



**CRC**

EDUSA-CONSTITUTIONAL REVIEW COMMISSION

2022

**# Be part of developing a new Constitution for EDUSA**

# EDUSA DRAFT CONSTITUTION

2022

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**SCHEDULE 1**

**THE PLEDGE**

EDUSA

## **PART 1:**

### **SECTION 1: Citation**

This Constitution shall be cited as Constitution of the Education Students' Association.

### **SECTION 2: Interpretation**

In this Constitution, except where the context otherwise requires-

- **School** means the School of Education under the University of the Gambia.
- **Academic Year** means the two semesters in accordance with the University Calendar.
- **Association** means Education Students 'Association.
- **Constitution** means Constitution of the Education Students' Association 2022.
- **General Students' Body** means the entire student body of the School of Education.
- **Member** means a student enrolled in the school of education of The University of the Gambia.
- **Lower Class** means 1<sup>st</sup> and 2<sup>nd</sup> year student of any Undergraduate Programme within the School of Education
- **Upper Class** means 3rd and 4th year student of any Undergraduate Programme within the School of Education.
- **Dues** means the semester sum of D25.00 to be paid by each member to the Association.

→ **Executive Body** means the administrative organ of the Education Students' Association.

→ **Electoral Commission** means the organ responsible for conducting elections within the School of Education.

→ **Legislative Council** means the organ responsible for all the legislative affairs of the students within the School of Education.

**Advisory Board** means the organ responsible for guiding the actions of the other organs.

### **SECTION 3: Motto**

I. The motto of the association shall be "LEARN, TEACH AND DEVELOP"

### **SECTION 4: Name and Address**

I. The Association shall be called the Education Students' Association (EDUSA) and shall be based within the premises of the school of education in the University of The Gambia, Brikama Campus

## **PART 2: MEMBERSHIP AND ORGANS**

### **SECTION 5: Membership**

- I. Every student duly admitted or enrolled to the School of Education, in the University of the Gambia shall be a member of the Association.
- II. Subject to Section 5, sub-section (I), one shall be a bona fide member upon regular payment of membership dues as enshrined in this constitution.



## **SECTION 6: Rights and Duties of Members**

- I. The rights and duties of the members are;
  - a. To attend meetings regularly including general and extraordinary meetings.
  - b. To work towards the achievement of the aims and objectives of the association.
  - c. To comply with the Constitution and any other rule enacted thereto.
  - d. To preserve the interest of the Association.
  - e. To pay semester dues regularly at the time of registration of courses.
  - f. To monitor the manner in which the executive body exercises its functions in accordance with this Constitution.
  - g. To comply with any directive(s) issued by the executive body in the interest of the Association.

## **SECTION 7: Cessation of Membership**

- I. A person shall cease to be a member of the association if;
  - a. He/she completes his/her studies at the school of education, and has received his/her attestation
  - b. He/she ceases to be a student of the University on account of transfer to another school within the University or to another University or expulsion from the University.

## **SECTION 8: Neutrality and Non-Discrimination**

- I. The Association shall be neutral in matters of politics and religion.
  - a. All forms of political, religious, sexual, ethnic, or racial discrimination are prohibited by the Association and members shall desist from any act that would jeopardize the name of the association.

## **SECTION 9: Aims and Objectives**

- I. To promote the welfare of members of EDUSA and engage in academic and social research.
- II. To promote the interest of students in the school, through consultation and dialogue with relevant authorities.
- III. To establish the culture of academic and social research to increased educational knowledge.
- IV. To encourage the publication of academic magazines, booklets and pamphlets.
- V. Seek to foster a close working relationship with public enterprises and private sector.
- VI. To explore opportunities for developmental purposes for its members.
- VII. To seek employment opportunities for its graduating students.
- VIII. To foster close links and cordial relationship with sister associations in the University, UTGSU, UTG authorities and other Universities within and outside the country.
- IX. To encourage solidarity among students and promote camaraderie within the student fraternity of the UTG.
- X. To participate in the promotion of quality delivery and improve performance through teaching, research, symposia, debates, seminars, public lectures etc.

- XI. To engage in fund raising activities to enhance the activities of the Association.
- XII. To establish cordial relationship with the Ministry of Education, the Gambia Teachers' Union and any other institution which share the same goal with the Association.

### **SECTION 10: Organs of the Association**

- I. The organs of the Association shall be as follows:
  - a. The General Body;
  - b. Executive Council;
  - c. The Legislative Council; **(New)**
  - d. The Advisory Board.
  - e. Electoral Commission

### **PART 3: EXECUTIVE COUNCIL**

#### **SECTION 11: Establishment of the Executive Council**

- I. There shall be an Executive Council of the Association to be elected by the Education Students to serve a term of one academic year.
- II. The executive powers of the Association shall be vested in the president and shall be exercised by him/her directly or through the vice president or other executive members.
- III. Notwithstanding subsection (II), the powers vested in the president shall be exercised subject to the provisions of this Constitution.
- IV. The Executive Council shall meet the administration at least twice every semester to discuss matters affecting the interest of the students.

