

ITEM 20a: Summary of Proposed Constitutional Amendments and Timeline for Consultation with Membership

Background

- The ILAE Constitution was first adopted in 1909 and last amended in August 2011
- Several amendments were proposed to the Constitution during the 2019 General Assembly but, for procedural reasons, adoption was not possible, and it was recommended that the amendments should be brought to the next of the General Assembly in 2021
- Six substantive amendments are proposed. These substantive amendments are numbered and highlighted in yellow in the attached document entitled: *Proposed amendments to the constitution*. The numbering corresponds with the detailed description and explanation below given below.
- Several editorial amendments to improve clarify and the organization of the document are also proposed. The proposed editorial amendments are numbered and highlighted in green in the attached document.
- Proposed corrections of minor typographical errors are highlighted in blue.

SUBSTANTIVE AMENDMENTS

Substantive Amendment 1: Article XI

These proposed changes related to the ILAE Journals and were proposed previously to the General Assembly in 2019

Rationale: As the number of journals ILAE now produces has expanded over the past decade, it is proposed to remove reference to any specific journal and instead refer them collectively as “ILAE Journals”. In 2011, ILAE only had a single Journal, *Epilepsia*. It has since added 2 journals (*Epileptic Disorders*, *Epilepsia Open*) and the Wikipedia Program and has also increased the number of Editors-in-Chief.

Key changes proposed:

Old	Proposed New
Article XI(1) — <i>Epilepsia</i> The Editor-in-Chief of <i>Epilepsia</i> shall be responsible for editing <i>Epilepsia</i> in accordance with the general policies established by the Executive Committee.	Article XI(1) — ILAE Journals The Editors-in-Chief of ILAE Journals shall be responsible for editing those Journals in accordance with the general policies established by the Executive Committee and the best practices and ethical standard for scientific publishing. The Editors-in-Chief shall be appointed for up to four years and may be appointed for one additional term.

Article XI(2) — Epilepsia The Editorial Board shall consist of editors appointed by the Editor-in-Chief. The term of office of the editors is four years and editors may be reappointed for one additional term	Article XI(2) — ILAE Journals The Associate Editors and Editorial Board for each of the Journals shall be appointed by the respective Editors-in-Chief.
In addition, throughout the document as appropriate, replace <i>Epilepsia</i> with “ILAE Journals”	

Substantive 2: Clarification of quorum for an official meeting of the General Assembly and Clarification of the current voting process

These proposed amendments are to add clarity to assessing (a) quorum for an official meeting of the General Assembly (b) quorum for a valid vote (c) voting process based on weighted voting system, as outlined in the Bylaws, Article 1 (3). It should be noted that these proposals do not amend the intent within the existing Constitution but simply add clarity to make the existing wording and processes easier to understand.

It is proposed that it is made clear throughout the document that:

- Chapters must be in “good standing” to count towards the quorum needed for either a meeting of the General Assembly to be considered official meeting or a vote valid
- Chapters must be in “good standing” to be permitted to vote
- For a meeting of the General Assembly to be considered official, 50% of all Chapters in good standing must be “in attendance” (see Substantive 5 for clarification of definition of “in attendance”)
- For a vote to be considered official, 50% of all Chapters in good standing must have “participated in the vote” defined as either casting a vote or indicating, in writing, that they wish to abstain
- When voting at the General Assembly, “majority” or “two thirds” is calculated using the weighted voting system outlined in Article IX(2) and hence the wording “votes” should be replaced by “total votes cast by Chapters in good standing and in attendance”.

Old	New
Good Standing	
Article VI(4) Third sentence After a Chapter is approved, it must pay its annual dues.	Article VI(4) Third sentence After a Chapter is approved, it must pay its annual dues to remain in good standing.
Throughout the document replace “Chapters” with “Chapters in good standing” in relation to Chapters eligible to vote and when calculating quorum.	
Quorum for a meeting of the General Assembly to be considered official	
Article IX (3) First sentence Representatives from more than	Article IX (3) First sentence Representatives from more than

