

Constitution of the  
Medical Students Association  
of the University of Notre Dame Australia

proposed update as per the Constitution Working Party of 2006,



**MSaND**

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M E D I C A L  
student association  
Notre Dame

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As in force on: **not yet enforced**

**Passed at AGM: not yet passed**

## Constitution of MSAND

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## Constitution of MSAND

### *Preamble*

MSAND is the peak representative body of the Medical Students of Notre Dame, Fremantle. It is our student voice - independent, measured, inclusive, pragmatic, and forgiving. When we stand united, it provides a vehicle to channel our strength and activities. May we do it, and ourselves, justice.

*Part 1: MSAND*

**1. Name of Association**

- 1.1. The name of the association is the: “Medical Students Association of Notre Dame, MSAND”.

**2. Definitions**

- 2.1. In this constitution, unless the contrary intention appears:  
“**Absolute Majority**” means a majority of all the members of the body concerned regardless of the number attending the meeting of the body

“**Annual General Election**” means the annual election of the Committee Members.

“**Annual General Meeting**” means the Annual General Meeting held in the second half of the normal academic year;

“**Chairperson**” means-

- (a) in relation to the proceedings at a general meeting, the person presiding at the general meeting in accordance with section 37; or
- (b) in relation to the proceedings at an MSAND Committee Meeting, the person presiding at the Committee Meeting in accordance with section 18;

“**Committee**” and “**MSAND Committee**” means the membership of the Committee, which is comprised of the Executive and the Committee Chairs;

“**Committee Chairs**” means the positions of the Committee that does not include the Executive. These are the Social Justice Chair, Sponsorship Chair, Social Chair, Education Chair, Rural Chair, AMSA Representative, and each Year Representative.

“**Committee Meeting**” means a monthly meeting for the dispatch of business of the Committee;

“**Committee Member**” means a member of the Committee.

“**Constitution**” refers to this document and all sections of it contained herein, known as “The Constitution of MSAND of the University of Notre Dame Australia” and constitutes the rules of MSAND.

“**Days**” means any 24 hour period reckoned from and to midnight and includes Public Holidays, University Holidays and weekends.

“**Dues**” means an amount of money to be paid by each member in order to achieve financial member status.

“**Election Tribunal**” means the Notre Dame Student Association body appointed by MSAND to conduct MSAND elections.

“**Executive**” means the executive body of MSAND referred to in section 15;

“**Financial Year**” means each period of commencing 1 July and ending on 30 June in the following year;

“**Fremantle Campus**” means the Campus of the University located in Fremantle, Western Australia;

“**General Meeting**” means a meeting convened under section 38;

“**Member**” means a member of MSAND;

“**MSAND**” means the “Medical Students Association of Notre Dame, Fremantle”

“**Ordinary Resolution**” means a resolution other than a special resolution;

“**Person**” means any natural person and includes a person who is not an MSAND member;

“**Poll**” means voting conducted in written or electronic form;

“**President**” means the President of MSAND referred to in section 24;

“**Referendum**” a vote by the student body on a single question or measure proposed by MSAND or by student body initiative.

“**School of Medicine**” (**SoM**) means the School of Medicine at the University of Notre Dame, Fremantle campus.

“**Secretary**” means MSAND Secretary referred to in section 26;

“**Simple Majority**” means more than fifty per cent of members with voting rights, attending the meeting;

“**Special Resolution**” is a resolution passed by a majority of not less than two-thirds of the members of MSAND present at the meeting, who are entitled under the constitution of MSAND to vote.

“**Student**” means a person enrolled in the School of Medicine at the University of Notre Dame, Fremantle campus;

“**Student Body**” means all students enrolled at the School of Medicine at the University of Notre Dame, Fremantle campus;

“**Teaching Day**” means a day as defined above which is officially designated by the SoM as a day when classes are scheduled. The following are specifically excluded from the definition:

- (a) any day which falls outside a semester designated by the SoM;
- (b) Public Holidays observed by the SoM;
- (c) days designated by the SoM as non teaching Days; and
- (d) days designated by the SoM as formal examination periods.

“**Treasurer**” means MSAND Treasurer referred to in section 27;

“**University**” means The University of Notre Dame Australia;

“**Vice-President**” means the MSAND Vice-President referred to in section 25;

“**Week**” means any seven day period reckoned from and to Sunday midnight.

### **3. Interpretation**

#### **3.1. Where in this constitution-**

- i. the word "may" is used in conferring a power such word shall be interpreted to imply that the power so conferred may be exercised or not at discretion, and where in a section the word "shall" is used in conferring a power such word shall be interpreted to mean that the power so conferred must be exercised.
- ii. a power or a duty to make appointments to an office or position is imposed on a person or body, unless the contrary intention appears, the power includes a power to remove or suspend a person appointed and to appoint another person temporarily in the place of the person suspended or in place of a sick or absent holder of the office or position.
- iii. the word “section” is used it refers to a section of this constitution unless its context proves it to relate to a section of a specified statute.
- iv. the word “subsection” is used it refers to-
  - a) the subsection of the section to which the word was used; or
  - b) the subsection of a section that is specified in context of the use of the word.

