

WITSA CONSTITUTION

The WITSA constitution is the most important document you will use throughout your term. The constitution is a legal and binding document, which is predominately guided by the incorporated Societies Act.

The WITSA constitution contains the rules and regulations of the Waiariki Institute of Technology Student Association which have been duly approved by the student body.

The constitution is not unlike a job description for the governors and management of WITSA. It outlines the scope of responsibility that the general student body feels is appropriate and necessary for the Executive Committee to effectively **represent** them.

When reading or dealing with the constitution it is important to remember that there have been policies created to better explain some passages and to highlight the process the executive need to use when dealing with these passages or clauses.

As the Executive committee are legally bound to uphold the intent, objects etc of the constitution, it is imperative that when it comes to interpretation of clauses, that more information is sought prior to making a firm decision. It is also important to have an effective working relationship with management and open communication. Management will be able to provide the executive committee with a historical view point, precedence and other information as required.

WITSA Constitution

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WITSA CONSTITUTION

1. NAME

1. The name of the society shall be the Waiariki Institute of Technology Students' Association (Incorporated), (hereafter called WITSA).
2. That the Maori equivalent of WITSA is to be 'Te Runanga Taurira O Waiariki'.
3. WITSA shall be incorporated under the provision of the Incorporated Societies Act 1908.

2. REGISTERED OFFICE

1. The registered office of this Association shall be situated on the campus of the Waiariki Institute of Technology.
2. The Office Manager shall notify the Registrar of Incorporated Societies whenever the situation of the Registered Office is changed.

3 OBJECTS

1. To further the interests of Waiariki Institute of Technology Students.
2. To represent and act for the members on all matters in which the members, as a body are interested.
3. To advise or obtain advice (including legal advice), for any member or all members, at the discretion of the Executive.
4. To foster social events in the Waiariki Institute of Technology and to encourage such students' clubs, societies and activities as the Executive deem fit.
5. To encourage all such sports and games as the Executive shall think fit.
6. To buy for and sell to members and other students of the Waiariki Institute of Technology such things as the Executive shall think fit.
7. To edit, print, publish, issue and circulate such periodicals, books, magazines and other literary undertakings as may be for the benefit or entertainment of members and to charge where applicable on a non-profit basis.
8. To keep and preserve all records likely to prove of value or historic interest to members.
9. To acquire by purchase or otherwise any real or personal property for the purpose of establishing or maintaining any buildings, playing fields or any other accommodation, amenities or facilities or any other purpose whereby any of the objects of WITSA may be furthered.
10. To manage and conduct such amenities for the use of members and other students of the Waiariki Institute of Technology as the Executive see fit.
11. To raise funds for any of the following purposes:
 - a) to promote any of the objects of WITSA.

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- b) to provide a fund for the payment of expenses for the traveling and entertainment of sports and other teams and cultural activities as the Executive deems fit.
 - c) to aide or otherwise subscribe to any charity or charities or other causes or organisations which may in the opinion of the Executive from time to time be desirable to aid.
12. To raise funds for any or all such purposes to appeal for subscriptions and donations and to arrange for the holding and conduction of any plays, concerts, carnivals, processions, dances or other activities which the Executive shall in its discretion approve and to make such charges in respect thereof as the Executive shall think fit.
 13. To assist any student group in such a manner and to such an extent as the Executive may deem fit, whether by gift, loan, guarantee, overdraft or otherwise, in order that the objects of WITSA thereby be furthered.
 14. To assist any charity or charitable purpose which in the opinion of the Executive may be desirable to assist.
 15. To sign, execute and deliver any deed or document whatsoever which may be required or seem expedient to be executed by WITSA or furtherance of any of its objects.
 16. To apply for and acquire any licenses or permits deemed necessary by the Executive for the accomplishment of any of the objects of WITSA.
 17. To see, exchange, improve, lease, hire, mortgage, dispose or invest reserve or otherwise deal with or turn to account any real or personal property of WITSA and to borrow with or without security for any of the purposes of WITSA.
 18. To observe the principles of the Treaty of Waitangi.