- V. The executive Council may time to time embark on academic and social research relevant to its drive.
- VI. To engage in exchange visit programmes as of where and when necessary.
- VII. Involve in the sensitization and awareness campaign on matters of Education.
- VIII. To offer social service to communities.

## **SECTION 12: Composition of the Executive Council**

- I. The Elected Executive Council shall comprise of:
  - a. President
  - b. Vice President
  - c. Secretary General
  - d. Information and Public Relations Officer
  - e. Finance Minister
  - f. Education and Research Minister
  - g. Social and Welfare Minister
  - h. Auditor
  - i. Logistics Minister
  - j. Sport Minister
  - k. Gender and Health Minister
- II. There shall be assistant positions which shall be selected by the president in consultation with the executive for all the portfolios established by this constitution, whose functions shall be principal assistant as with respect to the portfolio concerned.

- III. The appointment of the assistant positions as stated by subsection (II) shall be subjected to the legislative Council for scrutiny and legibility to the assistant position therein. **(New)**
- IV. The Legislative Council shall approve/disapprove the selected member(s) for the assistant position(s) base on criteria set by the Council. **(New)**

### **SECTION 13: Functions of the President**

- I. The president shall chair all executive meetings and any other meeting of the association unless absent in which case the vice president shall chair.
- II. The President shall enforce due observation of the constitution, byelaws, Policies and Standing Resolutions of the Association and undertake all presidential duties and obligations described herein.
- III. The president shall be a signatory to the accounts of the Association.
- IV. He/she shall have the final say over voting matters in the event there is a tie in the executive.
- V. The President shall notify the Electoral commission should there be any vacancy among the Elected Executive. **(New)**
  - a. Subject to Subsection (V), the Electoral Commission shall thereafter conduct a By Election within two (2) weeks upon being notified of the vacant position(s). **(New)**
- VI. He/she shall represent the students at the Faculty Board Meetings. **(Amended)**

## **SECTION 14: Functions of the Vice President**

- I. He/she shall deputise the president in the exercise of his/her functions.
- II. He/she shall preside over all meetings of the association in the absence of the president.
- III. He/she shall serve as the chairperson of the organizing committee(s).
- IV. In consultation with the Faculty Office, he/she shall be responsible for EDUSA's orientation for new intakes.
- V. He/she shall collaborate with the vice president of the UTGSU to deal with academic matters.

## **SECTION 15: Functions of the Secretary General**

- I. He/she shall be the principal corresponding officer of the association.  
**(Amended)**
- II. He/she shall be responsible for preparing the agenda for all meetings in consultation with the president.
- III. He/she shall record minutes of all meetings.
- IV. He/she shall maintain custody of all minutes of meetings, and produce same when required by the executive or the general students' body at congress.
- V. He/she shall prepare and deliver a comprehensive activity report to the congress.
- VI. He/she shall be a signatory to all accounts.
- VII. Participate in project identification and proposal writing, in consultation with the welfare minister in areas of resource mobilization. **(New)**
- VIII. Should support the association in creating a data base when necessary.  
**(New)**
- IX. In consultation with the faculty office, he/she should have the list of all students in the School of Education. **(New)**

## **SECTION 16: Functions of the Information and Public Relation Minister**

- I. He/she shall be responsible for the communication of all matters regarding the association to the General Members.
- II. He/ She shall be in charge of the association's website and social networks which include WhatsApp, Telegram, Facebook, and other usable network and Social Media Fora. **(New)**
- III. He/she shall be the sole mouthpiece of the council to the students.
- IV. He/she shall be the admin on the main students' and the Executive's WhatsApp and Telegram Pages. **(New)**
- V. He/she shall be the one of the people that control the addition and removal of members/ participants in the student fora. **(New)**
  - a. He/she can act on section (v) by first consulting the executive about the defaulter. **(New)**
  - b. He/ she can act on Section (v) if the student is found to have violated the rules or code of conduct of the fora. **(New)**
- VI. All non-executive members shall be added to only one of the EDUSA WhatsApp Pages. **(New)**

## **SECTION 17: Functions of the Finance Minister**

- I. He/she shall keep the books of accounts and maintain accurate records of all income and expenditures of the Association.
- II. He/she shall coordinate with the auditor in the maintenance of books of accounts.
- III. He/she shall prepare and present the semester audited accounts to the congress.
- IV. In consultation with the executive, he/she shall prepare and present a draft semester budget to the Legislative Council for proper scrutiny or approval.

