



Constitution of the Equal Justice Project

Updated October 2023

1. Name

- 1.1. The name of the organisation shall be “The Equal Justice Project”, in this document referred to as “EJP”.

2. Interpretation

- 2.1. In these rules, unless inconsistent with the context:
 - (a) **Academic Year** means the Academic Year of the University of Auckland, commencing with the first day of the First Semester and ceasing on the last day of the Second Semester.
 - (b) **Advisory Board** has a meaning consistent with Article 16.
 - (c) **Calendar Year** means the period of one year commencing on January 1 and ceasing on December 31.
 - (d) **Constitution** means the Constitution of EJP as herein contained or subsequently lawfully amended.
 - (e) **Faculty** means the Faculty of Law of the University of Auckland.
 - (f) **Law Student** means any person enrolled as a law student in Part II or above at the University of Auckland in accordance with the Regulations of the University.
 - (g) **Member** means Member of EJP.
 - (h) **Team** has a meaning consistent with Article 13.

3. Object

- 3.1. The object of EJP shall be to promote access to justice in Auckland by encouraging and facilitating volunteer legal work, research and assistance by law students in partnership with community groups and the legal profession, as well as raising awareness of social justice issues amongst law students and in the wider community where necessary and possible. EJP shall be a non-partisan, charitable organisation.

4. Membership

- 4.1. Every law student at the University of Auckland enrolled in Part II and above shall be eligible to apply for membership of EJP.
- 4.2. Membership of EJP is voluntary.
- 4.3. Membership recruitment is to be conducted by the Executive in the first quarter of the Academic Year, with oversight and direction from the Student Directors.
- 4.4. Membership recruitment is not to be based on academic merit of the applicant, unless otherwise agreed upon by the Team Managers and Student Directors.
- 4.5. The Executive shall have the discretion whether to accept an application for membership and may, in exercising this discretion, have regard to the skills, seniority, and experience of the applicant as well as the needs of each Team.
- 4.6. Each Member will be assigned to a Team by the Executive, and will be entitled to and expected to participate fully in that Team.
- 4.7. Membership of EJP shall cease upon:
 - (a) The death of the Member;
 - (b) The commencement of the Calendar year following that in which the Member last became a Member under this Article;
 - (c) The voluntary resignation of the Member in accordance with Article 9; or
 - (d) The termination of membership in accordance with Article 12.

5. The Executive

- 5.1. The Executive shall consist of:
 - (a) The Student Directors; and
 - (b) The Team Managers (the number of which will relate to the number of Teams operating in a given year); and
 - (c) The Secretary/ies.
- 5.2. Eligibility for the Executive is the same as eligibility for membership under Article 4.

- 5.3. Each Member of the Executive will have a term of two Calendar Years. The intention is that the terms of those Members holding the same role are offset. For example, one Student Co-Director would have a term from 2022 to 2023, while the other Student Co-Director would have a term from 2023 to 2024.
- 5.4. The function of the Executive is to conduct the business of EJP, whether ongoing, day to day, or extraordinary, in accordance with the object of EJP. This includes considering the scope of the Teams, which may include either adding or removing Teams to best enable pursuit of EJP's object.
- 5.5. The Executive shall hold regular meetings in order to carry out its function and facilitate regular support for the Team Managers. The Student Directors have discretion on when to hold meetings.
- 5.6. The Student Directors shall have the authority to change the allocation of responsibilities between the Members of the Executive and to appoint and remove further Members to the Executive if, in their opinion, it is warranted in order to facilitate good administration of EJP.
- 5.7. If the Student Directors approve, the Executive shall have the authority to co-opt any additional Members for special purposes at any point in the academic year, before the usual period of recruitment.

