

STUDENT COUNCIL CONSTITUTION

Preamble

This purpose of this constitution is to clarify the relationship between Student Council and Unitec, and establish rules and procedures governing the operation of Student Council and the conduct of its members.

This constitution is principles-based and is not intended to address the operational issue of who is responsible for providing the resources to support the Student Council.

Part 3 of this constitution shall come into force immediately. All other sections shall come into force on 1 January 2014.

This constitution shall remain in force beyond 2014, regardless of which organisation has responsibility for providing support to the Student Council in the future.

Part 1: Role of the Student Council

1.1 Operating Principles

- 1) Student Council derives its legitimacy from its recognition by Unitec Council and the staff of Unitec Institute of Technology (Unitec), on-going consultation with students, and the democratic election of its members. It maintains this by fostering and maintaining a cooperative and positive working relationship amongst these members and all stakeholders.
- 2) Student Council and Unitec Council are committed to co-operation and maintaining an excellent working relationship.
- 3) Student Council recognises students as a key stakeholder of Unitec. Student Council is committed to representing students by providing Unitec with valuable insights and customer feedback from students.
- 4) Student Council shall provide student feedback to Unitec through all levels of Unitec's decision- making structure, including:
 - a) Council;
 - b) The Chief Executive;
 - c) The Leadership Team;
 - d) Academic and other committees;
 - e) Heads of Schools and Directors
 - f) Academic Programme Leaders, Managers and other staff; and
 - g) At the classroom level.

- 5) Student Council aims to assist Unitec in:
 - a) Achieving its strategic goals;
 - b) Functioning as an excellent business;
 - c) Maintaining an understanding of its students' needs;
 - d) Ensuring that students have a meaningful voice at Unitec;
 - e) Providing an opportunity for students to develop leadership skills;
 - f) Ensuring that students are active stakeholders;
 - g) Helping Unitec meet its obligations under Te Noho Kotahitanga;
- 6) Student Council will not confine its representation of Unitec students to within Unitec. Student Council will represent students and their needs in the broader community, at local and national government level, and in the media.
- 7) Student Council shall ensure all advice issued and decisions made are:
 - a. Well informed;
 - b. Reflective of the opinions of the entire student community
 - c. Based on available current data and research; and
 - d. Made with reference to, and consideration of, Unitec's strategic goals and direction.
- 8) Before any decision is made by Student Council, Student Council shall engage in an appropriate consultation process that takes into account the significance of the decision. Major decisions may require consultation with the entire student body, through surveys or a referendum. Less significant routine decisions may be made by the Student Council themselves, utilising the collective knowledge of its members in regards to student needs.

1.2 Student Groups / Clubs

- 1) Student Council supports and encourages the formation of student clubs, societies and associations at Unitec.
- 2) Student Council recognises that these groups are entitled to manage their own affairs, but in order to ensure student voice is coordinated and recognised, Student Council's will hold the role as the primary student representative body at Unitec.
- 3) Any involvement by students in Unitec's decision-making structure must be coordinated through and endorsed by the Student Council.

1.3 Reporting

- 1) Student Council shall provide Unitec Council with a written summary of Student Council's planning and recent work three times a year (April, August and November).
- 2) The Student President shall meet regularly with Unitec's Chief Executive Officer (or delegate) and other key Unitec staff and keep them informed of current issues.

1.4 Changes to the Student Council Constitution

- 1) The Student Council may make changes to this constitution, providing such changes are approved unanimously by all Student Council members present at a Student Council meeting.
- 2) Proposed changes must be communicated to Unitec in writing, at least ten working days, before the changes take effect to provide Unitec with the opportunity for Unitec to provide feedback.
- 3) If Unitec considers the changes may have an adverse effect on students as a whole or for particular groups of students, a meeting of the Student Council and delegated senior staff members of Unitec shall be convened to discuss the proposed changes and determine a process to resolve any concerns held by Unitec.

Part 2: Composition of Student Council

2.1 Membership

- 1) The Student Council will consist of one of each of the following positions:

- a. Student President;
- b. Vice President;
- c. Waitakere Campus Representative;
- d. General Representative;
- e. International Representative;
- f. Māori Representative; and
- g. Pacific Representative.