- V. He/she shall be a signatory to all accounts.
- VI. He/she shall be responsible for the collection of all association's dues in collaboration with the administrative office of the school.

#### **SECTION 18: Functions of the Education and Research Minister**

- I. He/she shall be responsible for conducting all academic and social researches.
- II. He/she shall be responsible for organizing debates, essay competitions, symposia, workshops, seminars, lectures, etc., in the department.
- III. He /she shall be responsible for consultation and dialogue with the relevant authorities on all academic related issues.
- IV. He /she shall be the chairperson of the academic, research and development committee.
- V. He/she shall take part and facilitate tutorials. **(New)**

#### **SECTION 19: Functions of the Social and Welfare Minister**

- I. He/she in collaboration with the finance minister shall be responsible for organising all fund-raising activities of the association
- II. He/she shall be responsible for matters relating to the general welfare of the association's members and its guests in consultation with the Vice President.
- III. He/she shall be responsible for arrangement of all excursions, tour, celebrations and exhibitions activities to be undertaken by the association.
- IV. He/she shall seek donation(s) for the association on the directives of the Executive Council.
- V. The Minister shall be responsible for drawing budgets for all social functions of EDUSA and executing it. **(New)**



## **SECTION 20: Functions of the Auditor**

- I. He/she shall account the association's books and report to the Executive and the General Assembly at least once in every three (3) months.
- II. He or She shall be responsible for conducting periodic individual performance audit on the executive member and report back to the executive council.  
**(New)**
- III. He /she shall be mandated to have unrestricted access to any officer's file upon request for scrutiny, incidental to his/her functions.
- IV. He /she shall be independent in the execution of his /her duties.
- V. He/she shall advice all officers of the association on financial matters, and as well cautions any member of the Executive council upon discovery of inefficiency and brings it to the notice of the Executive Council for corrective action.
- VI. He /she shall give a report of his audit criteria.

## **SECTION 21: Functions of Technical and Logistics Ministers**

- I. He or she shall be responsible for transport arrangements and any other arrangement incidental there to;
- II. He or she shall facilitate travel and transportation means for all activities of the Association;
- III. He or she shall carry out any functions given by the executive.
- IV. To take care or in charge of the assets of the association. **(New)**
- V. Shall be the main person in the procurement of assets of the association.  
**(New)**
- VI. Shall be responsible for repairing of office furniture, electrical or other technical gadgets of the Association. **(New)**

VII. Give technical advice to the executive. **(New)**

### **SECTION 22: Functions of the Sport Minister**

- I. Shall be responsible for organizing and coordinating all sporting activities of EDUSA.
- II. Shall be responsible for liaising with other sporting related bodies in the country and beyond.
- III. Shall be chairperson of the Sport Committee.
- IV. Shall prepare the budget for all the sport activities of the association and present it to the executive council for approval. **(Amended)**
- V. Shall help in identifying the best sports men/women of EDUSA for award(s).
- VI. Shall take the lead role in scouting out players or athletes for the Association. **(New)**
- VII. He/she shall be responsible for the appointment of coaches. **(New)**

### **SECTION: 23 Functions of the Gender and Health Minister**

- I. He/she shall implement all activities related to the mainstreaming of gender and health.
- II. Shall coordinate all gender-related and initiate all gender related activities that seek to address gender related differences or stereotypes. **(Amended)**
- III. Shall create awareness on gender concepts and implement or promote healthy behaviour through education. **(Amended)**
- IV. He/she shall be in partnership with the Minister of Education and Research, to organise seminars and symposia on health and related matters.
- V. He/she shall be responsible for the provision of assistance in the form of first aid where necessary.

- VI. He/she shall work towards the creation and maintenance of students' sick bay. **(Amended)**

#### **SECTION24: Congress**

- I. The Association shall hold two congresses before the end of every academic year.
- II. The congress shall be open to all members who shall have the right to attend, speak and vote, subject to the rules of the congress.
- III. The congress shall be called by the executive council by notice published on the school's notice board and any other social media platform.
- IV. The notice shall contain the agenda which shall be prepared by the executive, and must contain the time and venue of the meeting which shall be published at least seven days before the date proposed for the meeting.
- V. Notwithstanding subsection (IV), a member shall have the right to formulate an issue to be part of the agenda for the meeting.
- VI. The Congress shall:
  - a. Receive the report of the president, the report of the finance minister on the audited accounts of the association and the report of the secretary general.
  - b. Consider any other matter affecting the interest of the association.
  - c. Review and provide guidelines or work plans for the association.
  - d. Transact any other business as may be necessary.

