

IAPS Charter

The IAPS Charter Committee

July 3, 2007

The Charter is the highest legal document of the association (only surpassed by law), which outlines the structure of its administration. The Charter can only be modified by a General Assembly.)

Part I

The Association

Article 1 Name

The association is known as The International Association of Physics Students (IAPS). It is governed by Articles 21 onwards of the local Civil Code for Alsace-Moselle, and is registered at the *Tribunal d'Instance* at Mulhouse, France, in accordance with the provisions of Articles 55 onwards of the local Civil Code.

Note that Alsace-Moselle uses a different law than the rest of France. This is often referred as "the law of 1908" (compared to the "law of 1901").

Article 2 Identity

2.1 IAPS is an international, student-run educational association. It comprises students enrolled in a University or similar institution on a physics or physics-related course, as well as up to twelve months after receiving a degree from a University or similar institution, hereafter referred to as 'physics students'.

The definition of physics students is left intentionally vague to allow differing national definitions. For example, Ph.D students are considered working professionals in some countries. In the old charter the definition was "interested in physics", but as this can include students majoring in other subjects, this can affect getting sponsorship contracts.

2.2 IAPS does not pursue any profitable, political or religious objectives, and does not discriminate on the basis of race, colour, gender, creed, religion, national or ethnic origin, political opinion, age, sexual orientation or disability.

2.3 The official language of IAPS is English.

The language chosen for the availability of teaching in global scope. IAPS should not move to multilingual use (as EU) for the added complexity and little actual benefits.

Article 3 Aims

The aims of the association are:

3.1 To encourage physics students in their academic and professional work in an international context;

3.2 To promote peaceful relations among physics students around the world;

3.3 To introduce physics students to the international community, help them to build professional relations and foster a collaborative attitude amongst young physicists across the globe.

3.4 To organise international conferences and events run by physics students for physics students.

ICPS isn't mentioned here in details, because Aims are supposed to be very general and not limiting. Also adding to the aims is not considered changing the aims (which has special requirements in the French law, see Article 23).

Article 4 Registered Office

The registered office is located at 6, rue des Frères Lumière, 68200 Mulhouse, France.

Which also holds the headquarters of European Physical Society.

Article 5 Duration

The duration of the association is unlimited.

This sounds odd and redundant, but it is mentioned in the French model charter, so it was considered important.

Article 6 Financial year

The financial year runs from 1st September to 31st August.

Part II

Membership

Article 7 Membership

7.1 The association is made up of:

1. National Committees: associations representing physics students, whose membership is open to all physics students in a given country or countries.

NCs are not required to be legal persons, as many associations are part of larger entities (for example, consider Nexus - Institute of Physics).

2. Local Committees: associations whose membership is open to all physics students from one or more research or higher education institutions which do not qualify as National Committees and which exist in countries not already represented by a National Committee.

3. Individual Members: physics students who do not have access to a National or Local Committee.

If there is a higher level member available in the area, IMs and LCs should join that.

4. Individuals who do not qualify for individual membership as defined in 5.1 (c) may be admitted if agreed by the General Meeting.

7.2 In order to be a National or Local Committee, it is necessary to be accepted by the Executive Committee and to have paid the annual membership fee as well as fulfilling the criteria for membership. New National or Local Committees who have been approved by the Executive Committee are given probationary membership. Individual Members gain the status of probationary membership upon payment of the fee. Probationary members who have paid the membership fee may take part in IAPS' activities but have no voting rights. Probationary members gain full membership status if agreed at the next Annual General Meeting.

If more than one association seeks the position of a NC from the same country, it is expected that they resolve their conflicts of interests on their own. In the mean time the standard procedure is to accept none of them.

Probationary members exist so that new members don't have to wait for the next AGM before they can participate in IAPS events, since the EC does not have the power to change the composition of the GM. Individual Members gain the probational status immediately, because they often are able to pay just before entering some kind of activity, and they need to be members to participate.

This isn't allowed for committees for the larger scope (unlike IMs, committees are expected to join for a longer period than just one year) and the larger amounts of money involved (it is unreasonable to demand that an EC member transport a large sum of money and risk getting mugged or being stolen of the money).

