

A critical edition of the Avery Constitution

John P. Sadowski

This presentation of the Avery Constitution reveals how its text was built up and revised over years and decades, as generations of Techers left their mark. The current (April 2015) Constitution is shown, with color denoting the historical period in which each piece of text was added. While removed text is not notated here, intermediate versions of the Constitution, extensive original documentation, and commentary are available at <http://johnpsadowski.com/avery/>. The historical periods of the Constitution are as follows.

1997 “Ancient” Constitution

Avery House opened in fall 1996, and the original Constitution was ratified in early 1997. It was amended once, in 2002. Some of the old Constitution’s text was carried over into the new Constitution, which is shown in gray. A clause originating from the 2002 amendment is marked with a footnote, while all the rest is original to 1997.

2004 Original Draft

In May 2004, the Faculty Housing Board voted to allow Avery to participate in Rotation and take freshmen for the first time. In preparation for this, the Avery Council prepared a new Constitution to put up for a House vote. However, an outcry about the lack of public participation in the drafting prevented it from coming to a vote before the end of the 2004 spring term.

Text added in this draft is shown in black. The draft borrowed heavily from the 1997 Constitution in what would become Articles III (Voting and Elections) and VI (Amendments and Conditions), and to a lesser extent in Article II (Officers). However, Articles I (Membership and Dues) and IV (Room Picks) were completely new, since Avery did not have members at this point, and the Preamble was completely replaced.

2005 Constitution

During the 2004–05 academic year, the constitution-writing effort was started anew, with a great emphasis placed on public participation. The constitution proceeded through an additional three drafts, the Preliminary, Intermediate, and Final Draft, with increasing levels of public input at each stage. The final Constitutional Convention was held on March 11, 2005, and the Constitution was ratified on April 5.

Text that originated during these revisions is shown in red. Amendments offered during the Constitutional Convention were named after their sponsors. Revisions made to the earlier drafts were generally not named, although some formal amendments were considered as part of intermediate meetings in December 2004 and February 2005, including a number of “general” amendments offered by myself as the chair of the convention. All known named amendments are each marked with a footnote. It is worth noting that one revision made during this phase was to remove the word “House” from the draft wherever it appeared; therefore, the original constitution does not contain that word at all, replacing it often with “Members”, and referring to House votes as “Avery votes”.

November 2005 “Crisis” Amendments

In October 2005, shortly after the first freshmen arrived, seven amendments were voted upon in conjunction with an election for Chancellor. Although all the amendments gained the required two-thirds vote, the Constitution’s extremely stringent quorum requirement made it effectively impossible for any amendment to actually be enacted. The situation was worsened by the fact that the Chancellor-elect was not eligible for that office due to technicalities that one of the failed amendments was written to alleviate. This constitutional crisis was settled at a special “House Convention” on November 19, 2005 that was called to approve a change in the quorum requirements and retroactively apply it to the amendments.

Text added by these amendments is shown in green. The amendments were numbered I through VII, as specified in the footnotes. The amendments were mainly technical revisions relating to election, membership, and room pick procedures.

2006 Council Disestablishment Amendment

Over the 2005–06 school year, the Avery Council became less active and eventually stopped meeting. The reasons for this were unclear, but they may have included weak recruiting of the new freshmen, as well as the bad feelings left behind from the crisis of the previous autumn. During the spring term of 2006 an amendment was passed to abolish the Avery Council and replace it with an Executive Committee composed of the House officers. The amendment was ratified on April 7, 2006, a date whose anniversary is known as Council Disestablishment Day.

This was a single, omnibus amendment whose text is shown in blue. The largest changes were to Article III (Officers), although references to the Avery Council had to be changed to refer to the ExComm throughout. Another curious change was that all instances of the word “shall” were changed to “will”.

Subsequent amendments

In February 2008, a technical amendment regarding room pick procedures (labeled Amendment II) was passed, while another to establish social membership was rejected. In 2010, a technical provision on dues was added to the Constitution, although it is unclear if it was actually voted upon.

Four amendments were voted upon in June 2012, but failed to reach quorum. These amendments were reintroduced in November 2012 along with an additional two. All six amendments passed; these were labeled A1, A2, A3, A6, A7, and A9, with the missing numbers being questions on bylaws and a non-binding referendum on levying dues. The amendments were again largely technical revisions relating to election, membership, and room pick procedures.

