

RULES

of

MEDBURY SCHOOL PARENTS' ASSOCIATION INCORPORATED

1. Name & Address

- 1.1 The name of the Society shall be "Medbury School Parents' Association Incorporated".
- 1.2 The address of the Society is care of Medbury School, 109 Clyde Road, Fendalton, Christchurch 8041, P. O. Box 29006, Fendalton, Christchurch 8540.
- 1.3 The Society is (to be) constituted by a resolution of members dated 26 November 2009.

2. Objects

- 2.1 To nominate members to the Medbury School Trust Board to represent the Society.
- 2.2 To foster co-operation and understanding between the school and parent community by working with the school through the Headmaster and the Trust Board to keep parents informed about the aims and activities of the school.
- 2.3 To facilitate the appointment of class representatives for each class at the school at the beginning of each school year, and to foster good communication and understanding through them
- 2.4 To undertake fundraising activities for the benefit of the school.
- 2.5 To, where possible, assist parents of new boys with social integration into the school and school life.
- 2.6 To from time to time hold or facilitate the holding of social occasions to bring together the parent community and school.
- 2.7 To do generally any act which, in the opinion of the Committee, is incidental or conducive to any one or more of the above objects.

3. Society Membership

- 3.1 All parents and guardians of present pupils of the school shall automatically become ordinary members of the Society, unless they elect not to do so on the school enrolment form when first enrolling their son(s) at the school, and shall automatically cease to become members upon no longer having a child enrolled at the school.
- 3.2 Any member of the Society may resign by giving written notice to the Secretary of the Society.
- 3.3 All members of the Society are expected to observe a minimum standard of behaviour, in particular:
 - 3.3.1 To behave civilly, reasonably and to treat all other members of the Society, school staff and Trust Board with respect;
 - 3.3.2 To behave in such a way as to uphold the values, standards and reputation of the school;
 - 3.3.3 To comply with these rules and the obligations imposed under them
- 3.4 A member may have his or her membership terminated pursuant to the process set out in Schedule A to these rules for failure to observe the expected minimum standard of behaviour or other breach of these rules, or for serious misconduct (as defined in Schedule A to these rules).

4. Subscription

- 4.1 The annual subscription shall be fixed at the Annual General Meeting each year for the following financial year provided that any such sum so fixed shall not exceed by more than 25% the subscription for the current financial year.
- 4.2 The annual subscription shall become due and payable at such time or times as the Committee shall determine.

5. Management of the Society

- 5.1 The Society shall have a Management Committee which shall be comprised as follows:
 - 5.1.1 Officers:
 - 5.1.1.1 President;
 - 5.1.1.2 Secretary/Treasurer or Secretary and Treasurer.
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5.1.2 Ordinary Committee Members:

Nine ordinary members as representative as practicable of both day boy and boarder parent members, in addition to the President and Secretary/Treasurer (or Secretary and Treasurer), there to be at least one boarder parent on the Committee unless none presents himself or herself for election.

5.1.3 The Headmaster ex officio.

5.2 The Management Committee has all the powers of the Society except as limited by these Rules.

5.3 Decisions of the Management committee bind the Society except as limited by these Rules.

6. Role of the Management Committee

6.1 The Role of the President is to:

6.1.1 Oversee the management of the Society;

6.1.2 Convene and chair meetings of the Management Committee and Society;

6.1.3 Ensure that the Rules of the Society are followed;

6.1.4 Provide a report on the current and proposed activities and priorities of the Society at the Annual General Meeting;

6.1.5 Advise the Registrar of Incorporated Societies of any changes or alterations to the Rules.

6.1.6 Act as one of two authorised bank account signatories

6.2 The Role of the Secretary is to:

6.2.1 Record the and publish the minutes of meetings of the Society;

6.2.2 Keep the register of members;

6.2.3 Hold the Society's records, documents, accounts and books;

6.2.4 Receive and reply to correspondence on behalf of the Management Committee and Society as authorised by the Management Committee;

6.2.5 Retain the Common Seal of the Society.

6.2.6 Act as one of two authorised bank account signatories

6.3 The Role of the Treasurer is to:

6.3.1 Collect and receive all payments made to the Society, and to and to ensure the Society's money is managed in an orderly and efficient manner;

6.3.2 Act as one of two authorised bank account signatories;

6.3.3 Keep a true and accurate record of the Society's accounts so that the Society's financial position can be clearly ascertained and understood at any point in time;

6.3.4 Prepare the balance sheet and statement of income and expenditure for each year and an estimate of income and expenditure for the following year for submission to the external auditor for auditing no less than one month prior to the Annual General Meeting;

6.3.5 Forward the annual audited accounts to the Registrar of Incorporated Societies upon approval by the members at the Annual General Meeting;

6.4 The Role of the Committee is to:

6.4.1 Administer and manage the Society in accordance with its Rules;

6.4.2 Carry out the objects of the Society;

7. Election of Managing Committee Officers and Members

7.1 The President and Secretary/Treasurer (or Secretary and Treasurer) shall be elected at the Annual General Meeting for a one year term, and shall be eligible for re-election for two further consecutive one year terms.

