



# **OTAGO UNIVERSITY MEDICAL STUDENTS' ASSOCIATION**

## **CONSTITUTION**

Proposed Edits for SGM (16th June 2022)

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## **1. Name**

- 1.1. The name of the Association will be 'The Otago University Medical Students' Association (Incorporated)' (OUMSA).

## **2. Interpretation of Constitution**

- 2.1. The Executive Committee has the sole power to interpret this Constitution.
- 2.2. This Constitution will be interpreted in accordance with the Incorporated Societies Act 1908.
- 2.3. This Constitution will be interpreted in such a way as to confer validity rather than invalidity on actions.
- 2.4. In any matter not provided for by this Constitution or the Incorporated Societies Act 1908, the Executive Committee has the discretion to adopt appropriate procedures, bearing in mind the objectives of OUMSA.
- 2.5. 'OUSA' denotes the Otago University Students' Association (Incorporated).
- 2.6. 'NZMSA' denotes the New Zealand Medical Students' Association.
- 2.7. 'NZMA' denotes the New Zealand Medical Association.
- 2.8. 'The Medical School' denotes the Otago Medical School at the University of Otago.
- 2.9. 'The University' denotes the University of Otago.

## **3. Objects**

- 3.1. To protect and promote the interests of all Otago medical students.
- 3.2. To promote and organise such cultural, social, intellectual and educational activities as OUMSA deems fit.
- 3.3. To facilitate contact between students, the Medical School and the wider University community.
- 3.4. To foster a cooperative relationship between both the Medical School and OUSA.
- 3.5. To foster a cooperative relationship between OUMSA, NZMSA, NZMA, Wellington Health Professional Students' Association (WHPSA) and Christchurch Medical Students' Association (CMSA).

## **4. Affiliation**

- 4.1. OUMSA will be affiliated to OUSA.
- 4.2. This Constitution is subject to the Constitution and Rules of the OUSA and is void and of no effect to the extent it conflicts with the Constitution and Rules of the OUSA.
- 4.3. The Finance and Services Officer of the OUSA will at all times be entitled to inspect the books, papers and accounts of OUMSA.

## **5. Non-profit Status**

- 5.1. OUMSA is a non-profit organisation.
- 5.1.1. Members shall not be deemed to be associated for pecuniary gain merely by reason that any member of OUMSA derives pecuniary gain from OUMSA by way of salary as the servant or officer of OUMSA.
- 5.1.2. No member of the organisation or any person associated with a member shall participate in or materially influence any decision made by the organisation in respect of the payment to or on behalf of that member or associated person of any income, benefit, or advantage whatsoever
- 5.1.3. Any such income shall be reasonable and relative to that which would be paid in any arm's length transaction (being the open market value).

## **6. Powers**

OUMSA will have all powers necessary to achieve its objects, including:

- 6.1. The power to raise funds for any purpose associated with the objects of the OUMSA.
- 6.2. The power to apply the income, assets and property of OUMSA towards the promotion of OUMSA and the furtherance of the aforementioned objects.
- 6.3. The power to borrow money.
- 6.4. The power to acquire and dispose of any real or personal property.
- 6.5. The power to employ any person for any purpose associated with the objects of OUMSA and to pay reasonable remuneration to such persons.
- 6.6. The power to levy a combined OUMSA and NZMSA subscription on members at the commencement of their second year to achieve the objectives of OUMSA.
- 6.7. The Executive Committee may determine the schedules to this Constitution and the Executive Committee will determine any mechanism for determining those schedules.

## **7. Membership**

- 7.1. Membership is only open to students who:
  - 7.1.1. Are members of OUSA; and
  - 7.1.2. Are studying towards degrees of Bachelor of Medicine and Bachelor of Surgery (MBChB) including the study of a Bachelor of Medical Sciences with Honours (BMedSci(Hons)) or other academic studies approved by The Medical School and accelerated Doctorate of Philosophy (PhD)
  - 7.1.3. Are atleast, in their second year of medicine or above.
- 7.2. Such persons will become members of OUMSA on payment of the subscription at the commencement of their second year.
  - 7.2.1. Such persons upon becoming members of OUMSA will also become members of NZMA

NZMSA.

