessary orders on a case by case basis

## **PART IX**

### **21. Review and Alterations of the Constitution and By-Laws**

- 21.1 Any proposed amendment of this Constitution and By-Laws must be approved at its Annual General Meeting by a 2/3 majority of the Council;
- 21.2 The amended Constitution requires the approval of the University Council and will take effect from the date of that Ordinance.
- 21.3 The University Council must not make substantial revisions to the Constitution without first consulting the Association.

### **22. Review of this Constitution**

- 22.1 Any proposed amendment to the procedures and Official USPSA Documents must be approved by a simple majority of the Council.

## **PART X**

### **23. Transitional**

- 23.1 To appoint student members to the University Council prior to this Constitution coming into force, 1 member must be appointed by the Council of the current Laucala campus based USPSA and 1 member must be appointed to represent the interests of students at campuses other than Laucala throughout the region until the first USPSA Council meeting of 2010.
- 23.2 To appoint student members of the Senate until the first USPSA Council meeting in 2010, 4 members must be appointed by the Council of the current Laucala Campus association, one being the President or his or her nominee, and one each to represent the faculties of Arts and Law, Business and Economics, and Science, Technology and the Environment.
- 23.3 Student members of the Council and Senate must be appointed under this Constitution for the year commencing 2010.
- 23.4 The quorum for the interim meeting of the Association is at least two members from Laucala and 1 each from Emalus and Alafua.
- 23.5 Any reference to The University of the South Pacific Students' Association prior to 31 October 2009 is a reference to the association to be named The University of the South Pacific Students' Association Laucala Campus. Any assets or liabilities accrued by the association before that date are the assets or liabilities of The University of the South Pacific Students' Association Laucala Campus.

## **Schedule of Branches of the University of the South Pacific**

### **Students' Association**

The following associations are branches of The University of the South Pacific Students' Association: or in abbreviated form; USPSA.

1. The University of the South Pacific Students' Association Laucala Campus or in abbreviated form; USPSA Laucala. (Formerly known as the University of the South Pacific Students' Association);
2. The University of the South Pacific Students' Association Alafua Campus; or in abbreviated form; USPSA Alafua.
3. The University of the South Pacific Students' Association Emalus Campus; or in abbreviated form; USPSA Emalus.
4. The University of the South Pacific Students' Association Labasa Campus; or in abbreviated form; USPSA Labasa.
5. The University of the South Pacific Students' Association Lautoka Campus; or in abbreviated form; USPSA Lautoka.
6. The University of the South Pacific Students' Association Kiribati Campus; or in abbreviated form; USPSA Kiribati.
7. The University of the South Pacific Students' Association Marshall Islands Campus; or in abbreviated form; USPSA Marshall.
8. The University of the South Pacific Students' Association Nauru Campus; or in abbreviated form; USPSA Nauru.
9. The University of the South Pacific Students' Association Niue Campus; or in abbreviated form; USPSA Niue.
10. The University of the South Pacific Students' Association Solomon Islands Campus; or in abbreviated form; USPSA Solomon.
11. The University of the South Pacific Students' Association Tonga Campus; or in abbreviated form; USPSA Tonga.
12. The University of the South Pacific Students' Association Tuvalu Campus; or in abbreviated form; USPSA Tuvalu.
13. The University of the South Pacific Students' Association Cook Islands Campus; or in abbreviated form; USPSA Cook Islands.
14. The University of the South Pacific Students' Association Tokelau Campus; or in abbreviated form; USPSA Tokelau.
15. [Add new Members]

**Schedule 2 (As referred to in Clause 9.11.)**

**Oath/Affirmation of Office Form of the USPSA for Members and Executive Officers of the USPSA Federal Council**

I.....as.....(Member/Executive Officer)<sup>1</sup> Of the USPSA Federal council do solemnly swear that I have read understood and will comply with the USPSA Constitution., By-Laws, Policies, Procedures and Administrative Guide.

Signature:.....

Date:.....

Contact:.....

Witness Name (I hereby attest that the above mentioned person did sign before me) on the ..... day of .....20.....

Name:.....

Signature:.....

Phone contact:.....

Address:.....

<sup>1</sup>select one of the following