4. ATTESTATION OF DOCUMENTS

1. WITSA shall have a common Seal of which the Office Manager shall be the custodian.
 - a) The Common Seal shall not be affixed to any document or other instrument except by the authority of a resolution of the Executive and in the presence of any two of: President, Office Manager, Treasurer, one other Executive member.
 - b) The two persons present as required shall sign such document or other instrument when they witness the affixing of the seal.
2. The Executive shall have the power from time to time to adopt a new Common Seal in lieu of the existing Common Seal.

5. MEMBERSHIP

The following persons shall be members when they have paid their fee to Waiariki Institute of Technology. The exception is to Honorary or Life Members.

1. Full time students – every person enrolled at Waiariki Institute of Technology for a full time course.

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2. Part time students – every person who is not a full time student and is not a directed apprentice and is enrolled at Waiariki Institute of Technology for a course of greater than 120 hours.
3. Short course students – every person enrolled at Waiariki Institute of Technology for one or more courses, and one of which involves study between 1 and 120 hours inclusive.
4.
 - i) Every person who is an apprentice and is directed to be enrolled at Waiariki Institute of Technology for a course including a block course of duration not greater than nine weeks in any one year.
OR
 - ii) Every person who is an apprentice and is directed to be enrolled at Waiariki Institute of Technology for a course including a block course of duration of greater than nine weeks but not greater than 18 weeks in any one year.
5. Honorary Member – Any student who immediately after completing a full time course at Waiariki Institute of Technology applies in writing to the Executive to become an Honorary Member for a period of one year.
6. Off-Campus Students – Every person who enrolls at Waiariki Institute of Technology for a course conducted off-campus.
7. Life Member – Life membership shall be awarded to the following persons with the powers of an ordinary member.
 - a) Presidents who have completed a minimum of 1 (one) term.
 - b) Office Managers, after finishing their employment with WITSA, who have been employed for more than 2 (two) yearsRatification of this award must be made at an Annual General Meeting.

6. TERMINATION OF MEMBERSHIP

1. Any member may resign their membership by notice in writing to the Office Manager. No membership fee shall be refunded on termination of membership.
2. The term of membership shall be from the time of payment of the appropriate membership fee until four months after the date of completion of the course for which the student enrolled.
3. Membership shall be terminated in any case where the Executive determines that a member has willingly disobeyed any of the rules of WITSA or has been guilty of any conduct which is in the opinion of the Executive is prejudicial to the interests of WITSA, provided that the decision of the Executive shall be ratified by a meeting of the student body.

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7. COMPOSITION OF WITSA

PRESIDENT

(elected by the Student Body)

7.a. Election of President:-

- 7.a.1 The Student President shall be elected on an annual basis. The duly elected student president's term of office shall be 1st January to 31st December for the year subsequent to elections. A student president shall hold no more than 2 (two) terms of office.
- 7.a.2 Nominations for President will be called in the last week of August each year, except when otherwise approved by the Executive.
- 7.a.3 Nominations must be forwarded on an official form with signatures of the nominator, seconder and the signed approval of the nominee.
- 7.a.4 To be eligible for the position of the Student President, a person shall be a member of WITSA.
- 7.a.5 To be eligible to nominate or second a nominee, a person shall be a member of WITSA.
- 7.a.6 Nominations shall open for seven (7) working days.
- 7.a.7 All nominees must submit a resume with the nomination form. Nominees may submit a photo to the Registered Office by the close of nomination if they so wish.
- 7.a.8 Names and resumes of nominees will be displayed on Waiariki Institute of Technology.
- 7.a.9 Elections shall be held within fourteen (14) working days of the close of nominations.
- 7.a.10 To be eligible to vote, the person must be a member of WITSA.
- 7.a.11 Voting will be on official forms by way of secret ballot. Polling booths will be made available as follows:
 - (a) Registered Office, Mokoia Drive Campus.
 - (b) Each official Regional Campus of Waiariki Institute of Technology.
 - (c) Other office approved by the Executive.
- 7.a.12 Voting shall be held over four working days, Monday to Thursday between 9am and 2pm daily, unless otherwise approved by the Executive.

