

South African Institute of Physics



Guidelines to the Constitution

Foundation: 25 February 2011

Version: 25 February 2011

Guidelines to the Constitution

The Guidelines are not a formal part of the Constitution, but may remain appended to the Constitution. Changes to the Guidelines require approval by the Council. The Guidelines are maintained by the Secretary. The Guidelines are concerned with issues of interpretation of the Constitution.

The Constitution may be re-numbered if essential (for convenience, often following changes to the Constitution) by the Council.

The Foundation Date on the front cover of the Constitution refers to the date when the Constitution was first adopted by the Institute. The Version Date refers to the current version of the Constitution, and should be updated whenever a change has been made.

Please note that the numbering in the Guidelines to the Constitution corresponds to the numbering in the Constitution.

Chapter 1

The Institute

- 1.1 The acronym “SAIP” may be used, but this is not the official name of the Institute.
- 1.5 These are the official goals of the Institute, and should be posted on the website of the Institute.
- 1.6 These are the official values of the Institute, and should be posted on the website of the Institute.
- 1.7 These clauses are essential for the tax-exempt status of the Institute.

Chapter 2

The Membership

Voting Members

2.2 Voting members consist of the following categories:

(a) **Ordinary members**

These are essentially professional physicists who are actively working in Physics or a related field, in academia, national laboratories, industry, commerce, government, etc. The membership is open to foreign members, especially foreign African nationals. Related fields include mathematics, computer science, chemistry, materials science, engineering, etc. However, in the future, some aspects of theoretical and/or computational biology and medicine could well become more closely aligned with Physics, so the Institute needs to be flexible here.

(b) **Honorary members**

Individuals who have served the Institute in an excellent manner within the Council or within any of the structures of the Council over a considerable period of time may be elected to this status in a manner prescribed in the By-laws. The membership subscription is free.

(c) **Fellows**

Election to the status of Fellow of the SAIP is very prestigious. Excellent physicists or individuals working generally within science or industry or the governance of science may be elected to this status in a manner prescribed in the By-laws. This status recognizes a life-time contribution to excellence in the appropriate field. This recognition is considered to be rare, and is subject to the individual accepting the status. Fellows only maintain their good standing if they pay their membership subscription fees. Fellows pay full membership fees unless the Retired membership subscription fee or the Life membership subscription fee applies, or unless the individual is an Honorary member in which case no fee applies. In exceptional circumstances, the membership subscription fees may be waived. All de Beers Gold Medalists will be awarded the status of Fellow.

(d) **Life members**

This category aims to reward loyalty to the Institute. The membership subscription is free.

(e) **Retired members**

These individuals pay a reduced membership subscription rate applicable to Retired members.

Non-voting Members

2.4 Non-voting members consist of the following categories:

(a) **Student members**

This category does not include high school learners, but only tertiary students of Physics. These individuals pay a reduced membership fee applicable to Student members. Student members are regarded as non-voting members, however those students who are elected to serve on any SAIP body shall have full voting rights within that body. Student members are obliged to re-apply for other categories of membership if and when they meet the appropriate criteria.

(b) **Associate members**

Part-time students, graduates without a PhD who have not achieved sufficient work experience and have therefore not yet made the criteria for Ordinary membership, high school teachers of science, individuals working in other cognate disciplines, etc, may apply for Associate membership. Associate members are obliged to re-apply for other categories of membership if and when they meet the appropriate criteria.

2.5 Corporate members are organizations, and as such do not have a vote. Benefits need to be spelt out in the By-laws. This is an enormous growth area for the Institute, and more effort needs to be made to increase corporate membership.

2.7 The member shall have the option of choosing a second language in which the certificate is written. In principle, the certificate belongs to the Institute, and should be retrieved when an individual leaves the Institute for whatever reason. In practice, however, it might be difficult to retrieve the certificate.

2.8 The invoices should go out by 31 March for payment by 31 December.

2.11 The membership privileges need to be clearly tabulated and continually updated by the Council Marketing Committee. This information should be prominently displayed on the website, as well as on all marketing materials.

2.13 It is recommended that payment for outstanding fees be restricted to a maximum of two financial year's worth of membership fees.

2.15 If the Institute goes into debt, the members are not liable beyond the payment of membership fees.

2.16 The Institute should strive to resolve issues collegially, and should only use a formal hearing in very exceptional cases. Issues around plagiarism, falsifying data, making unscientific claims, etc., are some of the serious issues that the Institute should concern itself with. In addition, members of the Institute are subject to a Code of Conduct as specified in the By-laws.

2.17 Categories of meetings of the membership:

(b) Special meetings are called to address an emergency or a crisis.

Chapter 3

The Council

The portfolios of the Council

- 3.2 If a vacancy in a Council position is declared, then Clause 3.12 of the Constitution and Clause 2.13 of the By-laws apply.
- 3.3 The President would have served on the Council for a minimum of three terms. It would therefore be onerous to force the president to remain for another term as the immediate-past President even though it is advisable that he/she remains for another term for continuity purposes. Therefore, this is optional.
- 3.4 Obviously, Clause 3.2(e) for Ordinary members applies.

Election, privileges and obligations of the Council

- 3.5 The Council is in session for between $1\frac{3}{4}$ years and $2\frac{1}{4}$ years. This gives sufficient latitude for the scheduling of the Annual General Meeting during the annual SAIP conference.
- 3.9 It is not necessary that the President-Elect should have served in the immediately previous term on the Council. A person who has never served on the Council cannot be elected directly to the position of President-Elect. A person who has served on the Council in the past, and who is currently not on the Council is still eligible for election to the position of President-Elect. The most common situation will be for a current member of the Council to be elected to the position of President-Elect for the next term.
- 3.12 The Council may choose to co-opt a member to fill the vacancy or not fill the vacancy. The Council may also choose to simply re-arrange the portfolio positions of the Council without filling the vacancy.
- 3.14 Despite the fact that power is devolved within the Council structures, the Council needs to maintain authority and responsibility over its delegated functions.

