

TransGender Europe

– Network and Council



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Constitution

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§ 1 Name, seat and aims

- (1) The Association shall be known as “TransGender Europe – Network and Council”, short “tgeu.net”.
- (2) It has its seat in Vienna and extends its activity to all Europe.
- (3) TransGender Europe is a non-profit association established to promote respect, health and equality for all transgender persons.
- (4) The Association is charitable . The assets of the Association may only be employed for purposes specified in this document. Members shall not receive allowances out of resources from the Association. No person may be favoured by expenditures which are foreign to the purpose of the Association nor by disproportionately generous compensation.

§ 2 Purpose

The purpose of the Association is:

- (1) to establish cross border networking of people, groups and organizations that support improvement in the living conditions of all transgender persons,
- (2) to protect the human rights of transgender people in Europe, their social and legal equality as well as to work for a respect in all social relationships.
- (3) to work towards a reduction of social and legal discrimination as well as an improvement in the social integration of transgender people,
- (4) to promote the health and access to medical treatment for transgender persons,
- (5) to give advice, information and support particularly for transgender people, and their family members about transgender issues,
- (6) to promote education and instruction on transgender topics,
- (7) to intelligence the general public concerning the explaining the varieties of transgender life, in order so as to reduce prejudice and end discrimination,
- (8) to represent the interests of transgender persons ,
- (9) and to improve the living conditions of transgender people in general.

§ 3 Means to fulfil the purpose of the Association

- (1) The purpose of the Association shall be accomplished, among other things, through the following activities:
 - (a) establishment of Europe-wide networked structures,
 - (b) organization of regularly occurring Transgender Councils, where transgender activists meet to discuss issues affecting the community,
 - (c) cooperation with the media, other organizations and public offices, as well as issue of statements,
 - (d) representation of the interests of transgender people before European institutions as well as other bodies and organizations,
 - (e) cooperation with institutions, organizations and groups which pursue the same or similar purpose,
 - (f) support of projects, programs, actions and initiatives of members so as to give an added European dimension,
 - (g) development and execution of cross-border initiatives, projects and programs for action as well as the participation in worldwide activities and projects that correspond to the purpose of the Association,
 - (h) legal and material support of persons who are exposed to threats and discrimination due to their gender identity or who are threatened in the exercising of their rights,
 - (i) support of self-help and information bureaus which perform activities in correspondence to the mission,
 - (j) assistance in the development of local, regional or national infrastructure for transgender persons,

- (k) execution or support of scientific, artistic or social projects which correspond to the aims of the Association,
 - (l) to fulfil its mission TransGender Europe can among other things use every informational medium or means of advertising as well as organize informative, scientific, cultural or social events
 - (m) and other activities useful in its mission.
- (2) The necessary financial resources shall be found through:
- (a) application fees and membership dues,
 - (b) returns from events and collections,
 - (c) profit from the sale of the Association's goods and publications,
 - (d) returns from offering services,
- public, private, and other donations, subsidies, loans, grants and assistances.

§ 4 Types of membership

Members of the Association can be all natural and corporate bodies as well as groups which are involved in matters committed to transgender issues. Groups and corporate bodies will nominate delegates to represent them in activities of the Association.

The members of the Association are full members, associated members, supporting members as well as honorary members.

- (1) Full members are those who pay membership dues and participate regularly in the work of the Association.
- (2) Supporting members (companions) are those which aid the Association through regular or one time substantial contribution or service.
- (3) Associate members (friends) support the aims of the Association materially, through support, interest or engagement.
- (4) Honorary members are persons appointed because of special contributions to the Association.

§ 5 Application for membership

- (1) The admission of new members lies with the Steering Committee or a membership sub-committee selected out of its members. The award of honorary membership requires the consent of the general assembly (§ 14 (6)).
- (2) Groups and corporate entities which apply for a full membership need to send a profile of the group's engagement with their application.
- (3) Individual persons who apply for a full membership need provide an explanation of interest with the application.
- (4) Every group and corporate entity that is a member of TransGender Europe has the right to nominate delegates. The delegate shares the type of membership (§ 4) of his or her group.
- (5) Prior to the legal establishment of the Association the (provisional) acceptance of new members is made by the founding members. Membership then becomes effective upon adoption of the Association's constitution. Participants entitled to vote at the first European Transgender Council (Vienna, 2005) have the right to be accepted as full members of the Association.

§ 6 Membership withdrawal

- (1) Membership ends by voluntary resignation, deletion from the rolls, exclusion or death (for corporate entities upon loss of incorporation, with groups upon dissolving). Membership dues are not refundable.
- (2) Resignation can be made any time. The Executive Board must be informed.
- (3) The ending of the membership as a full member can be carried out by the Steering Committee because of failure to pay membership dues, or a lack of involvement as indicated by a continuous unreachability by e-mail or by lack of further interest in a membership. This applies analogously to supporting members.

