

UNIVERSITY OF PERADENIYA

University Students Union and Faculty Students Union By-Law No.1 of 2003

PART I

A By-Law made by the Council of the University of Peradeniya under Section 135 read with Section 112(3) of the Universities Act No 16 of 1978 as amended by Acts No.7 of 1985 and No.26 of 1988.

- 1 This By-law shall be cited as the University Students Union By-law No.1 of 2003 and shall come into operation on 01<sup>st</sup> July 2003. This By-law supercedes any other By-law or Regulation that may have been issued on the subject of election to students unions earlier.
- 2 Nothing in this By-law shall be construed in a manner to detract from the powers, duties and functions conferred on or imposed upon the Principal Executive Officer by the Universities Act, No 16 of 1978 (as amended) hereinafter referred to as the Act, or by any other Instrument
3.
  - (i) Upon the coming into operation of this By-law there shall be established a Peradeniya University Students Union and Faculty Students Unions as per the terms provided for in sub-paragraph 3(ii) and 3(iii) of this By-law.
  - (ii) The Peradeniya University Students Union shall derive its authority for its composition, duties and functions as provided for in Section 1(1), 1(2), Section 2 and Section 3 in the schedule to the Universities (Amendment) Act No.26 of 1988.
  - (iii) There shall be a University of Peradeniya Faculty Students Union for each Faculty of the University of Peradeniya, which Unions will derive their authority for their composition, duties and functions as provided for in Section 6(1), 6(2), 6(3) and Section 7 in the schedule to the Universities (Amendment) Act No.26 of 1988

## PART II

4. Without prejudice to the generality of the powers, duties and functions conferred upon or imposed on the Governing Authority of the University of Peradeniya by the "Act", or any other Instrument, the Council shall be responsible for the administration and implementation of this By-law.
5. No student of a Faculty shall be eligible to vote at an election:
  - (a) unless he has been duly registered and admitted as a full-time undergraduate student and is following a course of study in the relevant faculty in respect of the academic year in which the election is held;
  - (b) if he is under suspension from the Faculty and/or University;
  - (c) if he fails to establish his identity at the time of voting.
6. For the purpose of this By-law "Registered Student" means any undergraduate student who has already been registered and admitted to a course of study at the University for any academic year or any student who is duly admitted and registered from time to time to follow a course of study in respect of any academic year, or other period of study.
7. (i) Within seven days of the commencement of each academic year, the Registrar of the University shall publish within the University a notice containing:
  - (a) the name of each Faculty Students Union;
  - (b) the title of the office-bearers and the number of other members to be elected to each such Faculty Students Union;
  - (c) the names and registration numbers of students who are eligible to vote at an election of office bearers and other members to each such Faculty Students Union.

8. The Principal Executive Officer of the University shall nominate in respect of the Election of office bearers and other members to each Faculty Students Union, the name and designation of a person to conduct such election (hereinafter referred to as the "Election Officer"). The Election Officer may co-opt any person or persons to assist him in this task.

9. (i) The Principal Executive Officer of the University shall fix in respect of each Faculty Students Union, a date, closing time and venue for the receipt of nominations by the Election Officer for the election of office bearers and other members for that Faculty Students Union. Such date shall be a date after the expiry of eight days but prior to the expiry of fourteen days from the date of publication of the Notice under section 7(i) of this By-law.

(ii) The Registrar of the University shall publish within the University the date, time and venue fixed for the receipt of nominations in respect of each Faculty Students Union.

10. (i) Every registered undergraduate student who is eligible to vote at an election of the Faculty Students Union will be eligible to be nominated as a candidate for election of office bearer or member of that Faculty Students Union.

Provided, however, no student shall be eligible to be nominated as a candidate for election of office bearer or member of a Faculty Students Union, if he has been found guilty of misconduct.

(ii) Proposers and seconders should be registered students of the faculty to which they will be nominating a candidate.

(iii) No student will be eligible to be nominated for more than one post or by more than one proposer or seconder at any given election.

- (iv) Nominations will be on a form given in schedule one (01) of this By-law. Nominations should be accompanied by name and student registration number of the proposer and seconder, and should be signed by the nominee in token of his agreement to stand for election.
  - (v) Nominations so received will be displayed by the Election Officer on the faculty notice board on the day following receipt of nominations.
  - (vi) Any objections to persons nominated should be submitted to the Election Officer by any registered student of that Faculty prior to the expiration of one day after the displaying of nominations, giving valid reasons for such objections. The decision whether a nomination is valid or not will be made by the Principal Executive Officer and such decision shall be final.
11. Where no nominations have been received, the Principal Executive Officer shall fix, in respect of such Faculty Students Union, a fresh date, time and venue for the receipt of nominations.
12. (i) The Principal Executive Officer of the University shall fix in respect of each Faculty Students Union a date for the election of office bearers and other members to such Faculty Students Union. Such date shall be a date falling within fourteen days of the date on which nominations were received in respect of that Faculty Students Union.
- (ii) The Registrar of the University shall publish within the University, the date, time and venue fixed for the election of Office bearers and other members in respect of each Faculty Students Union.
- (iii) The Election Officer shall conduct the election by secret ballot. For an election to be valid 50% or more of the eligible voters should cast their votes.