3.2. Whenever in the constitution it is provided that appointment shall be made at a specific meeting of MSAND Committee and such appointment is not made, for whatever reason, the appointment shall be made at the earliest next meeting.

3.3. In this constitution unless the context otherwise requires each in the singular number is to be construed as including the plural number.

**4. Objects of MSAND**

- 4.1. The objects of MSAND, a non-profit organization, shall be to
- i. promote the well being and interests of the students;
  - ii. further the common interests of students;
  - iii. provide for and encourage communication among students
  - iv. provide extra-curricular activities for the general well-being of students;
  - v. represent students whenever such representation is necessary or desirable, and to provide a recognised means of communication between the students and the School of Medicine, University authorities and other relevant bodies;
  - vi. assist and co-operate with any body or organisation having kindred aims;
  - vii. provide, conduct or manage educational, cultural, sporting, welfare, recreational or commercial facilities or activities intended for the benefit directly or indirectly, of students and,
  - viii. reach beyond the University boundaries and contribute effectively to the wider community
- 4.2. The property and income of MSAND shall be applied solely towards the promotion of the objects of MSAND and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members, except in good faith in the promotion of those objects, and in accordance with this constitution.

**5. Powers of MSAND**

- 5.1. The powers conferred on MSAND are such that MSAND in accordance with the constitution may do all things necessary or convenient for carrying out its objects and purposes, and in particular, may –
- i. operate banking accounts;
  - ii. transact such financial business as may be necessary to carry out the objects of MSAND, in a manner authorised by this constitution;
  - iii. affiliate with any kindred association
  - iv. raise money for any of the objects of MSAND;
  - v. appoint agents to transact any business of MSAND on its behalf;
  - vi. enter into contracts;
  - vii. provide for representation of MSAND and its members in cultural, sporting and social activities; and
  - viii. take such actions as reasonably necessary in the performance of its obligations

**6. Discrimination**

- 6.1. No person in the student body shall be discriminated against by MSAND on the basis of race, sex, religion, political beliefs, physical disability, age or financial status.

**7. Employment as a conflict of interest**

- 7.1. No MSAND Committee member shall be paid monies by sponsors or potential sponsors during their period of office.

*Part 2: Membership*

**8. Qualifications for membership of MSAND**

- 8.1. Comprise eligible students that have registered with MSAND, and agreed to the full terms of membership.
- 8.2. Ordinary members that have paid dues for the relevant period shall be deemed “financial members.” Only ordinary members may be financial members.
- 8.3. The amount, frequency and payment procedures for dues shall be determined annually by the Committee.
- 8.4. The following persons or classes of persons shall not be eligible to be members
  - i. persons who are not students; and
  - ii. such persons and classes of persons as MSAND Committee declares to be ineligible for membership of MSAND in accordance with this constitution.
- 8.5. A member shall cease to be a member when:
  - i. he or she ceases to be a student;
  - ii. he or she resigns from MSAND under section 11;
  - iii. he or she becomes ineligible to be a member; or
  - iv. he or she is expelled from MSAND in accordance with section 12.
- 8.6. A financial member shall cease to be a financial member when he or she has not paid dues for the relevant period. Cessation of financial member status is not grounds for termination of ordinary membership.

**9. Member entitlements**

- 9.1. All members of MSAND shall be entitled to all the rights and privileges and shall observe the duties and obligations specified in this constitution.
- 9.2. A financial member shall be entitled to such financial benefits as are determined by the Committee from time to time at its discretion in addition to all rights and privileges of ordinary membership.
- 9.3. The rights and privileges of MSAND members include the benefits obtained by MSAND in pursuit of its objects.

**10. Register of Members of MSAND**

- 10.1. The Secretary, on behalf of MSAND, must keep and maintaining in an up to date condition a register of the members of MSAND.
- 10.2. The register may be made available to a Committee Member at the discretion of the executive, in a manner that ensures adequate privacy.

**11. Resignation of members of MSAND**

- 11.1. A member may resign from MSAND by giving a written notice of resignation to the secretary.