6. Student Directors

- 6.1. There shall be two Student Directors at all times, except in exceptional circumstances. They shall both act in an equal capacity as Co-Directors.
- 6.2. The Students Directors, acting in concurrence, shall have the general and overall responsibility for the management of EJP.
- 6.3. The duties of the Student Directors include, but are not limited to:
 - (a) Overseeing and supporting the operation and development of the Teams, to ensure that each Team furthers EJP's object in the most effective and efficient manner possible. This includes ensuring effective management of Teams where a Team Manager role is vacant. The Student Directors must do this in a manner which does not unduly limit the Team Manager's duties under Article 7.1(a);
 - (b) Setting the direction and culture of EJP;
 - (c) Maintaining and developing EJP's relationships with the Faculty, community groups, and the legal profession;

- (d) Preparing a budget for EJP's projected income and expenses for each Calendar Year, in conjunction with EJP's Secretary, as soon as practicable after taking office;
- (e) Preparing and submitting the Annual Report for adoption at the Annual General Meeting, in accordance with Article 18;
- (f) Ensuring the Constitution is fit for purpose, and is available to all Members;
- (g) Keeping the accounts and all records necessary for the accurate preparation of all financial statements, and ensuring these are available to all Members on request;
- (h) Ensuring that all monies received by or on behalf of EJP are promptly banked in any account authorised by the Executive and, if the monies received are a donation, that a receipt is given to the donor;
- (i) Preparing and submitting for adoption at the Annual General Meeting a Financial Report, in accordance with Article 18.4.2; and
- (j) Facilitating the annual selection of a new Student Director before the end of each Academic Year, which must include, at a minimum, a public call for applications with reasonable notice;
- (k) Facilitating the annual selection of new Members of the Executive as soon as practicable following the selection of the new Student Director, and prior to the beginning of the next Academic Year. This selection must include, at a minimum, a public call for applications with reasonable notice.

7. Team Managers

- 7.1. The duties of the Team Managers are in relation to the Team they have been appointed to manage. These duties include, but are not limited to:
 - (a) Managing the operation and development of their Team to ensure their Team furthers EJP's object in the most effective and efficient manner possible;
 - (b) Liaising with the Student Directors sufficiently regularly to enable the Student Directors to have effective oversight of EJP;
 - (c) Maintaining and developing EJP's relationships with the Faculty, community groups, and the legal profession;

- (d) Meaningfully and effectively engaging volunteers;
- (e) Actively contributing to the object and culture of EJP, through upholding the values of EJP, attending all meetings and events where possible, and engaging with the Executive;
- (f) Ensuring an effective and thorough transition to the new Team Manager(s) each Calendar Year, prior to the beginning of the Academic Year. This may include maintaining a Team Manager role until the transition is completed, which may extend their term beyond the normal Executive term under Article 5.3.

7.2. The term of a Team Manager may be extended from the normal Executive term under Article 5.3 at the discretion of the Student Directors.

8. Secretary

8.1. The duties of the Secretary include, but are not limited to:

- (a) Organising and promoting EJP's internal events for Members, such as social functions;
- (b) Organising and promoting EJP's external engagement with the wider community. This is separate to the delivery of Team projects, and may include EJP's annual Opening Function and social media posts; and
- (c) Facilitating effective record keeping and communication within EJP, and particularly within the Executive, for example by taking minutes at meetings.

9. Resignation

- 9.1. A Student Director may resign from their role by giving written notice to the Executive of at least four weeks. Their resignation will be deemed to occur on receipt of this notice.
- 9.2. Any other Member of the Executive may resign from their role by giving written notice to the Student Directors of at least four weeks.
- 9.3. Any other Member may resign from their role by giving written notice to the Executive of at least two weeks.