2.2 Terms

- 1) All positions except the Student President will serve from 1 January to 31 December of the year following their elections.
- 2) Candidates must be Unitec students at the time of their election and throughout their period of office
- 3) Notwithstanding 2.2, (2) a student holding the office of Student President/ Vice President must be a Unitec student at the time of his or her election but is not required to be a student during his or her time in office.
- 4) From 1 January 2014, the Student President will serve a two year term, and will be limited to a single term.

- 5) Candidates must declare if they are unable to commit to their role, throughout their period of office.

2.3 Elections

- 1) All positions will be elected by Unitec-wide elections in which every Unitec student can vote, as per the Election Rules outlined in this document.
- 2) To be eligible to run for a position, candidates must meet the following eligibility criteria:

<u>Position</u>	<u>Eligibility Criteria</u>
Vice President	Enrolled
Waitakere Campus Representative	Enrolled in at least half their papers at this campus
General Representative	Enrolled
Māori Representative	Enrolled, having self-selected as Māori at enrolment
International Representative	Enrolled as an International Student
Pacific Representative	Enrolled, having self-selected as Pacific at enrolment
Student President	Enrolled, and has held a leadership position within the Unitec Student Community (eg. Sports Captain, Student Rep, Club Exec Committee member)

Candidates may run for multiple positions but must specify a priority if elected to more than one.

- 3) All candidates must run against 'No Confidence'.
- 4) In the event that a position is unfilled after an annual election, or a student resigns before taking office, that position will remain unfilled until the next annual election; unless the Student Council chooses to either :
 - a. Hold a by-election under 2.6.(2), or
 - b. Fill the vacancy by co-opting the applying candidate considered by Student Council to best meet the requirements of the role.

2.4 Student Meetings

1) The following applies to all Student Meetings held under 2.5 or 2.6:

- a. A Student Meeting can be an online or physical meeting.
- b. Participants in Student Meetings must be able to prove they are currently enrolled students.
- c. Online meetings require a secure voting system to be open for at least 48 hours and for all Unitec students to be emailed instructions on how to vote.

2.5 Vacancies

1) Vacancies arise on Student Council if the incumbent member:

- a. Resigns;
- b. Ceases to be a Unitec student (with the exception of the Student President under 2.2(3));
- c. Has a vote of No Confidence passed against them at a Student Meeting;
- d. Fails to attend three consecutive meetings of the Student Council without apologies being accepted; or
- e. In accordance with the Code of Conduct, is removed from office for breaching the Code of Conduct.

2) A vote of No Confidence occurs when:

- a. The majority of the Student Council votes to hold a Student Meeting for students to vote on the No Confidence motion;
- b. A Student Meeting is held in which 10 working days' public notice is given of the time, date and location of the meeting and the proposed motion of No Confidence;
- c. At least 100 students vote in the Student meeting; and
- d. Of the total number of students who vote (including abstentions), half vote in favour of the motion of No Confidence.

2.6 Filling Vacancies

1) If there are any vacancies on the Student Council and that vacancy is not the position of Student President, such position(s) will remain unfilled until the Student Council chooses to either:

- a. Hold a by-election, or
- b. Fill the vacancy by co-opting the applying candidate considered by Student Council to best meet the requirements of the role.

- 2) If the office of Student President is vacant, the following priorities apply to fill the vacant position:
 - a. If a President Elect has been voted in the next calendar year and agrees to take office, such President Elect will take office immediately.
 - b. If there is no President Elect, a by-election must be held.
 - c. For by-elections at a Student-Meeting, The Election Rules will apply, with the exception that the nominations phase may be reduced to a period of not less than five working days and the voting period may be reduced to a period of not less than 48 hours.
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2.7 Role descriptions

