

Protocol: Student organisation constitutional amendments

Purpose

To establish the governing principles and processes for amendments to student organisation constitutions to be considered by the ANU Council for approval.

Scope

This protocol applies to:

- Australian National University Students' Association Incorporated
- Postgraduate and Research Students' Association Incorporated
- Australian National University Student Media Incorporated
- ANU Sport & Recreation Association
- ANU Union Incorporated
- Any other student organisation in receipt of Student Services and Amenities Fee (SSAF) funding directly from the University

Principles

1. The University respects the rights of student organisations to self-govern themselves, organising their own affairs and activities in the best interests of their membership.
2. The University has the right to protect its own reputation and interests, as well as the interests of its student body as a whole, as it manages its relationship with student organisations.
3. Student organisations and the University work collaboratively to ensure the proper administration of SSAF funding, and ensure the good governance of student organisations so that the needs of students are maintained.
4. A student organisation which is either in receipt of Student Services and Amenities Fee funding directly from the University, or automatically draws its membership from the whole student body, or the entire undergraduate or postgraduate cohort, is required to include a provision within its constitution which states that any amendment to the constitution will not come into effect until the amendment has been approved by the ANU Council.
5. Where a student organisation is either in receipt of SSAF funding directly from the University, the University has a legal obligation to ensure that allocated funds are used for a proper purpose – that is in a manner which is efficient, effective, economical and ethical. The SSAF agreement, made between the University and organisations in receipt of SSAF funding, contains conditions surrounding this.

6. Amendments to constitutions are prepared in a planned and methodical way by student organisations, involving formal and informal consultation with their student membership and relevant officers of the University.

7. The Australian National University Students' Association Incorporated and the Postgraduate and Research Students' Association Incorporated are expected to maintain constitutions that comply with the University legislation governing the election of student members of the ANU Council.

Procedure

8. Amendments to constitutions are only considered annually by the ANU Council, at its 4th meeting for the year (usually held in July).

9. Amendments outside of this time are considered if the Deputy Vice-Chancellor (Academic) forms the opinion that they are urgent, and to not deal with the amendments would cause significant detriment to the student organisation in question.

10. Amendments that arise as a result of a request or requirement of the University may be considered at any meeting of the ANU Council.

11. The Deputy Vice-Chancellor (Academic) and Corporate Governance and Risk Office are notified by the relevant student organisation of an intention to put forward amendments for a July meeting of the ANU Council no later than 15 April prior. Outside of consideration at a July meeting, notification of an intention occurs at least 3 months prior to the Council meeting at which the amendments will be put.

12. Draft amendments are submitted to the Corporate Governance and Risk Office for feedback from the University at least five weeks (though sooner where possible) before the General Meeting of the student organisation at which the amendments will be put for approval by its student members.

13. Student organisations are responsible for seeking their own legal advice on any proposed amendments, including in respect of compliance with the *Associations Incorporation Act 1991 (ACT)*.

14. The University assesses proposed amendments to ensure that they do not unreasonably impinge upon the rights and interests of the University and/or students of the University. The University may also offer feedback on general good governance practices.

15. Amendments which have been endorsed by the Corporate Governance and Risk Office and recommended for approval by the Deputy Vice-Chancellor (Academic), will be put to the ANU Council for consideration. Where Deputy Vice-Chancellor (Academic) does not recommend amendments for approval, the student organisation may request that the amendments still be put to the Council. In this circumstance, the Deputy Vice-Chancellor (Academic) may formally recommend that Council not approve the amendments.

16. Student organisations prepare all necessary documentation (as advised by the Corporate Governance and Risk Office) by the required agenda item deadline, to enable the ANU Council to properly consider for approval the proposed amendments. This includes:

- a short statement providing the rationale for the proposed constitutional amendments expressed in plain English; and
- a copy of the existing constitution in MS Word format, with the proposed amendments shown in tracked changes.

17. Proposals for constitutional amendments that do not meet the required deadlines will not be considered by the Council, unless agreed to by the Chancellor.

18. The Corporate Governance and Risk Office advises the President of the relevant student organisation of the decision of the ANU Council following its meeting.

Current as at 1 February 2018