fifty percent of approved Chapters at a meeting of the General Assembly shall constitute a quorum	fifty percent of approved Chapters in good standing in attendance at a meeting of the General Assembly shall constitute a quorum
Quorum for a vote to be considered valid	
Article IX (3)	Article IX (3)
	New third sentence More than fifty percent of all approved Chapters in good standing must participate in a vote for the vote to be considered valid. Participation in a vote is defined as either casting a vote or indicating, in writing, the wish to abstain.
Majority Vote	
Article IX(3)	Article IX(3)
Decisions will be taken by a majority of the votes of those attending.	Decisions - with the exception of admission or removal of a member Chapter (Article VI), amendments to the Constitution (Article XIV) and dissolution of the ILAE (Article XV) - will be taken by a majority of the total votes cast by approved Chapters in good standing.
Two thirds vote	
Article VI(3) The Chapters shall be voted into the ILAE upon the approval of the Executive Committee and two-thirds vote of those attending the meeting of the General Assembly.	Article VI(3) The Chapters shall be voted into the ILAE upon the approval of the Executive Committee and on securing a two-thirds majority of the total votes cast by Chapters in good standing and in attendance at a meeting of the General Assembly
Article VI(6) On recommendation of the Executive Committee, membership may be terminated by a two-thirds vote of those attending the meeting of the General Assembly ...	Article VI(6) On recommendation of the Executive Committee, membership may be terminated if there is a two-thirds majority of the total votes cast by Chapters in good standing and in attendance at a meeting of the General Assembly
Article XIV(1) The present Constitution may be amended by a two-thirds vote of those attending the meeting of the General Assembly.	Article XIV(1) The present Constitution may be amended if there is a two-thirds majority of the total votes cast by Chapters in good standing who are in attendance at a meeting of the General Assembly ...

Substantive Amendment 3: Article VIII

These proposed changes relate to the membership of the Executive Committee and were proposed previously to the General Assembly in 2019

Rationale: To give the Executive the flexibility to name ex officio members to ensure that all core ILAE functions (e.g. Education, Publications) are represented on the Executive Committee. Note that these changes do not alter the key governance structure as new members are non-voting.

Key changes proposed:

Old	New
Article VIII(2) – Executive Committee 3. The Editor-in-Chief of <i>Epilepsia</i> as a non-voting member, appointed by the voting members of the Executive Committee	Article VIII(2)3 – Executive Committee 3. To assure representation of core ILAE activities in the Executive Committee deliberations, the Executive Committee may appoint Chairs of relevant ILAE organizational entities as non-voting ex officio members of the Executive Committee

Substantive Amendment 4: Article XII

These proposed changes related to the expansion and clearer definition of the ILAE organizational entities and were proposed – with the exception of the additional proposal to include Sections – to the General Assembly in 2019

Rationale: To better reflect the changing the nature and roles of commissions and other entities and bring the Constitution in line with the new operational reality. In addition, due to the expansion of ILAE work, and to better streamline communications and empower the work of organizational entities, liaison between the Management Committee and individual key entities will be undertaken, for each entity, by one designated representative of the Management Committee rather than the whole Management Committee.

Key changes proposed:

Old	New
Article XII(1) – Commissions and Taskforces First sentence Commissions and task forces in unlimited number may be appointed by the President of the ILAE as recommended by the Executive Committee.	Article XII(1) - Organizational Entities First sentence Organizational entities such as Councils, Topic-Oriented Commissions, Committees and Task Forces in unlimited number may be appointed by the President of the ILAE as recommended by the Executive Committee.
	New second sentence Sections may be created by the President as recommended by the Executive Committee

Second sentence The President, Secretary-General and Treasurer of the ILAE shall be ex-officio members of all commissions and task forces, except the Elections Commission	Third sentence The President may appoint, as recommended by the Executive Committee, a representative of the Management Committee to any of the Organizational Entities, except the Elections Committee
As appropriate, throughout the document align the nomenclature of the Constitution with the new nomenclature of the ILAE organizational entities: <ul style="list-style-type: none"> - “Commissions and Taskforces” to be replaced with “organizational entities” - “Elections Commission” to be replaced with the title “Elections Committee” - “Regional Commission” to be replace with the title “Regional Board” 	

Substantive Amendment 5: Article IX(8)

These proposed changes related to the need for (a) clear contingency plan that will allow a General Assembly to be held virtually in the event of global travel restrictions or force majeure (b) allow virtual attendance at a General Assemblies for participants unable to travel. These proposals were not presented previously.

Rationale: COVID pandemic has significantly limited ability to travel and hold large gatherings. The situation is likely to continue for some time and similar scenarios that would impact on the ability to hold an in-person meeting may occur again in the future. It therefore seems prudent to add contingency arrangements building on existing clauses. In addition, to improve membership engagement in General Assemblies, building on the experience of COVID and in line with the Goals to embrace digital transformation, allowing virtual as well as in-person attendance during face-to-face meetings would again be prudent.