- 1) The following descriptions are not intended to be exhaustive. In addition to what is listed here, members of Student Council are encouraged to make the role their own and find innovative ways of representing students.
- 2) All Student Council members are required to:
 - a. Attend fortnightly Student Council meetings;
 - b. Decide on applications to use the Student Initiated Events Fund;
 - c. Appoint student members of committees;
 - d. Maintain a public profile and adhere to any agreed communication plans;
 - e. Always act in the best interest of Unitec students and not in their own personal interests; and
 - f. Review the representative work of the Student President and receive the Student President's written or oral reports.
- 3) The **Student President** will:
 - a. Attend open Council meetings and maintain a good relationship with Council members;
 - b. Meet regularly with Unitec's Chief Executive Officer and other Unitec staff;
 - c. Be a member of Academic Board and other relevant academic committees;
 - d. Maintain an effective working relationship with Unitec staff, including the Executive Leadership Team, Directors, Heads of Schools, Service Centre Managers, and other staff;
 - e. Have overall responsibility, and be responsible for signing off, all formal student submissions (e.g., to Parliamentary Select Committees); and
 - f. Be a student contact for the Tertiary Education Commission, NZQA, Studylink, other Governmental agencies, local government, and community groups.

- 4) The Vice President will:
- a. Attend regular Student Council meetings;
 - b. Provide support for the Student President;
 - c. Attend academic committee meetings;
 - d. Maintain an effective working relationship with Unitec staff, including the Executive Leadership Team, Directors, Heads of Schools, Service Centre Managers, and other staff;
 - e. Lead and Facilitate effective communication with Students and Unitec Staff;
- 5) The **International Representative** will:
- a. Attend relevant meetings where the needs of International Students are a focus to ensure the interests of international students are considered e.g. in the provision of appropriate support, events and activities for International students;
 - b. Lead the development and facilitate the connection between International student groups at Unitec;
 - c. Liaise between these groups and the Student Council;
 - d. Maintain an effective working relationship with the Director of International Success and Unitec International staff.
- 6) The **Māori Representative** will:
- a. Represent the interests of Māori students
 - b. Attend Runanga and other relevant committees;
 - c. Maintain an effective working relationship with the Director of Māori Success and Maia – The Māori Development Centre and the Pae Arahi;
 - d. Lead the development of and facilitate the connection between Māori student groups at Unitec;
 - e. Liaise between these groups and Student Council and ensure they have a good working relationship;
 - f. Foster a network of Māori students, including student representatives who are Māori
- 7) The **Pacific Representative** will:
- a. Attend Fono and any other relevant committees;
 - b. Maintain an effective working relationship with the Director of Pacific Success and the Centre for Pacific Teaching, Learning and Research;
 - c. Represent the interests of Pacific students,
 - d. Lead the development of and facilitate the connection between Pacific student groups at Unitec; and
 - e. Liaise between these groups and Student Council.
- 8) The **Waitakere Campus Representative** will:

- a. Represent the interests of students at the Waitakere Campus;
 - b. Maintain an effective working relationship with the Head of School and staff members at the Waitākere Campus
 - c. Attend relevant meetings, such as academic or sector alignment meetings, where the needs of Waitakere Campus students are a focus to ensure the interests of Waitakere Campus students are considered e.g. in the provision of appropriate support, events and activities for them;
 - d. Lead the development and facilitate the connection between Waitakere Campus student groups; and
 - e. Liaise between these groups and the Student Council.
- 9) The **General Representative** will:
- a. Represent the interests of Unitec students;
 - b. Liaise between Student Representatives and Student Council.
 - c. Attend academic committee and meetings as delegated;
 - d. Maintain a working relationship with Students and Staff.

2.8 Meeting Procedure

- 1) Meetings may be convened from time to time by the Student President and shall also be convened by the President within seven days upon receipt of a request in writing for a meeting signed by at least three members of Student Council.
- 2) The quorum will be half of the current members (i.e., not counting vacant positions).
- 3) The Student President will chair meetings, although the Student President may delegate this role to another member of Student Council.
- 4) If the Student President is absent, Student Council shall elect a chair for the meeting.
- 5) All issues will if possible be decided by consensus. In the event that a consensus cannot be reached, then a decision will be made by a majority vote by show of hands with the chair participating.
- 6) If the voting is tied under 2.8 (5), the chair may exercise a casting vote.
- 7) Student Council members must disclose all potentially relevant conflicts of interest on any issue before Student Council.
- 8) Where a conflict of interest is identified and/or registered, the member concerned shall not vote on that issue. Only with the unanimous agreement of all other members present may the member concerned participate in any board discussion on that topic. Failing such agreement being reached, the individual shall refrain from participation.
- 9) Individual Student Council members, aware of a real or potential conflict of interest that may apply to themselves or another Student Council member, have a responsibility to bring this to the notice of Student Council.

