



Constitution Guidelines

The University of North Carolina at Chapel Hill requires that every student organization must have a constitution as part of the requirements to be a Registered Student Organization (RSO). A current copy of the constitution must be maintained on the RSO's Heel Life page. Organizations will be randomly audited for compliance with this policy.

For questions about the Student Organization's constitution or for help developing your group's constitution, please contact the Student Life & Leadership at (919) 962-1157 or email studentorgs@unc.edu

Required Statements in Constitution:

This guiding document offers required and suggested guidelines, structure, and ways for an organization to govern itself. It helps in hard times by providing consistency, clarity, and accountability throughout the year. It should not be created and then never referenced again. Instead, it should be revised minimally once each year. The development of your constitution can help formulate specific guidelines determining the directions and structure of the RSO. The RSO's constitution is a working tool. Simplicity and flexibility are the keys to a good constitution. When writing a constitution, keep in mind immediate needs as well as future RSO goals. *During the registration process, the Primary Contact must affirm that the following 6 requirements are imbedded within the organization's governing documents.*

Required Statements - The following 6 statements must be precisely stated in each constitution/bylaws:

1. Only currently enrolled UNC-CH students can be active members with the right to vote and hold office.
2. The organization abides by the University of North Carolina at Chapel Hill's Non-Discrimination Policy for Student Organizations, which states the following:
 - (A) Membership and participation in the organization must be open to all students without regard to age, race, color, national origin, disability, religious status or historic religious affiliation, veteran status, sexual orientation, gender identity, or gender expression. Membership and participation in the organization must also be open without regard to gender, unless exempt under Title IX.
 - (B) Student organizations that select their members on the basis of commitment to a set of beliefs (e.g., religious or political beliefs) may limit membership and participation in the organization to students who, upon individual inquiry, affirm that they support the organization's goals and agree with its beliefs, so long as no student is excluded from membership or participation on the basis of his or her age, race, color, national origin,

disability, religious status or historic religious affiliation, veteran status, sexual orientation, gender identity, gender expression, or, unless exempt under Title IX, gender.*

3. To remove a member or officer, adequate written notice to that person (7 days minimum) is required before officially removing them from the organization **
4. The advisor must be a full-time faculty or staff member of UNC-Chapel Hill, UNC Hospitals, or an affiliated department; an emeritus UNC-Chapel Hill faculty or staff member; a UNC-CH retiree with affiliate status; or a campus minister. The advisor does not have the right to vote.
5. All major officers of the organization must be full-time, registered students of The University of North Carolina at Chapel Hill with a minimum of a 2.5 cumulative GPA.
6. The constitution may be amended at any regular business meeting of the organization by a two-thirds vote of active membership, provided the amendment has been submitted to members in writing at least one week prior to the business meeting.

Special Conditions:

- *Single Gender Organization Statement: Social fraternities and sororities are RSOs whose primary purpose is the personal development of their members, as distinguished from honorary, professional, departmental, and service fraternities. Some social fraternities and sororities are culturally- and/or community-based. Social fraternities and sororities may select members according to subjective criteria consistent with the University's non-discrimination policies. Social fraternities and sororities are entitled to single-gender membership, provided they qualify under the provision of Section 86.14 of the regulations promulgated under Title IX of the U.S. Education Act of 1972, which require the organizations be exempt from taxation under section 501(a) of the Internal Revenue Code of 1954. To be recognized as a fraternal organization through Office of Fraternity & Sorority Life, the organization must meet the definition outlined by Title IX and be affiliated with at least one of the currently recognized councils.
- **Due process must be allowed, as in the right to speak on one's behalf, and right to an appeal. Contact the Carolina Student Legal Services office or your organization's assigned Heel Life Coordinator to ideate about how to structure the due process.

