



CMSA

CONSTITUTION AND CODE OF CONDUCT

COLLEGE OF SURGEONS CS (CMSA)

1. INAUGURATION

The College Council, known as the Council of the College of Surgeons (*and hereinafter called the Council*) of The Colleges of Medicine of South Africa (*hereinafter called the CMSA*) shall, in terms of paragraph 22 and 24 of the Memorandum of Incorporation and of Rule 5 of the Memorandum of Incorporation and Rules of the CMSA, be set up in the Republic of South Africa.

2. DUTIES AND FUNCTIONS OF THE COUNCIL

- 2.1 To control the affairs of the College of Surgeons of the CMSA (*hereinafter called the College of Surgeons*).
- 2.2 To represent the members of the College of Surgeons.
- 2.3 To maintain and advance the standard of Surgery.
- 2.4 To advise the Senate of the CMSA. Where changes in the accepted and agreed policy of the CMSA are contemplated, the Senate shall, whenever reasonable and practicable and in the interests of the CMSA as a whole, act in consultation with the Council.
- 2.5 To co-operate with other organisations concerned with Surgery in the attainment and furtherance of the objects and policies of the CMSA.
- 2.6 To assist the Senate and its standing committees in the conduct of the affairs of the CMSA.
- 2.7 To be consulted whenever reasonable and practicable by the Senate and its standing committees in matters which affect Surgery, and in particular:
 - 2.7.1 The training of Surgeons.
 - 2.7.2 Postgraduate and continuing education in Surgery.
 - 2.7.3 The standard of the examinations of the College of Surgeons.
 - 2.7.4 The admission of candidates to the examinations of the College of Surgeons.
 - 2.7.5 The admission of candidates to Fellowship by peer review of the College of Surgeons.
 - 2.7.6 The appointment of examiners for examinations of the College of Surgeons.
- 2.8 To recommend to Senate standards for the recognition of training posts for training in Surgery. To recommend to Senate the review, and whenever desirable the termination of the acceptance of recognised training posts.

- 2.9 To frame and revise regulations for the admission to and conduct of examinations leading to qualifications in the College of Surgeons, for consideration by the Senate.
- 2.10 To promote higher standards in the training and function of the other medical, nursing and allied medical personnel concerned with the practice of Surgery.
- 2.11 To publish, if considered advisable, in the Republic of South Africa, resolutions of the Council which relate solely to matters affecting the practice of Surgery after consultation and with the approval of the President of the CMSA or one of the Chairpersons of the three standing committees, provided that such resolutions are in conformity with principles previously laid down by the Senate and do not involve new principles towards which the Senate has not previously defined its attitude.
- 2.12 To call a meeting of members of the College of Surgeons of the CMSA as often as is advisable and convenient and if possible, once annually. The place and time to be decided at one of the meetings of the Council.
- 2.13 To forward to the Senate a copy of the minutes of each meeting of the Council and to receive from the Senate a copy of the minutes of each meeting of the Senate.
- 2.14 To accept and diligently to execute such powers as may be delegated to the Council, in addition to the foregoing, by the CMSA or Senate in terms of paragraph 22 of the Memorandum of Incorporation of the CMSA.
- 2.15 To make and whenever desirable to rescind, alter or amend the provisions of the constitution of the Council for submission to and approval of the Senate.
- 2.16 In the event of failure of agreement in a matter of principle or policy between the Council and a standing committee of the CMSA, the Council shall have the right to represent its point of view to the full Senate at its next meeting. The decision of the Senate shall be final and binding on the Council.
- 2.17 To manage the financial affairs of the College of Surgeons.
- 2.18 To determine the curriculum for examinations of the College of Surgeons.
- 2.19 To determine the scope and format of examinations of the College of Surgeons.
- 2.20 To select examination conveners, examiners and observers, who will be appointed by the Examinations and Credentials Committee.
- 2.21 To manage any assets acquired by the CMSA for the College of Surgeons.
- 2.22 To determine and implement new measures aimed at increasing the benefits of membership of the CMSA and the College of Surgeons.
- 2.23 To develop, co-ordinate and implement educational programmes in collaboration with the Education Committee.
- 2.24 To manage, with the assistance of the relevant CMSA office, all eponymous and other lectures, scholarships and awards residing with the College of Surgeons, in collaboration with the relevant standing committee.
- 2.25 To propose recipients for Honorary Fellowship, Fellowship *ad eundem* and Fellowship by peer review of the College of Surgeons, for ratification by the Senate and subject to such criteria as may be set by the Senate from time to time.
- 2.26 To elect office bearers and to appoint representatives to the Senate of the CMSA.
- 2.27 To manage all interaction between the College of Surgeons and other constituents of the CMSA.
- 2.28 To make representations to the Senate on behalf of the College of Surgeons.
- 2.29 To identify ethical issues involving health, on the setting and maintenance of standards and which affect the practice of medicine and dentistry and medical and dental education, especially post-graduate education which the CMSA need to address.
- 2.30 To provide a forum in which members of the College of Surgeons may address issues relating to the College of Surgeons or to the CMSA.