A single amendment reforming the Head UCC position and guaranteeing it a spot in room picks was passed in January 2013 or March 2014. A March 2015 amendment (A3) expanded the ExComm’s power to create minor offices, while an April 2015 amendment (A2) to guarantee the BoC representative an on-campus spot failed.

The text added by these amendments is shown in purple, with footnotes identifying the exact amendment and date. Now at its tenth birthday, seventeen distinct amendments to the Avery Constitution have been passed since its ratification back in 2005.

EVERY CONSTITUTION

Preamble

We, the undergraduates, graduate students, and resident faculty of Avery, **in order to create a community that is open, fair, and diverse, that is supportive and encourages the** pursuit of knowledge without fear of ridicule or peer pressure, **and that is** a gathering place for upright, creative, and tenacious people, **do hereby*** ordain and establish this Constitution for the community of Avery.

Article I. Membership and Dues

Sec. 1 Membership in Avery may be **established[†]** in the following ways:

- a. Residency. Anyone living in Avery **will automatically become[‡]** a Member of Avery. Prefrosh and summer students are excluded from automatic Membership.[‡]
- b. Membership Petition. Anyone **wishing to become a Member must** inform the Secretary, who will send an online Membership Petition Form out to the House. Membership is granted when the candidate receives 10 +1 responses from the Residents, either former or current, of Avery.[§] In exceptional circumstances, the **ExComm** reserves the right to deny Membership by a unanimous vote. **ExComm** may, at its discretion, use an electronic petition process to carry out this clause.^{**}

Sec. 2 The membership of Avery at any time is limited to **current Residents and current students of Caltech.^{††}**

Sec. 3 Non-resident Members wishing to drop their membership must notify the Secretary in writing. **Membership is not automatically dropped by a Member terminating their residency in Avery[†] if that person remains a current student of Caltech.^{††}** Resident Members who did not pick into Avery through the internal lottery may also drop membership by notifying the Secretary in writing.[‡]

Sec. 4 Members of Avery **will** have the right to:

- a. Attend subsidized Social Events.
- b. Participate in the Avery internal housing lottery,
- c. Vote on all matters put before the **Avery Members.**

Sec. 5 **Dues will be determined by two-thirds referendum vote of Avery, as specified in Article III of this Constitution.^{‡‡}** All non-rotating members of Avery who apply for Avery's internal lottery will pay House dues equal to^{§§} those of rotating members.[‡]

* Dreyer-Liu Amendment, 2005

† First General Amendment, 2004

‡ 2012 Amendment A6 (Thirteenth Amendment)

§ 2012 Amendment A1 (Tenth Amendment)

** 2012 Amendment A7 (Fourteenth Amendment)

†† 2005 Amendment VII (Seventh Amendment)

‡‡ Hom-Wetzel Amendment, 2005

§§ Addition made in 2010

Article II. Officers

Sec. 1 The Officers of Avery consist of the Executive Committee of Avery and any other minor Officers as determined in Article II, Section 9. All Officers must be Members of Avery.

Sec. 2 Executive Committee of Avery

- a. The executive power of Avery will be vested in an Executive Committee of Avery (ExComm). The duties of the ExComm will be to manage affairs involving Avery and to guide Avery in a direction beneficial to its Members. The Avery ExComm may take actions necessary and proper to carry these out* with the intent of benefiting the majority of House Members.
- b. The ExComm consists of the Chancellor, Vice Chancellor, Secretary, Social Director, and Athletic Manager. All Officers on the ExComm will be chosen by a selective vote of all Avery Members.
- c. The ExComm may act only on behalf of the Members of Avery, from whom it derives its authority. The ExComm may not take any action contrary to the will of Avery at large, and ExComm actions may be overridden by referendum of the Members of Avery.

Sec. 3 Chancellor. No person will be Chancellor for more than two consecutive years. The Chancellor will:

- a. Be a liaison between Members of Avery and organizations outside of Avery. This includes being Avery's delegate to the IHC if the Chancellor is an undergraduate; otherwise a separate selective election will be held among undergraduates for this position; and
- b. Preside over House Meetings.