## **SECTION 25: Extra Ordinary Congress**

- I. Upon a requisition signed by not less than Fifty (50) members of the association comprising of different class, shall within seven days of the filing of such requisition with the secretary general of the association summon an extraordinary meeting of the association.
- II. Notwithstanding subsection (I), the executive may convene an extraordinary congress by giving shorter notice in the event of extreme urgency.
- III. Every requisition for every extraordinary meeting shall specify the nature of the business for which the meeting is summoned.
- IV. Upon receiving the requisition as provided under subsection (II), the executive shall dwell on the matter with urgency.

## **SECTION 26: Quorum**

- I. At any general meeting the quorum shall be 25 members of the association.
- II. At any extraordinary congress the quorum shall be any number that is in attendance for the meeting.
  - a. If no quorum is met at the expiration of one hour from the time appointed for the commencement of any general meeting, the meeting shall be deemed to be adjourned to the next appointed day.
  - b. At the next adjourned date, the provision of subsection (1) does not apply.

## **SECTION 27: Functions of Congress**

- I. All non-confidential major executive decision shall be subject to congress.
- II. Endorsement except matters that require urgent attention.
- III. The congress shall be the final supreme decision-making body.
- IV. The congress shall have the power to pass or declare a motion of no confidence on the Executive member or any member approved by a congressional majority of two-third (2/3).
- V. The congress shall ratify the appointment of nominees of the executive council to the committees and commissions.
- VI. The congress shall appoint the electoral commission and their mandate shall be in accordance with this constitution.
- VII. Subject to the provisions of this constitution, decisions at congress shall be by simple majority.

## **SECTION 28: Establishment of Committees**

- I. All committee members shall be nominated by the related department(s) subject to Executive approvals.
- II. All committee shall be established with precise term of reference (TOR).
- III. Except otherwise, all committee shall dissolve when such committee(s) is/are seen inefficient in the execution of its duties.

## **SECTION 29: Tenure of Executive Council**

- I. The executive council shall hold office for a period of one academic year.
- II. The term shall not be extended beyond the academic year.
- III. An executive member may apply for a position in the UTG-SU. **(Amended)**
  - a. Subject to sub-section (III), an executive member shall apply for a leave of absence during the period in which he/she would be vying for a position in the UTG-SU. **(New)**

## **SECTION 30: Disclosure of Interest**

- I. An executive member who has an interest in an issue shall disclose the nature of his or her interest to the meeting before the commencement of the meeting.
- II. A member shall not vote in any matter or issue in which he or she has interest in respect of the matter for determination.

## **SECTION 31: Removal of an Executive Member**

- I. A member of the executive may be removed from office by the general body if he or she is;
  - a. Unable to perform his or her functions.
  - b. Fails to attend meetings of the executive for more than three (3) consecutive times without any reasonable excuse.
  - c. Engage in any activity detrimental to the interest of the association.

### **SECTION 32: Resignation of an Executive Member**

- I. A member may resign from his or her office on giving at least two-week notice of his or her intention to resign in writing to the President or Secretary General.
- II. In case of the president his or her resignation shall be submitted to the Secretary General.
  - a. A notice of resignation shall contain reason(s) for resignation.
  - b. Resignation of an executive member does not need to be tabled before any congress for ratification.

### **SECTION 33: Dissolution of the Executive Council**

- I. The General student body shall have the right to dissolve the executive by two-third (2/3) of the members of the association, when it is in the prime interest of the association and call for a re-election of a new executive.
- II. A petition signed by two-third (2/3) of the members of the association shall be sent to the Legislative Council for investigation, proper scrutiny and proper determination. **(New)**

### **SECTION 34: Attending Conferences in the Name of EDUSA**

- I. International conferences or competitions in the name of EDUSA shall be open to all students of the school. **(Amended)**
- II. Competitions or conferences shall be made public and accessible to every student of the school.
- III. A student can only be disqualified from participating in any competition or conference where it is expressly provided in the terms and conditions.

- IV. In case of a competition, there shall be a preliminary to select the best student(s) to represent the school.

## **PART 5 LEGISLATIVE COUNCIL (New)**

### **SECTION 35: Establishment of the Education Students' Legislative Council**

- I. There shall be the Education Students' Association Legislative Council which may be abbreviated as EDUSA-LC and shall be headed by a Speaker and be assisted by a Deputy Speaker.
- II. The Legislative Council shall exercise all the legislative functions of EDUSA.
- III. Members of the Legislative Council shall serve a tenure of one academic year.
- IV. The composition of the Legislative Council shall be eight (8) members from within the Education Students' Association of the University of the Gambia who shall be nominated and approved by Congress to serve in the EDUSA's Legislative Council.
- V. The selection of the members of the Legislative Council referred to in Subsection (IV) shall only take place after the dissolution of the Legislative Council by the Executive Council two (2) weeks before the first Congress of the academic year.
- VI. All decisions, recommendations and resolutions of the Legislative Council shall be implemented by the Executive Council and all its affiliates.