- 11.2. The resignation takes effect on:
- i. The day and at the time the notice is received by the secretary; or
  - ii. If a later date is stated in the notice, the later day.
- 12. Suspension or expulsion of members of MSAND.**
- 12.1. Should the MSAND Committee consider that a member be suspended or expelled from membership because his or her conduct is detrimental to the interests of MSAND, the Committee shall communicate in writing, to the member not less than 30 Days before the date of the Committee Meeting referred to in this section:
- i. notice of the proposed suspension or expulsion and of the time, date and place of the Committee Meeting at which the question of that suspension or expulsion will be decided; and
  - ii. particulars of that conduct,
- 12.2. At the Committee Meeting referred to under section 12.1, the Committee will present the case of the proposed suspension or expulsion. The proposed suspension or expulsion shall be cast to secret ballot, to be counted by the chairperson. The vote is determined by two-thirds majority.
- i. The result of the Committee Meeting shall be communicated in writing to the member concerned. Suspension or expulsion takes effect upon receipt of the notice to the member.
- 13. Appealing Suspension or Expulsion**
- 13.1. A member who is suspended or expelled under section 12 from membership of MSAND must, if he or she wishes to appeal against that suspension or expulsion, give notice to the Secretary of his or her intention to do so.
- 13.2. When notice is given for an appeal under section 13.1:
- i. MSAND in a general meeting must either confirm or set aside the decision of the Committee to suspend or expel the member, after having afforded the member who gave that notice a reasonable opportunity to be heard by, or to make representations in writing to, MSAND in the general meeting, and
  - ii. the member who gave that notice is not suspended or does not cease to be a member unless and until the decision of the Committee to expel him or her is confirmed under this subsection,
  - iii. At the general meeting, the motion to confirm suspension or expulsion shall be cast by secret ballot, to be counted by the chairperson. The vote is determined by two-thirds majority.

*Part 3: Governing Structure*

**14. Governing Bodies**

- 14.1. Subject to this constitution, MSAND shall be governed by the MSAND Committee.

**15. MSAND Committee**

- 15.1. The affairs of MSAND shall be managed by MSAND Committee consisting of the Executive and the following Committee Chairs:

- i. Social Justice Chair
- ii. Social Chair
- iii. Sponsorship
- iv. Education Chair;
- v. Rural Chair;
- vi. Australian Medical Students Association (“AMSA”) Representative; and
- vii. Each Year Representative.

- 15.2. All MSAND Committee Members are elected under the provisions of this constitution.

- 15.3. The non-Executive roles within the Committee may be modified by simple majority of the membership at any general meeting.

**16. The Executive of MSAND**

- 16.1. The Executive of MSAND will consist of :
- i. the President;
  - ii. the Vice-President;
  - iii. the Secretary; and
  - iv. the Treasurer.

**17. Authority of MSAND Committee**

- 17.1. The MSAND Committee has the power and authority to manage and control the affairs, concerns and property of MSAND and may act in all matters concerning MSAND in such manner as to promote the interests of MSAND.

- 17.2. Subject to and without limiting the application of sections 17.1, MSAND Committee shall have the following specific functions:

- i. to represent students in public ceremonies and functions;
- ii. to liaise with other universities and bodies external to the University on matters of interest to the students;
- iii. to represent the student body in liaising with the University staff members;
- iv. to be responsible for the management , content and publication of any MSAND publications;
- v. create Committees;
- vi. to raise funds and seek sponsorships for MSAND.

**18. Chairperson of an MSAND Committee**

- 18.1. The chairperson of an MSAND Committee shall be MSAND President, and subject to this rule, the President must preside at all MSAND Committee Meetings.
- 18.2. In the absence of the President, the Vice President shall be the chairperson at MSAND Committee Meetings.
- 18.3. A Committee Member elected by the other Committee Members present at the Committee Meeting, shall preside at the Committee Meeting in the event of the absence from a Committee Meeting of both the President and the Vice-President.

**19. Proceedings of MSAND Committee**

- 19.1. The Committee shall meet together for the dispatch of business not less than once every month in the academic calendar.
- 19.2. An ordinary member may attend a Committee Meeting, by applying in writing to the secretary no less than 24 hours prior to the commencement of the meeting.
- 19.3. The President, or at least half the members of the Committee may at any time convene a meeting of the Committee subject to the provisions of this section 18.
- 19.4. Notice of meetings must be given to members of the Committee at least 48 hours prior to the meeting either-
  - i. in writing
  - ii. by telephone;
  - iii. via email; or
  - iv. in person.
- 19.5. The Secretary shall prepare and distribute an agenda to all members of MSAND Committee at least 12 hours prior to the commencement of a meeting in any of the following ways-
  - i. in writing
  - ii. by telephone;
  - iii. via email; or
  - iv. in person.
- 19.6. Any member of MSAND may submit an item to be put on the agenda provided that such agenda items must be submitted to the secretary at least 48 hours prior to the commencement of a Committee Meeting.
- 19.7. Each Committee Member has a deliberative vote.
- 19.8. An objection to a motion arising at a Committee Meeting shall be decided by a majority of votes, but, if there is no majority, the person presiding at the Committee Meeting will have a casting vote in addition to his or her deliberative vote.
- 19.9. Subject to this constitution, the Committee Members present at the Committee Meeting shall determine the procedure and order of business to be followed at Committee Meetings.
- 19.10. At a Committee Meeting, quorum is achieved when at least half of the Committee are present, including either the President or Vice-President.
- 19.11. Any member who has any direct or indirect pecuniary interest in a decision, or proposed decision of MSAND, shall as soon as he or she becomes aware of that interest, disclose the nature and extent of his or her interest to the Committee

- 19.12. The Committee shall vote if this conflict of interest shall preclude the member from participation in deliberations. The vote shall be determined by simple majority.
- 19.13. The secretary must cause every disclosure made under section 19.11 by a member to be recorded in the minutes of the meeting.

