



Guiding principles for developing a constitution

Introduction

When an organization wishes to develop a constitution, there are key issues to be kept in mind, which this document presents. It is helpful for any organization embarking on the process to read and understand these principles before they begin.

What is a constitution?

A constitution is the foundation for building an organization. It is legally binding on the executive and the members of the organization. It is a core document for registration with local authorities and government. It allows members and potential members to have a better understanding of what the association stands for and how it functions.

Developing a constitution

The process of writing a Constitution serves to clarify the purpose, delineate the basic structure and provide the cornerstone for building an effective association. It must be credible and respected by the people it governs and their stakeholders. A constitution is not like a plan, and should not change regularly.

It should be clear and simple so that members understand their rights and responsibilities; leaders understand their mandate and how to be accountable; members of the public understand why the organization exists and how it operates.

Hence constitution development is a process which takes time and understanding of what the organization is about and what it wants to achieve. The process must be done by a team of members and stakeholders who will produce an initial draft. At some stage all members should be given an opportunity to contribute to the process followed by a meeting where representatives of all stakeholders look at the final draft sentence by sentence and agree with the contents of the whole document. After that, the document can be dubbed the constitution of the association.

Contents of a constitution

A Constitution covers the fundamental principles but does not prescribe specific procedures for operating an association. By-laws describe in detail the procedures the association must follow to conduct business in an orderly manner. The by-laws can be changed as the needs of the association change but not the constitution itself. The by-laws must not contradict sections of the Constitution.



Although every constitution is different and should accurately reflect what an association wants to do, all are similar in terms of their structure and main components. Below are the commonly recognized components of a constitution.

1. Name of the association, acronym and contact address

The name of the association should reflect who and what the group stands for. Members should identify with the name of the association. A decision has to be made whether the subject or the main interest of the group comes first, or the area in which the association is based. Things to keep in mind when deciding a name include: how the name will appear on any literature, will it be misleading or offensive to people? Most importantly, is there already a group with the same name located locally?

2. Vision mission and objectives of the association.

Why has the group come together? What is it hoping to accomplish?

a. Vision: what does the group see in the future (5 to 10 years even 20) which is stimulating them into action?

b. Mission: describes what the association sets out to do and who should benefit from its work.

c. Objectives: the objectives should cover not only what the association wants to achieve at this point in time, but also in the future. It is important not to simply list various activities, but to keep the objectives as broad and realistic as possible to enable the association to change its activity without amending the constitution, giving flexibility as the association develops. Care should be taken not to simply state that the group wants to create a midwives' association at a particular address, but to describe integrating people in a wider area. The objectives section is the most difficult to change and, therefore, requires a lot of thought and consideration.

3. Powers (optional)

The powers section of the constitution describes what the association is allowed to do, to carry out its activities and meet its objectives. As with the objectives section, the group should always remember that it may grow in the future or change as it develops, so keep the powers broad. In general, this section may include details on the powers to:

- raise money
- employ paid staff or recruit volunteers
- buy or rent premises/equipment
- conduct research
- receive contributions through a membership fee
- work in partnership with different organizations
- carry out anything else within the law necessary to reach the association's objectives

4. Membership

All associations are made up of members who share the same objectives. Members essentially own and control the association. This section describes:

- Who can be a member
- How does one join
- What are the conditions for joining (membership fees and who determines the membership fees?)
- Duration of membership and membership renewal
- Categories of membership (full, associate, honorary and how one qualifies for each)
- How the association recruits new members
- Membership rights, benefits and obligations
- Termination of membership (reasons and process)
- Duties and responsibilities of each member

5. Governance

a. Who will govern the association?

- Is it a Board or an Executive Committee?
- How many people will be on the Board or Executive Committee?
- What are the portfolios for this group? (Usually President, Vice President, Secretary Vice Secretary and Treasurer are mandatory portfolios)
- How does one qualify to be on the Board or Executive Committee?
- What are the terms of office for each member of the Board or Executive Committee?

b. How will the Governing Body be put in place?