## **SECTION 36: Functions of the Legislative Council**

- I. The Legislative Council shall hear and determine in the following matters:
  - a. Proposed amendment bill of any provision of the EDUSA Constitution.
  - b. The justification of any withdrawal from the council's account(s) exceeding the amount of ten thousand Dalasis (D10, 000).
  - c. Any contentious or urgent matter that is or is likely to affect the interest and or the general wellbeing of the Students of EDUSA.
  - d. Deliberation on any matter that requires the approval of the Legislative Council.
  - e. A semester activity report of the president outlining the activities of his or her Executive.
  - f. The scrutiny of the budget and policy document of the Executive Council both of which shall be submitted to the Legislative Council within 30 days after coming into office of the Executive Council.

## **SECTION 37: Sittings and Proceedings of the Legislative Council**

- I. The Students' Legislative Council shall not sit for more than six (6) times every semester.
- II. Notwithstanding subsection (I) of this section, the Legislative Council may sit consecutively or otherwise at any other time to address urgent and contentious matters including petition and/or impeachment motions.
- III. The Speaker of the Legislative Council shall preside over all the sittings of the Legislative Council.
- IV. In the event the Speaker is absent, the Deputy Speaker shall preside over the sitting and assume the responsibilities due to the Speaker.

- V. The Speaker shall reserve the power to discipline and suspend any Legislative council member for any breach of procedure or indiscipline in accordance with the Legislative council rules.
- VI. The Speaker shall decide the venue for the sittings of the Legislative Council within the University of the Gambia School of Education premises.
- VII. The sittings of the Legislative Council shall be open for all students to attend.

### **SECTION 38: Introduction of bills and motions**

- I. Members of the Executive Council can introduce bills or motions to the Legislative Council except bills or motions that:
  - a. Seek to impeach an Executive Council member.
  - b. Seek to amend any provision of the Constitution.
- II. Every student in the School of education shall have the right to file a bill or motion at the Legislative Council for the impeachment of an Executive Council member or for the amendment of any of the provisions of this Constitution provided that such a bill or motion is supported by at least one hundred students of equal representation of all the categories of students in the school of education whose names, matriculation numbers and signatures must be appended on a paper attached to the bill or motion.
- III. Any bill presented before the Legislative Council for the amendment of any of the provisions of this constitution, shall;
  - a. Go through first reading which shall be the official introduction of the bill at the Legislative Council for preliminaries.
  - b. Go through second reading on another sitting where the Legislative Council members shall debate over the motion forwarded by the person

concerned and at the end of the debate, the speaker shall call for votes where absolute majority will be required to pass the bill.

c. Where there is a tie, the Speaker shall have the deciding vote.

- IV. Where the bill is passed in line with subsection (III) (b), the bill shall be forwarded to the Committee of Experts of the Legislative Council to draft the correct language of the bill which shall be presented to the president of EDUSA for assent within seven working days.
- V. The bill shall become a law when assented to by the president and shall come into force on that day or on a future date as may be determined by the Executive council.
- VI. Where the president failed to assent to the bill after the expiration date, he or she shall forward his or her reasons for failing to assent to the bill to the Speaker and the Speaker through the Clerk shall present the matter to Congress for determination and such determination shall be final.

#### **SECTION 39: The Clerk and Records of the Legislative Council**

- I. There shall be a Clerk of the Legislative Council who shall be the administrative head of the Legislative Council and shall be in charge of all the records of the Legislative Council.
- II. The Clerk shall take note of all the proceedings of the Legislative Council and shall make available copies of the proceedings of the Legislative Council to interested persons and the Minister of Information and Communication of the Executive Council for circulation where necessary.
- III. All the records of the Students' Legislative Council shall be kept electronically or in any other reasonable form made available in hard copy to interested persons.
- IV. The Clerk shall brief Congress on all the activities of the Legislative Council.

#### **SECTION 40: Selection of the Speaker, Deputy Speaker, Clerk and Ass. Clerk**

- I. The Speaker of the Legislative Council shall be appointed from the Legislative Council members by the President of the Executive Council in consultation with his/ her Executive members.
- II. The Deputy Speaker, the Clerk and his or her Assistant shall be elected/selected from the Legislative Council by members.

#### **SECTION 41: Source of Funding of the Legislative Council**

- I. EDUSA shall be the main funder of the Legislative Council.
- II. The Legislative Council may be entitled to sitting allowances which will be determined by the Executive Council.

#### **SECTION 42: Resignation of Legislative Council members**

- I. A member may resign by writing to the Speaker or the Clerk where the Speaker is the subject matter highlighting his or her reason(s) for resignation and upon receiving the letter, the Speaker or the Clerk shall inform the Executive Council of the resignation.
- II. The Executive Council in consultation with the Advisory Board shall nominate a new member who shall complete the tenure of his or her predecessor.
- III. In case of any resignation, the candidate appointed to take the place of the resigned person shall not be subject to Congress approval, the person appointed shall be deemed to serve in the Legislative council on the ticket of the resigned person previously approved by Congress.

