



THE UNIVERSITY OF THE SOUTH PACIFIC STAFF UNION

C O N S T I T U T I O N

1 TITLE AND OFFICE

- (a) The name of the Union shall be the "THE UNIVERSITY OF THE SOUTH PACIFIC STAFF UNION" (hereinafter referred to as the Union).
- (b) The registered office the Union shall be at Laucala Bay, Suva.
- (c) The registered postal address of the Union shall be c/- the University of the South Pacific, Suva.

2 OBJECT

- (a) To secure the complete organization in the Union of all staff, excepting the teaching staff of the University of the South Pacific.
- (b) To safeguard and promote the trade union interests and well-being of its members.
- (c) To provide an organized medium for the expression of the considered opinions of its members.
- (d) To make representation and conduct negotiations on behalf of its members.

- (e) To undertake by conciliation or arbitration settlement of disputes.
- (f) To promote or oppose resolutions passed by the Council of the University of the South Pacific and other measures affecting the staff.
- (g) To promote the material, cultural, social, educational and recreational welfare of the members and their families in any lawful manner by the provisions of educational facilities, clubs, or other undertakings which the Annual or an Extraordinary General Meeting g may from time to time deem necessary.
- (h) To consider and advise on any matters affecting the interests of its members.
- (i) To undertake, participate financially or otherwise in printing or publishing of periodical, bulletin, book, pamphlet or other publications or printed literature in the interests of, and with the main purpose of, furthering the lawful interests of the union or its members.
- (j) To do all such other acts and take such other steps and as are incidental and conducive to the attainment of the above subjects.

3 MEMBERSHIP

- (a) All bona fide staff employed by the University of the South Pacific drawing an annual salary are eligible to become members of the Union, except:
 - (i) staff employed in the teaching profession.
- (b) A person shall not be eligible for membership if he is a member of another registered trade Union.
- (c) Staff under the age of 18 may join in the Union and on joining shall enjoy all the rights and privileges of such membership except that they shall not be members of the executive council of the Union.

- (d) The annual subscription shall be deemed to become due and payable on the thirty-first (31st) day of January in each year, and shall be paid in one lump sum:

Provided that where a member authorizes his subscription to be paid by way of deductions from his salary, the annual subscription shall be payable by equal periodical deductions from his salary during the year or by monthly or weekly installments.

- (e) The subscription shall be one hundred and fifty six dollars per annum (\$156) per member or such other sum as may be fixed by the Annual or Extraordinary General Meeting shall be payable before 31 December, each year:

Provided that where a member elects to pay his subscription by way of deductions from his salary and signs the necessary authority, the subscription due and payable in respect of that year shall be that proportion of the annual subscription as would be deducted from his salary in that year.

- (f) Members who are more than thirteen (13) weeks in arrears of subscription shall not be entitled to any Union benefit nor will they be permitted to vote at any Union Meeting. Members whose subscriptions are more than twelve (12) months in arrears shall cease to be members of the Union but shall be reinstated as members on payment of all outstanding subscriptions.

4 OFFICE BEARERS

- (a) The Office Bearers shall be elected at an Annual General Meeting.
- (b) There shall be 1 President, 2 Vice-Presidents, 1 Secretary, 1 Assistant Secretary, 1 Treasurer, and 3 Committee Members.

5 ADMINISTRATION

- (a) The administration of the Union shall be vested in the Executive Committee of the Union (hereinafter called the Committee) consisting of nine (9) members inclusive of all officers comprising the President, Vice-Presidents, Secretary, Assistant Secretary, Treasurer, and Committee Members.
- (b) The officers and other members of the Committee shall be elected in the manner prescribed hereinafter and shall hold office for a period of two (2) years or until their successors are duly qualified and elected.
- (c) The members and officers of the Committee in office on the date of adoption of this Constitution shall hold office until their successors are duly qualified and elected at the next Annual General Meeting.
- (d) The Union will employ an office assistant as a casual worker whenever there is a need. This must be approved and justified by the Executive Committee.

