

# SAMPLE CONSITUTION FOR NEW ORGANIZATIONS/CLUBS

## ARTICLE I. NAME & OBJECTIVES

Section A. The name of the organization should reflect the nature of the organization and cannot imply limited or discriminatory membership.

Section B. The objectives of the organization should be clearly stated. These must be in accordance with University policies, federal and provincial laws, as well as the Ontario Human Rights Code. Use descriptive verbs that apply to your organization's objectives. The objectives of (name of organization) must indicate the following:

1. To provide what?
2. To assist who?

*Example:*

A. *The name of this organization shall be [insert club name]*

B. *[Insert club name] exists to [insert purpose\*].*

\* You may have more than one purpose or objective. Feel free to create a bullet list or subsections.

## ARTICLE II. INTERPRETATION

The purpose of this section is to describe how your constitution will be interpreted. In most cases it is the Speaker or Chair of the meeting that makes the interpretation.

*Example:*

*[insert position title] shall make all determinations and interpretations with due regard to accepted rules of procedure, as articulated in Robert's Rules of Order\*.*

\*Robert's Rules of Order is a recommended tool used for decision making.

## ARTICLE III. DEFINITIONS (optional)

This section is only necessary if there are specific terms that you want to define for the purpose of your constitution that may not be obvious to a reader. You may have as many definitions as you see fit.

*Example:*

A. *For the purposes of this constitution [insert term] refers to [insert definition]\*.*

\*You may include as many definitions you feel are necessary

## ARTICLE IV. MEMBERSHIP

In this section you need to outline membership requirements. Include all information relating to

- (a) All types of membership. **Membership must be open to all York students, staff and faculty.**
- (b) Membership fees if any, and how they are collected
- (c) Any responsibilities which general members assume by joining your organization.

*Example:*

A. *Membership in [insert club name] is open to all York students, staff or faculty members regardless of race, religion, gender, or any other discriminatory measure. Membership is [insert cost and collection procedures\*] however all members will be expected to [insert membership responsibilities\*\*].*

\*membership may be free

\*\*may be expressed as a bullet list or in subsections

## ARTICLE V. MEETING PROCEDURES

In this section provisions must be included for all meeting procedures. This may include, but not limited to:

- (a) How often meetings occur
- (b) Who is responsible for calling them and how much notification is required?
- (c) Who serves as the chair?
- (d) How the agenda is set,
- (e) Who has voting and speaking privileges, and
- (f) Procedures for dealing with a tie vote.
- (g) Amount of hours/days notification required from an executive if they can not attend .

*Example:*

- A. *The [insert club name] shall have [insert minimum number of meeting per year\*]*
- B. *The [insert position title\*\*] shall notify [club name] members of the time and location of the meeting [insert notice time\*\*\*] in advance.*
- C. *The [insert position title\*\*\*] shall be the chair of all general meetings, and shall, to the best of his or her ability, conduct the meeting in accordance with Roberts Rules of Order.*
- D. *The agenda for general meetings shall be set by [position title] according to [insert procedure].*
- E. *Any votes will take place by [insert method\*\*\*\*] and [\_\_\_\_] shall have speaking privileges.*
- F. *In the event of a tie vote [insert procedure].*
- G. *The [insert title(s)], may call a special meeting, by [insert procedure].*

\*also include a tentative timeline, i.e. last Wednesday of September

\*\*usually the President

\*\*\*usually expressed in hours, i.e. 48 hours

\*\*\*\*i.e. secret ballot, online, etc.

## ARTICLE VI. QUORUM

A Quorum is the number of members of a group required to be present for a vote, amendment, or other transaction to be valid. It is a good idea to express the quorum in either a % or a fraction. You may wish to have different quorums for different procedures, for example a general meeting vote vs. an amendment to the constitution.

*Example:*

- A. *A quorum of membership, for [insert function\*] shall be reached when [insert percent or fraction].*

\*i.e. all voting purposes, election, disciplinary action, meeting agenda, etc. You may choose to include more than one subsection.