### **SECTION 43: Power to make Subsidiary Rules**

- I. The Students' Legislative council shall within 30 days of coming into force, come up with their own rules which shall guide the proceedings of the Legislative Council.
  - a. The Rules thereof shall be subject to the provisions of this constitution and other laws of the Gambia.
  - b. The rules shall clearly state the procedure of proceedings of the Legislative Council.
  - c. The Rules shall also state the quorum for a sitting and shall stipulate the disciplinary measures to be taken for breach of any procedure or rule.
  - d. The Rules shall establish the Committee of Experts which shall be headed by a member from among the legislative council members.

### **SECTION 44: Impeachment**

- I. The Legislative Council shall reserve the right to impeach any Executive Council member.
- II. Executive Council members may be impeached from office on one of the following grounds;
  - a. Wilful violation of this constitution or the oath of office.
  - b. Abuse of office or serious misconduct that is likely to bring into disrepute among the members of EDUSA.
  - c. A vote of no-confidence.
  - d. Mismanagement or embezzlement of EDUSA funds or funds of any association within the University of the Gambia.

## **SECTION 45: Impeachment Procedure**

- I. Any student or Executive Council member may file a motion of impeachment of any executive member and such motion shall be addressed to the Clerk of the Legislative council and copied to the Secretary General of the Executive Council.
- II. Any motion of impeachment filed by a student shall be supported by not less than one hundred active students of the school of Education whose names, matriculation numbers and signatures must be appended on the petition.
- III. The Legislative council shall only hear a motion of impeachment after verifying that the names and matriculation numbers of signatories of the impeachment motion are genuine.
- IV. The president or any Executive Council member can defend impeachment motions filed by the Executive Council and such motions shall be supported by two thirds of members of the Executive Council.
  - a. The Clerk shall notify all Legislative Council members of the receipt of an impeachment motion and shall in consultation with the Speaker schedule a sitting within 72hrs after receiving such petition.
  - b. Upon convening, the Legislative Council shall hear testimonies from both the petitioner and the person petitioned.
  - c. The Legislative Council shall thereafter setup an investigating panel to look into the matter and shall report to the Legislative Council on the outcome of their investigation and advise the Legislative Council accordingly on the way forward in the absence of the parties.
  - d. After hearing from the investigating panel, the Legislative Council shall debate and vote on the matter.
  - e. The Clerk shall notify the Executive Council of the decision taken by the Legislative Council.

- f. Where an Executive council member is impeached, the Secretary General or the Assistant Secretary General where the Secretary General is the impeached person, shall write to the impeached person informing him or her of his or her expulsion from the Executive Council and such a member shall cease to be a member of the Executive Council.

#### **SECTION 46: Appeal of Impeachment**

- I. An aggrieved party shall have the right to appeal the decision of the Legislative Council to the EDUSA Advisory Board.
- II. An aggrieved party may appeal the decision of the Legislative Council not more than 7 working days after being served with the notice of impeachment.
- III. The Chairperson or Vice Chairperson of the Advisory Board shall inform in writing the parties thereto and the Executive Council of any appeal of impeachment and shall investigate and give independent report as to whether the impeachment was done in good faith or otherwise.
  - a. Where the Advisory Board's investigation found that the impeachment was done in bad faith, the advisory board reserves the right for the impeached person/s be reinstated
  - b. Where the advisory Board's investigation found that the impeachment was done in good faith, the Advisory board reserves the right to uphold the decision of the Legislative Council.
  - c. The Advisory Board shall within 7 working days after the filling of the appeal decide over the matter and make the pronouncement whether or not the impeachment is upheld or not.

## **SECTION 47: Amendment of the Constitution**

- I. The Legislative Council shall be the only competent body to amend or repeal the provision(s) of this Constitution in accordance with this constitution.
- II. The amended document shall be submitted to Congress and the approval.
  - a. Congress approval shall be two-third (2/3).
  - b. Amendment involves the removal, modification and/or simplification of the word(s), clause(s), phrase(s), in any section of this constitution.

## **PART 6 ELECTORAL MATTERS**

### **SECTION 48: Establishment of the Education Students' Association Electoral Commission.**

- I. There shall be an Electoral Commission to be nominated and approved by congress.
  - a. The commission shall comprise of five (5) members whose activities shall be independent of the Executive influence.
  - b. The commission shall be headed by a Chairperson and be deputised by a vice chairperson who shall be appointed by the president in consultation with his executive council subject to the approval of the legislative council.
- II. There shall be elections for the Executive Council once every academic year of the University of The Gambia Education Students' Association.
  - a. Elections shall be held during a semester school day and not during holidays.
  - b. The elections referred to in subsection (a) shall be conducted by the Electoral Commission of the Education Students' Association of the University of the Gambia, EDUSA-EC.