13. Each candidate contesting the election of a Faculty Students Union may appoint two students as polling agents to represent him at the venue of election during the taking of the poll and the count. Notice in writing of every such appointment stating the names and registration numbers of the students appointed shall be given by the candidate to the Election Officer before the opening of the poll.

Provided, however, that only one polling agent of a candidate can be present at the venue of election at any time during the taking of the poll, or the count.

14. (i) Every registered student who is eligible to vote at an election of a Faculty Students Union shall be entitled to vote for a candidate for each office and for such number of candidates for membership as is equivalent to the number of members to be elected to such Faculty Students Union as specified in the schedule to the Amendment Act. No. 26 of 1988.
- (ii) Where the number of votes cast at an election is less than 50% of the eligible votes, the Election Officer shall declare such election as invalid
- (iii) Where only one nomination has been received and accepted in respect of such post, the Election Officer shall declare elected the candidate so nominated to the respective post.
- (iv) Where 02 or more nomination papers have been received in respect of each post, the Election Officer shall declare elected the candidate who polls the highest number of votes.
- (v) The Election Officer shall declare elected as members the candidates who poll the most number of votes in descending order until the number of candidates declared elected as members shall be equivalent to the number for membership for each Faculty.
- (vi) Where equality is found to exist between the votes polled by two or more candidates for election of an office bearer or member the determination of the office bearer/member to be elected shall be made by a draw of lots.

- (vii) At the conclusion of the election of office bearers, the Faculty Students Union shall nominate, with the concurrence of the Dean of the Faculty, a senior teacher of the Faculty to be appointed by the Principal Executive Officer of the University as the Senior Treasurer of the Faculty Students Union.
15. (i) Each office bearer or member of a Faculty Students Union shall hold office from the date of his election up to the end of the academic year in which he was elected.  
Provided, however, that the Council shall have the discretionary power to extend the period of office of such office bearer or member.
- (ii) No student shall be eligible for re-election to the same office.
- (iii) If any office bearer or member:  
(a) ceases to be a student; or  
(b) resigns office by writing under his hand addressed to the Senior Treasurer; or  
(c) is found guilty of misconduct, his office shall be deemed to be vacant.
- (iv) Where the post of an office bearer/member of a Faculty Students Union falls vacant, the Election Officer shall, as determined by the Principal Executive Officer in accordance with the earlier provisions of this By-law, initiate action for the holding of an election to elect a person to fill such vacancy. The person so elected shall hold office for the unexpired portion of the term of office of his predecessor.
16. (i) The duties and functions of the President of the Faculty Students Union shall be:  
(a) to preside at all meetings of the Faculty Students Union;  
(b) to carry out the decisions of the Faculty Students Union; and  
(c) to call meetings of the Faculty Students Union.

(ii) The duties and functions of the Vice-President of the Faculty Students Union shall be:

- (a) to preside at any meeting of the Faculty Students Union in the absence of the President;
- (b) to assist the President in the discharge of his duties; and
- (c) to carry out any other duty or function assigned to him by the Faculty Students Union.

(iii) The duties and functions of the Secretary of the Faculty Students Union shall be:

- (a) to keep records of all proceedings of the Faculty Students Union;
- (b) to summon meetings of the Faculty Students Union on the instructions of the President or upon the receipt by the Secretary of a written request, from not less than one third of the total membership of the Faculty Students Union
- (c) to ensure that a copy of the minutes of the proceedings are forwarded to the Dean of the faculty; and
- (d) to ensure that minutes of the proceedings are available for inspection by any student of the Faculty

(iv) The duties and functions of the Junior Treasurer of the Faculty Students Union shall be:

- (a) to have custody of the funds of the Faculty Students Union.
- (b) to ensure that all income and expenditure are properly recorded for in the books kept for this purpose, subject to any rules pertaining to maintenance of such accounts;
- (c) to inform the Senior Treasurer within one week of the receipt of any money by the Faculty Students Union, of such receipt;
- (d) to make payments out of the funds of the Faculty Students Union with the approval of the Senior Treasurer;
- (e) to prepare a budget for the academic year after consultation with the office bearers of the Faculty Students Union within one month from the date of election of its office bearers;
- (f) when necessary, to prepare supplementary estimates;

- (g) to submit to the Faculty Students Union a report on its current and projected financial position as at the last day of each term within one month of the end of that term; and
- (h) to submit to the Auditor through the Senior Treasurer, a statement of income and expenditure and the balance sheet of the Faculty Students Union for the academic year within two weeks of the end of the academic year in which the Faculty Students Union was elected.