10. Removal of Student Directors

- 10.1. All Members are expected to inform a Member of the Executive or the Advisory Board if they believe a Student Director has:

- (a) Acted, or intends to act, contrary to the EJP Volunteer Engagement and Misconduct Policy; or
 - (b) Acted, or intends to act, contrary to EJP's object; or
 - (c) Failed to, or intends to not, perform any of their duties; or
 - (d) Acted, or intends to act, in any other manner to the detriment of EJP.
- 10.2. When a Member of the Executive or the Advisory Board becomes aware that a Student Director has done anything under Article 10.1, they will provide a reasonable opportunity for that Student Director to be heard.
- 10.3. Following the Student Director being heard, the Executive must have a discussion, facilitated by a member of the Advisory Board, about any Executive response. Advisory Board members may provide guidance and opinions, but the ultimate decision will be made by the Executive.
- 10.4. Following the Executive discussion in accordance with Article 10.3, the Executive may:
- 10.4.1. Remove that Student Director from their Executive role by passing a resolution to that effect by 75% majority. The concerned Student Director is excluded from voting on this resolution; or
 - 10.4.2. Take any other action concerning their membership as the Executive sees fit.

11. Removal of Executive Members

- 11.1. This Article applies to the removal of all Executive Members other than the Student Directors.
- 11.2. All Members are expected to inform the Student Directors if they believe any Member of the Executive has:
- (a) Acted, or intends to act, contrary to the EJP Volunteer Engagement and Misconduct Policy; or
 - (b) Acted, or intends to act, contrary to EJP's object; or
 - (c) Failed to, or intends to not, perform any of their duties; or
 - (d) Acted, or intends to act, in any other manner to the detriment of EJP.
- 11.3. When the Student Directors become aware that a Member of the Executive has done anything under Article 11.2, they will provide a reasonable opportunity for that Member of the Executive to be heard.

- 11.4. Following the Member of the Executive being heard, the Executive may:
 - 11.4.1. Remove that Member from their Executive role by passing a resolution to that effect by 75% majority. The concerned Member is excluded from voting on this resolution; or
 - 11.4.2. Take any other action concerning their membership as the Executive sees fit.

12. Termination of Membership

- 12.1. All Members are expected to inform the Executive if they believe any other Member has:
 - (a) Acted, or intends to act contrary to the EJP Volunteer Engagement and Misconduct Policy; or
 - (b) Acted, or intends to act contrary to EJP's object; or
 - (c) Failed to, or intends to not, follow the reasonable instructions of their allocated Team Manager(s); or
 - (d) Acted or intends to act in any other manner to the detriment of EJP.
- 12.2. When the Executive becomes aware that a Member has done anything under Article 12.1, they will provide a reasonable opportunity for that Member to be heard.
- 12.3. Following the Member being heard, the Executive may:
 - 12.3.1. Terminate the membership of the Member by passing a resolution to that effect by 75% majority; or
 - 12.3.2. Take any other reasonable action concerning their membership as the Executive sees fit.
- 12.4. Any Member who was removed from their Executive role pursuant to Articles 10 or 11 will also be deemed to have had their membership terminated.
- 12.5. Termination of membership will be permanent, and that person may not reapply to be a Member of EJP in the future.

13. Teams

- 13.1. EJP is organised into Teams. Each Team conducts an activity or set of activities in furtherance of EJP's object, and is under the management of two Team Managers.

- 13.2. A Member may only volunteer for one Team at a time.
- 13.3. The total number of Members in a Team is at the discretion of that Team's Managers and the Student Directors.

14. Funds

- 14.1. EJP's funds will be managed by the Student Directors, with support from the Secretary.
- 14.2. All expenditure of EJP funds will only be done in furtherance of EJP's object.
- 14.3. The Student Directors and the Secretary will be signatories to EJP accounts.
- 14.4. A minimum of two signatories shall be required to operate any account.
- 14.5. Any income, benefit, or advantage must be used to advance the object of EJP.
- 14.6. No Member, or anyone associated with a Member, is allowed to take part in, or influence any decision made by EJP in respect of payments to, or on behalf of, the Member or associated person of any income, benefit or advantage.
- 14.7. Any payments made to a Member, or person associated with a Member, must be for goods or services that advance EJP's object and charitable purpose and must be reasonable and relative to payments that would be made to unrelated parties.