- c. The elections shall be conducted in accordance with this constitution and Electoral laws of EDUSA-EC.
- II. The election process shall commence in two (2) months before the expiration of the mandate of the incumbent Executive Council.
  - a. Handing over and inauguration ceremonies shall be conducted within two weeks after elections.
  - b. Appointment of Assistant/Deputy positions shall be held one week after the announcement of the elected members of Executive Council.
- III. The president and his/her executive council shall appoint the deputy positions of the executive council subject to approval of the legislative council.
  - a. Any person(s) whose appointment as a deputy is overturned by the Legislative Council shall be upheld and the reason(s) shall be provided to the Executive Council within 24 hours after his/her rejection.
  - b. The Executive Council shall provide a replacement for the rejected candidate within 24 hours after the notification by the Legislative Council.

#### **SECTION 49: Election Procedure and requirements**

- I. The elections shall be conducted in secret ballot.
  - a. Each student shall have a vote for each position to be contested.
  - b. There shall be two (2) weeks of campaign period.
  - c. All candidates shall provide typed copies of their manifestos to the Electoral Commission for publication.
  - d. The Electoral Commission shall stage a convention for candidates to present and defend their manifestoes before the general student body and shall debate over pertinent issues in EDUSA.
  - e. Representatives of candidates shall be present during elections including casting and counting of votes.

- f. A candidate for any executive post shall, before the convention day/night satisfy the commission that he or she is supported by at least twenty students in EDUSA.
- g. If any candidate is nominated and remained unopposed until the time stipulated by the Electoral Commission, he or she shall be duly elected to the post he or she has been nominated for.

II. A person shall be qualified for election if he/she

- a. A permanent resident in the Gambia
- b. He/she has a cumulative quality average of 3.0 above. (Amended)
- c. He/she manifests evidence of good character to the electoral Commission during the time of nomination.
- d. For Presidency, Secretary General and Finance minister, the individual shall be from the upper class of his/her studies and other portfolios shall be open for the general student body.
- e. A candidate for election to the executive council shall complete and duly sign the nomination form issued by the electoral commission and deliver same, attached with a copy of a receipt of payment semester dues to the chairman on or before the appointed date for close of nomination.

III. No one shall be qualified for elections if he or she has;

- a. Being rightfully terminated from his or her post.
- b. Being guilty of grave misconduct or negligence.
- c. Being found to be incompetent or lack of knowledge or ideas of the position he/she applied for by EDUSA-EC.
- d. Being found to be in arrears of the Association's semester dues.
- e. Being in fourth year, last semester. **(New)**

- f. No person shall be accepted as a candidate for election to the office of the executive unless his/her nomination form is endorsed by a minimum of fifty (50) students from different classes.
- IV. Where an election petition is successful, the electoral commission shall hold by-election for the position concerned in not more than fourteen (14) days after the decision.
- V. The new Executive Council shall be sworn into office by the Chairperson of the Advisory Board.
- VI. The outgoing Executive Council shall hand over all records, materials and responsibilities of the Council to the new Executive Council during the handing over ceremony.
- VII. A person may withdraw from the election by doing the following process:
  - a. A candidate may withdraw from his or her candidature by notice in writing signed by him or her and delivered to the chairman of the electoral commission not later than four O' clock (4:00pm) in the afternoon before the date of the election.
  - b. Upon receiving the notice, the chairman shall acknowledge receipt of the notice and declare the withdrawal of the candidate.

## **PART 7. THE ADVISORY BOARD**

### **SECTION 50: Establishment of Advisory Board**

- I. There shall be an Advisory Board to be set-up by congress.
  - a. The board shall comprise of seven (7) members, whose activities are independent of the Executive Council, Legislative Council and the Electoral Commission.
  - b. The board shall be headed by a chairperson and deputised by a vice chairperson.

- c. The members of the Advisory Board shall serve for one academic year.  
**(New)**
- d. The members of the Advisory Board shall comprise of ex-members of the executive council whose experiences and expertise would be needed in the Advisory board. **(New)**
- e. The advisory board shall render sound advice to the Executive council, Legislative Council, and other committees and organizations in EDUSA on matters pertaining to the smooth-running of the association.
- f. The advisory board shall advise the Executive Council on sensitive, academic and administrative issues. **(New)**
- g. The executive council shall dissolve the Advisory Board two (2) weeks before congress for the nomination of new members at congress in accordance with this constitution. **(New)**

#### **SECTION 51: Powers of the Advisory Board (New)**

- I. The Advisory Board shall have the power to hear and provide decision or opinion in the following matters;
  - a. Petition of election results from aggrieved candidate(s).
  - b. The interpretation of this constitution and other rules and regulations of the organs of the association.
  - c. The question of whether the Executive Council or any individual or authority has violated any provision of this constitution and other set of rules and regulations of the association.
  - d. The petition for redress in any matter that was determined by the Legislative Council.
  - e. The Advisory Board shall only hear matters affecting the rights and interests of students of EDUSA.