PART III

17. (i) The Principal Executive Officer shall arrange a date for the holding of the first meeting of the University Students Union wherein all the members of the Faculty Students Unions shall elect the office bearers of the University Students Union.

Such date shall be a date falling within two weeks of the conclusion of the election of office bearers and other members to all the Faculty Students Unions in terms of the relevant Sections of Part II of this By-law.

- (ii) For the purpose of this meeting, the Principal Executive Officer shall nominate a senior member of the University as the Returning Officer to conduct the election of office-bearers by secret ballot. He shall preside at the meeting and take all necessary action for the smooth conduct of the election.
- (iii) At the conclusion of the election of office bearers, the University Students Union shall nominate a senior teacher to be appointed by the Principal Executive Officer of the University as the Senior Treasurer of the University Students Union.
- (iv) The Returning Officer shall submit a report on the above election to the Principal Executive Officer.

18. (i) Each office-bearer of the University Students Union shall hold office from

the date of his election up to the end of the academic year in which he was elected.

Provided, however, that the Council shall have the discretionary power to extend the period of office of such office bearer or member.

- (ii) No member shall be eligible for re-election to the same office.
- (iii) If any office-bearer:
  - (a) ceases to be a student; or
  - (b) resigns office by writing under his hand addressed to the Senior Treasurer; or
  - (c) is found guilty of misconduct, his office shall be deemed to be vacant
- (iv) Where an office of the University Students Union falls vacant, the Returning Officer shall, as determined by the Principal Executive Officer of the University, initiate action for the holding of an election to elect an office bearer. The person so elected shall hold office for the unexpired portion of the term of office of his predecessor.

19. (i) The duties and functions of the President of the University Students Union shall be:

- (a) to preside at all meetings of the University Students Union;
- (b) to carry out the decisions of the University Students Union; and
- (c) to call meetings of the University Students Union.

(ii) The duties and functions of the Vice-President of the University Students Union shall be:

- (a) to preside at any meeting of the University Students Union in the absence of the President;
- (b) to assist the President in the discharge of his duties; and
- (c) to carry out any other duty or function assigned to him by the University Students Union.

- (iii) The duties and functions of the Secretary of the University Students Union shall be:
- (a) to keep records of all proceedings of the University Students Union;
  - (b) to summon meetings of the University Students Union on the instructions of the President or upon the receipt by the Secretary of a written request, from not less than one third of the total membership of the University Students Union.
  - (c) to ensure that a copy of the minutes of the proceedings are forwarded to the Principal Executive Officer of the University; and
  - (d) to ensure that the minutes of the proceedings are available for inspection by any student of the University.
- (iv) The duties and functions of the Junior Treasurer of the University Students Union shall be:
- (a) to ensure that all income and expenditure is properly recorded and accounted for in the books kept for this purpose, subject to any rules pertaining to maintenance of such accounts;
  - (b) to inform the Senior Treasurer within one week of the receipt of any money by the Union, of such receipt;
  - (c) to make payments out of the funds of the Union with the approval of the Senior Treasurer;
  - (d) to prepare a budget for the academic year and submit it to the Union within one month from the date of election of its office-bearers; (for this purpose he shall consult the office-bearers and any standing committee of the union, if any)
  - (e) when necessary, to prepare supplementary estimates;
  - (f) to submit to the Auditor through the Senior Treasurer a statement of income and expenditure and the balance sheet of the Union for the academic year within two weeks of the end of the academic year in which the Union was elected.

20. Any question regarding the interpretation of this By-law shall be referred to the Council whose decision thereon shall be final.

21. In this By-law:

- "Academic year means the period commencing on 1<sup>st</sup> day of October of one year and ending on 30<sup>th</sup> day of September of the following year"
- "Act" means the Universities Act No 16 of 1978 (as amended)
- "Auditor" means any auditor appointed by the Principal Executive Officer to audit the accounts of the University Students Union or any Faculty Students Unions.
- "Council" means the Council of the University of Peradeniya
- "Dean" means the Dean of each Faculty or any other person acting for the Dean for the time being.
- "Faculty" means any Faculty established by the University of Peradeniya under the Act except the Faculty of Graduate Studies
- "Principal Executive Officer" means the Vice Chancellor or any other person performing the duties of office of the Vice Chancellor for the time being.
- "Registrar" means the Registrar of the University of Peradeniya or any other person acting for the Registrar for the time being.
- "Senate" means the Senate of the University of Peradeniya.
- The word 'post' means the position of office bearer or member of a union

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22. Transitory Provision:

The first Faculty Students Unions and the University Students Union under this By-law shall be constituted forthwith.

Provided, however, the provisions relating to the academic year shall not apply, and the elected officers and members of the first Faculty Students Unions and the University Students Union shall remain in office until the end of the academic year 2003/2004 subject to the other provisions of this By-law.