- 7.3. If a member ceases to meet the requirements in clause 7.1.2 they will cease to be a member of OUMSA, except where a student defers their course of study for a year as approved by the Associate Dean of Student Affairs, Dunedin School of Medicine
- 7.4. Any member of OUMSA may resign from OUMSA by giving written notice to the Executive Committee.
- 7.5. The Executive Committee may suspend or expel any member of OUMSA for conduct that brings OUMSA into disrepute. Suspension or expulsion must be on reasonable grounds
- 7.6. Dismissal of member, as specified by clause 7.5, will be conducted in the following manner:
  - 7.6.1 At the discretion of the President, Vice-President External and Vice-President Administrative, with consultation with the relevant executive officers, the matter can be brought to a special meeting.
  - 7.6.2 At the special meeting the member under consideration may present their case to a panel who may ask questions. The student who brought the matter forward may also choose to present information to the panel.
  - 7.6.3 Any student who is unwilling to participate in this process is still able to have their case judged by the panel
  - 7.6.4 The panel will consist of OUMSA Executive members, and others at the discretion of the President,
  - 7.6.5 Any member of the panel who has a conflict of interest due to relationships with other parties is expected to excuse themselves from proceedings.
  - 7.6.6 At the discretion of the OUMSA President, both parties may elect a member of the OUMSA Executive team to represent their case. Any Executive member who takes on this role is immediately excluded from voting on the panel.
  - 7.6.7 After the presentation of the relevant information by both parties, the panel will vote on the following:
    - Expulsion of the relevant member from OUMSA
    - Banning of the member from OUMSA events
    - Any other appropriate matter approved at the discretion of the president
  - 7.6.8 For a member to be dismissed, a minimum 2/3rd majority of votes must be for dismissal to pass.
  - 7.6.9 The votes will be collected anonymously

## **8. Sexual Misconduct**

- 8.1. OUMSA and OUMSA members will adhere to the University of Otago Sexual Misconduct Policy and the Otago University Student Association (OUSA) Sexual Misconduct Policy.
  - 8.1.1. The term sexual violation legally refers to rape and unconsensual sexual connection.
- 8.2. OUMSA aims to foster an environment that is free of sexual violation and safe for all individuals and group. To help achieve this, OUMSA will appoint a sexual misconduct officer for each executive term. The SMO will,
  - 8.2.1. Ensure OUMSA upholds the ideals stated in section 8.1
  - 8.2.2. Raise awareness of avenues for support of individuals who are experiencing or have experienced sexual violation at any time.
  - 8.2.3. Raise awareness of sexual violation and create educational opportunities for prevention of sexual violation and supporting those who have experienced sexual violation
  - 8.2.4. With the assistance of the Vice-President External, help provide disclosure training workshops for ELM and ALM Executive members and OUMSA Representatives where applicable.
- 8.3 In the event someone discloses sexual violation to an executive member, they will act as a support person.
  - 8.3.1 Disclosing individuals will be treated with respect and privacy will be ensured
  - 8.3.2 Should the disclosing individual wish for escalation, appropriate avenues Include Te Whare Tāwharau or The University's Sexual Misconduct Action Response Team (SMART).

## **9. Subscription**

- 9.1. The Executive Committee will determine the amount of the subscription.
- 9.2. Subscriptions may be partially refunded at the discretion of the OUMSA executive, only if a member ceases to satisfy clause 7.1. within the first 4 weeks of commencing their second year.

## **10. The Executive Committee**

- 10.1. Overall authority and control of OUMSA, including administrative and financial management, vests in the Executive Committee.
- 10.2. The Executive Committee is split into the ELM Executive Committee who represent the interest of ELM medical students and the ALM Executive Committee who represent Dunedin ALM medical students. Facilitated by the Gap Year Representative, both the ELM and ALM Executive Committees will work to represent those students who are undertaking BMedSci(Hons), the accelerated Doctorate of Philosophy (PhD) or any other academic

studies approved by the Otago Medical School.