6 EXECUTIVE COMMITTEE

- (a) Five (5) Committee members present shall comprise a quorum.
- (b) The Committee may suspend, recommend for dismissal or levy a fine not exceeding \$2.00 on any officer or member for neglect of duty, dishonesty, incompetence, refusal to carry out the decisions of the Committee or for any reason which it deems fit in the interests of the Union. Any officer who is suspended or recommended for dismissal shall have the right of appeal to the Annual or Extraordinary General Meeting.
- (c) The Committee shall have powers to fill any vacancies created in the Committee or in any office of the said Union.
- (d) The Committee shall:

- (i) authorize all expenditure;
- (ii) receive all monies and subscriptions;
- (iii) appoint sub-committees for specific or special purpose with such powers and duties as may be determined;
- (iv) carry out negotiations and make representations on behalf of the Union.

7 EXECUTIVE COMMITTEE MEETING

The Committee shall meet at such times as may be necessary for the transaction of business and may be summoned by the Secretary or Assistant Secretary (in absence of Secretary) at the request of the President or on a request in writing signed by four (4) Committee members. All minutes, resolutions and proceedings shall be recorded by the Secretary in a minute book.

8 QUORUM

At any Annual General Meeting of the Union thirty (30) percent of members entitled to vote shall form a quorum.

9 CHAIRMAN

In the absence of the President the Vice-President shall preside at all such meetings. In the absence of both the President and the Vice-Presidents of the Committee shall elect one of its members to be Chairman at such meetings.

10 ANNUAL GENERAL MEETING

The Annual General Meeting of the Union shall be held not later than 29th April in each year at such time and place as the Committee shall determine. At such meeting an audited Income and Expenditure Account and Balance Sheet of the Union shall be submitted for acceptance and an Annual Report shall be presented and such other business may be brought forward as stated in the notice convening such meeting. The above General Meeting shall be called "Annual General Meeting" and all other general meetings shall be called "Extraordinary General Meeting".

11 NOTICE OF ANNUAL GENERAL MEETING

Fourteen (14) clear days notice of the place and time of the Annual General meeting and the general nature of the business to be transacted shall be given to all members of the Union by advertising in local daily newspaper.

12 EXTRAORDINARY GENERAL MEETING

- (a) The Executive Committee may call an Extraordinary General Meeting by giving two (2) clear days notice of time and place for the Extraordinary General Meeting and general matters of business to be transacted shall be given to all members of the Union.
- (b) An Extraordinary General Meeting shall be called within fourteen (14) days if a request for such a meeting is made in writing stating the reasons and the business to be transacted thereat, by twenty percent (20%) or more of the members entitled to vote at such a meeting.
- (c) An Extraordinary General Meeting shall deal only with the business for which it is convened.

13 NOMINATION OF OFFICERS

Nominations for all appointments to the Committee shall be in writing signed by two financial members of the Union with the

consent of the nominee endorsed and shall be left with the Secretary at least seven (7) clear days before the date on which the Annual Meeting is to be held. The date on which nominations close shall be embodied in the notice of the Annual General Meeting.

- (a) No member shall be nominated for appointment or have a vote at any meeting if his annual subscription be in arrears of more than thirteen (13) weeks.
- (b) No person shall be nominated unless he is a staff member of the University of the South Pacific.

14 VOTING

All decisions in respect of the following shall be taken by secret ballot.

- (i) dismissal of officers of the Union;
- (ii) dismissal of members of the Executive Committee;
- (iii) the alteration of the rules of the Union;
- (iv) amalgamation of the Union with another Union or association;
- (v) all matters relating to strikes and lockouts;
- (vi) dissolution of the Union;
- (vii) imposition of levies;
- (viii) the election of office bearers of the Union
- (ix) the federation of the Trade Union with any other Trade Union or with a Trade Union Federation.

- 15 Voting on all matters shall be on a show of hands but if requested by the mover and agreed to by two-thirds of the members present it shall be by ballot.

- 16 At any election of the Committee whether at the Annual General Meeting or by postal ballot, every member voting shall record his vote for the like number of candidates as there are vacancies.
- 17 If the number of candidates nominated for any office equals the number of vacancies the Chairman at the Annual General Meeting shall declare those nominated to be elected
- 18 If the number of candidates is less than the number of vacancies the Chairman at the Annual Meeting shall declare those nominated to be elected and shall call for nominations for any office then vacant.
- 19 The procedure to be followed in taking the ballot shall be as follows:
 - (a) the ballot shall be conducted jointly by an officer of the Union and a representative chosen by the members of the Executive Committee;
 - (b) the persons responsible for conducting the ballot shall be furnished with a written record of the names of the members entitled to vote, and adequate supply of ballot papers and a suitable ballot box fitted with lock and key;
 - (c) arrangements shall be made to enable each member concerned to obtain a ballot paper to mark it before depositing it in the box;
 - (d) the name of each member to whom a ballot is handed shall be marked off on the record of names of members concerned by the person handing out ballot papers;
 - (e) the member shall, after marking the paper, fold it so as to cover the marking and deposit it in the ballot box;
 - (f) the ballot papers shall be examined and the votes shall be counted by the persons conducting the ballot and certificates of the result of the ballot shall be jointly signed by them.