7.2 Nine Committee members shall be elected at the Annual General Meeting for a one year term and shall be eligible for re-election to the Committee for two further consecutive one year terms.

7.3 The President and Secretary/Treasurer or Secretary and Treasurer may be elected having already served as a Managing Committee Member (although this is not a prerequisite); however no one person may serve more than four years in total on the Management Committee.

7.4 All nominations shall be in writing, shall be seconded, and shall be received by the Secretary/Treasurer or Secretary at least one clear day before the day of the Annual General Meeting provided that if there shall be insufficient nominations received, further nominations duly seconded, may be made at the Annual General Meeting, either in person or in writing, and accepted by the Secretary/Treasurer or Secretary.

7.5 Vacancies occurring during the year in the Committee or other offices shall be filled by the Committee at its discretion so as to maintain a quorum.

7.6 Any member of the Committee who is for the period of two school terms absent from meetings without leave of absence or reason acceptable to the Committee shall be deemed to have resigned office and vacancy shall be deemed to have occurred.

7.7 In the event that nominations exceed positions available, a vote shall be taken at the Annual General Meeting to determine which nominees shall be successful.

8. Voting Power of Members

- 8.1 At any meeting of the Committee or of the Society any resolution shall be deemed passed if approved by a simple majority of those members in attendance at that meeting but if the voting for or against a motion shall be equal, the President shall have a casting vote.
- 8.2 Each individual member shall be entitled to one vote.
- 8.2 Voting at all meetings of the Society shall be by voices, by show of hands or on demand of the President, any Management Committee member or any other member present, by secret ballot.

9. Meetings of Committee

- 9.1 Meetings of the Committee shall be held not less than once a school term at such times and upon such notice as the Committee shall from time to time decide.
- 9.2 The quorum for a Committee meeting shall be five (5) including the President and Secretary/Treasurer (or Secretary and Treasurer).

10. Membership of Medbury School Trust Board

- 10.1 Members to represent the Society on the Medbury School Trust Board shall be nominated by (but not necessarily from within) the Committee for a three year term. Nomination of members shall occur by the calling for nominations from the membership, the requesting of credentials for nominated candidates, and the evaluation of those credentials prior to the identification of candidate(s) for submission to the Trust Board by the Management Committee at any ordinary meeting of that Committee. This nomination process shall be completed before 31 March in each year in respect of any Trust Board Representative whose office expires on 31 May of that year. The name and credentials of such Trust Board Representative nominees shall then be provided to the Trust Board in writing.
- 10.2 The Trust Board will consider and evaluate the nominees and their credentials at its next meeting, and reach a decision as to acceptability of the nominees for appointment, and advise the Management Committee as soon as possible which candidate(s) (if more than the requisite number has been put forward) are confirmed for appointment to the Trust Board. In the event any candidate is not accepted for appointment resulting in less than three representatives being appointed to represent the Society on the Trust Board in total the Society shall repeat the nomination process set out in 10.1 notwithstanding this may need to occur after either 31 March or 31 May.

- 10.3 Members representing the Association will retire upon the expiry of three years service but, subject to clause 10.1 hereof, shall then be eligible for re-election to the Trust Board for one further three year term.
- 10.4 A member may continue to represent the Association on the Trust Board if his or her son ceases to be a pupil of the school but shall not be eligible for re-election.
- 10.5 At least one of the Representatives on the Medbury School Trust Board shall be required to attend at each Committee meeting, report on the business of the Trust Board and to obtain the guidance of the Committee. Unless such representative is concurrently a committee member, he or she shall not have the right to vote at meetings of the Committee.
- 10.6 The number of Trust Board Members representing the Parents' Association from time to time shall be three or such other number as shall be determined from time to time by resolution of the Trust Board in accordance with the provisions of the Trust Deed, and shall include representatives of both genders. All appointments shall be subject to the approval of the Trust Board as provided by the Trust Deed.
- 10.7 Any vacancy arising in the office of Trust Board Representative shall be dealt with in terms of the Trust Deed.
- 10.8 In representing the Parents' Association on the Trust Board, the role of the Trust Board Representative(s) shall be, where possible, to vote to support the views of the majority of the parent community. Where there is an issue of importance that affects the interests of parents, the Representative(s) shall be required to ascertain the views of the parents at a properly constituted meeting and to report those views to the Trust Board accordingly.