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- 7.a.13 An appropriately experienced Person nominated by the Executive Committee shall be the Returning Officer. The Returning Officer will appoint a Person to control each polling booth; that person shall ensure that the name of each voter is recorded along with the course in which they are enrolled. Such records shall be returned with the sealed voting box by way of courier or delivery at the cessation of voting.
- 7.a.14 Counting of votes shall be completed by the Office Manager, an Executive member who is not a nominee, and an independent person. The number of votes in each box shall be tallied to the appropriate records.
- 7.a.15 The number of votes for each nominees shall be recorded and signed by the counters. The Office Manager shall then contact the Returning Officer with the outcome and then the Returning Officer shall make every effort to advise the nominees of the outcome before it is publicly announced.
- 7.a.16 The official results shall be announced within two (2) working days of the original count.
- 7.a.17 The terms and conditions of the Presidents appointment shall be negotiated by the Executive Committee through a sub committee made up of 2 (two) executive members and an appropriately experienced external person nominated by the Executive Committee.
- 7.a.18 The request for a recount must be given in writing to the Manager within seven (7) working days of the original count.
- 7.a.19 Any recount shall be conducted by a different Executive member and any two independent people in the presence of the original counters. Any discrepancies will result in the voting being null and void and new elections shall be called.
- 7.a.20 Should a President resign during the year, the Vice President, shall act as President until the elections of the next years President who will then take office immediately.
- 7.a.21 In the event of there being only one nomination for President, the Executive Committee may appoint that person for the relevant period under the terms and conditions they deem fit. Alternatively the nominee may choose to hold an election against a Vote of No Confidence. The Nominee must notify the Returning Officer of their intention within seven (7) days of close of nominations.
- 7.a.22 The President shall be the Student Representative on the Waiariki Institute of Technology Council.

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- 7.a.23 Should any member of the Association want to put forward a motion of Confidence or No Confidence in the President they shall do so by:
- a) Giving 14 days notice of a Special General Meeting (see 13.1 of Constitution), including notice of the motion and the justification behind the said motion.

EXECUTIVE COMMITTEE

(Elected from the Members of Waiariki Institute of Technology Students Association – WITSA)

STUDENT ASSOCIATION MEMBERS

(All Students studying through the Waiariki Institute of Technology)

HONORARY MEMBERSHIP

(As deemed in 5.5 of the Constitution)

LIFE MEMBERS

(as deemed in 5.7 of the Constitution)

8. THE EXECUTIVE COMMITTEE

1. An Executive Committee of no less than ten (10) persons shall be nominated from and by the members of WITSA.
2. The nominations require a seconder and the written permission of nominee before they may be accepted as valid.
3. The Executive Committee shall not exceed twenty (20) members. The committee will be made up as follows;
President
Vice-President
Treasurer
Regional/Satellite Members (minimum of 4 places)
Other Member (13 – Representative of Association Members)
4. The election of the Executive must take place by a secret ballot, if required, at a meeting of WITSA before the Annual General Meeting and be officially approved by a majority vote in favor at the AGM.
5. The composition of the new Executive shall be declared at the AGM, immediately after the approval of the Minutes, Annual Report and Accounts, which shall be the first matters dealt with at any Annual General Meeting. The persons named in the declarations as members of the incoming executive shall take office immediately after the approval of the Annual General Meeting.

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6. The Executive shall hold office from time of election or co-option until the election of the next Executive or until lapse of their membership of WITSA prior to the election of the next Executive.
7. The Executive Committee shall have the power to co-opt any further members from WITSA as required, to ensure the efficient running of WITSA and comprehensive representation of the student body.
8. Should there be no nominations for the Executive Committee, then the outgoing Executive shall have the power, and be under duty, at first opportunity to appoint persons otherwise eligible to fill the vacancies and bring student representation on the Executive Committee to a minimum of ten (10) persons. If there are insufficient nominations to provide such a minimum number, then those nominated together with the outgoing President and or other outgoing Executive Members and the Office Manager shall have the power and be under the same to fill the vacancies.