Objection to the ending of the membership may be filed within one a month to the membership sub-committee which may ask for further information in order to reconsider the decision.

- (4) The exclusion of a member from the Association can be initiated by the Steering Committee due to a serious breach of responsibilities of membership, contravention of the aims and objectives of the Association or because of behaviour damaging to the Association. An appeal against exclusion may be filed with the Courts of Arbitration. The rights of membership rest until the decision is made.
- (5) The revocation of an honorary membership can be decided on by the General Assembly for reasons mentioned in clause (4).

§ 7 Rights and duties of members

- (1) Members may take part in all events of the Association and participate in activities of the Association in accordance with available opportunities.
- (2) Active and passive voting rights, access to the members-only domain of the web platform, use of the Pooling Platform and participation in Working Groups is reserved for full members. A passive voting right can be held only by natural persons.
- (3) Members must have a valid e-mail address from which they are able to call up postings within 10 days. The Executive Board need be informed of changes to the e-mail address 14 days before expiration of the old address.
- (4) Full members are obliged to keep the access codes to the members-only domain of the web platform secret. Upon suspicion of disclosure of the password, a new password must be requested immediately.
- (5) Members are obliged to promote the interests of the Association to the extent their capabilities allow and to refrain from actions by which the reputation or the purpose of the Association could be adversely affected. They need to recognize the constitution of the Association and the decisions of the organs of the Association. The members are obliged to pay application fees and membership dues in the amount approved by the General Assembly on proposal of the board.
- (6) Honorary members are freed from membership dues.

§ 8 Pooling Platform

The Pooling Platform is a decision enabling machine in the protected members-only domain of the web platform established for democratic decision making about concerted action and future developments of the associaton.

- (1) The Pooling Platform serves for decision making in fundamental questions or in setting focal points. It can also be used to clarify how many groups or persons support or are willing to have a practical engagement in possible activities of TransGender Europe.
- (2) In questions that the General Assembly must vote on (§ 14), a vote making using of the Pooling Platform can only be held parallel to the voting in the respective assembly.
- (3) Motions for decision in the Pooling Platform can be called by the spokespersons of Working Group (§ 9), by at least two members of the Steering Committee or one member of the Executive Board.
- (4) The voting period can be set by the proponent of the motion with regard to its urgency. It cannot be less than 10 days. The voting must be announced at least 5 days before the voting starts by an e-mail addressed to all eligible voters.
- (5) Proponents can introduce amendments and reformulations up to the beginning of the voting.
- (6) Motions are passed in general with a simple majority. The requirement for a more qualified majority can arise due to the constitution or upon request of the proponent.
- (7) If several versions or motions on a topic are introduced for consideration, these are to be voted on against each other.

§ 9 Working Groups

- (1) Working Groups to discuss and make recommendations in special thematic areas may be established by the Executive Board and the Steering Committee. Suggestions for the constitution of new Working Groups can be introduced by at least three members.
- (2) The Steering Committee appoints the initial spokesperson of a Working Group. The Working Group can select another spokesperson with a simple majority at any time. The spokespersons shall inform the Steering Committee about the activities of the Working Group and can be invited to meetings of the Steering Committees in a consulting function.
- (3) Working Groups may discuss and decide on special mailing lists and web areas of their own, as well as introduce motions for the General Assembly.
- (4) Members may belong to several Working Groups.
- (5) Working Groups can apply to the Executive Board for resources of the Association in its activity. The Executive Board makes allocations according to the means and priorities of the Association. Appeals on decisions of the Executive Board are not allowed.
- (6) Earnings from an activity of a Working Group are automatically part of the total budget of the Association.
- (7) A Working Group can dissolve itself with a simple majority. The Steering Committee can dissolve a Working Group with a two-thirds majority.

§ 10 Organs of the Association

The General Assembly (§ 11 to § 14), the Steering Committee (§ 15), the Executive Board (§ 16 to § 18), as well as the Auditors (§ 19) and the Court of Arbitration (§ 20) are the organs of the Association.

§ 11 The regular General Assembly

- (1) The General Assembly shall be called together by the Executive Board every two years, but at least not later than four years after the previous General Assembly.
- (2) All members are to be invited as early as possible through e-mail, but at least eight weeks prior to a General Assembly. The agenda of the General Assembly must be announced four weeks in advance. Motions for consideration must be filed in written form, either as an e-mail or by post, at least two weeks before the convening of the General Assembly with the Executive Board.