- 20 The voting paper shall be in the form as the Committee may in any particular case deem necessary.
- 21 In respect of any postal ballot the following provisions shall apply:
- (a) The person conducting the ballot (see rule 19) shall forthwith, after the date on which nominations close, post to each member at the address appearing in the Register of Members the voting paper containing in alphabetical order a list of names of all the duly nominated candidates for all the vacant offices and also directions to voting. Any member who satisfies the person conducting the ballot that he did not receive or has lost or spoiled his voting paper shall be entitled to receive a voting paper and complete the same in manner hereinafter provided at any time prior to the closing of the ballot
 - (b) The voting paper must be delivered to the address indicated on it to the persons responsible for conducting the ballot not later than 4.00pm on the day preceding the Annual General or Extraordinary General Meeting at which time the ballot shall close.
- 22 A voting paper shall be informal in any of the following cases:
- (a) If the voter be more than thirteen (13) weeks in arrears of his annual subscription or is otherwise disqualified from voting under these rules:
 - (b) If the number of candidates whose names have not been struck out is greater or less than the number of vacancies to be filled;
 - (c) If the envelope containing the voting paper is delivered after the closing of the ballot.
- 23 Between the time fixed for the closing of the ballot and the commencement of the Annual General Meeting the envelopes containing the voting papers shall be opened and the votes recorded for each candidate counted by the scrutinizers in the presence of the Secretary who shall provide them with a list

upon which is indicated the names of all members at the time of the closing of the ballot who were not financial or otherwise disqualified from voting under these rules.

- 24 If by reason of any equality of votes given for two or more candidates the election is not complete, the Chairman of the Annual General Meeting shall decide by lot in such manner as he may determine which of such candidates shall be elected and thereby complete the elections.
- 25 Upon completion of the count, the scrutinizers shall prepare a certificate showing the number of valid votes cast for each candidate and deliver such certificate to the Chairman of the Annual General Meeting who shall declare the result at such meeting.
- 26 At any election and on all other questions before any general meeting each member attending the meeting shall be entitled to one vote. A member not present at any meeting shall not be entitled to vote by proxy.
- 27 Any accidental omission on the part of the Secretary to forward a voting paper to any member entitled to vote shall not invalidate the election.

28 ADJOURNMENT

Any meeting of the union or the Committee may be adjourned from time to time.

29 MINUTES

Minutes shall be recorded in books to be kept for that purpose of the proceedings of all meetings of the Union and the Committee and a record of the names of the members attending the meetings of the Committee.

30 INSPECTION OF BOOKS

All financial members will be allowed at any reasonable time to inspect the books of accounts and the Registrar of members. Application to do so must be made to the Secretary or Treasurer.

31 TREASURER'S DUTIES

- (a) The Treasurer shall be elected at the Annual General Meeting and shall be eligible for re-election.
- (b) The Treasurer shall receive all fees and subscription and other monies due to the Union and his receipt shall be a sufficient discharge for all monies received by him. All monies received by him shall be paid in to the Bank at which the union transacts its business.
- (c) The Treasurer shall keep an account of all monies received and disbursed and shall submit the same to the Committee from time to time as he may be directed.
- (d) The usual and proper books of account as required by the Trade Union Ordinance and the Accounts Regulations shall be kept by the Treasurer showing the financial affairs of the union and containing the particulars usually shown in books of account of a like nature.

32 DUTIES OF SECRETARY

The Secretary shall conduct the business of the Union in accordance with Rules and Constitution of the Union. He shall carry out the instructions of the Executive Committee. He shall summon and attend all meetings of the Union and keep records of such meetings and the Minute book shall be brought by him at each meeting conducted by the Union from time to time. He shall be elected at the Annual General Meeting and shall be eligible for re-election.