Sec. 4 Vice Chancellor. The Vice Chancellor will:

- a. Assist the Secretary in organizing House meetings and preparing the agenda thereof;
- b. Conduct Roompicks;
- c. Entertain concerns of Members about internal issues and affairs of Avery;
- d. Be a signatory on the Avery bank account;
- e. Assume responsibility for unforeseen house issues;† and
- f. Assume the responsibilities of the Chancellor while the Chancellor is unable to perform his or her duties.

Sec. 5 Secretary. The Secretary will:

- a. Maintain and publish a list of the current Members of Avery on the Avery website;
- b. Maintain email lists;‡
- c. Record minutes of Avery House Meetings, e-mail them to all the Avery Members, and publish them on the Avery website;
- d. Publish this Constitution on the Avery website; and
- e. Record and tabulate the results of all votes made by the ExComm or Avery House.

* Fifth General Amendment, 2004

† Second Liu Amendment, 2005

‡ 2002 Amendment

Sec. 6 Social Director. The Social Director will:

- a. Be responsible for regularly updating the House on Social Team activities and expenditures; and
- b. Organize and preside over Social Team meetings, approve Social Team decisions or defer them to the ExComm, and monitor the Social Team budget.

Sec. 7 Athletics Manager. The Athletic Manager will:

- a. Organize Avery teams for interhouse sports;
- b. Maintain the Avery Ath list; and
- c. Be responsible for any tasks delegated by the IHC Ath Man.

Sec. 8 ExComm. The ExComm will: Publicize and facilitate the process of voting, and to communicate the results of votes and other ExComm decisions to Members of Avery; keep a record of all expenditures of Avery; Collect dues; provide reimbursements for Avery expenditures.*

Sec. 9 Social Team and Athletics Team. The operation and constitution of the Social Team and Athletics Team will be specified in the Avery bylaws.†

Sec. 10 The ExComm, through a unanimous decision, may create permanent, year-long minor offices and teams by delineating their selection and duties in the bylaws without the need for a referendum vote. All ExComm Officers may delegate tasks to other Officers and team members.‡

Sec. 11 Upperclass Counselors (UCCs). UCCs will provide support and counseling to Members of Avery.

Sec. 12 Removal. Any Officer may at any time be subjected to a vote of no confidence. If an Officer is removed, he or she will be replaced using the processes described in Article II, Section 2 immediately. If there are no Officers to facilitate elections, the Resident Associates will perform this duty.

Article III. Voting and Elections

Sec. 1 Elections will be held during the second term§ for all Officer positions. The ExComm will be elected in a separate election before the election of the other Officers. The specific day will be chosen by the ExComm.

Sec. 2 A quorum of the Members of Avery is defined to be at least one half of the population of undergraduate** Residents.†† No vote of any type will be considered valid without a quorum.

Sec. 3 A referendum is defined as a vote with three options: yes, no and abstain. A referendum is passed if there are more yes votes than no votes; a two-thirds referendum is passed if there are at least twice as many yes votes as no votes.

* 2012 Amendment A6 (Thirteenth Amendment)

† Liu-Wetzel Amendment, 2005

‡ March 2015 Amendment A3 (Seventeenth Amendment)

§ 2005 Amendment V (Fifth Amendment)

** 2012 Amendment A2 (Eleventh Amendment)

†† 2005 Amendment II (Second Amendment)

Sec. 4 A selective vote is defined as a vote with multiple choices. For each selective vote, a voter **will** rank the choices in order of descending preference, with **rank one** being the most preferred. For each rank, the voter may select one of the choices on the ballot, may write in a choice not already on the ballot, or may leave the rank blank. **There will also be a choice for NO, but that may only be ranked first if desired.*** A ballot conforming to these guidelines **will** be considered correctly cast. The winner of a selective vote is declared as follows:

- a. Ballots are counted according to first rank votes. If one choice gets a majority of the votes then it wins. **If NO gets a majority of the votes, than that vote is considered invalid.†††††**
- b. If no winner has been declared, the choice with the fewest votes **will** be eliminated, and each of that choice's ballots **will** be redistributed among the choices by the next available choice ranked. This process **will** be repeated until one choice gets a majority of the votes.
- c. Ties among last place choices **will** be resolved by the following process: the votes of one of the tied choices **will** be redistributed, and the count process continued until a potential winner is found. This **will** be repeated for each of the other tied choices, until all such potential winners are found. If the same choice emerges as the potential winner in all cases, then that choice is declared the winner. If no consensus is found, then all correctly cast ballots **will** be reorganized and counted according to preferences for only the potential winners, using the procedure outlined above, and the choice receiving an absolute majority of the votes **will** be declared the winner. If a tie occurs among all remaining choices, the vote **will** be ruled indeterminate, and another vote **will** be held at the earliest possible opportunity.