## ARTICLE VII. OFFICERS, QUALIFICATIONS AND DUTIES

List the officers' and associates' positions separately and include qualifications for holding the position and the detailed duties of each position.

Section A. List the officers/executive members of the organization.

Section B. List the duties of the officers/executive members. Clearly outline the duties for each position- **make sure that signing authorities are clearly identified.**

Section C. List any associate officers of the organization - i.e. Speaker (Chair), Chief Returning Officer (CRO), Secretary and (others designated as necessary).

Section D. List the duties of the associate officers.

**\*\*Some helpful hints for this section: (a) the President and Treasurer should be the two signing officers (b) constitutions should include a Chief Returning Officer to preside over the elections in an independent and transparent manner (c) do not give too much power to any one position (d) do not include the names of the current officers in the Constitution.**

*Example:*

- A. *The officers of the organization shall be the following: [insert list of officers].*
- B. *The duties of the officers shall be as follows:*
  - a) **[President\*] shall:**
    - **[list duty\*\*]**
  - b) **[Vice- President\*] shall:**
    - **[list duty\*\*]**
  - c) **[Treasurer\*] shall:**
    - **[list duty\*\*]**
  - d) **[Other Officers\*] shall:**
    - **[list duty\*\*]**
- C. *The associates of the organization shall be the following: [insert list of associate officers].*
- D. *The duties of the officers shall be as follows:*
  - a) **[Speaker (Chair)\*] shall:**
    - **[list duty\*\*]**
  - b) **[Chief Returning Officer (CRO)\*] shall:**
    - **[list duty\*\*]**
  - c) **[Secretary\*] shall:**
    - **[list duty\*\*]**
  - d) **[Other Associates\*] shall:**
    - **[list duty\*\*]**

\*may be changed or renamed to suit the needs/purposes of your club.

\*\*you may have as many points as needed to adequately describe the role.

## **ARTICLE VIII. ELECTION OF OFFICERS**

The election of officers must be a fair and democratic process.

Be sure to consider

- (a) Nomination procedures,
- (b) Vote counting procedures,
- (c) The role of the Chief Returning Officer (CRO),
- (d) What happens if there is a vacancy?
- (e) Campaigning regulations,
- (f) Voter and candidate eligibility

(g) When the elections should take place every year (recommended to happen in March or April)

*Example:*

- A. **[insert club name]** will hold annual elections for all executive and associate positions **[insert timeline\*]**. Election will occur in **[insert month]** and positions shall be held from **[month-month]**.
- B. Notice of elections will be communicated via **[insert method-i.e. email, social media, etc.]**.
- C. The CRO shall preside over the election and shall count all votes.
- D. Voting shall take place via **[insert voting method\*\* ]**, no proxy voting shall be allowed.
- E. Anyone may vote who:
  - a. **[insert voter qualifications\*\*\*]**
- F. Any member may run for office given the following qualifications
  - a. **[insert qualifications\*\*\*]**
- G. Campaigning regulations are as follows:
  - a. **[insert regulations\*\*\*]**
- H. Any candidates seeking an uncontested position shall be acclaimed
- I. In the event of a vacancy the following shall take place:
  - a. **[insert vacancy procedure\*\*\*\*]**.

\*usually one year

\*\*i.e. online, secret ballot, etc.

\*\*\*you may have as many points as you deem necessary

\*\*\*\*usually similar to election procedure

## ARTICLE IX. CONFLICT OF INTEREST

The constitution should clearly address the matter of conflict of interest for members of the executive and any associate members (Speaker, CRO, Secretary, etc.). This should include a definition of Conflict of Interest and how if an executive reveals a conflict of interest, they should be removed from decision making on that particular topic.