§ 12 Extraordinary General Assembly

- (1) An extraordinary General Assembly is called upon a decision of the Steering Committee or the regular General Assembly, upon a decision of at least two members of the Executive Board, a petition of more than a tenth of the membership, upon demand of both Auditors, or upon demand of a single Auditor within six weeks after filing a request to this end with the Executive Board.
- (2) All members must be invited by means of an e-mail at least three weeks before the date of the extraordinary General Assembly. The agenda has to be announced two weeks in advance. Motions can be made up to a week before the Assembly.

§ 13 Decisions of the General Assembly

- (1) Motions of candidacy for the Steering Committee, the Executive Board and Auditors shall include a description of the candidates and their proposed engagement for the Association.
- (2) Candidacies for the Executive Board need be brought in en bloc and voted on as such. Applications characterising the size and the distribution of offices in the future Executive Board have to be publicized before the General Assembly takes place.
- (3) Decisions, except over a motion to convene an extraordinary General Assembly, can be taken only on topics on the agenda. Amendments to points of the agenda may be raised.
- (4) All members attending the General Assembly are eligible to participate. The right to speak or vote is laid out in § 7 (2). Groups and corporate entities are to be represented by delegates. Proxy voting is permitted if authorised in writing.

- (5) The Steering Committee may authorize a web-based vote parallel to the General Assembly. For this purpose, motions and profiles of candidates running for offices of the Association must be published in the web. The online voting deadline can not extend beyond the voting during the General Assembly.
- (6) A General Assembly is quorate only with the presence of half of all attending members entitled to vote. If the General Assembly is not quorate at the time and place specified in the agenda, then after 30 minutes the General Assembly may be opened with the same agenda regardless of the number of participants. This clause is, in cases when a parallel on-line vote is authorized, to be disregarded.
- (7) The weight given to the votes of groups and corporate entities increases degressively with the number of votes cast by its representatives. The exact mode is to be regulated by Standing Orders.
- (8) As a rule, the elections and the decisions taken at the General Assembly are passed with a simple majority. The vote of the chairperson decides a tie. Constitutional changes require a majority of two-thirds.
- (9) The chairperson of the General Assembly is selected by the Executive Board.

§ 14 Tasks of the General Assembly

The following actions are reserved for the General Assembly:

- (1) Accepting and approving of the general working reports and audited accounts books.
- (2) Approving the budget.
- (3) Electing the members of the Steering Committee and the Auditors.
- (4) Electing or confirming the election or dismissal of the members of the Executive Board. An election of the Executive Board can be held at most six weeks before the General Assembly through the Pooling Platform.
- (5) Approving of application fees and membership dues.
- (6) Awarding and revoking honorary memberships.
- (7) Approving standing orders of the General Assembly.
- (8) Deciding constitutional changes and the voluntary devolution of the Association.
- (9) Deliberating and deciding about other topics standing in the agenda.

§ 15 The Steering Committee

- (1) The duties of the Steering Committee include operational development, strategic development, project management, membership support, representation of the network, preparation of the TransGender Council and other meetings and appointment and dissolution of Working Groups.
- (2) The Steering Committee shall be chosen to reflect as much as possible the regional origins and gender variation of the membership.
- (3) The admission, exclusion and expulsion of Association members lies with the Steering Committee. It can nominate a membership sub-committee from its rows for the performance of these tasks.
- (4) The Steering Committee may be made of up to 16 activists who identify themselves as transgender people. Members of the Executive Board are per se members of the Steering Committee. The Steering Committee can appoint additional members by a simple majority.
- (5) The Steering Committee maintains its own mailing list and a special Pooling Platform at its disposal for the fulfilment of its tasks. Decisions of the Steering Committee are by a simple majority. A 24-hour voting deadline can be fixed for urgent decisions besides the voting procedure regulated in § 8(4) and (5). The voting period of the urgent decision procedure begins when all Steering Committee members are informed personally by telephone or SMS. Upon urgent deliberations voting may be held over the net or by telephone, SMS or e-mail.
- (6) The Steering Committee shall meet according to the tasks and resources at least two times a year. Place and time of the meeting are to be taken by a vote and announced to all members of the committee as soon as possible but at least four weeks prior to the meeting. All members are to be informed of the decisions taken by the committee through a meeting protocol. One-third of the

members of the Steering Committee will be quorate for the making of decisions. When the meeting is not quorate, voting must be confirmed by using the online Pooling Platform.