33 DUTIES OF PRESIDENT

- (a) The President of the Union if present shall preside at all Annual and Extraordinary General Meetings of the union and at all the Executive Committee Meetings.
- (b) He shall be responsible for the proper conduct of the business at such meetings, shall sign the minutes of each such meeting, after they are approved and shall endeavour to secure the observance of the provisions of the Constitution and any Rules and Regulations made thereunder.
- (c) He shall be elected at the Annual General Meeting and shall be eligible for re-election.

34 DUTIES OF VICE-PRESIDENT

- (a) The Vice-President of the Union shall assist the President in performing his duties and shall carry out the functions of the President when the President is not present or is unable to act for any reason.
- (b) He shall be elected at the Annual General Meeting and shall be eligible for re-election.

35 REGISTER OF MEMBERS

A register of the members of the union and their addresses shall be kept by the Secretary, and shall be available from time to time to financial members and such register shall record the subscriptions paid by each member and the period up to which those subscriptions have been paid.

36 FINANCE

The financial year of the Union shall close on the 31st December in each year and as soon as possible thereafter the Treasurer shall prepare a full statement of the financial transactions of the union during the preceding year. Such statement shall be presented to the Committee by the Treasurer.

- 37 No receipt for any money given to the Union shall be valid unless it is on the Union's official receipt form as prescribed by the Trade Unions Ordinance and the Regulation made thereunder.
- 38 All monies collected on behalf of the Union by any person shall be a debt due from hi to the Union and may, if necessary be recovered by legal action.
- 39 The funds and property of the Union shall at all times be vested in the Executive Committee.
- 40 The Executive Committee shall have the power to borrow money, to make loans or grants, to enter into covenants and guarantees, and to grant or accept securities on such terms and conditions as it deems fit.
- 41 The funds of the Union shall unless received by the Union for any particular purpose be available for all purposes incidental to the objectives of the union and for payment of expenses for the administration of the Union.
- 42 The funds of the Union shall be spent on lawful and legitimate expenses incurred for and on behalf of the union on such matters as are provided for in the Trade Unions Ordinance.
- 43 In the event of the Union establishing a benevolent fund or any other similar scheme, all monies received or paid by the Union in respect of such scheme shall be accounted for in a separate fund which shall be administered in accordance with rules made for that purpose. Such rule shall be approved by the Annual or Extraordinary General Meeting of the Union.
- 44 The Auditor shall be appointed a the Annual General Meeting and his appointment shall be approved by the Registrar of Trade Unions. In the case of his resignation or refusal or incapacity to act, the vacancy so created shall be filled by appointment by the Committee. Such Auditor shall audit the accounts of the Union and shall forward one (1) copy of each the Income and Expenditure Account, Balance Sheet, together with any report made by him thereon to the Registrar of Trade Unions.

- 45 All monies received by the Union shall be paid to the credit of the Union at such Bank or Banks which the Committee shall appoint.
- 46 All disbursements except petty disbursements shall be paid by cheque from time to time signed by the Treasurer, President and or Secretary.
- 47 The books of Accounts shall be open to inspection at all reasonable times, by any financial member of the Union.
- 48 If any office bearer be absent from three (3) consecutive meetings of the Committee without leave of absence or become incapable or unwilling to act or cease to be member of the Union shall cease to hold office and the vacancy thereby created shall be filled by appointment by the Committee as soon as possible.
- 49 The Committee shall have power from time to time and whenever necessary to appoint one or more representatives either from the Committee itself or from amongst the members of the Union to serve on any body or sub-committee having for its objects the inquiry into or the settlement of any dispute affecting members.

50 EXPULSION OF MEMEBRS

If any member shall willfully infringe the rules or by-laws of the union or in any way conduct himself or act in a manner prejudicial to the interest of the Union, he may be expelled by a resolution passed by a two-third majority of members present at an Annual General Meeting or at an Extraordinary General meeting.

- 51 Before any motion for expulsion of any member may be put before any meeting, notice of the motion of expulsion shall be supplied to the member at least fourteen (14) days before such meeting together with particulars of all charges against him and such member shall be at liberty to appear before such meeting and answer all charges made against him.