9. THE OFFICE MANAGER

1. WITSA shall employ an Office Manager, His/Her duties shall be the day to day running of WITSA, to ensure continuity in the affairs of WITSA, to manage any extra full or part-time staff that may be employed from time to time, and to arrange and oversee the election of the new Executive Committee each year in association with those members of the past years Executive that may still be present, to assist and advise the new officers until they are established in their position and to carry out any other reasonable duties as the Executive may see fit.
2.
 - a) The recommendation for appointment of the Office Manager shall be a panel of four people as follows: President, Treasurer, Two Executive Members.
 - b) At least two members of the panel are to be male and two are to be female.
 - c) At least four shall be present at the interview of any applicants and in the event of the unavoidable absence of the President, Treasurer, they shall be replaced by other members of the Executive.
 - d) The final decision as to any successful applicant will be made by the Executive.
 - e) If the previous Office Manager is still in Office he/she may also be invited to sit on the panel.
3. Employment of staff shall be in accordance with the WITSA Allied Staff Collective Employment Contract.
4. The Office Manager shall be the Secretary to the Executive Committee, ensuring all minutes are recorded, and kept. Agendas and minutes are copied and distributed to Executive Committee Members at least two (2) working days prior to a meeting.

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10. OFFICERS OF THE EXECUTIVE

1. The **PRESIDENT** shall chair all meetings of the Executive. The President shall have the casting vote as well as a deliberative vote at all Executive Meetings.
2. One (1) **VICE PRESIDENT** shall be elected to act as the nominee of the President in his/her absence. Should the President resign or be absent for an extended period of time (three weeks or longer), the Vice-President will become as Acting President. The terms and conditions of employment for the Acting President will be in line with the Presidents contract. The Vice President shall be elected in October and shall hold office from the 1st November until the 31st October of the following year.
3. The **TREASURER** position shall be held by one (1) person only, but an Assistant Treasurer may be appointed if desired. Both these people shall have an Accounting qualification or be currently studying Accounting at Waiariki. The treasurer, working with the Office Manager, shall sit on the Finance Audit sub committee and help oversee all financial matters of WITSA and shall help present the Annual Statement of Accounts at the AGM.
5. In the event that there is no Treasurer elected then the President or delegate of the President shall chair the Finance Audit sub committee.
6. **PORTFOLIO OFFICERS** The Executive may elect such officers as it may from time to time require.

11. EXECUTIVE VACANCIES

1. The term of office shall expire on termination of the office holders membership.
2. Should a Member of the Executive choose to resign his/her membership they shall do so by, notifying the Executive verbally at an Executive Committee Meeting or by giving written notification to the Executive Committee, through the President.
3. Should a vacancy arise it may be filled from within WITSA by co-option or election.
4. Should and Executive member or officer be absent from three consecutive Executive meetings without obtaining leave of absence or without notifying the Executive of reasons for such absences then such Executive member or officer will be deemed to have resigned and the Executive at its own discretion may co-opt a person otherwise eligible to fill the vacancy of an office shall fill the same as provided in sub-clause (2) above.

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12. ANNUAL GENERAL MEETING

1. The Annual General Meeting of WITSA shall be held, where possible during the first month of the Waiariki Institute of Technology academic year and at no time later than the 30 April.
1. At least seven and up to fourteen days notice of an Annual General Meeting shall be given on Association notice boards.
2. At the Annual General Meeting the outgoing President or Office Manager shall submit a report and the Outgoing Treasurer or Office Manager shall present a Balance Sheet and Statement of Accounts (duly audited). In the event of the Duly Audited Accounts not being available;
 - a) the Office Manager shall present, to the AGM, an affidavit stating the reasons why, along with a prepared balance sheet.
 - b) the Duly Audited Accounts shall then be presented at the SGM.
4. General Meetings of the members of WITSA shall either be Special General Meetings or Annual General Meetings. The quorum at General Meetings of WITSA shall be thirty (30) members of WITSA. At General Meetings each member shall have one vote, provided that no member of WITSA not present at the meeting shall be entitled to vote. Unless otherwise stated resolutions of General Meetings shall be on a majority of votes, taken on a show of hands or by ballot if called for.