Developing a Constitution:

The following pages contain a sample of a constitution that can be used to help formulate a process to govern your RSO. The **highlighted wording** identifies the **6 required statements** to include in the constitution. Statements in red add clarity and give directions. We advise the use non-gendered language, as in "their" instead of "he" or "she" to be inclusive of the gender, gender identity, and/or gender expression of members. *Finally, all other aspects of the constitution are for the RSO to adapt, change, alter, and make their own, specific to their needs.*

Every member of the student organization must have access to a copy of the constitution/bylaws. This allows them to familiarize themselves with the workings of the organization and can encourage full

participation in the group. Upload your RSO's constitution to your RSO's Heel Life page by going to "Manage Organization" in the upper right corner, then clicking on the three horizontal stacked lines on the upper left to access your "Documents." Click on the blue button "Add File" to upload your constitution and have it readily accessible, easy to find, and nearby for all.

The Constitution must contain the following:

1. Include the 6 required statements listed above;
2. Define the primary characteristics of the organization;
3. Prescribe how the organization functions;
4. Include all the rules that the group considers so important and imperative to the functions of the organization that they cannot be changed without previous notice to all members and the vote of a specified majority (such as two-thirds) and cannot be suspended.

Key:

Required statements that must be included exactly as written – **YELLOW**

Additional clarifying instructions and expectations to note – **RED TEXT**

"Name of Organization"
CONSTITUTION
Date of Adoption/Last Revision

Article I - NAME

Section 1: Title: State the name of the organization. **The name should be significantly different from the name of any other organization registered at UNC-CH. Please note: you can use "Organization Name at (The) University of North Carolina at Chapel Hill..." "Organization Name at UNC-CH..." or "Organization Name at UNC-Chapel Hill..." or "Organization Name at Carolina..." BUT NOT "UNC Organization Name..." so long as University sponsorship or endorsement is not implied or stated.**

Section 2: Affiliation (delete if not applicable): If the organization is nationally affiliated, state the title of the national or international organization. State any adherence of any rules by a governing body.

Article II - PURPOSE

State the purpose and mission of the organization including objectives.

Article III - MEMBERSHIP

Section 1: Active Members

Only currently enrolled UNC-CH students can be active members with the right to vote and hold office (in your organization)

Section 2: Associate Members (delete if not applicable)

Associate membership is open to faculty and interested community partners outside the University setting, i.e. the Chapel Hill community (they may not hold office or vote). Associate members may not vote or hold office.

Section 3: Alumni Members (delete if not applicable)

Alumni membership is open to former UNC-CH students who were members of the organization (they may not vote or hold office). Alumni members may not vote or hold office.

Section 4: Membership Rules of Order

Clearly state any requirements of members, such as general interest, open mindedness, willingness to learn, code of conduct, etc.

Section 5: Non-Discrimination Statement

The organization abides by the University of North Carolina at Chapel Hill's Non-Discrimination Policy for Student Organizations, which states the following:

- (A) Membership and participation in the organization must be open to all students without regard to age, race, color, national origin, disability, religious status or historic religious affiliation, veteran status, sexual orientation, gender identity, or gender expression. Membership and participation in the organization must also be open without regard to gender, unless exempt under Title IX.
- (B) Student organizations that select their members on the basis of commitment to a set of beliefs (e.g., religious or political beliefs) may limit membership and participation in the organization to students who, upon individual inquiry, affirm that they support the organization's goals and agree with its beliefs, so long as no student is excluded from membership or participation on the basis of his or her age, race, color, national origin, disability, religious status or historic religious affiliation, veteran status, sexual orientation, gender identity, gender expression, or, unless exempt under Title IX, gender.

Section 6: Duties of Members

State expectations of membership, such as attendance, committee participation, etc.

Section 7: Dues (optional)

State if and when dues are required and how dues are determined. Do not put a specific dollar amount within the section, as it will require an amendment to the constitution if the amount were to change. Specific dollar amounts can be listed in the bylaws, which typically require a simple majority to amend.

Section 8: Removal of Members

To remove a member or officer, adequate written notice to that person (7 days minimum) is required before officially removing them from the organization. *Explain the grounds for removing a member and the process for removing members from the organization.* It should be possible to remove members for reasons that may include non-attendance, dereliction of duties, failing to meet stated group expectations, or violation of university policy or code of conduct. **Due process must be allowed, including but not limited to the right to speak on one's behalf, the right to call witnesses, and right to an appeal. The organization should specify whether the process can take place at a regular meeting or if a special meeting (hearing) is necessary.**

Due process should include the following procedures, at a minimum:

- Adequate written notice to that person. A minimum of 7 days is required.
- Adequate time to provide a response to the charges.
- The right to a hearing on the charges.
- The right to speak on one's behalf.
- The right to call witness in one's defense.
- The right to present evidence.
- The right to an appeal.
- A procedure for reinstatement of a member who has been formally removed.
- The organization should specify whether the process can take place at a regular meeting or if a special meeting is necessary.