**20. Minutes of Committee Meetings**

- 20.1. The secretary must cause proper minutes of all proceedings of all Committee Meetings to be taken and then to be properly documented within 7 Days of that meeting.
- 20.2. Minutes must be distributed to all members of MSAND Committee at least 48 hours prior to the commencement of the next MSAND Committee Meeting, and in the case of a general meeting distribution shall occur to all members within 7 Days following conclusion of that general meeting.
- 20.3. Minutes must be checked and confirmed at the next MSAND Committee Meeting by the members who were present at the relevant meeting and the President must approve the minutes as a correct record.
- 20.4. Following approval by the President, the minutes must be made available to all members of MSAND.

**21. Resignation or Removal from office of Committee Members**

- 21.1. A member of MSAND Committee who wishes to resign from the Committee must submit their resignation in writing to the President, except that where the Committee Member wishing to resign is the President, he or she must submit their resignation in writing to the Vice-President.
- 21.2. The resignation takes effect-
  - i. two weeks after the day and time the notice is received by the President (or Vice President as the case may be); or
  - ii. if a later date is specified in the notice, on the later date.
- 21.3. Any member of the MSAND Committee who acts in such a way as to be antagonistic towards the purpose of MSAND may be assessed by the Committee as liable to removal from the MSAND Committee. The committee must produce a formal document stipulating the violations of the member deemed to be antagonistic.
- 21.4. A Committee Member liable to removal will be issued with a letter from the President stipulating the violation(s) antagonistic to the purposes of MSAND, and calling upon the Committee Member to show cause why he or she should not be removed from office at a meeting of MSAND Committee, except that where the Committee Member liable to removal is the President, the Vice President shall issue such a letter.
- 21.5. The meeting of MSAND Committee referred to in section 21.4 shall be convened no less than two weeks after the letter has been issued to the Committee Member.
- 21.6. At the meeting referred to in section 21.4, the member shall be given a full and fair opportunity to show cause why he or she should not be removed from office, and only after that opportunity has been provided will the Committee vote on the

issue. This vote shall be undertaken by secret ballot, and determined by two thirds majority.

**22. Casual vacancies in membership of MSAND Committee**

- 22.1. A casual vacancy occurs in the office of a Committee Member and that office becomes vacant if the Committee Member-
- i. dies;
  - ii. resigns following the procedure outlined in Section 21.1 and 21.2;
  - iii. is permanently incapacitated by mental or physical ill-health;
  - iv. is absent from more than
    - a) 3 consecutive Committee Meetings
    - b) 3 Committee Meetings in the same financial year, of which he or she has received notice without tendering an apology to the person presiding at each of those Committee Meetings;
  - v. without leave being granted by the Committee;
    - a) ceases to be a member of MSAND;
    - b) ceases to satisfy the qualifications for candidates contained in section 48.1 or
    - c) is removed from office under the procedures outlined in section 21.

**23. Purpose of the Executive**

- 23.1. The Executive shall determine any matters referred to it by MSAND Committee and any matters that cannot be reasonably deferred until the following meeting of MSAND Committee.
- 23.2. The Executive shall meet at such times and places as the President may decide.

**24. Interim Policy**

- 24.1. The Executive may determine an interim policy where no policy of MSAND Committee exists.
- 24.2. An interim policy as referred to in section 24 will automatically lapse upon the day of the following **MSAND** Committee Meeting unless specifically ratified by that meeting of MSAND Committee.

**25. MSAND President**

- 25.1. The President of MSAND shall-
- i. be known as the “**MSAND** President”;
  - ii. be elected by the student body
  - iii. serve a one year term beginning on the date of the Annual General Meeting held after the General Election and ceasing on the date of the Annual General Meeting in the following year.
- 25.2. The President shall-
- i. direct, co-ordinate and supervise the work of the other elected and appointed office bearers of the Committee, and
  - ii. direct the activities and manage the affairs of MSAND.
  - iii. Provide a Presidents report at the AGM

- 25.3. Failure to adhere to constitutional duties shall constitute grounds for removal from office and/or MSAND Committee by the proceedings outlined in section 21.

**26. MSAND Vice-President**

- 26.1. The Vice-President of MSAND shall-
- i. be known as the “MSAND Vice-President”;
  - ii. be elected by the student body in accordance the provisions of this constitution;
  - iii. serve a one year term beginning on the date of the Annual General Meeting held after the General Election and ceasing on the date of the Annual General Meeting in the following year.
- 26.2. The Vice President shall
- i. assist the President in the performance of the presidential duties as prescribed in section 25;
  - ii. perform duties related to sponsorship
    - a) Maintain MSAND sponsorship prospectus
    - b) Initiate and develop relationships with current and potential sponsors
    - c) Work with the Treasurer to ensure the correct management of sponsorship monies.
    - d) To adhere to the MSAND sponsorship policy
  - iii. in the event of a vacancy in the office of President assume the role of the President until a new president is elected by a majority vote of MSAND Committee at the next MSAND Committee Meeting;
  - iv. if unable to assume the role of President, appoint another MSAND Committee Member as temporary President until the next MSAND Committee Meeting.
  - v. Full-fill any of the Presidential responsibilities in the event of the Presidents absence
- 26.3. Failure to adhere to constitutional duties shall constitute grounds for removal from office and/or MSAND Committee.