- 10.3. The ELM Executive Committee consists of an ELM President, Vice President External, Treasurer, Vice President Administrative, 2nd Year Representative, 3rd Year Representative, Education Internal Officer, Education External Officer, Sponsorship Officer, ELM Welfare Officer, ELM Social Officer, ELM Sports Officer, Community Outreach Officer, Gap Year Representative, an NZMSA ELM Representative (ex officio.), Te Ao Māori Officer (with recommendation from TOKO), and Pasifika Representative (with recommendation from PIHPSA).
- 10.4. The ALM Executive Committee consists of an ALM President, ALM Vice President, ALM Welfare Officer, ALM Education Officer, ALM Social Officer, 4th/5th/6th Year Welfare Representatives, 4th/5th/6th Social Representatives, and 4th/5th/6th Education Representatives, and an NZMSA ALM Representative (ex officio).
- 10.5. The responsibilities of each Executive Committee member are determined by the schedules to this Constitution.
- 10.6. The ELM Executive Committee will meet not less than once a week during the University term as defined in the Otago University calendar. Meeting frequency will be at the discretion of the ELM President and ELM Vice President.
- 10.7. The ALM Executive Committee will meet not less than once every 3 weeks during the University term as defined in the Otago University calendar. Meeting frequency will be at the discretion of the ALM President & ALM Vice President. A quorum will constitute the ALM President, ALM Vice President and 2 Officers.
- 10.8. A member of the Executive Committee who fails to attend three consecutive meetings without apology may be dismissed by Executive Committee resolution as defined in Clause 9.11.
- 10.9. A member of the Executive Committee who routinely fails to meet responsibilities and obligations may be dismissed by Executive Committee resolution as defined in Clause 9.11.
- 10.10. A member of the Executive Committee who fails to meet the expected professional standards may be dismissed by Executive Committee resolution as defined in Clause 9.11.
- 10.11. The formal process for dismissal of members of the Executive Committee is as follows:
  - 10.11.1. Formal complaints regarding members of the Executive Committee must be lodged to either the President, Vice-President External or Vice-President Administrative where applicable, and must be supported by two other members of the Executive Committee.
  - 10.11.2. The President will chair a special meeting of the Executive Committee to discuss the aforementioned complaints and will notify the affected parties at least one week in advance.
  - 10.11.3. A representative on behalf of the complaining party may present any concerns regarding a member of the Executive Committee to the attendants of the meeting.
  - 10.11.4. The concerned party may address any complaints made by members of the Executive Committee and is entitled to the opportunity to explain themselves and their actions. The

Executive Committee may then resolve to dismiss or retain the concerned party by majority vote. A vote for dismissal will only pass if it meets quorum requirements.

10.11.5. A minimum of 60% executive members will constitute a quorum.

10.12. The Executive Committee will make decisions by Executive resolution.

10.13. The Executive Committee has the discretion to co-opt patrons and determine their role(s) on the Executive Committee.

10.14. The Vice President Administrative, or in their absence another member of the Executive Committee, will keep detailed minutes of all meetings of the Executive Committee, which will be made available to all members through the OUMSA Website.

10.15. Internal guidelines and operation of the Executive Committee will be determined by the Executive Committee and will appear as scheduled to this Constitution.

## **11. The Groups Committee**

11.1. The Groups Committee exists as a representative body of medical student interest groups to maintain and support these groups as a part of medical student culture.

11.2. The Groups Committee will be chaired by the Vice President External from the ELM Executive Committee

11.3. The Groups Committee consists of:

11.3.1. The OUMSA ELM and/or ALM Vice President(s); and At least, and where available

11.3.2. A Medical Students for Global Awareness (MSGA) Representative (ex officio); and

11.3.3. A Knitting for NICU Representative (ex officio); and

11.3.4. A Med Revue Representative (ex officio); and

11.3.5. A Teddy Bear Hospital Representative (ex officio); and

11.3.6. The Enema Editor (ex officio); and

11.3.7. Any other group representative that the Vice President External deems appropriate

11.4. Any member of the Executive Committee may attend any meeting of the Groups Committee

11.5. The Groups Committee is subject to and bound by Executive Committee resolution

11.6. Internal guidelines and operation of the Groups Committee will be determined by the Groups Committee and will appear as schedules to this Constitution

## **12. The Equity Committee**

12.1. The Equity Committee exists as a representative body of medical student cultural and interest groups to consult on issues regarding medical students at the University of Otago.

12.2. The Equity Committee will be chaired by the Vice President External from the ELM Executive Committee

12.3. The Equity Committee consists of:

12.3.1. The OUMSA ELM and/or ALM Vice President(s); and At least, and where available



- 12.3.2. A Maori Representative (ex officio); and
- 12.3.3. A Rural (Matagouri) Representative (ex officio); and
- 12.3.4. A Pacific Islanders' Representative (ex officio); and
- 12.3.5. A Medical Students for Global Awareness (MSGA) Representative (ex officio); and
- 12.3.6. The Rainbow Representative (ex officio); and
- 12.3.7. Any other representative that the Vice President External deems appropriate.
- 12.4. Any member of the Executive Committee may attend any meeting of the Groups Committee
- 12.5. The Equity Committee is subject to and bound by Executive Committee resolution
- 12.5.1. *For any resolution affecting the existence or actions of the equity committee, at least  $\frac{2}{3}$  of the committee members must be present at the meeting and their votes are to be counted toward executive resolution.*
- 12.6. Internal guidelines and operation of the Equity Committee will be determined by the Equity Committee and will appear as scheduled to this Constitution.