Groups should include a description of how a formal hearing and vote on the charges will occur. Consider the following hearing procedures:

- After a formal written complaint is brought against an individual and adequate notice is given to the member, a hearing is held.
- Evidence to support the complaint is presented.
- The individual is given an opportunity to argue a defense and offer counter evidence, including testimony from witnesses and the submission of any relevant documents.
- A vote is taken. The vote count required to remove a member must be specified in the Constitution.
- A description of the Appeal process. Only one level of appeal is required.
- Other factors the group should consider including in removal procedures:
 - What type (e.g. secret ballot, voice vote, roll call vote, etc.) of vote is required for removal?
 - Is voting determined by eligible voters present or by individuals present?]
 - Who has a right to request the removal or withdrawal of a member? If everyone does not share this right, explain why.
 - Does an appeal process exist, and what are the policies and procedures to follow such a process?
 - Who oversees the appeal process?

Removal for Violation of a University Policy or Code of Conduct

University policies include but are not limited to the Policy on Prohibited Discrimination, Harassment and Related Misconduct; the Hazing Policy; and the Alcohol Use Policy. It is not appropriate for you to attempt to adjudicate or investigate reports of violations of university policies. There are professional departments and agencies on and off campus that are charged with adjudicating if a student has violated a university policy, the student code of conduct, or any other federal, state or local law. Refusing to allow a student to participate in campus-related activities is a serious step. Groups should not take any removal action against a member until the university administrative and disciplinary process is complete, or until advised to do so by professional staff at the university.

Regarding allegations of sexual misconduct, please refer to the following two documents at the bottom of [this webpage](#) for more information.

Article IV – ELECTED OFFICERS

Section 1: Officers

Name the officer positions, i.e. president, vice-president, financial officer, etc. This executive board will consist of only active UNC-CH student members; a minimum of 2 officers is required – and they must be at the very least a president and a financial officer. If the organization has additional criteria such as academic standing, length of membership, prior service to the organization, etc., those requirements should be specifically stated.

Section 2: Duties of Officers

Name each officer position and list their respective responsibilities.

Section 3: Election of Officers

Clearly explain the election process, including when elections are held, length of office, requirements for the nomination of candidates, how the election will take place (e.g. secret ballot, Heel Life Elections tab, showing of hands), and required votes for election (e.g. 2/3, majority). All major officers of the organization must be full-time, registered students of The University of North Carolina at Chapel Hill

with a minimum of a 2.5 cumulative GPA both during elections and while holding office.

Section 4: Removal of Officers

Explain the process for removing officers from their positions. It should be possible to remove officers for reasons that may include non-attendance, dereliction of duties, failing to meet stated group expectations, or violation of university policy or code of conduct. The job descriptions and functions of each officer should be clearly written into the constitution, bylaws, and/or officer manual. **All removal procedures should follow due process, including but not limited to the right to speak on one's behalf, the right to call witnesses, and right to an appeal. The organization should specify whether the process can take place at a regular meeting or if a special meeting (hearing) is necessary.**

Due process for removal based on non-attendance or dereliction of duties should include the following procedures, at a minimum:

- Adequate written notice to that person. A minimum of 7 days is required.
- Adequate time to provide a response to the charges.
- The right to a hearing on the charges.
- The right to speak on one's behalf.
- The right to call witness in one's defense.
- The right to present evidence.
- The right to an appeal.
- A procedure for reinstatement of an officer who has been formally removed.
- The organization should specify whether the process can take place at a regular meeting or if a special meeting is necessary.