**27. Secretary**

- 27.1. The Secretary shall
- i. be known as the “MSAND Secretary”;
  - ii. be elected by the student body in accordance the provisions of this constitution;
  - iii. serve a one year term beginning on the date of the Annual General Meeting held after the General Election and ceasing on the date of the Annual General Meeting in the following year.
- 27.2. The Secretary shall-
- i. co-ordinate the correspondence of MSAND;
  - ii. keep full and correct minutes of the proceedings of MSAND Committee;
  - iii. on behalf of MSAND –
    - a) keep and maintain in an up to date condition a register of the members of MSAND;

- b) keep and maintain in an up to date condition the constitution of MSAND; and
  - c) maintain a record of the names and residential or postal addresses of the persons who hold the offices of MSAND Committee provided for by the constitution of MSAND
  - d) have custody of all books, documents, records and registers of MSAND, other than those required by section 28 to be kept and maintained by the Treasurer;
  - e) be responsible for communication within MSAND
  - f) be able to delegate responsibilities from the preceding subsections to a member of the Committee;
  - g) perform such other duties as are imposed by this constitution on the Secretary.
- 27.3. Failure to adhere to constitutional duties shall constitute grounds for removal from office and/or MSAND Committee.

**28. Treasurer**

- 28.1. The Treasurer shall-
- i. be known as the “MSAND Treasurer”;
  - ii. be elected by the student body in accordance the provisions of this constitution;
  - iii. serve a one year term beginning on the date of the Annual General Meeting held after the General Election and ceasing on the date of the Annual General Meeting in the following year.
- 28.2. The Treasurer shall
- i. be responsible for the receipt of all moneys paid to or received by, or by him on behalf of, MSAND and shall issue receipts for those moneys in the name of MSAND;
  - ii. pay all moneys referred to in paragraph (i) into such account or accounts of MSAND as the Committee may direct;
  - iii. make payments from the funds of MSAND with the authority of the Committee and in so doing ensure that all cheques are signed by himself or herself and at least one other authorised Committee Member, or by any two others as are authorised by the Committee;
  - iv. on behalf of MSAND –
    - a) maintain accounting records as to correctly record and explain the financial transactions and financial position of MSAND;
    - b) keep its accounting records in such manner as will enable true and fair accounts of MSAND to be prepared; and
    - c) keep its accounting records in such manner as will enable true and fair accounts of MSAND to be conveniently and properly audited.
    - d) submit to its members at each Annual General Meeting of MSAND accounts showing the financial position of MSAND at the end of the immediately preceding financial year.

- v. whenever directed to do so by the President, submit to the Committee a report, balance sheet or financial statement in accordance with that direction;
  - vi. have custody of all securities, books and documents of a financial nature and accounting records of MSAND;
  - vii. have the power to nominate two assistants from MSAND Committee to assist in maintaining the funds of MSAND; and
  - viii. perform such other duties as are imposed by this constitution on the Treasurer.
- 28.3. Failure to adhere to constitutional duties shall constitute grounds for removal from office and/or MSAND Committee.

**29. Social Chair**

- 29.1. The responsibility of the **Social Chair** is to
- i. Initiate and organize ea range of activities outside of contact hours to promote and foster a sense of belonging/family/community between MSAND members as well as the wider Fremantle/Perth society
  - ii. Prepare an events calendar.
  - iii. In liaison with the Treasurer, develop a social budget.

**30. Education Chair**

- 30.1. The responsibility of the **Education Chair** is to:
- i. Work within the university to provide educational support and address educational needs as requested by the student body.
  - ii. Act as Representative (or appoint another medical student) for MSAND on Committees such as the Admissions Committee, the Assessment Committee, the Curtin liaison for years 1 & 2, and other educational Committees across all years 1,2,3,& 4 that would require Medical School representation.

**31. Rural Chair**

- 31.1. The responsibility of the **Rural and Multicultural Affairs Chair** is to
- i. Promote rural and indigenous and awareness and affairs at Notre Dame Medical School.
  - ii. Serve as a liaison between the student body and any other significant groups involved in rural health.
  - iii. Provide information or direction when requested regarding rural scholarship schemes and educational supplements where available.

**32. AMSA Representative**

- 32.1. The responsibility of the **AMSA Representative** is to:
- i. Act as a conduit for medico-political issues between AMSA and MSAND
  - ii. To promote AMSA and its initiatives
  - iii. Forwarding AMSA publications to members as well as encourage students contribution to the publications;

- iv. Prepare reports for AMSA council meetings, attend AMSA meetings and communicate any relevant AMSA issues and actions with the MSAND Committee prior to said meetings

**33. Social Justice**

- 33.1. The responsibility of the **Social Justice Chair** is to:
  - i. To foster and develop participation in social justice initiatives within the student community, and the broader general community.
  - ii. Work with the Social chair to create, conduct, and oversee an assortment of activities to promote social justice.

