

# **THE CONSTITUTION OF THE PRIVATE UNIVERSITIES STUDENTS' ASSOCIATION OF GHANA**

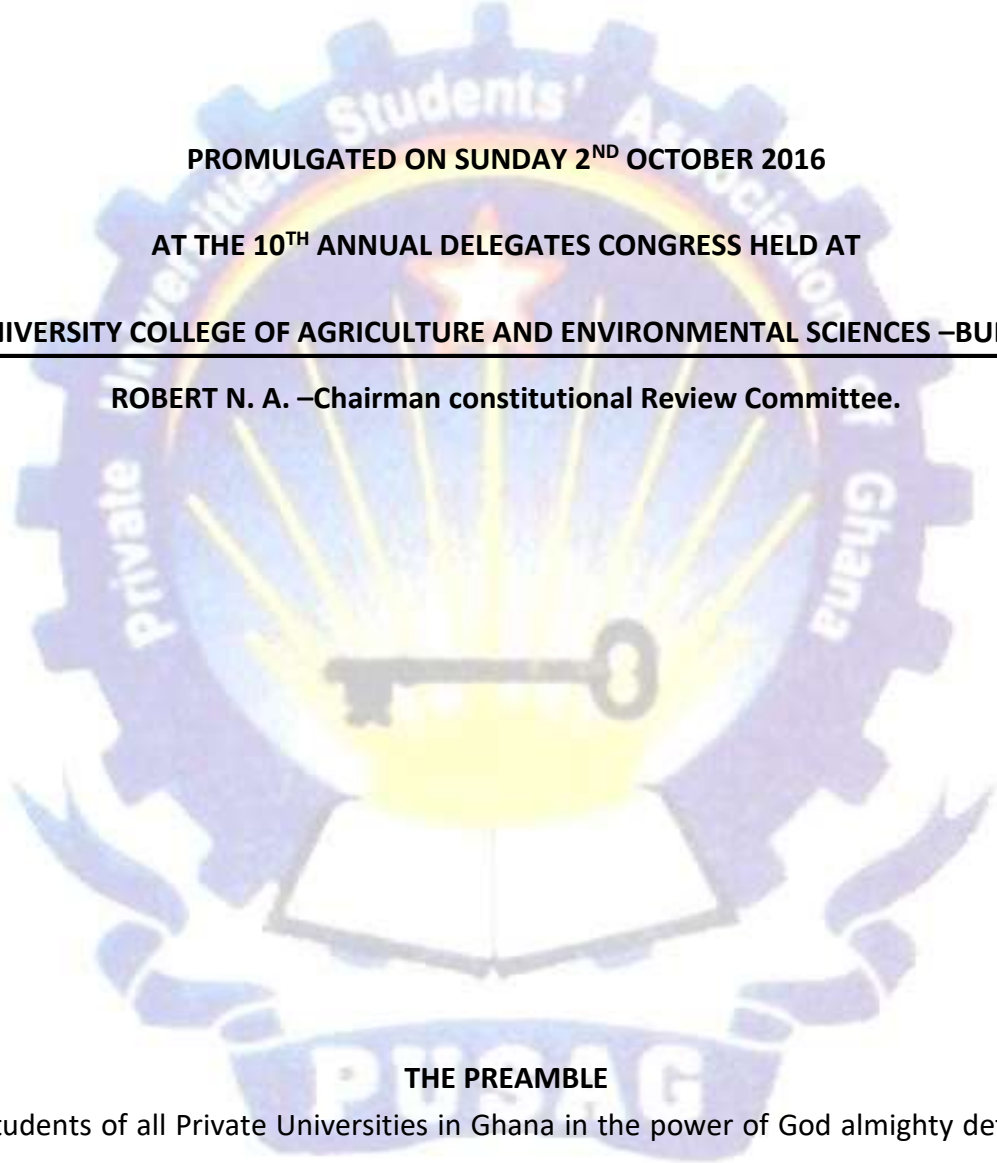
**PROMULGATED ON SUNDAY 2<sup>ND</sup> OCTOBER 2016**

**AT THE 10<sup>TH</sup> ANNUAL DELEGATES CONGRESS HELD AT**

**THE UNIVERSITY COLLEGE OF AGRICULTURE AND ENVIRONMENTAL SCIENCES –BUNSO E/R**

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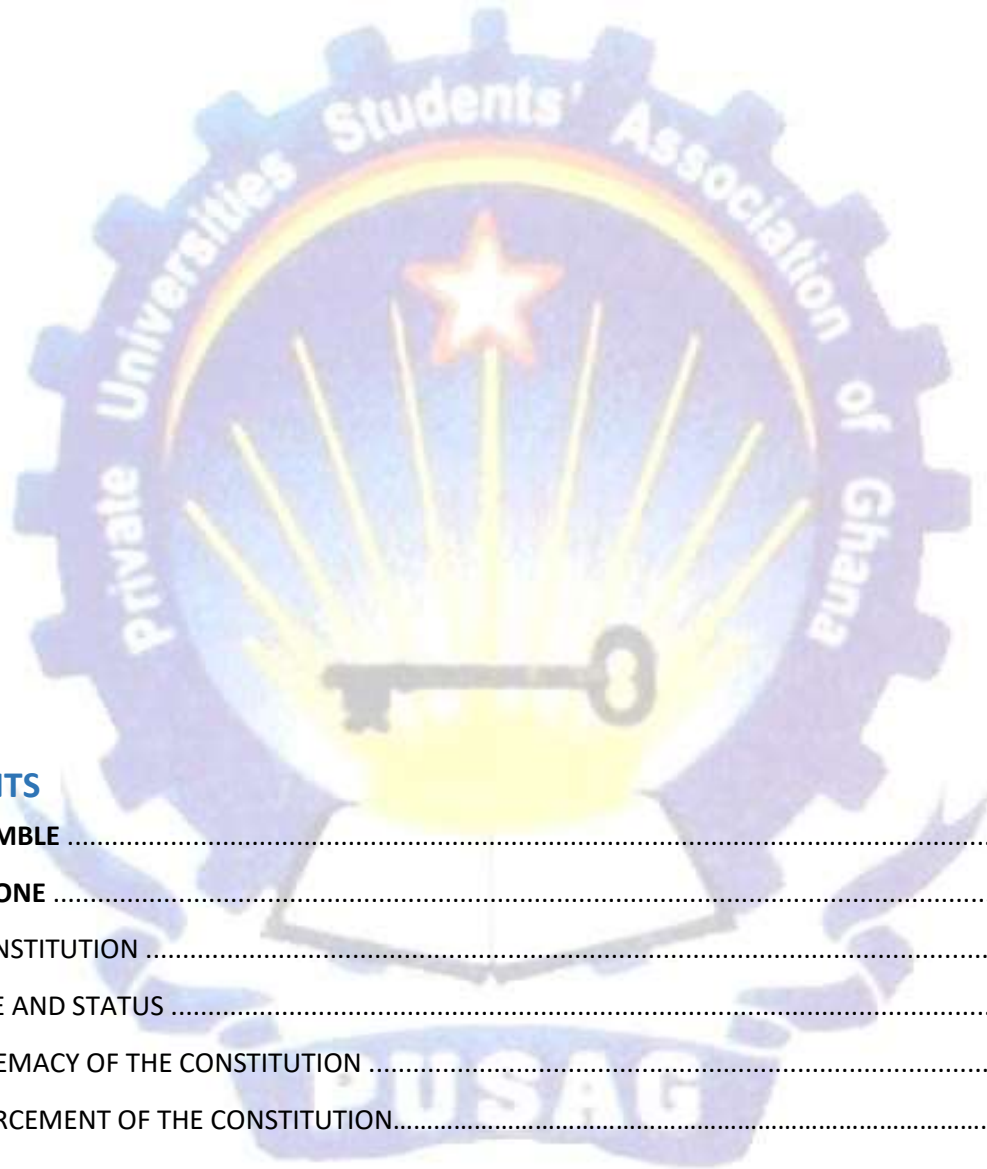
**ROBERT N. A. –Chairman constitutional Review Committee.**



## **THE PREAMBLE**

We the students of all Private Universities in Ghana in the power of God almighty determine to create an atmosphere of peace on all our respective campuses, which shall secure for all students the environment for academic, moral, spiritual, social, political formation and development of our person, association and country as a whole. Consequently, create a student administrative organ, which shall effect the realization of these objectives in the spirit of cooperation and solidarity with educational institutions in Ghana and elsewhere. We do hereby enact, adopt and establish for

ourselves this constitution as the supreme law for the governance of this association, so help us God.