## **SECTION 52: Powers of the Chairperson and Members of the Advisory Board.**

**(New)**

- I. The Chairperson of the Advisory Board shall direct the events of the board and determine the place of its sitting within the school of education premises.
- II. The Chairperson of Advisory Board shall be responsible for delivering the decision or opinion of the board and such decision or opinion shall be binding.
  - a. Notwithstanding subsection (II) of this section, the decision or opinion of the Chairperson shall reflect the majority decision of the Advisory Board.
  - b. Where any Board member holds a contrary view in any case, he or she shall have the right to write a dissenting opinion which shall be attached to the decision or opinion of the board members.
  - c. Notwithstanding subsection (II) (b) of this section, the judgment or opinion delivered by the chairperson shall be final.
- III. The Advisory Board may where desirable summon someone for an investigation or opinion in any case and such opinion or outcome of investigation may be relied upon by the board for the outcome of the case concerned.

## **SECTION 53: Proceedings of the Advisory Board (New)**

- I. The Board shall sit only when it is written to for advises or a matter being brought before it.
- II. Notwithstanding subsection (I), the Board may sit at any other time to hear or exhaust matters of concern and eminence.
  - a. Election petition appeal must be filed with the Advisory Board within seven (7) working days after its conclusion with the Legislative Council.

- III. The Board shall, take into consideration the circumstances of each matter, come up with a decision within a reasonable time.

#### **SECTION 54: Enforcement of Decisions of the Advisory Board (New)**

- I. The executive council and all its organs shall be responsible for implementing all the decisions and opinions of the Board.
- II. It shall be a sufficient ground to impeach the president or any other Executive Council member, if he or she fails to enforce the decisions of the Board.

#### **SECTION 55: Source of funding of the Advisory Board**

- I. The Board shall be funded by the council and its organs.

### **PART 5: FINANCIAL PROVISIONS SECTION**

#### **SECTION 56: Source of Funding**

- I. The Association shall derive its funds from the following:
  - a) Subscription from students as spell out by this constitution
  - b) Fund raising ventures (shows, exhibitions etc.)
  - c) Grants, Gifts and Donations
  - d) UTGSU subventions
  - e) Research
  - f) Any other lawful means of acquiring money.
- II. All funds shall be used in the best interest of the Association.

## **SECTION 57: Signatory**

- I. There shall be three (3) signatories to the bank accounts of the association namely, the president, finance minister and the secretary general.
  - a. The signatories of the accounts as provided under subsection (I) shall not be changed or substituted without the approval of the general student body.

## **PART 6: MISCELLANEOUS**

### **SECTION 58: Correspondences in the Name of EDUSA**

- I. No member of the association shall correspond in the name of the EDUSA by any form using the name of Association without the approval of the Executive Body.

### **SECTION 59: Code of Conduct of the Executive Body**

- I. The executive may come up with a code of conduct which shall be within the spirit and letters of this constitution.
- II. All members of the Association shall adhere to this code of conduct.

### **SECTION 60: Commencement of this Constitution**

- I. This Constitution shall come into effect once it has been adopted by two third (2/3) of the general student body.
- II. Upon the adoption of this constitution, the ,constitution of the University of the Gambia EDUASA 2018 shall cease to apply.

**SECTION 61: Constitutional Review**

- I. This Constitution shall not be reviewed within the period of two (2) years after its coming into force.
  - a. The review process shall be initiated by the Legislative Council.
  - b. The Legislative Council shall be responsible for law reviewing.

EDUSA



**SCHEDULE 1**

The citation of pledge of commitment shall be recited by every elected and/or nominated member of the executive body and the electoral commission members.

**THE PLEDGE**

I..... having been elected/nominated as.....of the Education Students' Association do hereby pledge that: - I shall uphold and defend the constitution of the EDUSA Students' Association of the University of The Gambia 2022. I shall seek to defend and respect the democratic rights and liberties of all members of the association. I shall execute my duties with due diligence and competence without fear or favour, hate or hindrance, and without personal biases. I shall serve all members equally irrespective of race; creed, colour, gender or ethnicity and I shall not compromise the rights and privileges of any member. I hereby do swear that, with full knowledge of my responsibilities and bind myself to the same. So help me God.

Signed by

..... at ..... on this .....day of.....20..... Before me.