**34. Year Representatives**

- 34.1. To represent the interests of each year group to the MSAND council and academic staff of the School of Medicine.
- 34.2. To liaise with the Committee Chairs to ensure adequate involvement in activities, policies and decisions affecting their year group
- 34.3. Third year Representatives are to specifically address the issues of third year students during their first clinical year.

**35. I.T Officer**

- 35.1. The IT officer is responsible for the contents, maintenance, and development of the official website of MSAND. The IT Officer should take reasonable steps to manage the content to the standards expected by the student body and academic staff.

**36. Junior IT Officer**

- 36.1. The junior IT officer is to assist the IT officer.

**37. Publications**

- 37.1. The Publications officer is responsible for the content, development and distribution of all publications of MSAND.

*Part 4: General Meetings*

**38. Chairperson of a General Meeting**

- 38.1. The chairperson of a general meeting shall be MSAND President.
- 38.2. In the absence of the President, the Vice President shall be the chairperson at MSAND Committee Meetings.
- i. A Committee Member elected by the other Committee Members present at the Committee Meeting, shall preside at the Committee Meeting in the event of the absence from a Committee Meeting of both the President and the Vice-President.
- 38.3. At the President's request and upon approval at the meeting the President may vacate the chair.

**39. Proceedings of General Meeting**

- 39.1. MSAND Committee –
- i. may at any time convene a special general meeting;
  - ii. must convene an Annual General Meeting in the second half of the Medical School academic year; and
  - iii. shall, within 30 Days of-
    - a) receiving a request in writing to do so from not less than 25% of the then current membership, convene a special general meeting for the purpose specified in that request; or
    - b) the Secretary receiving a notice under section 13.1, convene a special general meeting for the purpose of dealing with the appeal to which that notice relates.
- 39.2. The members making a request referred to in section 39.1(iii)(a) shall-
- i. state in that request the purpose for which the special general meeting concerned is required; and
  - ii. sign that request.
- 39.3. If a special general meeting is not convened within the relevant period of 30 Days referred to in section 39.1(iii)(a) the members who made the request concerned may themselves convene a special general meeting as if they were the Committee.

**40. Notice of General Meeting**

- 40.1. The Secretary shall give to all members not less than 14 Days notice of any and all general meeting and that notice shall specify:
- i. when and where the general meeting concerned is to be held; and
  - ii. particulars of the business to be transacted at the general meeting concerned and of the order in which that business is to be transacted.
- 40.2. The Secretary must give to all members not less than 21 Days notice of an Annual General Meeting and that notice must specify:
- i. when and where the Annual General Meeting is to be held; and
  - ii. the particulars and order in which business is to be transacted, as follows
    - a) first, the consideration of the accounts and reports of the Committee,
    - b) second, the announcement of the new Committee Members, and

- c) third, any other business requiring consideration by the Association at the Annual General Meeting.
- 40.3. The Secretary shall give to all members not less than 21 Days notice of a general meeting at which a special resolution is to be proposed and of any other motions to be moved at that general meeting.
- 40.4. The Secretary may give a notice under the preceding sections by:
  - i. serving it on a member personally;
  - ii. sending it by email to a members nominated email address; or
  - iii. by publishing such a notice:
    - a) on the medical school notice board; and/or
    - b) medical school student portal and/or.
    - c) MSAND website
  
- 41. Quorum and procedure at general meetings**
- 41.1. At a general meeting two-thirds of the total MSAND membership or thirty members, whichever is the lower, present in person or by proxy constitute a quorum.
- 41.2. If within 30 minutes after the time specified for the holding of a general meeting in a notice given under section 40 a quorum is not present then the general meeting stands adjourned to be resumed within a week.
- 41.3. The Chairperson may, with the consent of greater than 50% of a general meeting at which a quorum is present, and shall, if so directed by such a general meeting, adjourn that general meeting from time to time and from place to place.
- 41.4. There shall not be transacted at an adjourned general meeting any business other than business left unfinished or on the agenda at the time when the general meeting was adjourned.
- 41.5. When a general meeting is adjourned for a period of 30 Days or more, the Secretary shall give notice under section 39 of the adjourned general meeting as if that general meeting were a fresh general meeting.
- 41.6. At a general meeting:
  - i. an ordinary resolution put to the vote shall be decided by a majority of votes cast on a show of hands, subject to section 41.9; and
  - ii. a special resolution put to the vote shall be decided by a majority of not less than two thirds of the members of MSAND who are present at the meeting and who are entitled under the constitution of MSAND to vote and vote in person, by proxy or postal vote, subject to section 41.9.
- 41.7. A declaration by the Chairperson at a general meeting that a resolution has been passed as an ordinary resolution or as a special resolution shall be evidence of that fact unless, during the general meeting at which the resolution is submitted, a poll is demanded in accordance with section 41.8.
- 41.8. At a general meeting, a poll may be demanded by the Chairperson or by three or more members present in person or by proxy and, if so demanded, shall be taken in such manner as the Chairperson directs.
- 41.9. If a poll is demanded and taken under section 41.8 in respect of an ordinary resolution, a declaration by the Chairperson of the result of the poll is evidence of the matter so declared.