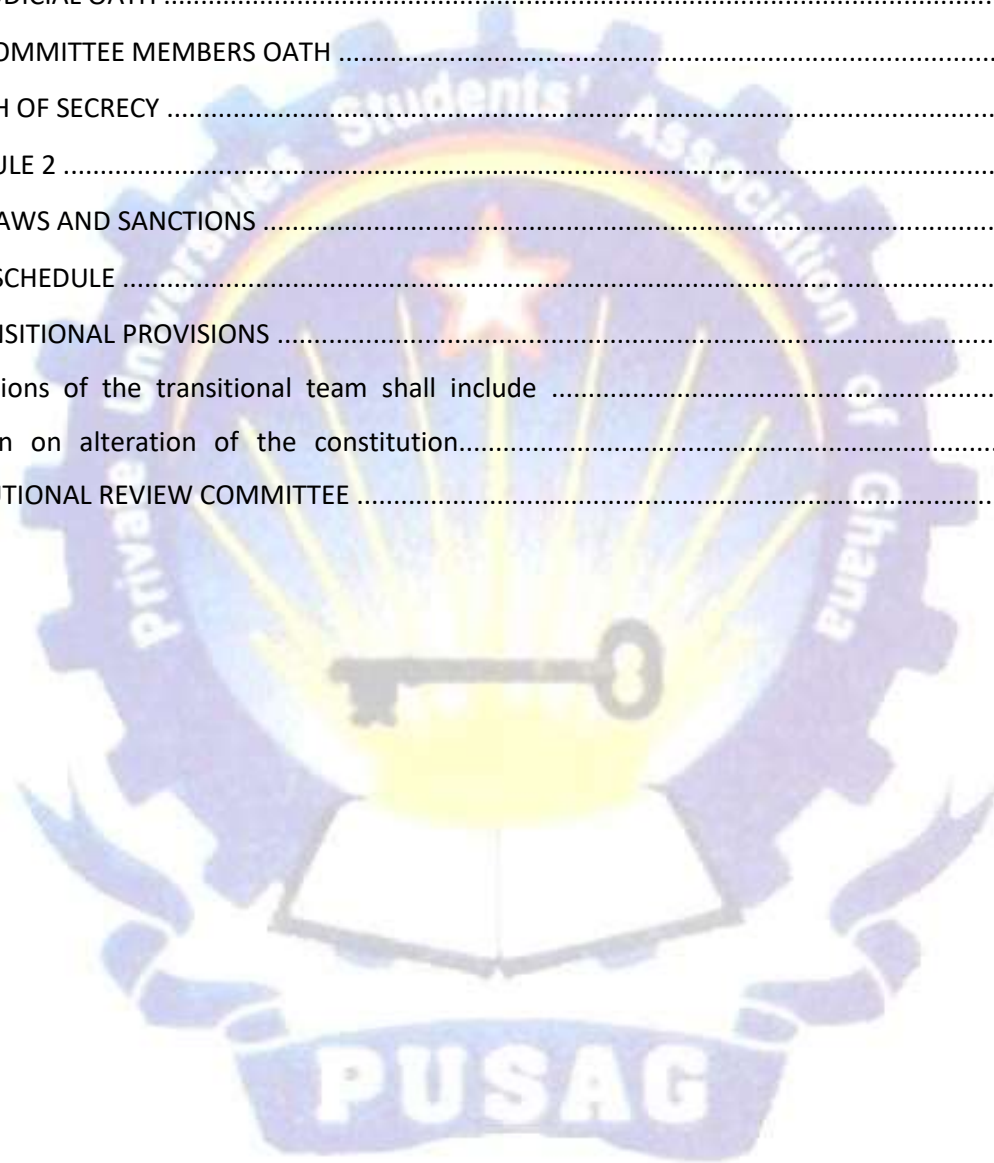
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## CHAPTER ONE

### THE CONSTITUTION

#### NAME AND STATUS

1. (1) The name of the association shall be known and called the Private Universities Students' Association of Ghana, hereinafter referred to as (PUSAG).
- (2) The association shall be a non-partisan, non-sectarian, and voluntary association of all registered private tertiary institutions in Ghana.
- (3) The Association's motto shall be: *"Holistic education for Better Ghana"*

#### SUPREMACY OF THE CONSTITUTION

2. (1) Subject to the laws of Ghana and in conjunction with the rules and regulations of respective individual institutions, the constitution shall be the Supreme law governing the affairs of the association.
- (2) Any omission or commission by law or regulation of a person or institution found to be inconsistent with any provision of this Constitution shall, to the extent of the inconsistency, be void.

#### ENFORCEMENT OF THE CONSTITUTION

3. (1) All members shall adhere to all the provisions of this constitution.
- (2) In view of achieving clause (1) of this article, a member institution shall have its officers ascribe to an oath of office to PUSAG when being inducted into office.
- (3) Any member who alleges that;
  - (a) any act or omission of any person;
  - (b) By-law or decision of anybody

Is inconsistent with or in contravention of a provision of this constitution may bring an action to the Judicial Committee for a declaration to that effect.

(4) For the purpose of declaration under clause (3) of this article, the Judicial Committee shall make such orders and give such directions as it may consider appropriate for giving effect to the declaration so made.

(5) Any member or body to whom an order or a direction is addressed under clause (4) of this article by the judicial committee shall duly obey and carry out the terms of the order or direction.

(6) Failure to obey or carry out the terms of an order or declaration made under clause (4) of this constitution constitutes a violation of this constitution and shall in the case of;

(a) an executive officer, constitute a valid ground for removal from office.

(b) a member shall not be eligible for election or appointment to any office of the association

## MEMBERSHIP

4. (1) Any Private University in Ghana may apply for affiliation or membership to PUSAG.

(2) Subject to approval by the Senate, the National Executive Committee (NEC) may grant such affiliation or membership.

(3) A certificate of membership is to be issued to member institutions.

(4) Every student in a private university in Ghana that is recognized by the National Accreditation Board (NAB) and is approved by the Senate shall be a member of PUSAG.

(5) **Senate shall have the right to discontinue the affiliation of any institution to PUSAG subject to approval by NEC. (NEC shall have the power to propose a discontinue of affiliation or membership of any member institution to PUSAG subject to the approval of the Senate)**

- (6) Subject to the approval of the Senate, the NEC shall apply for affiliation to any organization in and outside Ghana.