Part 3: Election Rules

Interpretation

In these rules:

“**Day**” or “**days**” does not include any Saturday, Sunday, or public holiday.

“**Notice**” requires a posted written notice prominently displayed on noticeboards at Unitec’s Mt Albert, Waitakere, and Northern campuses, and on a prominent online site accessible to all Unitec students.

3.1 Elections format

- 1) All student elections are to be held by secret ballot.
- 2) Only Unitec students may vote in Student Council elections.
- 3) All candidates must be advised of these rules, and any additional guidelines issued by the Returning Officer which are consistent with these rules.
- 4) Failure to comply with the Election Rules may, at the discretion on the Returning Officer, result in disqualification of the candidate under 3.6.
- 5) Elections will be online. Voting shall be open for at least 4 days.
- 6) Only Unitec students may vote.
- 7) Voters must be able to prove that they are currently enrolled as a student.
- 8) Students who identify as Māori may vote for the Māori Representative
- 9) Students who identify as Pacific may vote for the Pacific Representative
- 10) Full international fee paying students and international exchange students may vote for the International Representative
- 11) A student who qualifies to vote for more than one category under 3.1 (8) to 3.1 (10) may vote for as many positions as apply to that student.

3.2 Nominations

- 1) Public notice calling for nominations for election shall be given at least 20 days before the first polling day.
- 2) Nominations must:
 - a. include an endorsement by one other Unitec student; and
 - b. contain email and telephone contact details for the candidate.
- 3) Nominations shall close at least 5 days before the first day of polling. The Returning Officer may, at his or her absolute discretion, extend the stated deadline for a particular position or positions if there are one or fewer nominations for that position.
- 4) Candidates must declare any criminal convictions (with the exception of minor traffic offences).
- 5) Section 3.2 (4) shall not require a candidate to disclose any information they are entitled not to disclose under the Clean Slate Act 2004 or any other applicable law or regulation.

3.3 Voting

- 1) For each position, there shall be the provision for a "No Confidence" vote.
- 2) Any active campaign for the option of "No confidence" must be registered with the returning Officer and shall be subject to the same restrictions and regulations as any candidate's campaign.
- 3) If the number of "No confidence" votes exceeds the total valid votes for the highest polling candidate for the position, then none of the candidates shall be elected to that position and another election shall be held.

3.4 Code of Conduct in Elections

- 1) All candidates are responsible for removal of their personal campaign publicity material after the election.
- 2) Although campaigning is allowed on the days of polling, candidates may not communicate or interfere with students during the actual act of voting, or vote on any student's behalf.
- 3) No candidates or campaigners may interfere with any other candidate's campaign.
- 4) Candidates must observe any rules of fair play or other reasonable directions of the Returning Officer, as communicated by the Returning Officer to the candidates in writing.
- 5) The Returning Officer may limit the amount of money candidates can spend on a campaign and the quantity of resources the candidates can use. Candidates may be required to provide receipts or other proof regarding resources used in campaigns.
- 6) The Returning Officer may restrict online campaigning to certain sites (e.g. Facebook).
- 7) Candidates must obey any applicable Unitec Statutes, Policies, and Regulations.
- 8) Non-observance of these rules is grounds for disqualification.