41.10. A poll demanded under section 41.8 must be taken immediately on that demand being made.

**42. Voting rights and proxies of members of MSAND**

- 42.1. Subject to this constitution, each member present in person or by proxy at a general meeting is entitled to a deliberative vote.
- 42.2. A member (in this section called "the appointing member") may appoint in writing another member who is a natural person to be the proxy of the appointing member and to attend, and vote on behalf of the appointing member at, any general meeting.

**43. Minutes of meetings of MSAND**

- 43.1. The Secretary shall cause proper minutes of all proceedings of all general meetings to be taken and then to be documented within 30 Days after the holding of each general meeting in a minute book kept and maintained for that purpose.
- 43.2. The President or Vice-President shall ensure that the minutes taken of a general meeting under section 43 are checked and approved as correct by the Chairperson of the general meeting to which those minutes relate or of the next succeeding general meeting, as the case requires.
- 43.3. When minutes have been documented and approved as correct under this section, they shall, until the contrary is proved, be evidence that-
  - i. the general meeting to which they relate (in this subsection called "the meeting") was duly convened and held;
  - ii. all proceedings recorded as having taken place at the meeting did in fact take place at the meeting; and
  - iii. all appointments or elections purporting to have been made at the meeting have been validly made.
- 43.4. All minutes are to be made available to all members of the student body through:
  - i. The medical school student portal and/or.
  - ii. MSAND website.

*Part 5: Elections*

**44. Election Governance**

- 44.1. All elections, polls and referendums are to be run in accordance with this Constitution and any election by-laws passed by an Absolute Majority of the MSAND Committee.
- 44.2. The general elections for members of MSAND Committee shall be held annually not less than 14 Days before the holding of the MSAND Annual General Meeting.
- 44.3. Subject to the following provisions, all members of MSAND Committee shall be elected at the Annual General Election.

**45. Terms of Office**

- 45.1. The term of office for MSAND Committee Members shall commence:
  - i. for those elected at an Annual General Election, immediately after the Annual General Meeting following their election;
  - ii. in the case of a casual vacancy arising under section 22, at the time of appointment
  - iii. for those co-opted by the MSAND Committee, at the time of the passing of the MSAND Committee's resolution or the date the vacancy occurs, whichever is the later.
- 45.2. All MSAND Committee Members' terms of office shall conclude at the end of the Annual General Meeting in the following year.

**46. Filling Casual Vacancies**

- 46.1. If any office of MSAND Committee falls vacant:
  - i. within the first two weeks of first semester then the candidate who received the next highest amount of votes for that position at the preceding Annual General Election shall fill the vacancy;
    - a) If the person elected as per this section to fill the vacancy is unable or unwilling to act in that capacity then the candidate who received the next highest amount of votes for that position at the preceding Annual General Election shall fill the vacancy;
    - b) Each such unsuccessful candidate will be considered in turn until the position has been filled; and
    - c) If none of the unsuccessful candidates for the position at the Annual General Election are willing and able take up a vacated position, or there were no other candidates for the position at the Annual General Election, then MSAND may co-opt an eligible person to take up the position subject to section 46.3.
    - d) on or after the last day of the second week of first semester then MSAND Committee may co-opt an eligible person to the position subject to section 46.3.
  - ii. In those circumstances where MSAND Committee is empowered to co-opt members to vacant positions on MSAND Committee under section 46.1,

the decision to co-opt such members by MSAND Committee is a discretionary one, subject to section 46.3.

- 46.2. MSAND shall within one month of the occurrence of the vacancy, fill any casual vacancy amongst its members.
- 46.3. When filling a vacancy on MSAND Committee by co-opting, the Committee shall select the person from its members.

#### **47. Qualifications for Enrolment to Vote**

- 47.1. To be eligible for enrolment for MSAND elections a person must be:
  - i. a student
  - ii. not otherwise disqualified.

#### **48. Qualifications for Candidates**

- 48.1. All members are eligible to be candidates for the positions of the MSAND Committee,
- 48.2. A person shall be disqualified from candidature if he or she is:
  - i. not a member;
  - ii. a member of the academic staff of the University;
  - iii. a member of the Election Tribunal;
  - iv. an election official;

#### **49. Election Procedure**

- 49.1. Subject to the provisions of this Constitution, a member of MSAND Committee may only be elected as follows:
  - i. the Committee shall, at least one month prior to the Annual General Elections, appoint an Election Tribunal., who:
    - a) shall supervise and count the ballot;
    - b) must not be members of MSAND or the student body
    - c) must be neutral and publicly perceived as such.
  - ii. the Secretary shall post notice calling for nominations for the positions on the Committee at least fourteen Days before the Annual General Election.
  - iii. nominations for the positions shall be submitted to the Election tribunal and shall be:
    - a) in writing;
    - b) signed by the nominee;
    - c) signed by two members supporting the nomination; and
    - d) received by the Election Tribunal no later than 48 hours before the commencement of the voting in the Annual General Election.
  - iv. A candidate may be nominated for more than one position, and, if the candidate wins more than one position, that candidate shall be elected to the senior most position and their votes for the other position(s) will be disregarded.
  - v. The names of the candidates on the ballot forms will be in alphabetical order.
  - vi. Voting will be open and ballot cards available for a total of not less than 20 hours and must be spread over at least 3 weekdays.