11. Finance

- 11.1 The financial year of the Society shall be from 1 September to 31 August.
- 11.2 All funds shall be kept in a bank account to be called "Medbury School Parents' Association Incorporated", and such account shall be operated by the Secretary/Treasurer and/or the Treasurer and the Secretary, and the President with two of those officers having joint signing authority.
- 11.3 The annual investment and reserves policy shall be approved at the Annual General Meeting of the Society each year.
- 11.4 The Society shall have no powers to borrow money but may accept advances from the Medbury School Trust Board or School where appropriate.

11.5 The accounts and books of the Association shall be audited annually by an external auditor who shall prepare the balance sheet and statement of income and expenditure for the past year and estimate of income and expenditure for the current year (“the audited annual accounts”) and the audited annual accounts shall be presented at each Annual General Meeting.

12. Income, Benefit or Advantage to be Applied to Objects

12.1 Any income, benefit or advantage will be applied to the objects of the Society.

12.2 No member of the Society or any person associated with a member shall participate in or materially influence any decision made by the Society in respect of any payment to or on behalf of that member or associated person of any income, benefit or advantage whatsoever. Any such income shall be paid shall be reasonable and relative to what would have been paid in an arm’s length transaction (being the open market value).

12.3 The provision and effect of this clause shall not be removed from these rules and shall be implied into any document replacing these rules.

13. Common Seal

13.1 The Society shall have a Common Seal which shall be used for the purpose of executing documents on behalf of the Society.

13.2 Execution of documents by the Society shall occur by way of (both) the affixing of the Common Seal and signature by the President and one other officer of the Management Committee.

14. Alteration to Rules

14.1 Any of the individual provisions of these Rules (other than clauses 12 and 14) may be added to, rescinded or amended or any new clause inserted, by a two thirds majority of those members assembled at an Annual General Meeting or an Extraordinary General Meeting called for the purpose provided that notice of motion in writing to change the Rules detailing the nature of the changes proposed signed by any member of the Society and seconded by any other member of the Society shall have been lodged with the Secretary and a copy of the motion shall have been distributed to all members at least fourteen (14) days prior to the meeting.

14.2 The provision and effect of this clause shall not be removed from these rules and shall be implied into any document replacing these rules.

15. Annual General Meeting

- 15.1 The Annual General Meeting of the Association shall be held, at not less than fourteen (14) days notice, during the fourth term of the school year. The quorum for an Annual General Meeting shall be twelve (12) voting members present.
- 15.2 The Annual General Meeting shall carry out the following business:
 - 15.2.1 Receive the minutes of the last Annual General Meeting and any Extraordinary General meetings held since the last Annual General Meeting;
 - 15.2.2 Receive the Presidents Report on the activities of the Society over the last year and the proposed direction and priorities of the Society for the upcoming year;
 - 15.2.3 Receive the audited annual accounts (as defined in clause 11.5) of the Society;
 - 15.2.4 Confirm the appointment of an external auditor of the Society's accounts for the current
Year;
 - 15.2.5 Elect the Officers and Ordinary Members of the Management Committee of the Society;
 - 15.2.6 Set the annual subscription fee for the Society for the next year;
 - 15.2.7 Conduct any other general business which may be properly be brought before the meeting (any such general business will be properly brought before the meeting if it is relevant to the objects of the Society and notice of intention to bring it before the Annual General Meeting is provided to the Secretary at least seven days prior to the Meeting).

16. Extraordinary General Meeting

- 16.1 An Extraordinary General Meeting may be called by either the Management Committee or by any other member of the Society following the receipt of written notice by the Secretary stating the reason for the proposed meeting and signed by any twelve members of the Society.
- 16.2 The reason for any Extraordinary General Meeting must be relevant to objects of the Society and conducted in compliance with its Rules.
- 16.3 Any member absent from an Extraordinary General Meeting shall be entitled to record a vote in writing at the meeting provided the written vote shall be received by the Secretary/Treasurer or Secretary before the commencement of the meeting.

17. Conflict with Provisions of the Medbury School Trust Board Trust Deed

In the event of an inconsistency or conflict in provisions between the Rules and of the Medbury School Trust Board Trust Deed, the Trust Deed provisions shall prevail.