## CHAPTER TWO

### STRUCTURE OF PUSAG (AIMS AND OBJECTIVES OF PUSAG)

5. (1) The aims and objectives of PUSAG shall include;
- (a) To offer a common platform for the coordination of students activities and effective networking as well as an opportunity for the gathering of students on issues of national and international interest .
  - (b) To provide social, economic and business projects to the benefit of students in the nation as a whole.
  - (c) To promote effective networking between PUSAG and the community in Ghana and beyond.
  - (d) To protect and safeguard the rights and interest of PUSAG.
  - (e) To instill in student a high sense of discipline and active participation in all activity relating to national development.
  - (f) To promote friendship and cooperation between PUSAG and the public universities and beyond.

### ORGANS OF PUSAG (STRUCTURE OF PUSAG)

6. (1) The association under article 1 of this constitution shall be composed of the following organs:

- (a) Congress
- (b) Senate
- (c) National Executive Council
- (d) Judicial Committee

### CHAPTER THREE

#### CONGRESS

7. (1) There shall be an annual (delegates') congress, (which delegates from) all members/affiliated institutions shall attend.

(2) Congress shall be the highest legislative body of PUSAG.

(3) the number of delegation from institutions to the annual congress shall be based on the following formula;

(a) All institutions shall have ten (10) delegates for a population less or equal to one thousand (1000) plus five (5) observers. (All institutions with the population between five hundred (500) and one thousand (1000) students shall have ten (10) accredited delegates and five accredited observers.)

(b) Where the population is between one thousand (1000) and two thousand (2000) the institution shall have another five (5) more delegates. (Where the of the institution population is between one thousand (1000) and one thousand

five hundred (1,500) the institution shall have additional five (5) delegates.  
Making a total delegates of fifteen and five observers)

(c) (Where the population is between one thousand five hundred (1,500) and two thousand (2000) the institution shall have another five (5) more delegates.  
Making a total delegates of twenty (20) and five (5) observers.)

(d) Where the population is two thousand (2000) and above the institution shall have another five (5) more delegates. (Where the population is two thousand (2000) and above the institution shall have another five (5) more delegates.  
Making a total delegates of twenty-five (25) and five (5) observers)

- (4) Delegation shall not exceed a maximum of twenty five (25).
- (5) Each member institution shall settle its fees for its delegates and observers to the congress, in default of which the national executive council shall not cater for such delegates and observers in terms of boarding and lodging, neither shall they be given any status.
- (6) The outgoing chief executive officer or the general secretary or the chief operating officer shall present a written report of the year's activities as well as comments or suggestions which may be useful for future running of PUSAG at the handing over ceremony.
- (7) The outgoing Chief Executive Officer (CEO) or the General Secretary (GS) or the Chief Operating Officer (COO) shall present a written report of the year's activities as well as comments or suggestions which may be useful for future running of PUSAG at Congress with copies to the Senate members.
- (8) The outgoing Financial Controller shall present an audited financial report of the Association at Congress with copies to the Senate members for approval.
- (9) The national executive council may invite observers to congress.

- (10) **Senate (NEC)** may invite any person (s) to speak/address senate on any matters affecting the interest of students, or of general interest to students.
- (11) **The senate or the national executive council may convene emergency congress as circumstances may determine. Emergency congress shall be governed by the provision of this constitution.**
- (12) **EMERGENCY CONGRESS:** An emergency congress may be called by the chief executive officer in consultation with NEC or at the request of at least fifteen (15) senate members from at least fifteen (15) separate institutions.
- a. An emergency congress shall have one (1) Agenda item.
  - b. The purpose of the emergency congress shall be communicated to members of the Senate not less than twenty one days before the date for the emergency congress.
  - c. Where the emergency congress is at request from senators, a petition calling for the emergency congress shall be addressed to the Chief Executive Officer and copied to the Chief Justice, Alumni Convener and the Live Patron of the Association.
  - d. The petition as referred in clause (c) shall state the reason for petition, names and institutions of the petitioners and the contact details of each petitioner.
  - e. The chief executive officer shall be obliged to comply with such a request, provided that the request is made in writing stating the agenda, date and host institution and signed by not less than fifteen (15) members of the senate from fifteen (15) separate institutions with their contact details and shall reach the national executive council at least twenty **Twenty-eight** (28) days before the date is fixed for the proposed meeting. NEC shall undertake measures to fund it.
  - f. In the event that the Chief Executive Officer and NEC fails to convene the Congress, Senate shall nominate a three member committee to organize the

congress under the supervision of the Alumni and the life Patron and the decision taken shall be binding on ALL MEMBERS.

## CHAPTER FOUR

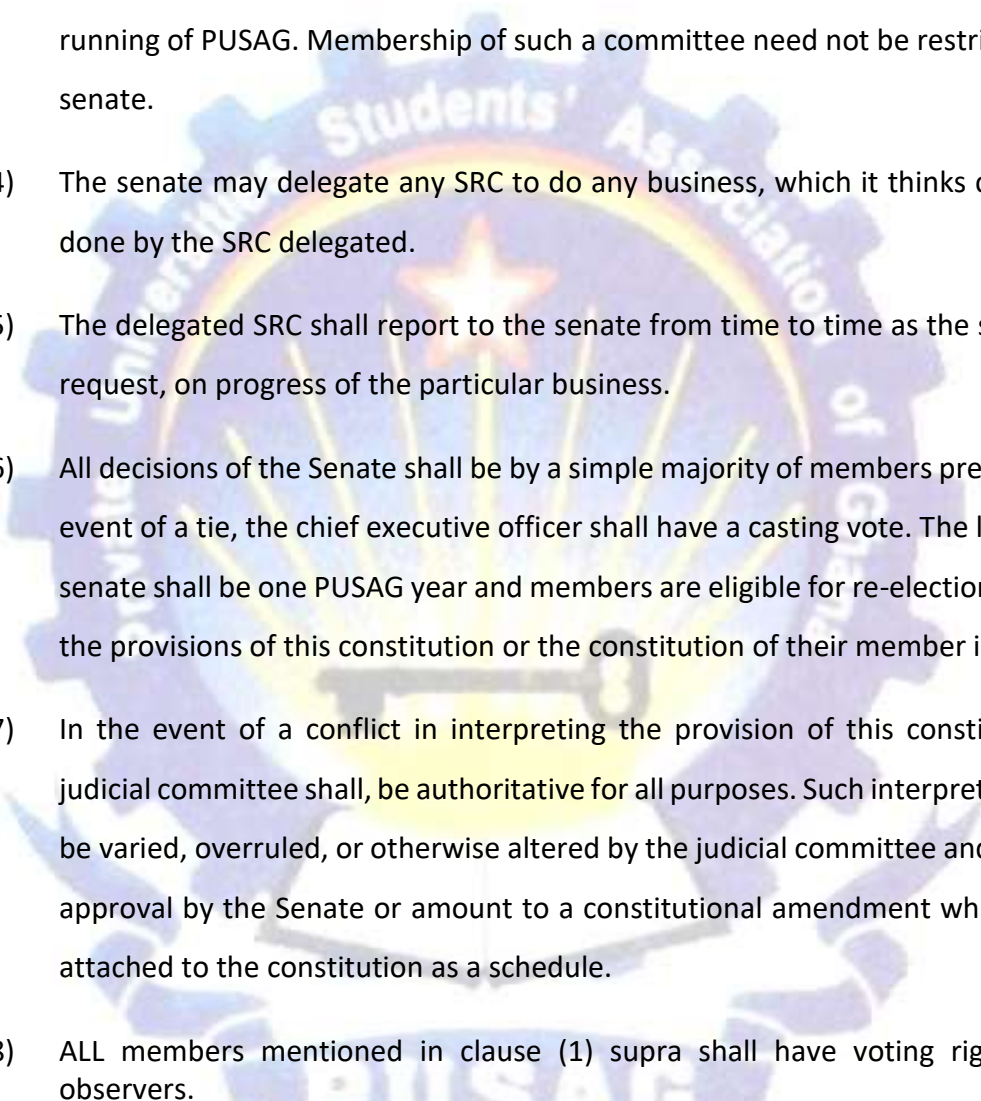
### SENATE

8. (1) PUSAG's Senate shall comprise the following;