- (7) The term of office of the Steering Committee ends at every regular General Assembly with the appointment of a new Steering Committee. When the General Assembly does not convene the Executive Board shall call for a web-based election of functionaries within three years of the last General Assembly. Incumbents are eligible for re-election.
- (8) Unless by expiry of the term of office, the function of the members of the Steering Committees ends with resignation (§ 15 (9)), elimination (§ 15 (10)), dismissal (§ 15 (11)) or death.
- (9) Members of the Steering Committee can resign by writing at any time. The resignation is to be addressed to the Steering Committee, in the case of the resignation of the entire Steering Committee, to the General Assembly.
- (10) Members of the Steering Committee can be expelled from the Committee upon continuous non-participation in discussions, voting or meetings for at least six months after being warned in advance of the consequences of failing to participate, and being reprimanded by a vote of at least a two-thirds majority of Steering Committee.
- (11) The full membership can dismiss individual Steering Committee members or the entire Steering Committee through a three-quarters majority of the Pooling Platform at any time.

§ 16 The Executive Board

- (1) The Executive Board consists of three to seven persons. at a minimum the chairperson, the secretary and the treasurer. For each of these functions a deputy can also be elected. Persons on the Executive Board must be full members and natural persons of the Association.
- (2) The Executive Board can engage assistants in the execution of specific tasks.
- (3) The Executive Board is elected by the members. Upon resignation of one of its members, the Steering Committee has the right to select a member of the Steering Committee for the vacant office.
- (4) Decisions of the Executive Board require a fifty percent voting participation. The Board passes its decisions with a simple majority of votes. The word of the chairperson decides a tie.
- (5) The Executive Board may furthermore establish its own standing orders.
- (6) The term of office of the Executive Board ends with a regular General Assembly. In all cases a Board remains in office until a new Board is chosen. Candidates for the Executive Board must present their candidacy en bloc seconded by two full members of TranGender Europe who are not candidates for the new Board to the incumbent Board at the latest a week before the opening of the election.
- (7) The responsibilities of the Executive Board end with expiry of the term of office § 16 (6), as well as analogously due to the circumstances mentioned in § 15 (8). Resignation and dismissal are effective only upon choice or appointment of a successor (§ 16 (3)).

§ 17 The duties of the Executive Board

The fiscal and legal management of the Association lies with the Executive Board. It undertakes all tasks which are not explicitly assigned by the constitution to another organizational element. The following matters fall particularly into its domain:

- (1) Preparation of the annual working plan as well as the writing of the annual reports and accounts.
- (2) Publication of these documents to the membership.
- (3) Calling of a regular General Assembly and/or an extraordinary General Assembly.
- (4) Administration of the assets of the Association.
- (5) Hiring and dismissing employees of the Association.
- (6) Preparation of a work schedule for the coming financial year.

TransGender Europe can only be legally represented by two members of the Executive Board acting together with proper authorization of the majority of the Executive Board. The treasurer is authorized to sign banking transactions up to € 500 without countersignature¹.

§ 18 Special obligations of individual members of the Executive Board

- (1) The Chairperson is the highest officer of the Association. Representation of the Association in public, before authorities and third persons lies particularly with him or her. In case of emergency s/he is authorized to act for the Steering Committee and the Board upon her own responsibility. Such actions require subsequent approval by the responsible organizational element.
- (2) The Secretary shall support the Chairperson in the conduct of the Association's affairs. The Secretary is also responsible for the preparation of protocols of the General Assembly, the Steering Committee and the Executive Board.
- (3) The Treasurer is responsible for the proper finances of the Association.
- (4) In case of absence, the officers of the Executive Board are represented by their deputies.

§ 19 The Auditors

- (1) Two auditors are to be elected by the membership for the same term of office as the Executive Board. The regulations in § 15 (7) and § 15 (9) apply to the auditors analogously.
- (2) The auditors are responsible for controlling regular business activities and checking the account books. Their annual report shall be presented to the Steering Committee and, subsequently, the General Assembly.

§ 20 The Court of Arbitration

- (1) The court of arbitration decides all disputes within the Association internally.
- (2) The court of arbitration consists of five full members of the Association. Each of the disputing parties shall name two members as arbitrators before the Executive Board within fourteen days. These elect by simple majority the fifth arbitrator who functions as chairperson of the court of arbitration. In case of a tie the arbitrators decide under the candidates by chance.
- (3) The court of arbitration can make its decision by a simple majority vote after statements from each of its members. The court members decide with best knowledge and conscience. Any decision is final within the Association.

§ 21 Voluntary dissolution of the Association

- (1) The voluntary dissolving of the Association can be decided on only in a vote of the General Assembly called to this end and valid with a three-quarters majority vote.
- (2) In case of a voluntary dissolution, the liquidation of the assets of the Association, should any be at hand, is to be decided on by the Executive Board. Specifically, the Board must appoint a liquidator and approve a decision about whom to assign the assets of the Association remaining after liabilities and taxes. These assets shall come to the benefit of a charitable organization with the same or similar activities as this Association.

¹) This refers to internal relations.