13. SPECIAL GENERAL MEETINGS

1. These shall be called at any time by the Office Manager at the requisition of :
 - a) Quorum of Executive
 - b) Twenty members of WITSA
 - c) In the absence of a functioning Executive, by the Office Manager.Such requisition must be accompanied by written notice of the motion to be brought before the meeting.
2. The Office Manager shall within seven days or receipt of such a notice of motion, place on WITSA notice boards an advertisement of such requisition and the motion proposed and giving notice of a date on which the Meeting is to be held which shall not be sooner than seven days nor later than fourteen days from placing of the advertisement on the notice board. Further notices of motions to be brought before the Meeting may be received from the Office Manager no later than four clear office days before the Meeting.
3. An SGM shall be held by the 31st October each year.

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14 METHODS OF VOTING

1. The method of voting at all General Meetings of WITSA shall be by a show of hands unless a ballot is demanded.
2. A ballot may be demanded by twenty or more members present having the right to vote thereat.

15. EXECUTIVE MEETINGS

1. The Executive shall meet at least fortnightly during each term at Waiariki Institute of Technology. At least two days before each Executive Meeting the Office Manager shall make available to each member thereof notice of the meeting and the agenda to be covered. The Executive may at any meeting deal with business not on the agenda.
2. All Executive members shall be responsible to the Executive. The Executive shall be responsible to WITSA in General Meetings.
3. Decisions of the Executive shall be upon a majority of votes. Each Executive member excluding the Chairperson shall have one vote. The Chairperson shall have a casting vote and deliberative vote.
4. A quorum at Executive Meetings shall be five members of the Executive.
5. The Office Manager shall at the request of three members of the Executive call a meeting by giving three clear office days notice before the proposed meeting.
6. At the discretion of the Executive the Office Manager may be treated as a member of the Executive for the purpose of a quorum.

16. POWERS OF THE EXECUTIVE

1. Except as otherwise provided by the Constitution, the Executive shall manage the business and affairs of WITSA.
3. Without restricting the generality of sub-clause (1), the Executive shall have the power:
 - a) to make, amend and repeal regulations and standing orders relating to the business and affairs of WITSA, not inconsistent with the Incorporated Societies Act 1908.
 - b) The President is responsible to the Executive Committee and shall be directed through the Vice President or a nominated Executive member.
 - c) The Office Manager is employed by WITSA through the Executive Committee and shall be directed through the President.
 - d) to create or disestablish, in consultation with the Office Manager, any employed positions as is deemed necessary.

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17. MINUTES

1. The Office Manager shall ensure that minutes of all meetings of WITSA and the Executive Committee are recorded, kept and appropriately distributed.

18. APPOINTMENT OF PATRONS AND HONORARY SOLICITORS

1. The Executive may at any time elect any number of patrons and an Honorary Solicitor for that Executives term of office.

19. REPRESENTATION AT OFFICIAL FUNCTIONS AND PRESENTATIONS

1. The President shall be the official voice of the association and shall represent WITSA at all official Functions and Presentations. However, WITSA may be represented on any occasion by any member of WITSA who has been nominated by the President and or Executive to perform such representation.

20. METHODS OF VOTING

1. The method of voting at Executive meetings is by simple ring of acclamation, show of hands or by ballot if required by a member as herein before provided for in clause 14 (2).
2. Annual General Meeting and Special Meetings voting procedure refer Methods of Voting – General Meetings.