- Is it by election, nomination or co-opting?
- Who elects, nominates or co-opts?
- What is the frequency of this process?

c. Removal and replacement procedures for the Governing Members

- When will a member be removed or asked to step down (processes and procedures)?
- How will a member be replaced (processes and procedures)?
- What are the processes and procedures to be followed when a member wants to step down or resign from office?

d. Duties and responsibilities

- What are the duties and responsibilities of the Board or Executive Committee as a body?
- What are the duties and responsibility of each member?
- What will be done if a member does not perform their duties satisfactorily?



6. Organizational structures (Optional)

The constitution can describe the organizational structure including an organogram if needed

a. Voting and voting powers

- Voting powers of members
- Voting powers of individual members of the Governing Body

b. Decision making process

The constitution must describe how decisions will be made in the association.

7. Meetings

The constitution states

- What meetings will be held and the minimum frequency of each
- Where and how often will meet the meetings take place
- What the purpose of the meetings will be
- How much notice will be given to inform members when a meeting will be held
- The number of members that need to be present to allow a meeting to commence (this is known as the quorum)
- Who is able to vote and how voting will occur (such as a show of hands)
- The process by which members will be allowed to call a meeting when need arises, covering the minimum number of people required in order to request such a meeting
- The method by which members will meet to discuss the more formal aspects of the association such as finances, issues concerning the election of committee members, and evaluating and reviewing the work and objectives of the association
- Making a major change to the constitution. Again, this procedure must include details of who can call a meeting (the committee or a particular number of members), and how much notice will be given, etc.

8. Resource management

The constitution states what resources the association has and what it hopes to mobilize. How will the resources be looked after and who will look after them (fixed assets, movable assets and financial resources)

The finance section of the constitution needs to address several factors such as where the association's money will be kept. It is often a good idea to open a bank account in the name of the association. Someone should keep a record of all income and expenditure, and have



association's accounts independently examined each year by an independent person, preferable an accountant.

The constitution must list members authorized to sign cheques or withdraw money on behalf of the association, including the number of signatories needed (generally the chairperson, treasurer, secretary and another committee member). In addition, this section may cover aspects of payment. Can any members or anyone involved with association be paid for their time and services?

9. Amendments to the constitution

It is essential to acknowledge from the beginning that the association will change as it grows, and amendments to the constitution become necessary. Although this is the case, the constitution represents why people joined the association in the first instance, so it should not be changed too easily and too frequently. The constitution should therefore state very clear processes and procedures to be followed to change the constitution.

10. Dissolution of the association

- If for any reason the association needs to be dissolved the constitution must state what can lead to dissolution
- What processes and procedures including legal considerations to be followed for this to take place
- What will happen to the association's assets (fixed, movable and financial)

11. Legal status

- What type of an organization the association is.
- Registration according to the country's requirements for that type of association

Writing up of the constitution

- The writing process must be done by a team of members and stakeholders (delegate sections to various members of the 'drafting committee') who will produce an initial draft. Begin with a clear, simple draft that will allow you to elaborate and expand as the group goes along and keep in mind that the language used is simple.
- When writing the constitution, as well as considering the day-to-day running of the association, try to plan for unexpected events or circumstances such as resignations, disagreements between members, or even the winding up of your group.
- All members should be given an opportunity to contribute to the process.
- Ask for a strong writer to volunteer to proofread the final documents.



Strengthening Midwifery Globally

- Follow-up by a meeting where representatives of all stakeholders look at the final draft sentence by sentence and agree with the contents of the whole document.
- To formally adopt the constitution a special public meeting to finalize the rules and obtain the agreement of the members should be called.
- It is important to realize that once the constitution is written and adopted it becomes binding. So don't be afraid to keep writing draft versions until all the members completely agree with it. After the vote and sufficient acceptance the document can be adopted and dubbed the constitution of the association.

Final words

Remember the reasons for having a Constitution: they articulate the purpose of the association and spell out the procedures to be followed for its orderly functioning. Once the Constitution and is developed and adopted, review it often. The needs of the association will change over time and it's important that the Constitution is kept up to date to reflect the current state of affairs. Make sure that each new member of the association has a copy of the Constitution. This will help to unify the members by informing them about the opportunities that exist for participation and the procedures they should follow to be an active, contributing member. A thorough study of the Constitution should be a part of officer training and transition.

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