Constitutions Tipsheet

1. Hierarchy of Rules

Generally speaking, all rules for student groups follow this hierarchy.

NOTE: Transition manuals, although important, are not rules.

2. Characteristics of a Constitution

These tips are not rules. Developing rules that will suit your organization is a process that should be grounded in the unique culture, requirements and needs of your organization. You may find that your organization needs to ignore or amend some of these tips to suit your needs. These tips are here to help, not define your organizational development processes.

- Constitutions do not change quickly or often
  
  A constitution is a written record of fundamental principles and established precedents that your organization is governed by. Amending a constitution is a serious undertaking. The process for amending the constitution should
  
  - be in the constitution (making that process as difficult to change as the constitution itself)
  - require the participation and express consent of your organization’s whole membership (not just your Executive or Council).

- Constitutions in Student Groups – A little more is okay

  In organizations with strong institutional memory, constitutions should not contain more than the bare minimum. Student groups, by definition, cannot count institutional memory as a strength. It may be necessary for your constitution to contain some things that are not fundamental principles but are rather things that the organization needs to remember about itself and will forget if they are not written down. Add these extra details with caution. An overly elaborate constitution will become unenforceable over time, especially if it is so detailed that it is never read.

  - At minimum, a constitution should include
    
    - References to higher legal frameworks that the organization exists as a result of (University rules, Students’ Union rules, etc).
    - The organization’s mandate
    - Qualifications for membership (if that’s not defined by a higher set of rules, as per the rules hierarchy)
    - The titles of elected officers, and some of the key responsibilities that do not change, such as who has signing authority
    - The timing of organizational elections
    - The process for calling (Special) General Meetings and Annual General Meetings, including the notice required and a mechanism for the membership to call them directly
    - Quorum requirements for any meeting of the organization where business will be conducted
    - Basic information related to budget transparency and executive accountability
    - Recall/impeachment mechanisms, if applicable
    - A brief description of organizational strategic planning, if applicable
    - The process for amending the constitution

  - Things a constitution should not include
    
    - Things that change from year to year, such as the specific dates of events that the organization runs, executive goals, selection processes for officers that aren’t elected, etc. If your organization requires these processes to be written down, they should appear in policies, procedures, or transition manuals.
    - “Operational” details. This is difficult to define, but includes things like how official email accounts are managed, how receipts are issued, etc. Basically, things that an executive should be able to change in order to improve the functioning of the organization should not be in the constitution.
    - Quotes from rules contained in other documents. If you need to cite another set of rules, include a reference (the name of the Act, bylaw, policy and a reference to the numbered section) but do not quote it. If the rule changes and no one in your organization catches the change, your constitution will be providing misinformation to future members.
    - Jokes

3. Drafting Tips
4. Technical Notes

A Note on Technical Terminology

If you use a word or phrase that has a technical definition in parliamentary law, use it in the sense that it is commonly defined. Do not redefine technical terms, but rather, invent new ones (e.g. if your organization requires 51% of votes cast in favour for a motion to pass, do not state that as a simple majority).

- **Quorum** – the minimum number of members of an organization or committee of an organization required for the business conducted to be official, legal, and valid.

  - Non-members never count towards quorum.
  - For committees, it is recommended for quorum to be a simply majority or more of members. For organization-wide events such as general meetings, quorum should be as high as is practical, and must be more than the number of people on the Executive Committee. (at least double that). It is not recommended for quorum to be 100% under any circumstances.
  - Quorum can be stated 2 ways:
    - As a percentage/fraction of total membership (e.g. 50%/half of members)
    - As a number (5 members)

  Choose one and use it consistently.

- **Voting Thresholds** – the proportion of votes cast in support of a proposal required for it to passed/be adopted.

  - There are three common voting thresholds used when using parliamentary rules of order (e.g. Robert’s Rules). These definitions may need to be stated in your constitution, but if they are, use these.
    - **Simple majority**: >50%, or 50% plus one additional vote. This is not equivalent to 51%.
    - **Substantive majority**: 2/3, or 66.67%
    - **Super majority**: ¾, or 75%
  - When tallying votes, abstentions are non-votes. They are treated as if the person abstaining has left the room. The difference between abstaining and leaving the meeting is that abstentions do not affect quorum, where actually leaving the room does. This does not need to be stated in your constitution.
    - Example: 20 people are present, and quorum for the meeting is 15. The vote requires a simple majority to pass. 9 people vote in favour, 4 people vote against, and 7 people abstain. The motion passes and is official (9 votes in favour >50% of the 13 votes cast).
  - Voting thresholds should not be stated as the number of votes (e.g. 4 votes). It complicates the calculation of the vote when factoring in abstentions and quorum.
  - Voting thresholds should never be below a simple majority. That’s undemocratic.
  - Requiring 100% of votes cast to be in favour is in effect requiring the decision to be made by consensus. It is recommended that organizations stating this requirement use a consensus-based model of parliamentary procedure.