- (a) The National Executive Officers.
  - (b) The SRC presidents/representative of component institutions. (The SRC presidents)
  - (c) The SRC secretary/representative of component institutions. (The SRC secretary)
  - (d) The local PUSAG CEO or representative of component institution. (The local PUSAG CEO)
  - (e) The local PUSAG executive secretary/representative of component institutions. (The local PUSAG executive secretary)
  - (f) Women's commissioner of component institutions.
- (2) The members of senate shall be elected or nominated in accordance with the constitution of the various component institutions.
  - (3) Members of Senate shall ascribe to the oath at senate meeting.
  - (4) All new members of PUSAG forming the senate shall, except with objection by the senate, be sworn in as members of the senate after they have been presented to the senate by the outgoing president/representatives of the appropriate component institutions.
  - (5) Senate shall concern itself with policy issues and other matters as directed to it by the National Executive Council.

- (6) Decisions taken or resolutions passed by senate shall be regarded as PUSAG decisions and as such indicative of PUSAG policies.
- (7) At all meetings of the senate, the Chief Justice, the chief executive officer, the general secretary or any five executive officers and one member each from at least four (4) institutions represented at the senate shall form a quorum. This does not include those at senate with observer status.
- (8) **Senate shall be the next highest decision body after congress.**
- (9) An emergency meeting of the Senate may be called by the chief executive officer at the request of at least six (6) members of the Senate from at least 6 separate institutions.
- (10) The chief executive officer shall be obliged to comply with such a request, provided that the request is made in writing stating the agenda, date and host institution and signed by not less than six (6) members of the senate from six (6) separate institutions and shall reach the national executive council at least fourteen (14) days before the date is fixed for the proposed meeting. At least one of the institutions requesting for the emergency meeting shall undertake to fund it.
- (11) Where limitations of time and distance prevent a particular meeting from taking place, the chief executive officer may request members to vote on any proposal (s) by post, email, fax, telephone, or any convenient means of long-distance communication. The proposal shall stand in the name of the chief executive officer.
- (12) Voting requirements for such proposals thus made shall be the same as voting requirements for a normal meeting and the decision thus made shall have the same validity as the decision taken at a normal meeting. The chief executive officer shall when announcing the results of the voting also issue detailed reports on the voting.

A copy of this report shall be sent to each member of the Senate and be produced at the Senate on demand.

- 
- (13) The Senate may appoint an ad-hoc committee, as it deems fit for the efficient running of PUSAG. Membership of such a committee need not be restricted to the senate.
  - (14) The senate may delegate any SRC to do any business, which it thinks can best be done by the SRC delegated.
  - (15) The delegated SRC shall report to the senate from time to time as the senate may request, on progress of the particular business.
  - (16) All decisions of the Senate shall be by a simple majority of members present. In the event of a tie, the chief executive officer shall have a casting vote. The lifelong of a senate shall be one PUSAG year and members are eligible for re-election subject to the provisions of this constitution or the constitution of their member institutions
  - (17) In the event of a conflict in interpreting the provision of this constitution, the judicial committee shall, be authoritative for all purposes. Such interpretations may be varied, overruled, or otherwise altered by the judicial committee and subject to approval by the Senate or amount to a constitutional amendment which shall be attached to the constitution as a schedule.
  - (18) ALL members mentioned in clause (1) supra shall have voting rights except observers.

## CHAPTER FIVE

### THE NATIONAL EXECUTIVE COUNCIL (NEC)

9. (1) There shall be established a National Executive Council hereinafter called NEC, elected by delegates at Congress which shall comprise the following:

- (a) President
- (b) The General Secretary.
- (c) The Chief Operation Officer
- (d) The Financial Controller
- (e) Media Relations Officer.
- (f) International Relations Director
- (g) The Women's Commissioner

### FUNCTIONS OF NEC

10. (1) the functions of NEC shall be as follows:

- (a) The NEC shall see to the effective operation of the national secretariat.
- (b) NEC shall see to the implementation of senate policies and may initiate policies for the approval of the senate. Such policies shall fall within the broad outline determined by Congress and or shall fall within the framework of this constitution.
- (c) NEC shall be accountable to Congress and the Senate.
- (d) NEC shall submit all accounts of PUSAG to the audit committee for auditing.
- (e) At all meetings of the NEC, four members including the president or the general secretary shall be present.

- (f) NEC shall have the right to create various committees as advisory bodies with the aim of coordinating concerted issues, facilitating decision-making, increasing the flow of information, and providing the member institutions with channels for direction in PUSAG work. These committees shall not act autonomously but shall be obliged to refer their programs to the national secretariat. The committee's functions should be clearly defined by NEC.
- (g) Members of NEC shall ascribe to the national executive officers oath.
- (h) Judicial Committee Chairperson shall be appointed by the National Executive Council.
- (i) The National Executive Officers shall appoint qualified personnel/staff to assist in managing the secretariat.

## **DUTIES OF OFFICERS**

### **THE PRESIDENT**

- 11.** (1) the president shall;
- (a) Be the chief spokesman and executive officer of PUSAG
  - (b) Preside over all meetings of the NEC and Senate
  - (c) In the event of any legal suit against the PUSAG, shall represent the Association (d) be accountable to NEC, board of Patrons, Senate, and Congress.
  - (e) Authenticate all correspondence of the Association; counter-signed by him.

### **GENERAL SECRETARY**

- 12.** (1) The General Secretary shall:
- (a) Keep true and correct records of all proceedings and resolutions of NEC.

- (b) Keep true and correct records of all proceedings and resolutions of the Senate and conferences.
- (c) Act for the Senate where appropriate.
- (d) Act for NEC where appropriate.
- (e) Act for the president in his absence, or when so directed by the president.
- (f) Do any work assigned to him/her by the senate, NEC.

#### **CHIEF OPERATIONS OFFICER**

**13.** (1) the chief operations officer shall:

- (a) Present to the senate, the proposed Programmes and Programmes of PUSAG for the year at the first Senate meeting for approval.
- (b) Be the custodian of the archives and all-important documents at all levels.
- (c) See to the day-to-day implementation of the decisions of senate, NEC and all other committees of PUSAG.
- (d) Control, direct and manage in a disciplined manner, the day-to-day activities of the PUSAG secretariat.
- (e) Shall submit periodic reports and make recommendations to NEC and Senate.
- (f) Do any works assigned to him/her by senate, NEC.

#### **FINANCIAL CONTROLLER**

**14.** (1) the financial controller shall;

- (a) He/she shall have an accounting background or related field finance.
- (b) Present to the Senate, the budget statement of PUSAG at the first Senate meeting for approval
- (c) Disburse monies, as NEC may direct, subject to the approval of the Senate.

- (d) Keep true records of all financial transactions of the national secretariat.
- (e) Be chairman/chairperson of the finance committee of PUSAG
- (f) Present to the senate statement of account at the end of every scheduled meeting on demand.
- (g) To maintain a sound financial system in the national secretariat.
- (h) To prepare annual and quarterly accounts for PUSAG. (To prepare and present annual and quarterly accounts of PUSAG to Senate members for approval)
- (i) To account for all monies coming into the association and all monies going out of it.
- (j) Responsible for undertaking and organizing fund-raising activities for the association.
- (k) To safeguard the assets and liabilities of the association.
- (l) To take custody of all assets of the association.
- (m) To collect all dues from the member institutions.
- (n) Do any work assigned to him/her by the senate, NEC.