- 2.31 To propose possible changes to the Memorandum of Incorporation and Rules of the CMSA to the Senate.
- 2.32 Provided always that nothing herein contained shall empower the Council to take any part in the management of the CMSA nor do anything which is under the Memorandum and Memorandum of Incorporation and Rules of the CMSA for the time being to be carried out by the CMSA in General Meeting or by the Senate of the CMSA or any other Council or committee thereof.

3. CONSTITUTION OF THE COUNCIL

- 3.1 The Council will be elected for a three-year period and shall consist of:
- 3.1.1 The President CMSA or his/her nominees of the three standing committees of the CMSA, *ex officio*.
- 3.1.2 Such members of the Senate as are members of the College of Surgeons.
- 3.1.3 The immediate past President of the College of Surgeons, *ex officio*.
- 3.1.4 **Nine members** elected by the Founders, Associate Founders, Fellows, Associates and Certificants of the College of Surgeons who are Specialist Surgeons registered with the Health Professions Council of South Africa.
- 3.1.5 **One Diplomat** in Surgery of the College of Surgeons of South Africa elected by the Diplomates of the College of Surgeons in accordance with the Rules of the CMSA.
- 3.2 The members elected in terms of paragraphs 3.1.4 and 3.1.5 shall be resident in the Republic of South Africa.
- 3.3 The election of the Council of the College of Surgeons and its President, Secretary and representatives on the CMSA Senate shall be governed by the provisions of the Memorandum of Incorporation and Rules of the CMSA. Elected Council members shall elect their President, Secretary and Senate representatives.
- In terms of Rule 5(9) the President shall not hold office for more than three triennia, either consecutive or separate.
- Proviso:*
- Should a University Department of Surgery not, following the election, be represented on the Council, the Council shall, in terms of Rule 35, co-opt as a member a representative of such university department.
- Co-opted members shall not exceed two-fifths (rounded up to the next number – 40%) of the total membership of the Council of the College of Surgeons.
- 3.4 Only elected, not co-opted councillors, shall be eligible to vote for a mid-term change of President or Secretary of a constituent College. This process may only be conducted through the office of the Company Secretary/CEO to ensure compliance with the Mol and Rules of the CMSA.

4. FINANCIAL

- 4.1 Allocation of Funds
- 4.1.1 The Senate shall allocate funds to the College of Surgeons, based on its paid-up membership in the previous financial year.

4.1.1.1 A percentage of the annual subscriptions shall be allocated on a sliding scale as determined by Senate.

4.1.1.2 A percentage of the surplus made on the examinations shall be allocated in similar manner.

These monies can be used for all approved activities of the Council.

4.2 Shared Financial Responsibilities

Costs will be met in equal shares for any meetings/congresses or other ventures hosted jointly by the CMSA and the College of Surgeons. Any surplus will be shared in equal shares by the CMSA and the College of Surgeons.

4.3 Other Income

Regulations governing other income shall be suitably framed by the Senate in consultation with the Council.

4.4 Financial Statement of Receipts and Expenditure

The Council of the College of Surgeons may request the Senate CMSA to forward to the Council a financial statement of the levy account, or any other internal account or investments relating to the College.

5. FUNDRAISING

The funds raised by the College of Surgeons shall be invested on its behalf by the CMSA as reserve funds. Such funds will be used at the discretion of the Council of the College of Surgeons, subject to the provisions of the Memorandum of Incorporation and Rules of the CMSA.

6. AMENDMENT OF THE CONSTITUTION

The making, amendment, alteration or repeal of any provision contained in this Constitution shall be made in a manner consistent with the provisions of Paragraph 3(4) of the CMSA and must be approved by members of the Council of the College of Surgeons and submitted to the Senate of the CMSA for final approval.

Prof Eric Buch
CHIEF EXECUTIVE OFFICER

Rondebosch
2 March 2021