3.5 Vote Counting

- 1) When polling closes the Returning Officer shall tally all the votes, discounting all invalid votes. The Returning Officer shall decide whether a vote is invalid.
- 2) Unless 'No Confidence' receives the highest number of votes, the candidate with the most votes shall be elected to the position. No authority is given to implement any form of preferential voting.
- 3) If there is equality of votes for a position, the winner is to be determined by a 24 hour online runoff poll in which every eligible voter may vote again.
- 4) Immediately after the votes have been counted, the Returning Officer shall notify all candidates and shall give Notice of the results.
- 5) Voting records must be retained for at least three months.

3.6 Objections before polling closes

- 1) If a student or candidate has any complaint or objection with another candidate or any aspect of the election processes, he or she must lodge it with the Returning Officer.

- 2) If the Returning Officer believes that a candidate has breached these Election Regulations, the Returning Officer may impose any of the following sanctions on any candidate, depending on the severity of the offence:
 - a. A written warning
 - b. Prohibitions or restrictions on campaigning
 - c. Deduction of votes
 - d. Disqualification
- 3) No decision may be taken under 3.6. (2) until the candidate has been given a chance to respond to allegations made against them.
- 4) Notwithstanding 3.6.(3), the Returning Officer may make a decision under 3.6.(2) if the Returning Officer has attempted to contact the candidate by telephone or email and the candidate has not responded within 24 hours (or 48 hours in the case of a disqualification).
- 5) Any sanction imposed on a candidate under 3.6. (2) must be communicated to all candidates in writing. A disqualification shall also require Notice to be given.

3.7 Objections after polling closes

- 1) If a candidate and 15 students, or, any 30 students, wish to object to the election or poll, they may within three (3) clear days of the result of the election or poll, lodge their objection in writing with the Returning Officer.
- 2) The written objection must allege specific grounds, and only these grounds shall be investigated.
- 3) The Returning Officer shall appoint three (3) impartial people to act as arbitrators who shall hear the complaints and decide whether the election for the affected position was invalid.
- 4) The only grounds for declaring an election invalid are:
 - a. There has been a material irregularity in the conduct of the election processes that has affected the result;
 - b. A Returning Officer's decision under 3.6.(2) was without reasonable foundation; or
 - c. A Returning Officer's sanction imposed under 3.6.(2) was grossly disproportionate.
- 5) If the election is declared invalid, a fresh election must be held.

3.8 Returning Officer

- 1) The appointed Returning Officer shall not have any connection to any candidate.
- 2) The Returning Officer's role will be to respond to complaints about the candidates and to take any appropriate disciplinary action under these rules.

Part 4: Conduct of Members

4.1 General

Members of Student Council hold positions of power and responsibility. This can place their actions and behaviours more into the public eye than if the individual was not a member of Student Council. With this in mind, it is imperative that members of Student Council know what is and is not acceptable behaviour when dealing with staff, students, media and others.

- 1) Student Council members shall not:
 - a. Use their position on Student Council to disadvantage or make any threat or demand upon Unitec students or staff;
 - b. Use their position on Student Council for private gain or the gain of a third party;
 - c. Represent themselves as spokespersons of Student Council unless authorised to do so subject to Section 4.4 below.
 - d. Lobby or endorse candidates (other than themselves) at Student Council elections.
- 2) Student Council members shall at all times:
 - a. act in the best interests of Student Council and Unitec students;
 - b. consider what is in the best interests of Student Council and students.
 - c. treat Unitec staff and students, Unitec Council members, members of the public and other Student council members, with dignity and respect.
 - d. respect individuals' rights to privacy and undertake to keep personal information (for which they do not have the permission from the individual to disclose) in confidence.
- 3) Student Council members shall not speak on behalf of any student until an appropriate level of consultation has been undertaken and considered.
- 4) Student Council members must be honest and open with the results of any consultation with students.

4.2 Student Council

- 1) Student Council Members are expected to adopt a co-operative attitude towards each other.
- 2) Student Council members are not to behave in a manner in which pressures other Student Council members into agreeing to their point of view, inside or outside of meetings.
- 3) Student Council members are not to discuss commercially sensitive or confidential topics during open sessions and must wait until the topics are discussed in closed sessions.
- 4) Student Council members must adhere to the Student Charter Ākonga Angitū.