7.3 The title of honorary member can be awarded only by the General Meeting to individuals or organisations who have rendered distinguished services to the association, and may be proposed by any member of IAPS with voting rights. This title confers on its bearers the right to participate in the association without paying any annual subscription or needing to qualify for membership, but not to participate in voting or hold office.

7.4 Honorary fellows found in older charters fall into the category of honorary members in this charter.

Article 8 Subscriptions

The subscription rates are agreed annually by the General Meeting. Subscriptions are due for each category of member with the exception of honorary members, and may be different for the various types of members and different countries. Subscriptions for a given financial year must be paid by 1st June at the latest, with the exception of new memberships.

The EC should limit participation in IAPS events to members who have paid their fees for the current financial period to avoid situations where a member is taking advantage of IAPS assets for the year and then refuses to pay.

The deadline of 1st June is tied to the financial year ending at 31st of August. This gives some time to react to possible missing/late payments. Also the AGM is held at the end of the summer, when a complete list of members that have paid is needed.

Article 9 Termination of Membership

9.1 Membership can be terminated by:

1. death; *Loss of legal status was considered as a possible reason for termination, but that status was also removed from NC requirements.*
2. resignation in writing addressed to the President of the association;

3. expulsion for any act prejudicial to the association or due to no longer fulfilling membership criteria, as agreed by the General Meeting; *A member limiting their membership (for example NC won't take students from a new university of that country as their members) inside their region is considered no longer fulfilling the membership criteria.*
 4. expulsion for non-payment of subscriptions, as agreed by the General Meeting.
- 9.2 In the case of expulsion, the member in question is invited to submit a written explanation prior to discussion of the matter by the General Meeting.

Invitation to submit an explanation can and should be interpreted as a warning.

Part III

Executive Committee

Article 10 Executive Committee

10.1 The Executive Committee (EC) of the association comprises the President and 4 to 8 additional members. Each EC member has one vote at EC meetings.

All EC decisions are made democratically so that every officer has equal power towards the decision.

10.2 The roles of EC members are determined by the General Meeting at which they are elected. The General Meeting may also leave the delegation of roles other than the President to the EC itself.

Usually the outgoing EC should represent a recommendation for EC offices for the next period. The GM can then either accept that or propose other offices. In that case there will be a vote between the differing propositions. Candidate preferences should be taken into account when forming the EC offices (for example the candidate might have ideas about a sector that previously has had no office).

10.3 The EC shall elect from within its membership one person to act as Vice President.

Vice Presidency is normally not a big task (as the President is available) and thus there's no need for a sole post of Vice President, instead a person who has other tasks as well can very well handle the responsibility. The VP should normally never have the need to exercise their presidential powers but instead concentrate on their normal duties as any other EC officers. The EC should select the VP based on trust and to make it as unlikely as possible that both President and VP are unable to act at the same time.

10.4 It can appoint any person in a consultative capacity or form sub-committees to carry out specific tasks.

The EC can delegate some of their power to non executive officers (clause about consultative capacity) or committees. They cannot delegate any power that is specifically given to an EC member, not the EC as whole. An example is the right to vote in EC meetings (EC cannot expand itself) or the right to give signatories (as the charter requires two EC members to do this) or give any power that they themselves don't have (if the GM has decided to give some of the powers usually given to EC to another subcommittee).

10.5 The EC cannot give voting rights in EC meetings to anyone not elected by the GM.

The EC is authorized to work under the mandate given by the GM and is dependent on its trust.

Article 11 Election of Executive Committee

11.1 Members of the Executive Committee are elected by secret ballot for one year at the Annual General Meeting, in accordance with the voting arrangements described in Article 18, and their election takes effect at the change of financial year. Outgoing members can be re-elected up to a maximum of 2 consecutive years in any one post and a maximum of 5 years total on the Executive Committee.

The limits for how long one can stay in the EC exist so that IAPS would not start stagnating and so that students stay in power. The exact amount of years isn't based on strict logic, but should work as a good estimate.