Groups should include a description of how a formal hearing and vote on the charges will occur. Consider the following hearing procedures:

- After a formal written complaint is brought against an individual and adequate notice is given to the member, a hearing is held.
- Evidence to support the complaint is presented.
- The individual is given an opportunity to argue a defense and offer counter evidence, including testimony from witnesses and the submission of any relevant documents.
- A vote is taken. The vote count required to remove a member must be specified in the Constitution.
- A description of the Appeal process. Only one level of appeal is required.
- Other factors the group should consider including in removal procedures:
 - What type (e.g. secret ballot, voice vote, roll call vote, etc.) of vote is required for removal?
 - Is voting determined by eligible voters present or by individuals present?]
 - Who has a right to request the removal or withdrawal of a member? If everyone does not share this right, explain why.
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charged with adjudicating if a student has violated a university policy, the student code of conduct, or any other federal, state or local law. Refusing to allow a student to participate in campus-related activities is a serious step. Groups should not take any removal action against a member until the university administrative and disciplinary process is complete, or until advised to do so by professional staff at the university. Regarding allegations of sexual misconduct, please refer to the following two documents at the bottom of [this webpage](#) for more information.

Article V – MEETINGS (If applicable)

Section 1: Business Meetings: In general terms, state when business meetings will be held (e.g. once every two weeks), who arranges the time, place, etc., and what constitutes a quorum of membership (e.g. majority).

Section 2: Executive Board Meetings: In general terms, state when executive board meetings will be held (e.g. once a week), who arranges the time, place, etc., and any requirements for calling special meetings.

Article VI – COMMITTEES/DIVISION (If applicable)

Sections of committees include the names of any standing committees. State what standing and/or ad-hoc committees or what divisions will exist in the organization and the function and composition of each.

Article VII - ADVISOR

Section 1: Qualifications

State any special qualifications an advisor needs to have. (The following statement must be included): The organization has an advisor who is a full-time faculty or staff member of UNC-Chapel Hill, UNC Hospitals, or an affiliated department; an emeritus UNC-Chapel Hill faculty or staff member; or a campus minister. The advisor does not have the right to vote.

Section 2: Duties

Explain any required responsibilities of the advisor, i.e. attendance at executive board meetings and elections, financial paperwork, etc. Though the advisor may not vote, they may offer advice to the organization. The advisor must accept the email invitation and elect to be seen on Heel Life to be visually shown on the RSO's Heel Life page. The organization should also consider the process for holding the advisor accountable to the organization's expectations and duties as prescribed in the constitution.

Article VIII – COACH/MANAGER (Please note: applies for most Sport Clubs)

Section 1: State procedures for the qualifications and selection of a Coach/Manager and the function(s) and duties of said person(s).

Article X – FINANCIAL STRUCTURE

Include the method of record keeping, signature authorization, compliance with university policy and state law on appropriate use of funds, etc. State procedures for allocation of organization funds (revenue and expense). Outline the process for the distribution of financial assets if the organization officially dissolves.

Article XI - RATIFICATION

State how the bylaws will be approved by membership.

Article XII - AMENDMENTS

State how an amendment will be presented, to whom it will be presented, and how it will be ratified.

The constitution may be amended at any regular business meeting of the organization by a two-thirds vote of active membership, provided the amendment has been submitted to members in writing at least one week prior to the business meeting.

Article XII – BYLAWS (optional)

Sections of bylaws deal with more detailed issues concerning the organization for the given year.

Examples include actual dues assessed and details regarding delinquencies, provision for some accepted rules of order, specific meeting and election times, method of amending bylaws, etc. State procedures for the inclusion of any rules or regulations specific to the organization.

Article XIII – PARLIMENTRAY PROCEDURES

State any parliamentary rules of order which are used.

The format above has been developed to be used as a guide to the development of a constitution/bylaws for your organization. It is not necessary to follow this form exactly, but it is important to include all areas that apply and to delete those sections that do not apply.

If you believe your student organization is sustainable long-term and are interested in drafting bylaws that would be sufficient for later filings with the State and/or IRS (should your group later choose to file Articles of Incorporation and/or pursue 501(c)3 status), please visit Carolina Student Legal Services (CSLS).

CSLS can both provide advice to student groups regarding best practices and draft legal organization documents. CSLS is located in FPG Student Union Suite 3512 and can be reached at csls@unc.edu.