Powers of the Council

- 3.17 In SAIP parlance, a resolution refers to the making of a rule or decision, issuing, amending or repealing standing orders, and approving, amending or rejecting procedures or policies.
- 3.18 All Standing Orders need to be displayed explicitly in the “SAIP Policy Handbook”.
- 3.22 The Council may freely establish or dissolve Committees, Task Teams and Working Groups.

- 3.24 The Institute needs to become more active in initiating or conducting its own studies.
- 3.25 History has shown that it is relatively easy to establish agreements with sister organizations. However, it is much harder to define clear benefits in the agreement. The Council is encouraged to only enter into agreements where there are clear benefits for the Institute.

Meetings of the Council

- 3.29 Categories of meetings of the Council:
- (b) Special meetings are called to address an emergency or a crisis.
- 3.34 In practice, decisions may be made by consensus.
- 3.36 The Council currently only meets three times per year. Increasingly now, decisions need to be made electronically, especially decisions of an urgent nature. All such round-robin resolutions must be minuted at the next General Council Meeting and should be ratified. In addition, all Executive decisions must be minuted at the next General Council Meeting and should be ratified.

Chapter 4

Structures of the Council

- 4.1 The Council may freely establish or dissolve Committees, Task Teams and Working Groups.
- 4.3 The suggested committees of the Council are the Council Student Committee, the Council Finance and Risk Committee, the Council Education Committee, the Council Industrial Liaison Committee, and the Council International Liaison Committee. Since Committees only exist for the life-time of the Council, they will have to be re-created by each new Council.
- 4.4 Since Task Teams only exist for the life-time of the Council, they will have to be re-created by each new Council.

Chapter 5

Divisions and Forums

- 5.2 The suggested Divisions of the Institute are the Division of Astrophysics, Cosmology and Space Science, the Division of Condensed Matter Physics, Biophysics and Materials Science, the Division of Lasers, Optics and Spectroscopy, the Division of Radiation, Nuclear and Particle Physics, and the Division of Theoretical and Computational Physics. The exact names of the Divisions are to be determined by the Divisions themselves. The SAIP membership application form should have a tick box indicating the member's choice of Division(s) if they are elected member of the Institute. This forms the basis for the membership of the Division, eg. for election purposes.
- 5.10 The suggested Forums of the Institute are the Forum for Industrial and Applied Physics, the Forum for Physics Education, the Forum for Women in Physics, and the Forum for African Physicists. The exact names of the Forums are to be determined by the Forums themselves. The SAIP membership application form should have a tick box indicating the member's choice of Forum(s) if they are elected member of the Institute. This forms the basis for the membership of the Forum, eg. for election purposes. The Forum for African Physicists is meant to be continental in scope and is open to South African and especially to Foreign African national membership and participation.

Chapter 6

Epilogue

- 6.1 Changes to the By-laws may be proposed and decided upon any time during the year. Such changes do not require a formal vote by the membership. These changes shall be announced at the Annual General Meeting.
- 6.2 Constitutional changes require a formal vote by the membership at the Annual General Meeting, including proxy votes. A proxy vote must be formally authorized by way of signature on the Council-approved form.
- (c) 10% of the Voting membership constitutes a quorate Annual General Meeting. A Constitutional change requires $\frac{2}{3}$ of the total votes cast, including proxy votes cast. Therefore, a Constitutional change can come about with a minimum support of $\frac{1}{15} \approx 6.66\%$ of the Voting membership.
- 6.3 Dissolution of the Institute
- (c) Dissolution of the Institute requires $\frac{4}{5}$ of the total votes cast, including proxy votes cast, providing that $\frac{2}{3}$ of the Voting membership has cast their votes. Therefore, the dissolution of the Institute can come about with a minimum support of $\frac{8}{15} \approx 53.33\%$ of the Voting membership.
- 6.4 For a remote vote, the dissolution of the Institute can come about with a minimum support of $\frac{2}{3} \times \frac{3}{4} = 50\%$ of the Voting membership.

Acknowledgments

- (i) In drawing up the constitution, the following documents were consulted:
The old constitution of the South African Institute of Physics,
The constitution of the Royal Society of South Africa,
The constitution of the South African Chemical Institute,
The constitution of the Academy of Sciences of South Africa and
The constitution of the American Physical Society.
- (ii) Angela van Wyngaard is credited with designing the format of the documents in Latex.
- (iii) Ann Strode, a constitutional law lecturer at the UKZN, is thanked for her substantial contributions, and especially for checking the legalistic interpretation of the documents.
- (iv) The Council Constitutional Committee, that sat from July 2006 to July 2010, comprised Jaynie Padayachee, Manfred Hellberg and Nithaya Chetty (chair).
- (v) The Constitutional Reference Group comprised Andrew Forbes , Bouke Spoelstra , Brian Masara , Chris Engelbrecht , Dave Walker , David Britton , Diane Grayson , Dieter Heiss , Dirk Knoesen , Edmund Zingu , Erasmus Rammutla , Erich Rohwer , Frikkie Scholtz , Gillian Arendse , Gurtwin Bosman , Harm Moraal , Hendrik Geyer , Igle Gledhill , Jackie Nel , Japie Engelbrecht , Johan Malherbe , Matie Hoffman , Mmantsae Diale , Patricia Whitelock , Peter Martinez , Ramotholo Sefako , Simon Connell , Simon Mullins , Trevor Derry , Zeblon Vilakazi and Zinhle Buthelezi