### **13. The Education Committee**

- 13.1. OUMSA advocacy, academic and intellectual issues vest in the Education Committee.
- 13.2. The Education Committee consists of the Education Officer External, Education Officer Internal, Second-Year Education Representatives (3), Third-Year Education Representatives (3), and co-opt as outlined in clauses 12.3, 12.4 and 12.5.
- 13.2.1. Elections for Second-Year and Third-Year Education Representatives are to be held as early in the first semester of the University calendar as the OUMSA Executive Committee deems appropriate.
- 13.3. The Education Committee may co-opt fourth, fifth and sixth year representatives
- 13.4. The Education Committee has discretion to co-opt as many other students as it deems appropriate
- 13.5. The Education Committee has a discretion to co-opt patrons and determine their role(s) on the Education Committee
- 13.6. The Education Committee is chaired by the Education External Officer, or by a member as delegated by the Education External Officer
- 13.7. The Education Committee is subject to and bound by OUMSA Executive Committee resolution.
- 13.8. Internal guidelines and operation of the Education Committee will be determined by the Education Committee and will appear as scheduled to this Constitution.

### **14. The Welfare Committee**

- 14.1. OUMSA welfare organisation, initiatives and advocacy vests in the Welfare Committee.
- 14.2. The Welfare Committee consists of the Welfare Officer, and at least, and where available a

Māori Representative, Pacific Island Representative, Rural Representative, International Representative, Rainbow representative and a Second-Year Representative.

- 14.2.1. Members of the Welfare Committee will be elected either ex officio from their respective groups or co-opted by the Welfare Officer at the beginning of the calendar year.
- 14.3. The Welfare Committee will be chaired by the Welfare Officer.
- 14.4. The Welfare Committee has discretion to co-opt as many other students as it deems appropriate
- 14.5. The Welfare Committee is subject to and bound by OUMSA Executive Committee resolution.
- 14.6. Internal guidelines and operation of the Welfare Committee will be determined by the Welfare Committee and will appear as scheduled to this Constitution.

### **15. Project Coordinators**

- 15.1. OUMSA Executive may appoint Project Coordinators to coordinate any large project the association wishes to pursue during the year.
- 15.2. Project Coordinators are subject to and bound by OUMSA Executive Committee Resolution.
- 15.3. Internal guidelines and operation of Project Coordinators will be determined by the OUMSA Executive and will appear as scheduled to this Constitution.

### **16. The ALM Committee**

- 16.1. OUMSA ALM organisation, initiatives and advocacy vests in the ALM Committee.
- 16.2. The ALM Committee is chaired by the ALM President and consists of 4<sup>th</sup>/5<sup>th</sup>/6<sup>th</sup> Social/Welfare/Education Representatives, ALM Welfare Officer, ALM Education Officer, ALM Social Officer and the NZMSA ALM Representative (ex officio) .
- 16.3. The ELM President or proxy shall be allowed to attend any meeting called for any purpose, with voting rights.

### **17. Election of the Executive Committee**

- 17.1. Election to positions on the Executive Committee for the following year will take place at a time and place determined by the Executive Committee except for;
  - 17.1.1. Those positions elected ex officio; and
  - 17.1.2. Any Second Year Representative positions will have separate elections as early in the first semester of the University calendar as the OUMSA Executive Committee deems appropriate.
- 17.2. The Executive Committee will open nominations not less than fourteen days before the Election period. The Executive Committee must give notice of nominations and the election at the time at which nominations are opened by placing a notice wherever the Executive Committee finds appropriate
  - 17.2.1. It will be the responsibility of the Vice President Administrative to advertise the nominations

and election as widely as is reasonable and appropriate.

- 17.3. All OUMSA members are eligible for nomination to the Executive Committee, except:
  - 17.3.1. Year-specific representative positions, in which case nomination will be restricted to that year group.
  - 17.3.2. All ex officio positions.
- 17.4. Voting will take place by closed ballot. The Executive Committee will set a time within which voting may take place, bearing in mind the need to encourage the widest possible participation by those eligible to vote.
  - 17.4.1. The Executive Committee will set a time within which voting may take place, bearing in mind the need to encourage the widest possible participation by those eligible to vote.
- 17.5. All medical students may vote in elections and by-elections.
- 17.6. The Executive Committee may set further rules for the conduct of the election insofar as those rules do not conflict with this Constitution and bearing in mind the need to encourage the widest possible participation by those eligible to vote.