#### **MEDIA RELATIONS DIRECTOR**

15. (1) He/she shall be the Public Relations Director and shall also be the Editor-in-Chief of the PUSAG magazine.
- (2). The Media Relations Director in consultation with NEC shall appoint an Editorial Board
- (3) The Editorial Committee shall be a sub-committee of the Media Relations Director and shall be responsible for the publication of a PUSAG magazine. The outlook of the magazine shall be in accordance with the provisions of the constitution.
- (4) The media relations officer shall in consultation with NEC set up a media department
- (5) The media department shall be responsible for the publication of a newsletter, to

inform students and the public about the students' stand on positions or issues of national importance, commemorative posters, and solidarity campaigns.

(6) The media department shall work towards more solid relations between students and the people of Ghana.

(7) The Media Department shall work on any other issues that may be directed to it by the Senate, PUSAG conference, or the NEC.

(8) All press secretaries of all schools shall be members of the media department. The editorial board shall consist of members. Only editors of component institution magazines are eligible to be a member.

#### **WOMEN'S COMMISSIONER**

16. (1) There shall be a 5 member Women's Commission appointed by the Women's Commissioner (in consultation with NEC).

(2) The Women's commissioner shall be the chairperson of the commission.

(3) Duties and responsibilities of the commission shall be:

(a) To harness the intellectual capacity of female students with a view to sharpening them as tools for the solution of the problems of female students.

(b) To serve as a focal point on the campuses of the component institutions of PUSAG for the dissemination and distillation of viewpoints on the problems of female students and their consequent solutions.

(c) To support female students in their entire emancipatory endeavors.

(d) To serve as a link between female students and other female groups both inside and outside the country with a view to sharing ideas and strategies on women's issues.

- (e) To offer a common front for monitoring discriminatory and unfair practices against female students with a view to seeking redress in appropriate cases.
- (f) To inculcate in female students a sense of belongingness and active participation in student government and other related campus activities.
- (g) To prepare female students for a more responsible and responsive role in life after school.
- (h) To undertake any other activities or functions specified by congress, Senate, or National Executive Committee.

#### **INTERNATIONAL RELATIONS DIRECTOR**

**17.** (1) The director for international affairs:

- (a) Shall regularly publish releases on PUSAG stand on international relation and issues, in consultation with the chief operating officer.
- (b) Shall be link between PUSAG and organizations abroad.
- (c) Shall be responsible for matters of diplomacy between PUSAG and all international affairs
- (d) Do any works assigned to him/her by Senate, NEC

### **CHAPTER SIX**

#### **THE JUDICIAL COMMITTEE**

##### **INDEPENDENCE OF THE JUDICIAL COMMITTEE**

**18.** (1) Justice emanates from the members and shall be administered in the name of PUSAG by the Judicial Committee which shall be independent and subject only to this constitution.

- (2) The Judicial powers of PUSAG shall rest in the Judicial Committee.
- (3) In accordance with clause (2) of this article, neither the PUSAG President, the Senate, nor any body, agency, nor authority of PUSAG shall have or be given final judicial power.
- (4) Neither the PUSAG President nor Senate nor any person acting under the authority of the PUSAG President or Senate or any other person whatsoever shall interfere with the work of the Judicial Committee.
- (5) The Judicial Committee, in exercising both its judicial and administrative functions including financial administration, shall be subject only to this constitution and the constitution of the Republic of Ghana, and shall not be subject to the control or direction of any person or authority.
- (6) The administrative expenses of the Judicial Committee shall be charged on the PUSAG accounts.
- (7) Organs and agencies of PUSAG shall accord to the Judicial Committee such assistance as the committee may reasonably require protecting its independence, dignity, and effectiveness as mandated by this constitution.
- (8) The Judicial Committee shall have jurisdiction in all matters civil, including interpretations of this constitution and such other jurisdiction as the Senate may by law confer on it.
- (9) Members of the Judicial Committee shall not be liable to any action or suit for any act or omission by them in the exercise of their judicial power.

## COMPOSITION

**19. (1)** There shall be a Judicial Committee with its chairman and deputy appointed by the PUSAG President in consultation with the National Executive Council subject to approval by the Senate.

(2) The Judicial Committee shall comprise of –

(a) A chief justice

(b) Deputy chief justice

(c) Three other justices.

(3) The Chief Justice who shall be of a legal background shall be the head of the Judicial Committee and shall chair all proceedings of the committee.

(4) The Deputy Chief Justice shall chair proceedings in the absence of the Chief Justice.

(5) Members of the Judicial Committee shall be of high moral character and proven integrity.

(6) The committee shall constitute at least 2 members with legal background from different PUSAG member institutions.

(7) The swearing-in of the Chief Justice shall be done at the ceremony called for that purpose with the National Executive Council.

(8) In proven cases of misdemeanor by a member of the Judicial Committee, the other members of the committee shall constitute a hearing against that member and institute disciplinary actions against that member where proven guilty.

(9) The Chief Justice shall be responsible for the administration and supervision of the Judicial Committee.

(10) The Judicial Committee shall stand dissolved after handing over.

## **FUNCTIONS OF THE JUDICIAL COMMITTEE**

**20.** The Judicial Committee shall-

- (1)(a) Receive petitions from members or groups of members on any matter pertaining to the interpretation of this constitution and on issues of conflict.
- (b) Be responsible for all forms of discipline on PUSAG.
- (c) To issue subpoenas requiring the attendance of any member or a PUSAG Officer and the production of any document or records relevant to any investigation by the committee.
- (d) Establish an ad-hoc committee(s) it considers necessary to which it shall refer matters relating to the judicial works.
- (e) Make the constitution accessible to all members.
- (f) To perform any other functions conferred on it by orders of this constitution

## **JURISDICTION OF THE PUSAG JUDICIAL COMMITTEE**

**21.** (1) The Judicial Committee shall have jurisdiction in;

- (a) All matters relating to the enforcement and interpretation of this constitution
- (b) All matters arising as to whether a resolution was made on an issue, or an officer has acted in excess of the powers conferred on him by this constitution
- (c) All matters relating to elections under this constitution
- (d) Impeachment proceedings against a National Executive Council member

(2) Without prejudice to any provision of this constitution, the decisions of the Judicial Committee on matters of interpretation and enforcement of this constitution shall be final and absolute. These decisions shall be binding on all individual members and bodies of PUSAG.

(3) For the purpose of deciding on cases brought before it, the Judicial Committee shall grant a hearing, either openly or in camera to all parties involved in a case after which the committee shall give its written reasons for its decision(s) copied to all parties involved in the case.

(4) Three members of the judicial committee including the chief justice, or in his absence the deputy chief justice, shall constitute a quorum for hearing all cases.

(5) The decision of a properly constituted sitting of the committee in all matters shall be by simple majority.

#### **RIGHT TO APPEAL**

**22.** (1) A party to any case may appeal the decision(s) of the Judicial Committee within 48 hours after the declaration of its ruling. This appeal shall be served in a petition to the Judicial Committee.

(2) An appeal may be filed if fresh evidence(s) has been found to a case earlier determined by the Judicial Committee.

#### **PROCEDURE FOR APPEAL**

**23.** (1) Upon receipt of an appeal, the National Executive Council shall appoint two members to join the Judicial Committee in forming an appeals committee to determine the specific case.