4.3 Training

- 1) Student Council members shall participate in training events or courses that develop their ability to perform the role effectively. This includes, but is not limited to, training and development opportunities regarding:
 - a) Media and public communications;
 - b) Meeting processes and procedures;
 - c) Governance and management;
 - d) Networking and relationship building;
 - e) Speaking with confidence;
 - f) Unitec Strategies and Government policy; and
 - g) Briefings on current issues in the Tertiary Education sector.

4.4 Media Liaison

- 1) The Student President shall have a media profile inside Unitec and in the external media.
- 2) The Student President shall be the only student representative to speak in the external media on behalf of Unitec students. All other student representatives and members of Student Council must consult with and seek permission from the Student President before having any involvement with the external media.
- 3) The Student President shall give Unitec's Chief Executive Officer notice of any interview provided by the Student President to the external media. Where the interview has been scheduled or the Student President will be initiating a media statement, this notice should be at least 4 working hours prior to the interview. Unscheduled interviews shall be advised to the Chief Executive as soon as possible after the interview has been completed.
- 4) Any member of Student Council who speaks to the media shall consider the best interests of Unitec students when commenting.
- 5) Student Council shall agree on a communications plan and a social media strategy annually.

4.5 Misconduct

- 1) The following are examples of what constitutes Misconduct and may result in disciplinary action being taken:
 - a. Failure to complete the assigned work, except in circumstances of sickness or emergency;
 - b. Persistent lateness in the absence of sufficient justification or excuse;
 - c. Working in an unsafe manner;
 - d. Misuse or unauthorised use of Unitec for personal gain or use, including internet facilities and accessing, downloading or using offensive, obscene, discriminatory, pornographic, or otherwise inappropriate material on the computer system;
 - e. Use of offensive language;
 - f. Failure to report work-related accidents or injuries;
 - g. Failure to achieve stated objectives or required work standards;
 - h. Deliberate avoidance of duties;
 - i. Any use of Unitec property and equipment for activities not for the benefit of students or on Unitec business; and
 - j. Any minor breach of New Zealand Law;
 - k. Breach of the Student Council Conflict of Interest policy;
 - l. Any other action, which by its nature and in light of reasonable community standards, can be regarded as misconduct;
- 2) The above list is not exhaustive and where misconduct occurs which is not listed in the list above, Student Council reserves the right to implement the disciplinary procedure as set out in 4.7.
- 3) For clarity, it is possible for misconduct to occur even if the person did not intend to cause harm or offence to any person.

4.6 Serious Misconduct

- 1) The following items are examples of what constitutes serious misconduct and could result in instant dismissal and/or expulsion from the Student Council.
 - a. Refusal to perform assigned work or abandonment of position;
 - b. Unauthorised possession of or the damage to Unitec or any other person's property without consent;
 - c. Physical or verbal violence (including threats or intimidation) against any person;
 - d. Falsification of records;
 - e. Falsifying medical certificates, birth certificates, character references, application forms, or other similar documents;
 - f. Copying or divulging information without the authority of the Unitec Student President;
 - g. Inability to carry out duties due to the consumption of drugs or alcohol;

- h. Possession, consumption or distribution of illegal substances while on Student Council business or while on Unitec premises. Incidents will be reported to the NZ Police;
- i. Sexual harassment of other members of Student Council, or Unitec staff, or any other person;
- j. Harassment of any person(s) – such as sexual, religious, gender, nationally, or any other form of such unacceptable behaviour and attitude;
- k. Misrepresenting Student Council for personal gain or seeking and/or accepting unsolicited bribes or inducements;
- l. Behaviour, actions or conduct, which seriously jeopardise safety, property or the good reputation of Student Council;
- m. Behaving in a way that will discredit or bring disrepute to Student Council.
- n. Fraudulent behaviour;
- o. Criminal issue or damage of electronic data or communication systems.
- p. Recurring misconduct after warnings;
- q. Unauthorised use of, possessions of or the misappropriation of items or goods from Unitec;
- r. Serious breach of the Student Council conflict of interest policy;
- s. Any serious breach of New Zealand Law; and
- t. Any other action that, by its very nature and in light of reasonable community standards can be regarded as serious misconduct.