- 49.2. Voting shall be voluntary and no sanctions are attached to failure to vote.
- 49.3. Each voter may only vote once per election or referenda.
- 49.4. Voting will be by secret ballot and voting may be by postal vote.
- 49.5. All positions on the Committee will be determined on a first past the post voting system as follows:
  - i. where one Committee Member is to be elected and more than one candidate is contesting the position, the candidate who receives the highest number of votes shall be declared elected to the position;
  - ii. in the event that the voting is tied between two or more candidates with respect to any of the positions, the Election Tribunal will place the names of those candidates into a cowboy hat and, in the presence of at least 3 members of the outgoing MSAND Committee, draw one of those names out of the cowboy hat and that person shall be declared the winner of the contested position.
- 49.6. In the event that there are no candidates contesting a vacant position on the Committee the position will be declared unfilled by the Election Tribunal and the MSAND Committee may, within one month of taking office, co-opt an eligible person to take up the position provided that such person satisfies the qualifications for candidates contained in section 48.
- 49.7. Any disputes or complaints about the conduct of the elections shall be referred in the first instance to the Election Tribunal, except that where the disputes or complaints involve any action or inaction taken by the Election Tribunal, the disputes or complaints shall be referred to the Notre Dame Student Association, whose determination on the matter shall be final.

## **50. Referenda**

- 50.1. The MSAND Committee shall submit a question as a referendum of the student body, if:
  - i. MSAND Committee resolves by an Absolute Majority;
  - ii. a general meeting resolves by a simple majority; or
  - iii. 50% of the then current membership submit a petition to the President;
- 50.2. Unless expressed to the contrary in this section, sections applying to an Annual General Election shall also apply to a Referendum in so far as they are appropriate and practical.
- 50.3. In a referendum each member is entitled to one vote.
- 50.4. Referenda may be held in conjunction with any election.
- 50.5. The MSAND Committee shall determine all matters of detail in connection with any referenda.
- 50.6. The result of a referendum shall be decided in the affirmative by an Absolute Majority of the votes.
- 50.7. A valid vote in a referendum is a ballot paper that has only the question and “yes” or “no” written on the ballot paper unless otherwise determined by the Executive prior to the commencement of voting in a referendum.

*Part 6: Constitution of MSAND*

**51. Constitution of MSAND**

- 51.1. This constitution binds every member to the same extent as if every member had signed and sealed this constitution and agreed to be bound by all their provisions.
- 51.2. An amendment to this Constitution may be proposed in either of two ways:
- i. by a member of MSAND provided that such proposed amendments shall be in writing and submitted to MSAND Secretary by any member of MSAND with the signatures of the proposing member and twenty (20) other students accompanied by a statement of explanation; or
  - ii. by a resolution of an Absolute Majority of MSAND Committee.
- 51.3. This constitution may be made, altered or repealed in accordance with the following procedure:
- i. A resolution to amend shall be put to a general meeting as a special resolution as in section 41.6.
  - ii. If at the general meeting required by section 41.6, alterations are made to the proposed amendment:
    - a) in form only, the proposed amendment may be voted on at the general meeting;
    - b) that affect the substance of the proposed amendment, the change will constitute a new proposed amendment and the procedures outlined in this section must be followed through again for the new proposed amendment.
  - iii. Within one month of the passing of a resolution to amend the Constitution, the Secretary shall provide to the student body a notice of the resolution setting out particulars of the amendment which has been confirmed and signed by the chairperson presiding at that general meeting.

**52. MSAND Logo**

- 52.1. MSAND shall have a logo on which its name appears in legible characters.
- 52.2. Unless the Committee decides otherwise, the Secretary shall have the custody of the logo.
- 52.3. The Logo shall not be used without the express authority of the Committee.

**53. Inspection of MSAND records**

- 53.1. A member may at any reasonable time inspect without charge the records of MSAND; provided member privacy is protected.
- 53.2. A member may make a copy of any records of MSAND provided member privacy is protected; but shall have no right to remove the records for that purpose.

**54. Distribution of surplus property on closing MSAND.**

- 54.1. If upon the winding up or dissolution of MSAND there remains after satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid to or distributed among the members but shall be given or transferred to another association which has similar objects and which is not carried out for the

purposes of profit or gain to its individual members and which association will be determined by the resolution of the members when authorising and directing the Committee to prepare a distribution plan of the surplus property of the association.