18. Dispute over the Interpretation of these Rules

In the event of any dispute in the interpretation of these rules, the President shall make a ruling which shall be binding unless this ruling is disputed by two-thirds of those present at an Extraordinary General Meeting of the Society called for that purpose. In that event the matter shall be referred to a practicing solicitor for an opinion, which will be binding on all members of the Society. If the members concerned cannot agree on a practicing solicitor then the President of the Canterbury District Law Society will recommend a solicitor and such solicitor shall be appointed to provide the opinion which will binding on all members.

19. Winding Up

The Society may be wound up by a seventy five per cent majority vote at the Annual General meeting or at an Extraordinary General meeting called for that purpose. If the Society is wound up the surplus assets after payment of all debts, costs and liabilities shall be vested in Medbury School.

Schedule A to Rules of Medbury School Parents Association Incorporated

Process for Termination of Membership

1. Termination of Membership

1.1 The Association expects its members to maintain a minimum standard of behaviour and to comply with these Rules and the obligations imposed under them. A member may be expelled from the Association if that member:

- (a) Is found guilty of serious misconduct or acts in a way which brings the Association into disrepute.
- (b) For the purposes of clause 1.1(a), but without limiting the generality of the definition of serious misconduct or conduct which brings the Association into disrepute, the following are some examples:
 - (i) Unauthorised or unlawful disclosure of confidential information;
 - (ii) Unauthorised possession of or interference with the Association's property;
 - (iii) Deliberate damage to the Association's property, reputation or interests;
 - (iv) Misappropriation of the Association's money or property;
 - (v) Use of the Association's money or property for private purposes;
 - (vi) Conduct which could endanger the personal safety of members and employees of the Association or members of the public and which may include conduct which is violent, abusive or discriminatory;
 - (vii) Any conduct which may affect or endanger the good order, reputation, character or welfare of the Association;
 - (viii) Any conduct which is contrary to or undermines the objectives of the Association;
 - (ix) Conduct which is in breach of the Association's Rules.

- 1.2 In any case where a person's membership of the Association may be subject to termination as result of behaviour or conduct falling within clause 1.1, the issue may be referred to the Committee by the Association, the Secretary, or in default of either, by notice in writing signed by two members of the Association for investigation and determination.
- 1.3 The Committee upon hearing the allegations or complaint may:
 - (a) Dismiss the complaint or allegations; or
 - (b) Uphold the complaint or allegations.
- 1.4 Where any matter is referred to the Committee in accordance with clause 1.2, the following shall apply:
 - (a) The Committee may, after giving the member the right to be heard, suspend the membership of the member while the matter or complaint is investigated;
 - (b) The Committee may decline to investigate or consider the matter or complaint if in its opinion the nature of the matter or complaint indicates that the subject matter is petty, frivolous, inconsequential or vexatious and will advise the complainant of such in writing;
 - (c) The Committee may decline to investigate or consider the issue or complaint if during its enquiries it considers that it is not appropriate to further investigate or consider the complaint or matter and will advise the complainant of such in writing;
 - (d) In carrying out its investigation into the matter or complaint the Committee shall adhere to the following procedures:
 - (i) The member shall be given details in writing of the allegations or complaint against him or her;
 - (ii) The member shall have the opportunity to provide a written response to the allegations or complaint within two weeks after receiving details of the allegations or copy of the complaint;

- (iii) Following receipt of any response the Committee may make further enquiries (in which case the results of those enquiries will be made known to the member subject to the investigation);
 - (iv) The Committee shall allow the complainant and the member complained against the opportunity to be heard before a special meeting of the Committee called for the purposes of hearing and deciding upon the complaint or allegations;
 - (v) No member who has a personal interest in the matter or complaint or who is the complainant may sit on the Committee to hear the complaint or allegations or otherwise participate in any of its deliberations.
- (e) Where the Committee upholds the complaint or allegations it may, after giving the member an opportunity to make submissions on penalty:
- (i) Reprimand or admonish the member; or
 - (ii) Suspend the member from membership for a specified period; or
 - (iii) Invite the member to resign; and
 - (iv) Where the member fails or refuses to resign expel the member.
 - (v) The Committee's written decision may be (but is not required to be) accompanied by reasons for the decision and shall be provided to the complainant, the member complained against, and the Association.
- (f) The decision of the Advisory Committee hearing any complaint or allegations against a member under these Rules shall be final and binding on the complainant and the member and except as otherwise provided in these Rules shall not be subject to any review or challenge.

1.5 Any such former member expelled under this clause shall remain liable to pay all subscriptions and levies to the end of the Association's then financial year.