2) The above list is not exhaustive and where serious misconduct occurs which is not listed in the list above, Student Council reserves the right to implement the disciplinary procedure (see below).

3) For clarity, it is possible for serious misconduct to occur even if the person did not intend to cause harm or offence to any person.

4.7 Not misconduct

- 1) Nothing in Part 4 prevents an individual Student Council member criticising any other Student Council member in a Student Council meeting or in private communication, providing he or she is honestly acting in the best interests of Student Council and Unitec students.
- 2) Nothing in the Behavioural Policy/Code of Conduct prevents an individual Student Council member publicly criticising the Student Council if he or she considers the Student Council is acting in breach of Student Council's aims, providing that the Student Council member does not bring the Student Council into disrepute.

4.8 Disciplinary Procedure

- 1) Nothing in the process outlined below requires a misconduct process to occur when the member of Student Council would prefer to resign or has deemed to have resigned in accordance with any approved Student Council policy.

- 2) This Code of Conduct is solely concerned with the issue of whether misconduct affects the Student Council Member's position on Student Council. Nothing in this Code of Conduct is intended to circumvent or override:
 - a. The right of students to remove members of Student Council from office by a vote of no confidence under 2.5.
 - b. Any disciplinary action taken by Unitec under the Student Disciplinary Statute, or any other relevant Unitec rules and policies that may be in force from time to time.
- 3) If the Student President's conduct is in issue, the other Members must appoint from among themselves an impartial Member of Student Council to fulfil the role required in this Process by the Student President.
- 4) Throughout this process, the principles of natural justice must be observed. No action can be taken against any Student Council Member until they have been made aware of the allegations and evidence that is against them and until they have had a reasonable opportunity to state their case.
- 5) In the case of a **first** offence of misconduct by a Member of Student Council, if the Student President is satisfied that misconduct occurred, the Student President may decide to:
 - a. Informally warn the Member of Student Council, and remind them of appropriate standards of behaviour; or
 - b. If the circumstances warrant, censure the Member of Student Council under 4.8. (7).
- 6) In the case of a **second** or **third** offence of misconduct, if the Student President is satisfied that misconduct occurred, the Student President must censure the Member of Student Council under 4.8.(7).
- 7) A censure will be treated as a written warning and shall include:
 - a. A statement of the problem;
 - b. Identification of any rule(s) that have been broken;
 - c. Any consequences which may have resulted from the breach;
 - d. The corrective action required of the individual;
 - e. Potential consequences if corrective action is not taken; and
 - f. A reference to any previous verbal warning(s) and the date(s) given.
- 8) In the case of a **first** offence of serious misconduct by a Member of Student Council, if the Student President is satisfied that serious misconduct occurred, the Student President may decide to:
 - a. Censure the student under section 4.8(7);
 - b. Or, if the circumstances warrant, refer the matter to the Discipline Committee.

- 9) In the case of a **second** or **third** offence of serious misconduct, if the Student President is satisfied that serious misconduct occurred; the Student President must refer the matter to the Discipline Committee.

4.9 Discipline Committee

- 1) The Discipline Committee shall consist of:
 - a. Two impartial Unitec staff members nominated by the Student President; and
 - b. One former USU President or former Unitec Student President or Student Council member nominated by the Student President.
- 2) The Discipline Committee must consider all matters referred to it by the Student President.
- 3) The Discipline Committee may:
 - a. Remove a Member of Student Council;
 - b. Suspend a Member of Student Council; or
 - c. Censure a Member of Student Council under 4.8.(7).
- 4) Except as provided by 2.5. (2), only the Discipline Committee can remove or suspend a Member of Student Council.
- 5) The Discipline Committee shall not reach a decision until it is satisfied that the facts of the matter have been established. For the sake of clarity, this means that the Discipline Committee cannot rely on the Student President's findings of fact.

4.10 Appeals

- 1) A member of Student Council may appeal to the other members of Student Council, which by a decision of at least half plus one of the remaining members, may overturn the decision of the Discipline Committee.