*Example:*

- A. A conflict of interest exists when **[define conflict of interest]**.
- B. Should a member find themselves in a conflict of interest they must **[insert procedure\*]**.
- C. If it is found that the conflict of interest may affect the role of any member the **[insert officer]** may call a meeting wherein all details of the conflict of interest are disclosed to members and a vote takes place.
- D. The individual with the alleged conflict of interest may address members regarding the issue.
- E. A vote will then be held on the issue of
  - a. Whether there is a conflict of interest.
  - b. Whether full disclosure is sufficient.
- F. If there is a majority no on the second question the **[insert officer]** shall take any steps necessary to eliminate the conflict of interest.

\*i.e. notify member of the executive council, notify the president, etc.

## ARTICLE X. PROCEDURES REGARDING ALLEGATIONS OF WRONGDOING AND DISCIPLINARY ACTION

Provisions must be included for dealing with allegations of wrongdoing brought against any elected officer. These provisions include the circumstances which might indicate disciplinary action such as censure, suspension or impeachment as well as indicating whose responsibility it is to hear such allegations and/or dictate sanctions. Be sure to:

- (a) Make the process as transparent as possible

- (b) Allow the accused person a fair and timely opportunity to defend themselves and, if necessary launch an appeal
- (c) Identify the disciplinary measures that are available,
- (d) Specify who is in charge. A committee should be in charge of rendering a decision rather than a single person/position.

*Example:*

- A. Any member of **[insert club name]** may submit allegations regarding the conduct of any other member by **[outline procedure\*]**.
- B. Such allegation should be directed to **[insert information\*\*]**.
- C. The executive shall than have **[insert timeline]** to investigate the allegations.
- D. The finding of the investigation should then be presented to the membership **[insert information\*\*\*]**.
- E. The accused shall be given an opportunity for defense.
- F. Any decisions will be made through a vote when **[insert quorum]** is present.
- G. In the event of a yes vote, the **[insert information\*\*\*\*]** shall determine method of discipline. Options may include **[insert disciplinary action\*\*\*\*\*]**.

*\*i.e. in writing, via email, formal meeting, etc.*

*\*\*i.e. executive member, president, CRO*

*\*\*\*i.e. at the next general meeting, etc.*

*\*\*\*\*should match information outlined in section B.*

*\*\*\*\*\*i.e. censure, suspension, impeachment, etc.*

#### **ARTICLE XI. FINANCIAL RESPONSIBILITY**

Financial responsibility within the organization must be clearly outlined. Identify who are the signing authorities and able to sign off on cheques. The responsibility for creating the budget and financial reports, approving the budget, and maintaining the financial records of the organization must be clearly stated. Include a clause for the allocation of club funds in the event that the club folds.

*Example:*

- A. The **[insert officer 1\*]** and **[insert officer 2\*]** shall be the signing authorities for **[insert club name]**.
- B. The **[insert officer\*\*]** shall assume responsibility for creating financial reports, with the approval of **[insert information\*\*\*]** as necessary and maintaining all financial records.
- C. In the event that **[insert club name]** folds any remaining funds will be **[insert plan\*\*\*\*]**.

*\*usually the treasurer and president*

*\*\*usually the treasurer*

*\*\*\*president, executive committee, etc.*

*\*\*\*\*usually donated to charity or another organization.*

#### **ARTICLE XIII. EMPLOYMENT STANDARDS (optional)**

Specific job descriptions must be included for employees of the organization. Descriptions should include employee's responsibilities, hours of work. etc., as well as who has the responsibility for hiring, supervising, and disciplining employees. All organizations must conform to the Employment Standards Act.

*Example:*

- A. Employment Standards within **[insert club name]** must comply with the Employment Standards Act.

*\* this section of the Constitution is optional and may be left out or simply stated as:*

**[insert club name]** does not have any employees however undertakes to comply with the *Employment Standards Act* should it ever seek employers.

#### ARTICLE XIV. COMMITTEES (optional)

The names of any standing committees should be listed. Include the method of choosing the chairpersons and committee members, the duties of the committees, quorum requirements, and reporting requirements. Provisions for creating ad hoc committees should be included.