15. Decision making

- 15.1. Decisions regarding the management, membership and operation of EJP should, as far as possible, be made by consensus within the Executive.
- 15.2. Where consensus cannot be reached within the Executive, the matter will be decided by a majority vote within the Executive Team, with the exception of the following decisions for which specific authorisation (as prescribed in the Articles referred to) is required:
 - (a) Whether a Student Director should be removed from office, pursuant to Article 10; and
 - (b) Whether a Member of the Executive should be removed from office, pursuant to Article 11; and
 - (c) Whether a membership should be terminated, in accordance with Article 12; and
 - (d) Whether the Constitution should be amended, in accordance with Article 19; and

(e) Whether EJP should be dissolved, in accordance with Article 20.

- 15.3. The Student Directors must call upon a member(s) of the Advisory Board for guidance in making a decision that could not be made by consensus within the Executive.

16. Advisory Board

- 16.1. An Advisory Board shall be formed for the purposes of advising the Executive on the management and object of EJP.
- 16.2. The Advisory Board shall consist of any combination of:
- (a) Legal practitioners;
 - (b) Academic staff from the Faculty;
 - (c) Former Members of the Executive;
 - (d) Any other person that the Student Directors deem fit to provide advice on the management and object of EJP.
- 16.3. The Student Directors shall meet with the Advisory Board no less than four times in an Academic Year.
- 16.4. The Student Directors have responsibility to appoint new members to the Advisory Board. This is subject to a requirement for a 75% majority consensus by the Executive, after an opportunity to make any objections.
- 16.5. An Advisory Board member may terminate their membership of the Advisory Board at any time by giving notice to the Student Directors.

17. Volunteer Engagement and Misconduct Policy

- 17.1. The EJP Volunteer Engagement and Misconduct Policy outlines expectations regarding the behaviour of Members towards fellow Members, Advisory Board members, EJP community partners, and all other members of the community.
- 17.2. The EJP Volunteer Engagement and Misconduct Policy applies to all Members, including all Team Members and Executive Members. All Members are bound to follow the EJP Volunteer Engagement and Misconduct Policy while performing their duties.
- 17.3. The consequences for breaching the EJP Volunteer Engagement and Misconduct Policy are at the discretion of the Executive, pursuant to Articles 10, 11 and 12.

18. Annual General Meeting

- 18.1. An Annual General Meeting shall be held annually, and as close as practicable to the end of the Academic Year.
- 18.2. All Members are entitled to attend the Annual General Meeting.
- 18.3. All Members present are entitled to one vote on matters open to votes. The Executive will have discretion over whether to accept votes from Members not present at the Annual General Meeting.
- 18.4. The following must be submitted for adoption by EJP at the Annual General Meeting:
 - 18.4.1. The Annual Report, which shall detail and evaluate the performance of each of the Teams in furthering EJP's object, and describe the opportunities and challenges foreseeable for EJP in the following year; and
 - 18.4.2. The Financial Report, which shall consist of a Statement of Income and Expenses and a Statement of Assets and Liabilities.
- 18.5. Both the Annual Report and Financial Report shall be made available to Members for inspection no less than seven days before the Annual General Meeting.
- 18.6. The Student Directors will announce the new Student Director at the Annual General Meeting, following their appointment in accordance with Article 6.
- 18.7. Any other matters of general business may be conducted at the Annual General Meeting.
- 18.8. The quorum of the Annual General Meeting shall be one-third of the Members.

19. Constitution

- 19.1. The whole or any part of this Constitution may be altered, added to, or rescinded by the unanimous decision of the Executive and the Advisory Board.

20. Dissolution

- 20.1. EJP may be dissolved by passing a resolution to that effect at the Annual General Meeting. That resolution must be passed by at least a 75% majority, which must include at least a 75% majority of the Executive.

- 20.2. On dissolution, the distribution of all assets of EJP, after the payment of any expenses, shall be used for the benefit of any charitable organisation that has the object of promoting access to justice in Auckland.
- 20.3. Any Member is strictly precluded from receiving any surplus or assets.