11.2 A General Meeting may at any stage expel any member from the EC through a vote of no confidence which may be proposed by any IAPS member.

The GM is in no way bound by previous selections. So if a EC member is found improper for the task, the vote of no confidence can force a resignation at any time.

11.3 Should an EC member resign or otherwise leave the EC, a replacement may be elected by a General Meeting, to hold office for the remainder of the financial year. The replacement elected by the GM shall have full voting rights in EC meetings.

If an EC member finds themselves in a situation where they cannot do their duty, it is proper to resign from the task. Then the membership isn't left with the false impression that all the tasks are being taken care of.

Article 12 EC Meetings

12.1 The EC meets whenever requested by the President or Vice-President or by a minimum of a quarter of its membership. This may include on-line meetings, telephone consultations or any other method agreed by all EC members.

12.2 Any EC meeting is valid only if the President or Vice-President is present.

12.3 In order for any decision to be valid, it must have the support of a simple majority of all EC members whether present at the meeting or not. In the event that a vote is tied, the President has the casting vote.

12.4 Any IAPS member may attend an EC meeting unless a quorum of EC members have voted to keep all or part of the meeting private.

Sometimes the EC has to handle sensitive information.

12.5 Any member of the EC who fails to attend two consecutive meetings without sending their apologies and fails to respond to attempts at communication, is deemed to have resigned; he or she shall be replaced in accordance with the provisions of Article 11.

If EC members become inactive, getting majority to vote becomes harder. Therefore inactive officers are struck off.

12.6 Minutes shall be taken by an elected meeting secretary. They shall be made available on the association's website or otherwise distributed to all members as soon as reasonably practical, and a permanent copy kept in an archive. The following meeting shall confirm the accuracy of the minutes.

Even if a Secretary has been chosen into the EC, they might not be able to attend every meeting. Therefore the meeting should choose someone attending to take the minutes.

The unconfirmed minutes should be published and distributed as soon as possible. If any changes are made in the following meeting, these should also be distributed.

Article 13 Payments and Allowances

13.1 EC members shall not receive payment from IAPS or any IAPS subsidiary for their work. However, expenses incurred in the course of carrying out their duties, such as travel and accommodation expenses, are refundable as agreed by the EC.

EC members should not get payments for their work, as there is a conflict of interest when they are also handling the assets. The GM can specifically include an EC refreshment budget, however, as this can be useful to thank the volunteers for their work.

13.2 IAPS members who are not elected to the EC can only receive expense refunds if specifically agreed by the EC.

Non-EC members don't get expense refunds by default, because while EC meetings should be open to everyone IAPS cannot afford to pay for non-essential people to attend. The EC can, however, decide to pay refunds if they need to have someone outside of the EC to act in consultative capacity in the meeting.

Article 14 Role of the Executive Committee

- 14.1 The EC is invested with powers which are limited only by the law, the charter of the association and by the decisions of the General Meeting as allowed for in Article 17.
- 14.2 It takes care of all IAPS daily business in between two GMs, but is responsible to the GM for any of its actions.
- 14.3 It confers the status of probationary membership on new applicants for Local or National Committee status, pending the confirmation of full membership by the next Annual General Meeting.
- 14.4 It applies for grants and agrees on all contracts and transactions necessary to the pursuit of its objectives.
- 14.5 It can delegate all or part of its duties to one or more of its members.

For example the duty to track accounts and refine the budget with new information could be delegated to a possible Treasurer

Article 15 Signatories

- 15.1 Any agreement which commits IAPS requires the signatures of at least two EC members specifically authorised for this instance by the EC. The EC can designate two or more of its members to sign for bank transactions. All bank transactions require two signatures.

This means that no contracts can be signed without the simple majority of EC first agreeing with the contract.

The right to authorize bank transfers could, for example, be given to the president, treasurer and jlaps editor in chief (if the latter two offices were chosen by the GM). Then any two of those could authorize bank transfers (send mail to EPS with the details of the transfer).

Article 16 Roles of the President and Vice-President

- 16.1 The President directs the work of the EC and ensures that the association which s/he represents functions in a fair and civil manner. S/he chairs EC meetings. S/he can, with the agreement of the EC, delegate her/his powers to another member of the EC.