## **18. General Meetings**

- 18.1. OUMSA will hold an Annual General Meeting in the second semester of each calendar year.
- 18.2. The Annual General Meeting will deal with the following business:
  - 18.2.1. Presentation of annual financial statements by the Treasurer; and
  - 18.2.2. Presentation of reports from all Executive Committee members; and
  - 18.2.3. Ratification of election results; and
  - 18.2.4. Any other resolution put to the meeting.
- 18.3. The Executive Committee may call General Meetings as necessary to conduct the business of OUMSA.
- 18.4. Special General Meetings may be called by the ELM or ALM President. If ten or more members of OUMSA request a meeting, the ELM and ALM President will be obliged to call a Special General Meeting within a reasonable time.
- 18.5. The Executive Committee must give fourteen days notice of a General Meeting placing a notice wherever it deems appropriate.
- 18.6. Forty members of OUMSA will constitute a quorum at General Meetings.
- 18.7. Only members of OUMSA may vote at General Meetings, except in the case of an election or by-election, in which all medical students may vote.
- 18.8. Voting at General Meetings will be by show of hands, except in the case of an election, which will be conducted by closed ballot.
- 18.9. The ELM or ALM President will act as chairperson of all General Meetings. In the absence of the ELM or ALM President, another member of the Executive Committee will be appointed as chairperson.

- 18.10. The Vice President Administrative, or in their absence another member of the Executive Committee, will keep detailed minutes of all General Meetings.
- 18.11. The Executive Committee may set further rules for the conduct of general meetings, which will appear as schedules to this Constitution.

## **19. Finances**

- 19.1. The control of OUMSA's funds will vest in the Executive Committee.
- 19.2. Management of funds will be the function of the Treasurer.
  - 19.2.1. The Treasurer will keep proper accounts of all financial transactions entered into by OUMSA. The Treasurer will present annual financial statements to the Annual General Meeting.
- 19.3. All financial transactions of OUMSA will be signed by the Treasurer and either the ELM President, ELM Vice President Administrative, ALM President or ALM Vice President.
- 19.4. The financial year of OUMSA is deemed to commence on the 1st of January and end on the 31st of December each year.
- 19.5. Where the Executive Committee considers it appropriate for the achievement of the OUMSA's objects, it may authorise the investing of money by OUMSA.
- 19.6. Where the Executive Committee considers it appropriate for the achievement of OUMSA's objectives, it may authorise the borrowing of money by OUMSA.
  - 19.6.1. Not more than \$10,000 may be borrowed unless a motion is passed at a General Meeting authorising the borrowing.

## **20. Common Seal**

- 20.1. OUMSA will have a common seal, which will be kept in a place of safety by the Vice President Administrative.
- 20.2. The common seal will only be affixed to a document pursuant to a resolution of the Executive Committee, and will be attested by the signatures of two members of the Executive Committee.
- 20.3. The common seal will be affixed to all contracts and documents containing significant financial obligations incurred by OUMSA.

## **21. Amendment of Rules**

- 21.1. This Constitution may be altered, added to, or rescinded at any General Meeting of OUMSA provided that notice of the proposed amendment has been given fourteen days prior to the General Meeting though no addition to or alteration of the non-profit aims, personal benefit clause or the winding-up clause shall be approved without the approval of Inland Revenue
- 21.2. A resolution altering, adding to, or rescinding this Constitution must be passed by a two-thirds majority of those present and voting.

## **22. Substantial Compliance**

- 22.1. If this Constitution is breached, the General Meeting may, by a two-thirds majority, validate the breach, provided that the General Meeting is satisfied that:
  - 22.1.1. There has been substantial compliance with this Constitution; and
  - 22.1.2. The breach has not materially affected and will not materially affect the rights or interests of any person or affiliated body; and
  - 22.1.3. The breach was not committed in bad faith; and
  - 22.1.4. The breach resulted in a benefit to OUMSA and its members; and
  - 22.1.5. The breach did not breach the objects of OUMSA

## **23. Dissolution**

- 23.1. OUMSA may be dissolved at a meeting called for that purpose. A resolution dissolving OUMSA must be passed by a two-thirds majority of the members present and voting.
- 23.2. When a resolution is passed to dissolve OUMSA, a further meeting will be called at least thirty days thereafter at which the resolution must be confirmed by a two-thirds majority of those present and voting.
- 23.3. In the event of the winding-up or dissolution of OUMSA, all the real and personal property of OUMSA, after payment of all costs, debts and liabilities of OUMSA, will vest in the OUSA upon trust until a body with similar objectives is formed.