These persons may also be professional legal practitioners or past Judicial Committee Chairpersons with a proven record of professionalism, unblemished character, and integrity.

(2) In cases where NEC has an interest, the power to appoint the Appeal Committee shall be vested in the Senate.

(3) The Appeals Committee shall have equal powers as the Judicial Committee as enshrined in this constitution.

(4) On losing the appeal, the appellant shall be made to pay the sum of all expenses made by PUSAG on the appeal in addition to upholding the earlier ruling of the Judicial Committee.

(5) The Appeals Committee shall stand dissolved on delivering its ruling on the case for which it was constituted.

## CHAPTER SEVEN

### ELECTIONS

#### VETTING COMMITTEE

**24.** (1) There shall be a five 5 member Vetting Committee which shall comprise of-

- (a) A Chairperson, who shall be appointed by NEC;
- (b) Two (2) other alumni members who shall be appointed by NEC;
- (c) Two (2) members who shall be appointed by the Senate

1. Every aspirant in any PUSAG election shall endure a vetting procedure subject to the provisions of this constitution to be conducted by the Vetting Committee.

2. The Vetting Committee shall not be subject to instruction of any person or body in the performance of its duties

#### **QUALIFICATION**

25. (1) A member shall not be qualified for an appointment as a member of the Vetting Committee, unless he/she
  - (a) Be of high moral character and proven integrity.
  - (b) Is of a sound mind
  - (c) Has not been impeached, suspended, or dismissed as an officer of any office.

#### **VETTING PROCEDURE**

26. (1) **The vetting committee shall publish its rules and regulations that may be used for the vetting process and such regulations shall not be inconsistent with this constitution.**
- (2) The vetting procedure shall be conducted by a Vetting Committee which may either qualify or disqualify the aspirant.
- (3) Subject to the provisions of this constitution, the vetting committee shall have the power to disqualify any aspirants for any position and in the case of disqualification publish its findings stating reasons for disqualification.
- (4) The Vetting Committee Chairman shall upon receipt of the nomination documents of aspirants, constitute a vetting process and publish the names of qualified candidates with copies to the Judicial Committee and Electoral Commission.
- (5) Any nominee dissatisfied with the final decisions of the Vetting Committee may petition the Judicial Committee within twenty-four (24) hours from the publication of the vetting results, stating the reasons for his dissatisfaction.
- (6) Subject to clause (5) of this article, the Judicial Committee shall constitute a hearing for all such petitions and its decisions shall be final and binding on all individuals.

- (7) The Chief Justice shall then write to the Electoral Commission to commence with the remaining of the electoral process once the Judicial Committee is done with giving its decision on matters relating to vetting.
- (8) The Vetting Committee shall release vetting results 48 hours before elections at the congress.
- (9) The Vetting Committee shall release the vetting results within 72 hours after the vetting of all aspirants.

## THE ELECTORAL COMMISSION

### COMPOSITION

27. 1(a) There shall be an Electoral Commission made up of nine(9) members from different member institutions
- (b) Seven (7) members of the committee excluding the host institution shall at Congress be appointed by a ballot from member institutions that did not file an aspirant (and shall be members from different member institutions.)
  - (c) The remaining two(2) members shall be the existing electoral commissioner and His /her deputy from the host institution
  - (d) The 9 members of the committee shall appoint their Chairperson and Deputy Chairperson by a simple majority vote.
  - (e) Notwithstanding clause 2, where the member institutions that qualify for balloting are less than 7, each of those institutions shall present 2 or more representatives for balloting.
  - (f) An officer of the National Electoral Commission may be invited by the Chief Operations officer to supervise the elections.

## **FUNCTIONS**

- 27.2** (a) Conducting elections during the Congress.
- (b) Educate delegates on the election process
- (c) Make rules and regulations that are not inconsistent with this constitution to govern elections.
- (d) Consult the financial controller to compile a voter register
- (e) Plan, conduct, and supervise all elections, referenda, and bye-elections of the association
- (f) The Chairman of the commission shall be the returning officer of all elections and shall have the powers of announcing and declaring the results of any election conducted by the commission.

## **INDEPENDENCE OF THE ELECTORAL COMMISSION**

- 28 (1)** The Electoral Commission shall be an independent body and shall not be subject to the control or directions of any person or group of persons.
- (2) The Electoral Commission stands dissolved at the end of congress.

(3) All the committee members as mentioned above shall be appointed from among fulltime students of member institutions provided that would have completed at least 2 years study at their present institutions.

(4) All expenses made by the electoral commission shall be financed by PUSAG.

#### **DECLARATION OF ELECTION RESULTS**

**29(1).** Where a candidate is returned unopposed, such a candidate shall be presented to the electorate for confirmation and he/she must obtain at least 50% plus one (1) vote of the total valid votes cast.

(2) Where an unopposed candidate (referred to in clause (1) supra) is unable to win at least 50% of the total votes cast, nominations shall be opened again in respect of the office concerned.

(3) In the event of the same candidate being returned unopposed for the second time, he/she shall be deemed duly elected.

(4) Where more than one candidate is presented to Congress, the election shall be by simple majority.

(5) Where there is a tie, the nine (9) member electoral commission shall immediately vote by secret ballot to break the tie.

(6) Where a Congress is unable to produce NEC members, the Judicial Committee with the approval of the Senate shall set up an Interim Management Committee (IMC) from members of the Senate.

(7) The IMC shall have the mandate of resolving the impasse with the help of the Alumni and the Life Patron in order to produce NEC members within the next sixty (60) days after the just ended Congress.

### **CHALLENGING OF ELECTION RESULTS**

**30(1)** The validity of an election of any of the officers may be challenged by a member or candidate in the elections who may present a petition for that purpose to the Judicial Committee within three (3) hours after the declaration of the results of the position in respect of which the petition is presented.

(2) Findings by the Judicial Committee shall be made known to congress within two hours after its chair had received a petition and such finding shall be limited to the conduct of elections.

(3) The judicial committee may determine the fee for a petition and same shall be published in the rules and regulations governing the Congress.

## **CHAPTER EIGHT**

### **FINANCE AND AUDITING**

#### **FINANCE**

**31(1)** There shall be established a seven member seven (7) finance committee which shall have the financial controller as the chairperson and shall be charged with the duty of drawing up a provisional annual budget for discussion and approval by senate

(2) The financial controller in consultation with NEC shall appoint the six (6) other members from different member institutions.

(3) For its correct and smooth functioning, PUSAG shall operate a bank account, hereinafter referred to as the PUSAG account in the national capital.

(4) All contributions by member institutions, donations and other monies as may be derived from any venture undertaken by PUSAG shall be paid into the PUSAG account.

(5) Every individual member of PUSAG shall pay annual dues to the PUSAG account. The initial value shall be determined by the founding members, after which the subsequent value shall be determined by Congress, indexing it against inflation and the status of the institution.

(6) Such contributions shall be internally collected in the same way as SRC dues or appropriate means and forwarded to the PUSAG account by the component institutions/bodies at the beginning of each component institution's academic year.

(7) PUSAG may receive voluntary contributions from anybody or bodies provided that such contributions have no conditions, which are contrary to the aims and objectives of PUSAG attached to them.

(8) The Senate may decide to raise funds from any source(s) subject to the qualifications made above. All such monies shall be paid directly into the PUSAG account.

(9) Where an institution fails to pay its dues within six months from the beginning of the academic year, the institution shall lose its voting rights at all PUSAG meetings until arrears are settled. Senate shall determine a further penalty for members who default.

(10) The chief executive officer, the financial controller and the general secretary shall be signatories to the PUSAG accounts.