*Example:*

- A. **[insert club name]** operates with the following committees\*:
  - a. **[insert committee]** which operate to:
    - i. **[insert roles of the committee]**
- B. Any member of **[insert club name]** is free to propose the creation of a committee in a general meeting.
- C. Should a majority of **[insert club name]** members vote in favor of the creation of a committee, nominations, followed by an election will take place for the members and chair of the committee with a quorum of **[insert quorum]**.

\*this section of the Constitution is optional and may be stated as:

**[insert club name]** does not currently have any standing committees.

\*\*in the event that there are no committees currently operating it is still advisable to outline how a committee should be created within your club.

#### ARTICLE XV. ADVISORY/MANAGEMENT BOARDS (optional)

Organizations who own and operate small businesses such as newspapers, vendors, etc., should establish advisory/management boards to oversee these operations. These boards provide organizations with the ability to manage their businesses in an appropriate arms-length manner. Memberships should come from a wide spectrum of experienced individuals. Conflict of Interest guidelines should be adhered to when selecting board membership.

*Example:*

- A. **[Insert club name]** is affiliated with **[insert affiliation]** who act to **[outline responsibilities/role of the board]**.

\*this section of the Constitution is optional and may be left out or simply stated as:

**[insert club name]** does not have any business affiliates.

#### ARTICLE XVI. EXTERNAL AFFILIATIONS (optional)

If necessary, descriptions should be made regarding any affiliations or jurisdictional relationships.

*Example:*

- A. **[Insert club name]** is affiliated with **[insert organization of affiliation]** and will abide by any appropriate guidelines and rules that this entails. Each year upon ratification a current letter of affiliation will be included with the club application\*.

\*this section of the Constitution is optional and may be left out or simply stated as:

**[insert club name]** does not have any external affiliations.

#### ARTICLE XVII. BY-LAWS AND AMENDMENTS

State requirements for adopting by-laws and amendments to your constitution. Amendment procedures must include

- (a) How much notice is required to introduce changes to the constitution,
- (b) Voting procedures to approve proposed changes, and
- (c) Quorum requirements.

*Example:*

A. *By-laws*

- 1. *By-laws must be created by [insert officers\*]*
- 2. *By-laws must introduced with [insert time frame] of its proposal.*
- 3. *By-laws must be sponsored by at least [insert stipulations]*
- 4. *By-laws shall be adopted by a [insert quorum] vote of the voting body.*

B. *Amendments*

- 1. *Amendments must be created by [insert officers\*]*
- 2. *Amendments must introduced within [insert time frame] of its proposal.*
- 3. *Amendments must be sponsored by at least [insert stipulations]*
- 4. *Amendments shall be adopted by a [insert quorum] vote of the voting body.*

\*i.e. the president, any officer, at the recommendation of \_\_\_\_, etc.

## **ARTICLE XVIII. COMPLAINTS PROCESS FOR THE ORGANIZATION**

Provisions must be included for addressing complaints against the organization and/or its members. These provisions should identify how complaints will be investigated and how any actions taken based on the investigation will be determined. The process must include:

- (a) Commitment to being Open, Accessible and Democratic as it is defined in the Regulation Regarding Student Organizations Schedule D
- (b) A written response to the complainant(s) within 72 hours of receiving the written complaint that provides a timeline regarding how the complaint will be investigated and how any resulting decision will be made no later than 21 days after the complaint has been received
- (d) Identify what steps will be taken to investigate the complaint and who will be responsible for conducting the investigation
- (e) Confirm what individuals will form the committee to hear the results of the investigation and determine any resulting actions. The committee must not include any individuals named in the complaint.
- (f) Once the committee has determined its decision and any resulting action on behalf of the member(s) of the organization or the organization itself, the decision must be provided in writing to the complainant(s) and available upon request for members of the organization or the university designate