This means that neither the President nor the EC can delegate the duties alone. A simple majority including the President is needed. A possible situation is when the President is called to represent IAPS but there is another EC member living closer.

16.2 The Vice-President is responsible for chairing meetings if the President is unavailable and should temporarily assume the duties of President if s/he resigns or is removed from the EC.

In this event the primary duty of the EC is to organize the elections for the new President. VP is not supposed to stay in power any longer than necessary.

Part IV

General Meeting

Article 17 General Meetings

17.1 The General Meeting (GM) of the association comprises all members as detailed in Article 7 who are up to date with their subscriptions.

If a membership fee is paid late, the member can vote next year.

17.2 It is convened (as the Annual General Meeting or AGM) once per year, and additionally at the request of at least 2 members of the EC or when requested in writing, with reasons, by members representing at least 20% of votes.

17.3 The AGM is held between June 1st and August 31st. In case an ICPS (see Article Article 19) is organised during this time, the AGM shall be convened at the conference.

17.4 The notice of the meeting including a provisional agenda shall be sent to the membership 6 weeks in advance; during the following 2 weeks any IAPS member with voting rights may propose items to the agenda which then the convener (the EC, or the members who have called for the meeting) must add to the final agenda.

17.5 The final agenda of the GM shall be distributed to all members no later than 4 weeks in advance. The GM can only pass resolutions on items included on the final agenda.

17.6 If the EC fails to distribute an agenda, in the case of the AGM, the meeting will follow the standing agenda below.

The agenda should be distributed well in advance and no other things can be handled in the meeting so that members have time to decide whether to attend the meeting.

17.7 Decisions made at a General Meeting are valid only if members representing a quorum of at least half of all possible votes are present during the discussion of the item in question, except that if a quorum cannot be reached, the meeting may continue and other members are invited to add their votes remotely for two weeks after the meeting. If, after all members are informed of this, a quorum of votes is still not reached, the decisions stand by virtue of voter apathy.

The quorum is required to prevent a small group from forcefully taking over the association, but the latter clause exists so that routine business can still be handled even if majority considers the agenda too trivial to take notice.

17.8 The AGM shall discuss the items included in the standing agenda below and any additional item in the distributed agenda:

1. Elect a chair, secretary and officials to count votes for the meeting;
None of the meeting officials should belong to an EC whose accounts will be checked in the meeting nor a candidate to avoid conflicts of interest.
2. Agree the minutes of the preceding GM;
3. Confirm or deny full membership for any probationary members (after this point new members may vote);
4. Discuss any proposed expulsions;
5. Approve the auditors' report and accounts of the previous EC;
The EC whose replacements are currently in power. If everything is in order, that EC should be discharged of responsibility.
The approval/discharge is based on the information that EC has given. The discharge does not apply if the EC has hidden any information (for example, if it is later found that the EC has committed fraud, criminal charges can and should be pressed).
6. View the current accounts for the outgoing EC;
The accounts won't be yet approved, as the financial period is not yet over. However the EC should be prepared to give a report on what has been happening financially for the last 11 months.
7. Discuss a provisional budget and plans for the following accounting period;
The current EC should have a rough budget for the next year based on the current financial report and experience from their period. Based on this information the GM may express wishes, that will bind the new EC (for example the GM might decide to limit grants to members and increase the number of jlapases printed).
8. Set the subscription rates payable by the various categories of member;
9. Determine the roles of EC members;
Before proceeding to the elections between candidates, the GM should select the size and the roles of the EC. As candidates can stand for multiple offices, also the order of elections should be determined first (usually starting with the election of the President). The GM may also leave the exact determination of roles (excluding that of the President) to the EC itself, in which case all EC members will be elected at the same time.

10. Elect EC members and auditors;
11. Elect the country which will host ICPS (normally done 2 years in advance, see Article 19);
At this stage the ICPS team of the following year should give a short presentation on what to expect next year (a bit about the dates, locations, budget etc). Should it seem that they are not up to the task, it is possible to elect a new country for the next ICPS (and of course the team for the ICPS in two years).
12. Decide on any modification of the Charter and Regulations, if required, in accordance with the requirements of Article 23.