21. FINANCE

1. The Treasurer in association with the Office Manager shall keep proper books of accounts, relating to income, expenditure, assets and liabilities.
2. All money paid to or received by WITSA shall be paid to the credit of WITSA at such Bank or Banks as the Executive may time to time appoint.
3. Any funds of WITSA which shall not be required for the immediate purpose of WITSA may from time to time be invested and reinvested in such forms or investments and upon such terms as the Executive shall determine.
 - a) An imprest Petty Cash system shall be kept and all payments out of this shall be authorized by the President or Office Manager who shall account in full to the Executive Committee
 - b) All disbursements other than petty cash disbursements or where otherwise authorized by the Executive Committee shall be made by cheque on the Bank appointed by the Executive Committee and signed at least by two (2) of the four (4) signatories. These shall be President, The Office Manager, The Vice President, The Office Administrator. The two (2) signatories will be made up from:
 - a) The Office Manager AND President OR Vice-President

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- b) The President AND Office Manager OR Office Administrator.
- c) In the absence of three or four of the signatories the remaining signatory and any other Executive member can appoint the interim signatory.

22. EXPENDITURE

1. No person shall incur any expenditure on behalf of WITSA unless authorized by the Executive.
2. Unbudgeted expenditure authorized by the Executive Committee may be incurred by the issue of an Association order form signed by WITSA Treasurer or Office Manager on behalf of WITSA.
3. An Association Order Form shall be signed and issued only in accordance with a resolution of the Executive or in accordance with a budget approved by the Executive.
4. All unbudgeted expenditure shall be approved by the Executive and documentation shall be requested if the item of expenditure exceeds Two Hundred Dollars (\$200).

23. BUDGETS

1. The budget for the following year after being prepared, by the Office Manager in consultation with the Finance Audit sub committee and duly approved by the Executive Committee shall be presented to the Association Members for ratification at the October SGM.
2. This Budget must be received by the incoming Executive of the year which the Budget applies in the first term.

24. AFFILIATION

WITSA may with a two-thirds majority vote of those present and entitled to vote at the AGM or a Special General Meeting called for the purpose, affiliate to and accept affiliation from any organisation where there is no general conflict between the constitutions of the two bodies. Affiliation will be from the date of the passing of the resolution.

25. DISAFFILIATION

WITSA may with a two-thirds majority vote of those present and entitled to vote of the AGM or a Special General Meeting called for the purpose, disaffiliate from any organisation. Disaffiliation will be from the date of the passing resolution.

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26. AMENDMENTS

1. Notice of proposed amendments to the Constitution must be given to the Office Manager as well as posted on Association Notice Boards seven days prior to the AGM or SGM.
2. No such amendment shall have effective unless the resolution has been carried by two-thirds majority of those present and entitled to vote.
3. Such a General Meeting would have the usual quorum of thirty members of WITSA.
4. 'Amendment' in the clause shall include any alterations or additions to these rules, or the revision of the entire Constitution and its substitution by a completely new set of rules.
5. SUBSTANTIAL COMPLIANCE CLAUSE – A substantial compliance to form, time, number or any matter, shall in all cases be good and sufficient, and no regulation, resolution, decision, election, appointment, notice or other thing shall be invalidated by reason only of a failure if it shall not been seen to be made in bad faith with any improper motion.

27. INTERPRETATION OF THE CONSTITUTION

Where any dispute as to the interpretation or construction of this Constitution, such dispute shall determine in accord with the ruling of the Honorary Solicitor of WITSA.

28. WINDING UP

1. WITSA shall be dissolved if at any Special General Meeting called for that purpose a resolution to that effect is carried by a two-thirds majority of those present and entitled to vote. The quorum for such a meeting shall be 50% of the number of full time full year students at Waiariki Institute of Technology who are members of WITSA.
2. Such dissolution shall not take effect unless at a subsequent SGM called for that purpose not earlier than thirty days after the date of the meeting resolving dissolution such dissolution is confirmed by a resolution to that effect, carried by a simple majority of those present and entitled to vote.
3. Such dissolution shall date from the time of such confirmation.
4. Upon such dissolution all property of WITSA both real and personal shall rest in the Waiariki Council to be held upon trust for any similar Association which from time to time may be formed for the benefit of the students attending Waiariki Institute of Technology.

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29. THE RULES

These rules comprise the Constitution of the Waiariki Institute of Technology Students' Association as at ...31.../...03.../...2008...and all previous rules and amendments are hereby revoked.

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