52 RESOLUTION

All resolutions passed at any meeting of the Union shall be conclusive and binding on all members thereof whether present at such meeting or not provided that such meeting shall be held in conformity with the rules and a declaration by the Chairman of the meeting that a resolution has been carried or lost together with an entry in the Minute Book of the Union shall be conclusive evidence of that fact.

53 ALTERATION OF CONSTITUTION AND RULES

This Constitution and these Rules may be amended at any Annual General or Extraordinary General Meeting provided that notice in writing of any proposed amendment is delivered to the Secretary not less than seven (7) clear days prior to the meeting in the case of an Annual General and together with the requisition for the meeting in the case of an Extraordinary General Meeting that notice of the proposal to amend the rules shall be given by the Secretary to the members in accordance with these rules. Such alterations or additions shall be submitted to the Registrar of Trade Unions for registration after such amendments have been approved in the meeting.

54 DISSOLUTION

- (a) The Union shall not be dissolved, except with the consent of two-thirds or more of the total voting members of the Union obtained by means of a ballot held at the Annual General Meeting or at an Extraordinary General Meeting.
- (b) In the event of the Union being dissolved all debts and liabilities legally incurred on behalf of the Union shall be fully discharged and the remaining funds together with the proceeds of the sale of any assets of the Union be donated to a Fund catering for the University Students' welfare, otherwise disposed of in accordance with a resolution passed at the meeting at which the dissolution was approved.

- (c) When the Union is dissolved notice of the dissolution signed by the Secretary and fourteen (14) voting members be sent by the Secretary to the Registrar of Trade Unions within fourteen (14) days of the date of the meeting at which the dissolution was agreed to.

55 AMALGAMATION

The Union shall not amalgamate with any other Association unless:

- (i) a ballot on the proposed amalgamation is taken at the Annual Meeting or Extraordinary General Meeting;
- (ii) At least two-thirds of the voting members in the Union have cast and recorded their votes;
- (iii) Such votes cast and recorded in favour of the amalgamation exceed by one fifth of the votes against the amalgamation.

56 NOTICE

A notice of meetings or proceedings may be given to any member by the Committee either personally or through the established internal mail system of the University. For notice regarding the Annual or Extraordinary General Meeting refer to Rule No.11

- 57 The accidental omission to give notice of a meeting to any member or the non-receipt of the notification by any member shall not invalidate the proceedings of any meeting.

58 LEVIES

The Union may impose upon its members a levy not exceeding in any one year the sum of one (1) dollar (\$1.00) for any special purpose in order to carry out or promote any

of the objectives of the Union. Such levy shall be payable in a manner determined by the Union and recoverable as a debt due to it. The decision to impose any levy shall be taken at the Annual General Meeting or at any Extraordinary General Meeting.

59 INTERPRETATION OF RULES

The decision of the Executive Committee on the construction or interpretation of the Constitution and Rules shall be conclusive and binding on all members until set aside or amended at an Annual General or Extraordinary General Meeting.

60 LEGAL ASSISTANCE

In consistent with the provisions of Rule 2, paragraph (d) the Committee shall have power to provide legal advice and legal assistance for any financial member on any matter connected with his employment, provided the Committee is satisfied that the case is one on which it is advisable that legal advice or assistance is necessary, and provided also that the necessity for legal assistance is not caused by drunkard ness, willful neglect of duty, or by criminal act on the part of the member.

61 DEATH BENEFIT PAYMENTS

The Union shall pay the following death benefit payments;

- (a) on the death of a member, the Union shall pay five hundred dollars (\$500.00) to the member's next of kin;
- (b) on the death of the member's legal spouse the Union shall pay four hundred dollars (\$400.00) to the member;
- (c) on the death of members real child, the Union shall pay two hundred dollars (\$200.00) to the member;

- (d) the Union shall pay on the death of any parent of a single staff member the sum of four hundred dollars (\$400.00).

In cases where (b) (c) and (d) above apply, documentary evidence could be requested.

62 RETIREMENT BENEFIT

The Union shall pay out the following for union members who retire from the University and has been a Union member for the number of continuous years.

- (i) 10 to 15 years of membership - \$500
- (ii) 16 to 20 years of membership - \$750
- (iii) 21 to 25 years of membership - \$1,000
- (iv) 26 to 30 years of membership - \$1,250
- (v) 31 to 35 years of membership - \$1,500

PRESIDENT: _____

SECRETARY: _____