17.9 It can appoint any person in a consultative capacity or form sub-committees to carry out specific tasks.

The GM can give some duties to another committee(s) than the EC.

17.10 The expulsion of members can only be decided by a General Meeting.

17.11 Minutes of General Meetings shall be taken by an elected meeting secretary. The EC shall distribute the minutes to all members within 4 weeks of the meeting, and a permanent copy shall be kept in an archive.

These four weeks should be used to check the names of attendees, candidates and so on and to gather all the reports/presentations given in the meeting.

Article 18 Voting Rights and Decision-Making at General Meetings

18.1 All of the individual members from one country have one vote between them. Each Local Committee has two votes, except where there are more than three Local Committees in a country, when they shall share six votes. Each National Committee has seven votes. EC members may not represent their National or Local Committee at a GM. If an Individual Member is a member of an Executive Committee whose matters are discussed in the GM s/he has no voting rights. Honorary members have no voting rights.

Giving more votes to more organized associations should encourage students to present a more unified front. EC members cannot personally cast votes to avoid conflict of interest. While the votes where the interest actually conflict are a minority of all votes, it would be difficult to predict all the possible situations and list them in the charter.

In open ballots NCs / LCs cannot divide their votes, even though this is possible in secret ballots.

18.2 Decisions on all matters except modifications to the Charter and the Regulations (see Article 23) and dissolution of the association (see Article 24) shall be decided by simple majority of votes cast (abstentions do not count as votes).

These two are considered important enough to require a bigger majority.

18.3 The election of the Executive Committee, auditors and ICPS hosts shall be by secret ballot.

18.4 In elections for specific posts (e.g. President or conference host), if there are more than two candidates the voting shall proceed in stages, with the candidate having the least votes eliminated at each stage.

18.5 In elections for non-specific posts (e.g. ordinary EC members or auditors) if there are more candidates than posts, the voting for all posts shall take place simultaneously, with the candidates having the most votes being selected.

If there are M candidates and N seats, where $M > N$, the N candidates with most votes are elected.

18.6 All other matters shall be decided by show of hands, using special cards indicating the status of the voter and thus the number of votes held, or by secret ballot if requested by any member present with voting rights.

18.7 Remote votes, where required, shall take place by secret ballot. The procedure for voting by mail shall be as follows:

1. The EC shall send the motion to all members with voting rights, including details of the number of votes they are entitled to cast and the maximum possible number of votes.
2. Votes must be cast no more than three weeks after the motion has been sent.
3. All votes received will be counted by a neutral teller or tellers, as agreed by a virtual General Meeting. The teller(s) will then notify all members of the outcome one week after the deadline for voting.

An outsider is neutral; remote votes should be done with the help of e.g. EPS.

4. Where there are more than two options in a given vote, votes will be transferable and replies should place the options in order of preference. On counting, the option with the fewest votes shall be discounted in each round of voting. The vote of each member shall be taken as their first choice until that option is eliminated, after which their second choice shall be used in subsequent rounds, and so on. The option selected will be the last remaining option.

The votes need to be transferrable, as running multiple rounds with remote voting is would take too long.

Article 19 International Conference of Physics Students

19.1 IAPS organises the International Conference of Physics Students (ICPS) annually.

19.2 ICPS is run by students for students and usually includes student lecture and poster sessions, guest lectures and other scientific and social events.

19.3 ICPS is hosted in a different city each year, as chosen by the Annual General Meeting.

19.4 A General Meeting may pass a vote of no confidence in the conference hosts; if this is passed, an alternative host should be selected.

ICPS is the embodiment of IAPS. To retain both the scientific and the social aspect in the long term, it is also included in the charter.

Part V

Finances

Article 20 Resources of the Association

The resources of the association comprise all membership fees, grants, donations and legacies that may be payable, any profits from events, interest and rents from goods it possesses, as well as payments made for services rendered; and all other resources which are not in conflict with current laws.