Key changes proposed:

Old	New
Article IX(8)- The General Assembly Between regular meetings of the General Assembly, should urgent business arise requiring General Assembly action, this shall be carried out in writing, using available technology as determined by the Executive Committee. Such business must involve responses from at least fifty percent of the Chapters, and decisions would require a majority of the votes of those responding	Article IX(8)- The General Assembly Between regular meetings of the General Assembly should urgent business arise requiring General Assembly action or if it is not possible due to global travel restrictions or force majeure to hold a regular General Assembly in-person, discussion and decisions shall be carried out in writing or using the best available technology as determined by the Executive Committee. Quorum for such meetings will be the attendance of at least fifty percent of all Chapters in good standing. Decisions - with the exception of admission or removal of a member Chapter

	(Article VI), amendments to the Constitution (Article XIV) and dissolution of the ILAE (Article XV) – require a majority of the total votes cast by those Chapters in good standing.
<p>Throughout the document replace “attending a meeting” (in reference to an official delegate being in attendance for the purposes of calculating quorum) with “in attendance”.</p> <p>Define “in attendance” as “present either in person or via the best available technology as determined by the Executive Committee”</p> <ul style="list-style-type: none"> • In relation to Executive Committee it is proposed to add this definition into Article VIII(1)2 • In relation to General Assembly it is proposed to add this definition into Article IX(3) 	

SUBSTANTIVE 6: Article X

The Constitution currently implies that donations of “any” kind can be accepted. However, in implementing this, ILAE maybe in conflict with its Objectives and generally accepted ethical standards. It is therefore proposed to replace “any kind” with “in line with ILAE Objectives and generally accepted ethical standards”.

Old	New
<p>Article X</p> <p>The ILAE shall have the authority to accept and administer gifts, legacies, movable or immovable properties, donations, and assets of any kind without any restrictions as to the amount or value and to collect annual dues of its Chapters.</p>	<p>Article X</p> <p>The ILAE shall have the authority to accept and administer gifts, legacies, movable or immovable properties, donations, and assets in line with ILAE objectives and generally accepted ethical standards without any restrictions as to the amount or value, and to collect annual dues of its Chapters.</p>

SUBSTATIVE 7: Article VIII

The current Constitution states that the Elections Commission should be “independent” for the President and Executive Committee how that it should be chaired by the “Immediate Past President”. However, this creates a potential conflict as the immediate past president is also a member of the Executive Committee. It is therefore proposed that the “past, past president” should be appointed as the Chair of the Elections Committee.

Article VIII

Old	New
Article VIII(3)7	Article VIII(5)1
The Elections Commission shall be chaired by the Immediate Past President.	The Elections Committee shall be chaired by the Past Past President.

Editorial Amendments

Editorial 1: Related to replacing “League” with “ILAE” throughout the document as per Article 1

Editorial 2: Reordering Article VIII **existing text** i.e. no changes to the text under five sub-titles:

VIII(1) Executive Committee – mandate

VIII(2) Executive Committee – composition

VIII(3) Management Committee

VIII(4) President (new subtitle)

VIII(5) Election Committee (new subtitle)

Old position	New position
VIII(3)8	VIII(1)1
VIII(3)9	VIII(1)2
VIII(3)10	VIII(1)3
VIII(3)11	VIII(1)3
VIII(3)5	VIII(2)4
VIII(3)6 second line	VIII(2)5
VIII(3)4	VIII(4)1
VIII(3)6 first line	VIII(4)2
VIII(3)7	VIII(5)1
VIII(3)8	VIII(5)2

Editorial 3: Amend Article VI(1) and align language in Article IV(2) with new language in Article VI(1)

Old	New
Article VI(1) Member chapters are composed of professionals who are involved in patient care or research in epilepsy and whose primary concern is with the problems of epilepsy.	Article VI(1) Member Chapters are composed of professionals who are involved in patient care, education or research in epilepsy and whose primary focus relates to the epilepsies.
Article IV(2) Seek to establish and maintain effective cooperation with other organizations world-wide active in the field of the medical sciences, public health, and social care, who are, or may become concerned with problems related to the epilepsies	Article IV(2) Seek to establish and maintain effective cooperation with other organizations world-wide who are involved in patient care, education or research in epilepsy and whose primary focus relates to the epilepsies.

Editorial 4: Add clarity to nature of the voting majority required in Article IX

Old	New
3. Decisions will be taken by....	3.Decisions - with the exception of admission or removal of a member Chapter (Article VI), amendments to the Constitution (Article XIV) and dissolution of the ILAE (Article XV) - will be taken by.....
6..... termination of membership of Chapters.	6 termination of membership of Chapter in accordance with Article VI.

Editorial 5: Presiding Officer

Add consistency to the use of the term Presiding Officer by replacing “Chair” with “Presiding Officer” in Article IX(7).