## AUDIT

**32.** (1) There shall be established an audit committee, which shall consist of seven(7) members of the component SRC with finance or accounting backgrounds appointed by the Senate, and they shall appoint their own chairman.

(2) A quorum for meetings shall be four (4) members including the chairman.

(3) The audit committee shall audit all financial transactions for each PUSAG year.

(4) The chairman of the audit Committee shall have the power to invite any executive for clarification on any financial transaction.

(5) The audit report shall be made available to the NEC, the Senate, and Congress for their study and implementation.

## CHAPTER NINE

## **STRATEGIC PLAN AND POLICY**

### **THE DIRECTIVE PRINCIPLES OF PUSAG STRATEGIC PLAN AND POLICY**

**33. (1)** The directive principle of PUSAG contained in this article shall guide all members and stakeholders in undertaking and implementing the strategic plan and any policy set down by PUSAG

### **IMPLEMENTATION OF THE DIRECTIVE PRINCIPLE**

(2)

- (a) The president shall report at each meeting all the steps taken to ensure the realization of the strategic plan and policies
- (b) Senate shall at its first meeting after handing over approve the implementation of the strategic plan and policy in the report submitted by the president
- (c) The strategic plan and policy documents shall only be amended by congress should the need arise
- (d) The national secretariat shall be responsible for the implementation of the strategic plan and other policies approved by congress
- (e) Failure to carry out the mandate of the strategic plan and policy documents constitute a breach of this constitution and shall constitute a ground for removal from office under this constitution

## **CHAPTER TEN**

### **ALLIED BODIES**

#### **THE LOCAL PUSAG SECRETARIAT**

**34(1)** There shall be local branches of PUSAG on the campuses of all the component institutions, which shall be called the Local PUSAG secretariat.

- (a) It shall comprise the Local PUSAG President, the Local PUSAG General Secretary, the Local PUSAG Financial Controller, and two others who shall be appointed.
- (b) The local PUSAG executives shall be elected/appointed in accordance with the SRC constitution of the particular institution.
- (c) The Local PUSAG secretariat of member institutions shall serve as a liaison between the SRCs and the national secretariat.

### **PUSAG DELEGATIONS /REPRESENTATIVES**

- 34.2** (a) NEC shall elect or appoint delegations/representatives/participants to any conference/seminar or project to which PUSAG has been invited.
- (b) Notwithstanding clause (1) above, the senate shall be solely responsible for selecting delegations to international conferences for which PUSAG has been invited.
- (c) Delegates/representatives/participants shall present a written report after their return from the conference/seminar/project to NEC for onward submission to senate.
- (d) The Senate shall then cause copies of such reports to be issued to member institutions after considering and accepting such reports. Such reports shall be produced and read or put upon notice boards, at Congress on demand.
- (e) The NEC shall inform member institutions about programs (both local and foreign) where representatives are needed.

### **PUSAG ALUMNI**

### **MEMBERSHIP AND OFFICERS**

**35.** (1) there shall be formed the PUSAG alumni which shall comprise of the following;

- (a) All NEC members;
- (b) All past senators;
- (c) All persons who played critical and active roles in the formation of PUSAG;
- (d) Any other past student of a private university who may be deemed to be relevant to the association based on a written recommendation by two active alumnus;

(2) Every alumni year group shall be led by their corresponding past NEC members.

### **FUNCTIONS**

**36(1)** to mobilize all past PUSAG members

(2) Exchange ideas and contribute towards the development of PUSAG.

(3) To play an advocacy role for accredited member institutions in collaboration with NEC.

(4) To help in the realization of the vision and mission of PUSAG.

(5) To help link up alumni and students into opportunities that may exist in and outside this country.

(6) Collaborate with NEC to develop strategic plans.

(7) Ensure NEC is ably supported with ideas and links in corporate Ghana.

(8) Quarterly organized strategic meetings with NEC for specific projects

(9) Alumni are to make themselves available for PUSAG outreach programs and thus resource persons in the pursuit of the association's campus drive activations

(a) Be brand ambassadors of PUSAG.

### **BOARD OF PATRONS**

#### **MEMBERSHIP**

**37(1)** there shall be a three (3) member board of patrons hereinafter known as patrons comprising of;

- (a) One member from the PUSAG alumni who may not necessarily be a former NEC member
- (b) Accomplished and identifiable professional preferably in the field of education or advocacy.
- (c) One representative from the Council of Independent Universities

#### **FUNCTIONS**

**38 (1)** To provide advice and direction to the NEC / Senate in the discharge of their duties.

(2) Shall play an oversight role over all the activities of PUSAG.

(3) They shall not impose their views on NEC / Senate.

(4) Act in the interest of PUSAG.

(5) To annually scrutinize the activities of NEC.

(7) Advice and support NEC through the President/CEO to achieve strategic plans.

## TENURE

**39**(1) the board shall have tenure of three (3) years and shall be constituted by NEC in consultation with PUSAG alumni.

(2) Members of the board may be re-appointed for a second term only.

(3) The board shall come up with its own guidelines and procedure as well as quorum for meetings.

## CHAPTER ELEVEN

### MISCELLENOUS

**40** (1) Executives shall serve a period of one (1) year and shall be eligible for re-election only for an extra one (1) year.

(2) Congress shall be held after every one (1) year and shall be for four (4) straight days.

(3) Any prospective PUSAG official shall demonstrate that his outlook conforms to the spirit and letter of this constitution.

(4) Where necessary congress shall formulate additional electoral by-laws.

(5) With the exception of article 27 clause (4), No substantive member institution shall have more than one (1) member on the same committee

(6) Senate shall appoint three(3) members of the judicial committee other than the chief justice and his deputy

### **REVOCATION OF MANDATE**

**41(1)** Congress or Senate may remove any officer(s) from office with stated reasons by a two-thirds (2/3) majority of the quorum of registered delegates or senators present and voting subject to the approval of the chief justice.

(2) For the purpose of clause (1) supra stated reasons shall be:

- (a) Acting contrary to the spirit and letter of this constitution.
- (b) Acting in a manner that would bring discredit to PUSAG or bring its name into disrepute, ridicule, or contempt.
- (c) Acting in a way contrary to the interest of PUSAG, as shall be determined by the senate.
- (d) Acting in violation of the oath of office as set out in (schedule 1).
- (e) Notwithstanding the provision in clause (1) and (2) supra, where the Chief Justice determines that an officer has acted in contravention of the constitution or has become a serious liability to the association, the Chief Justice shall suspend or remove such an officer from office by 2/3 majority of members of senate present and voting.

- (f) In the event of a NEC member being removed from office, the NEC shall have the power to fill any vacancies occurring in the national secretariat

### **RESIGNATION OF AN OFFICER**

**42(1)** An executive officer except the president may resign the office by writing under his hand addressed to the president and copied to the judicial committee at least 2 weeks before the commencement of his resignation.

(2) The president shall notify other NEC members and senate

(3) NEC shall within four (4) weeks upon receiving such notice convey an emergency senate meeting to appoint a substantive officer to fill the vacant position subject to approval by the Senate.

### **RESIGNATION OF THE PRESIDENT**

**43 (1)** the president may resign from office by notifying the judicial committee at least three (3) weeks before the commencement of his resignation.

(2) The judicial committee shall notify the NEC and senate

(3) NEC shall within four (4) weeks upon receiving such notice convey an emergency senate meeting to decide whether the secretary should assume the office of the president or conduct an election in accordance with this constitution.

(4) In case the senate agrees the secretary assumes the office of the president, NEC shall appoint a new general secretary.