A standard wording allowing all legal ways to raise funds.

Article 21 Accounts

The EC shall keep a day to day income and expenditure account, in which all financial transactions are recorded; they shall formulate a budget and include an updated version with the financial report in the minutes of each EC meeting. Receipts shall be given for all payments received. No IAPS monies should be kept in any personal bank account at any time.

IAPS should have a central bank account that stays the same year after year. Currently it is handled with the assistance of EPS.

Article 22 Auditors

22.1 The accounts kept by the EC shall be inspected annually, in arrears, by at least two auditors. The auditors are elected for one year by the AGM. They cannot perform or have performed any function within the EC for the current year or the year they are auditing.

The number of auditors should be around 2-3. It goes without saying that the auditors should have previous experience from auditing. Preferably one of the auditors is a professional, e.g. from EPS, IoP or such.

22.2 Following their election they are entitled to receive copies of all relevant papers for the previous year from the outgoing EC by 1st October, and shall submit a report to the EC, for distribution to the membership, no later than 8 weeks before the following AGM. The auditors should keep the EC informed of their progress. The GM may at any stage request extra information from the auditors or the former EC.

Auditors are not allowed to be in the EC to stay neutral.

Receiving the information from the previous EC is tied to the end of the financial year. One month is plenty to gather all the accounts, as they should be almost finished for the review in AGM anyway.

Giving the report 8 weeks in advance to the EC gives the EC 4 weeks to react before the deadline to officially distribute the agenda of the meeting.

Article 23 Modification

23.1 The Charter can only be modified at a General Meeting, by a three-quarters majority of votes present. Proposed modifications to the Charter must be submitted to the EC at least 8 weeks before the meeting, and distributed to all voting members with the meeting agenda.

Giving the proposal 8 weeks in advance to the EC gives the EC 4 weeks to react before the deadline to officially distribute the agenda of the meeting.

23.2 The modified Charter shall take effect immediately after the GM.

23.3 Modification of the aims of the association requires the consent of all members; if any members are not present at the meeting their consent must be obtained in writing.

Modifications mean change in content. Fixing typos, grammar and even rewording for clarification does not require the trouble of contacting all members. As aims are the fundamental points that every member agreed to support when joining IAPS, they shouldn't be changed without everyone agreeing. This is also mentioned in the law, although it allows some relaxations.

Article 24 Dissolution

The dissolution of the association can only be decided at a General Meeting. Such a decision requires a three-quarters majority of votes present.

Like changing the charter, dissolution shouldn't happen if just an epsilon more than half of the members agree.

Article 25 Distribution of Funds following Dissolution

In the case of the General Meeting deciding to dissolve the association, it shall appoint one or more persons to liquidate the assets of the association and distribute the resulting funds. It shall allocate these funds to one or more designated associations having similar aims to IAPS. Under no circumstances may any individuals receive any part of these funds, apart from the refund of their subscriptions.

Article 26 Obligations to the Court

26.1 The EC must inform the *Tribunal d'Instance* of the names and addresses of each new EC member and submit a copy of their valid identification document. The names of outgoing EC members should also be given.

26.2 The modified Charter and minutes of the meeting when it was agreed must be translated into French and signed by all EC members before submission to the *Tribunal d'Instance*.

26.3 The EC must declare to the *Tribunal d'Instance* the dissolution of the association.

These clauses are demanded by the law.

Article 27 Regulations

27.1 Any internal Regulations of the association are prepared by the EC or an appointed subcommittee and adopted by the GM by a three-quarters majority of votes present. Copies of the Regulations shall be distributed to all members.

The Regulations are a document binding the association as much as the Charter. However if the Regulations and the Charter disagree the Charter overrules the Regulations.

Article 28 Distribution of the Charter to members

A copy of the current Charter shall be distributed to each member of the association upon joining or changing of the Charter.

As in every other article mentioning distribution, giving a physical copy is not needed. Putting the charter in IAPS' website and ensuring that the members know where to find it is enough.

This Charter was adopted by the AGM held at _____ (place) on _____ (date).

It was signed by: _____ (names of Executive Committee members)