

**UNIVERSITY OF CANTERBURY STUDENTS' ASSOCIATION INCORPORATED  
(Society)**

**RESOLUTION ALTERING CONSTITUTION**

Resolution passed pursuant to section 21 of the Incorporated Societies Act 1908 and clause 8.1.2 of the Society's constitution

**RESOLUTION**

It is resolved that the constitution of the Society be altered in the following respects in accordance with the Rules of the Society:

1. Clause 4.7(a) of Schedule 2 of the Society's constitution is amended to read as follows:

- (a) The total number of valid votes cast for each candidate shall be ascertained and recorded. The highest polling candidate(s) shall be declared elected, subject to the number of positions to be filled, unless the candidate:
- (i) is not a student member of the Association; or
  - (ii) failed to poll higher than no confidence; or
  - (iii) is subject to a disqualification by the Electoral Committee (as defined in clause 4.10 of Schedule 2) within two weeks of the date of the election in accordance with clause 4.10 of Schedule 2.

In these cases the candidate shall not be elected, except where the Electoral Committee's decision to disqualify is overturned on appeal by the candidate to the Electoral Appeals Committee.

2. Clause 4.8 of Schedule 2 of the Society's constitution is amended to read as follows:

- 4.8 The Returning Officer shall announce the preliminary result(s) of any election or poll within two working days of the closure of voting, by placing the results on the Noticeboard, which shall include the votes cast for each candidate and for no confidence, and the total turnout. The Returning Officer shall announce the final result(s) of any election or poll within two working days of the determination of any appeals.

3. A new clause 4.10 of Schedule 2 of the Society's constitution is inserted as follows:

- 4.10 The Electoral Committee may disqualify a candidate from being elected under clause 4.7(a) of Schedule 2 if the candidate is not a Fit and Proper Person.

"Electoral Committee" means a committee consisting of three members, being:

- (a) the chief executive of the Association; and
- (b) two members of the Advisory Board appointed to the Electoral Committee by the Advisory Board prior to the election in question, and who are independent of any candidates (or their seconders under clause 3.1 of Schedule 2), as replaced by the Advisory Board at any time.

"Fit and Proper Person" means a person determined by the Electoral Committee, in their absolute discretion and by unanimous decision, as being fit to undertake an Executive position, having regard to the following:

- (a) whether the person has been convicted of an offence in New Zealand or a foreign country that is not concealed under the Criminal Records (Clean Slate) Act 2004; and, if so,—
  - (i) the nature of the offence; and
  - (ii) the time that has elapsed since the offence was committed; and
  - (iii) the person's age when the offence was committed;

Provided that if the person does not agree to a New Zealand or other relevant country Police check upon request by the Electoral Committee (such request being at the absolute discretion of the Electoral Committee), the Electoral Committee may deem that the person is not a Fit and Proper Person;

- (b) whether the person has been banned from acting as a director of a company or other incorporated body, or from being involved in the management of any class of incorporated or unincorporated entity;
- (c) whether the person has been dismissed, or asked to resign, from a position of trust, fiduciary appointment or similar position;
- (d) whether the person has, in the last 5 years, been made bankrupt, or made the subject of an official assignment for the benefit of their creditors;
- (e) whether the person has been guilty of any conduct which, in the opinion of the Electoral Committee, is unbecoming of a member of the Executive or prejudicial to the interests, the good name or reputation of the Association;
- (f) whether the person is otherwise of good character and willing to accept the responsibilities associated with their role; and

- (g) any other matter that is relevant in the opinion of the Electoral Committee.

4. Clause 5.3 of Schedule 2 of the Society's constitution is amended to read as follows:

5.3 Any appeal against:

- (a) the results of an election or poll;
- (b) the disqualification of a candidate by the Returning Officer; and/or
- (c) a decision of the Electoral Committee,

shall be delivered to the President not later than:

- (d) in the case of (a) and (b) above, two (2) working days after the election result(s) have been announced; or
- (e) in the case of (c) above, two (2) working days after the decision of the Electoral Committee has been notified to the candidate in question.

The President shall then forward the appeal to the Electoral Appeals Committee.

5. Clause 5.5 of Schedule 2 is amended by adding the following sentence:

In the case of an appeal against an Electoral Committee decision to disqualify a candidate under clause 4.7 of Schedule 2, the Electoral Appeals Committee may affirm the decision of the Electoral Committee or may overturn it, as it sees fit after hearing from the candidate and the Electoral Committee and after considering the merits of the case.

6. Clause 5.6 is amended to read as follows:

5.6 Both the appellant and the Returning Officer or the Electoral Committee (as the case may be) will be invited to appear before the Electoral Appeals Committee.

**DATED**

**2015**