## **EN-BLOC RESIGNATION**

**44(1)** An emergency congress shall be conveyed by the Judicial Committee within four (4) weeks of notice to the Senate to fill the vacancies of the en-bloc resignation of NEC

## **CHAPTER TWELVE**

### **RULES AND REGULATIONS TO THIS CONSTITUTION**

**45** There may be separate rules and regulations of PUSAG to supplement the provisions of this Constitution. The rules and regulations may provide the guidelines for the operations of PUSAG at various events when the need arises.

### **AMENDMENTS TO THE CONSTITUTION**

**46.** Every amendment to this Constitution shall be made at the Annual Delegates Congress, provided, however, that no amendment shall be made unless:

- (a) Notice of such amendment has been submitted in writing to NEC through the General Secretary not later than two (2) months before the Annual Delegates Congress;
- (b) NEC through the General Secretary has circulated the proposed amendment to every member institution and all senate members at least one (1) month before the Annual Delegates Congress;
- (c) And by a simple majority of the delegates present at the Congress cast their votes in favour of the amendment.

### **REVOCATION OF THE 2016 PUSAG CONSTITUTION**

**47.** Upon the coming into force of this Constitution, the 2016 Constitution of PUSAG promulgated on Sunday 2<sup>nd</sup> October 2016 at the 10<sup>th</sup> annual Delegates Congress held at the University College of Agriculture and Environmental Sciences –Bunso E/R, as subsequently amended, shall cease to have effect.

### **INTERPRETATIONS**

**48 (a)** PUSAG –private Universities Students' Association of Ghana

(b) Full-Time Student -someone who has been duly admitted and matriculated into a private university

(c) SRC-Students' Representative Council



## SCHEDULE 1

### 1. PRESIDENTIAL OATH

I ..... haven been elected to the high office of the president of the private universities students' association of Ghana do (in the name of the almighty god swear) (**solemnly swear**) that I will be faithful and true to PUSAG, that I shall strive at all times to preserve, protect and defend the PUSAG constitution. i dedicate myself wholly, without fear or favor, to the service and welfare of the members of PUSAG; I further solemnly **swear** that I will conform to the principles of strict accountability financially or otherwise and that should i at any point in time break this oath of office; I shall submit myself to the laws of the PUSAG constitution. (so help me god).

### 2. NATIONAL EXECUTIVE OFFICER(S) OATH

I ..... haven been elected to the high office of the .....of the private universities students' association of Ghana do (in the name of the almighty god swear) (solemnly affirm) that I will be faithful and true to PUSAG, that I shall strive at all times to preserve, protect and defend the PUSAG constitution. i dedicate myself wholly, without fear or favor, to the service and welfare of the members of PUSAG; I further solemnly swear (affirm) that I will conform to the principles of strict accountability financially or otherwise and that should i at any point in time break this oath of office; I shall submit myself to the laws of the PUSAG constitution.

(So help me God).

**3. SENATORIAL OATH**

I..... do in the name of the almighty god swear (solemnly affirm) that i will bear true faith and allegiance to the private universities students' association of Ghana; that i will uphold the sovereignty and integrity of PUSAG; that i will preserve, protect and defend the constitution of PUSAG. (So help me God).

**4. JUDICIAL OATH**

I ..... haven been appointed to the high office of the .....of the private universities students' association of Ghana do (in the name of the almighty god swear) (solemnly affirm) that I will be faithful and true to PUSAG, that I shall strive at all times to preserve, protect and defend the PUSAG constitution. i dedicate myself wholly, without fear or favor, to the service and welfare of the members of PUSAG; I further solemnly swear (affirm) that I will conform to the principles of strict accountability financially or otherwise and that should i at any point in time break this oath of office; I shall submit myself to the laws of the PUSAG constitution. (So help me God)

**5. COMMITTEE MEMBERS OATH**

I..... do in the name of the almighty god swear (solemnly affirm) that i will bear true faith and allegiance to the private universities students' association of Ghana; that i will uphold the sovereignty and integrity of PUSAG; that i will preserve, protect and defend the constitution of PUSAG. (So help me God).

**OATH OF SECRECY**

I.....holding the office of ....., do in the name of the almighty god swear that i will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall come to my knowledge in the discharge of my official duties except as may be required for the discharge of my official duties or maybe specially permitted by law. (So help me God).

**SCHEDULE 2**

**BY-LAWS AND SANCTIONS**

1. Member institutions that have not paid membership dues will have their members disqualified from voting.
2. Positions of the National President, Chief Operating Officer, International Relations Director, and General Secretary shall do their national service with PUSAG but the other positions, that is, Financial Controller, Media Relations Director, and Women's Commissioner are optional.

3. Any SRC executive who contests for PUSAG elections should have handed over or resigned and there should be evidence, especially in the case of resignation.
4. All candidates should not have more than ten (10) posters, but are not limited to the number of handbills, banners, etc.
5. All candidates must ensure that all their posters are removed from the congress grounds 2 hours to elections. Failure to do so shall attract sanctions by the Judicial Committee
6. A candidate qualifies to stand for elections when he/she is in the final year, or is about to finish or has just finished but not started national service.
7. The ceiling qualification for a candidate is that, he/she should have finished school for not more than one semester and should not have started national service.
8. Every candidate must have two polling agents representing him/her before, during and after elections.
9. The candidates must submit the details of the agents as at vetting, and the agents cannot be changed once his/her details get to the electoral commission.
10. Campaigns must end at exactly 12:00am midnight prior to the elections.
11. The dean of students, head of department, three (3) general assembly members and two (2) students and if the candidate is in the hostel, the hostel warden must ratify any aspiring candidates candidature.
12. Violation of any of these by-laws constitutes grounds for disqualification.

### **THIRD SCHEDULE**

#### **TRANSITIONAL PROVISIONS**

1. There shall be a transitional team constituted immediately by the president after the declaration of the results of the elections.
2. The transitional team shall consist of:
  - (1) Outgoing executive officers; (2) Outgoing Judicial Committee;
  - (3) Newly elected officers.
3. The transitional team shall not be limited to the aforementioned officers but shall include all members necessary and relevant to its work.

**The functions of the transitional team shall include:**

1. To make known to the incoming administration or elected officers the financial and material position of PUSAG for the period under review.
2. any other matter or issues that shall be considered necessary for a smooth transition from one regime to another

**prohibition on alteration of the constitution**

1. unless where constitutional amendments have been made to some provisions of this constitution no part thereof shall be altered or excluded or any additions made to its contents
2. any person who alters or excludes or makes additions, or attempts to alter or exclude or make additions to any part thereof of this constitution without being sanctioned by law shall be held to have committed an offense under this

constitution and in the case of a NEC member shall be a valid ground for removal from office and in the case of any other student shall be a valid ground for ineligibility to contest for any PUSAG position.

Commenced by the **PUSAG constitution review committee** in February 2016 and completed in October 2016.

### **CONSTITUTIONAL REVIEW COMMITTEE**

1. Robert N. A. Kpakpo, Central University-Chairman
2. Rashidat Sulaiman, Islamic University College-Secretary
3. Henry Oppong Nyame, Christian Service University College
4. Michelle A. Ljomah, All Nations University College
5. Betty Asare, Zenith University College
6. Alfred Essiaw-Mensah, Perez University College
7. Akanimo Eteobong Ntuk, Valley View University
8. Esther Quarm Millechie, Methodist University College
9. Hassan Adam, Garden City University College
10. Baffour George Junior, Mountcrest University College
11. Issobelle M.N.A. Korley, Kings University College
12. Gabriel Kofi Akpah, Spiritan University College
13. Frank Nyarko Ampomah, KAAF University College