Sec. 5 A vote of no confidence against an Officer of Avery may be brought before the **Members** according to the process set forth in Section 6 of this article, **for negligence of their duties as set forth in this Constitution.†** If the vote of no confidence is confirmed by a two thirds referendum vote of the **Members**, the Officer's position is immediately revoked.

Sec. 6 Votes are brought before the Members of **Avery** in the following circumstances:

- a. The Avery **ExComm** decides that a vote should be brought before the **Members**; or
- b. A petition for a vote is made by 20% of the Members and presented to the **Vice‡** Chancellor or the Secretary at least seven days before the vote is to occur. **The date and method of the vote must be specified in the petition, but the method is limited to one specified in this Constitution.**

Sec. 7 The voting period on any vote brought before **House Members will be specified by the ExComm or petition bringing forth the vote, but may not be more than 7 days.§** The motion or petition must also specify whether and how the voting period may be extended in the case that a quorum is not reached; but in no case may the total period of voting exceed the 7-day ********* maximum.**

* 2005 Amendment III (Third Amendment)

† Shim-Liu Amendment, 2005

‡ 2005 Amendment V (Fifth Amendment)

§ 2012 Amendment A3 (Twelfth Amendment)

** 2005 Amendment IV (Fourth Amendment)

Sec. 8 The vote will be publicized using appropriate means by the ExComm* beginning a minimum of four days prior to the start of the voting period. Absentee ballots will be made available by the Secretary to any Members who wish to vote but are unable to be present during the voting period.

Sec. 9 All votes will be conducted by secret ballot, and each Member of Avery may cast one ballot in each vote. Votes may be cast at Avery meetings of all Members, via Internet, via a ballot box placed in a public area of Avery, or by direct presentation to the elections committee.

Sec. 10 An elections committee composed of the Secretary and at least one member of the RAC##### will be responsible for the collection and tabulation of all votes, regardless of the method by which the votes are cast. The Secretary may appoint other members of ExComm to the elections committee at his or her discretion.§§§

Article IV. Room Picks

Sec. 1 Only Avery Members who have held Membership for an appropriate interval prior to the due date of the internal lottery forms may participate in internal room picks. This interval shall be determined by the ExComm with guidance from the Room Picks Bylaws.†

Sec. 2 The Vice Chancellor will conduct an internal picks procedure for undergraduate rooms, in a timely manner before the campus unaffiliated lottery as per Avery bylaws.

Sec. 3 If any undergraduate spot will become vacant during the course of the academic year, it will be filled in an appropriate way as determined by the Avery bylaws.

Sec. 4 The Chancellor, Vice Chancellor, Secretary, Social Director, Athletics Manager, and Head UCC‡ (but not any other Officers) will be guaranteed a room during the Avery internal lottery, but will be given no further privileges for room picks. However, no one not enumerated in this Constitution will be guaranteed a room.

Sec. 5 Non-Rotating Avery members who have not previously entered the Avery Internal Lottery wishing to enter it must receive 3 +1 responses to an online form sent by the Secretary to the House, in the procedure described in Article I, Section 1b.§

Article V. Relations and Limitations

Sec. 1 The Avery ExComm and all other Avery Officers derive their authority from the Members of Avery. All powers not granted in this Constitution are reserved by the people.**

Sec. 2 Neither the Administration nor any other outside body may force the clauses of this Constitution to be violated, nor may they induce others to relinquish the rights granted in this Constitution. The Avery

* 2012 Amendment A6 (Thirteenth Amendment)

† 2008 Amendment II (Ninth Amendment)

‡ Shenker-Bennethum Amendment, 2013 (Sixteenth Amendment)

§ 2012 Amendment A9 (Fifteenth Amendment)

** Fifth General Amendment, 2004

ExComm and other Officers must not be forced to partake in any action contrary to its will, binding arbitration and court action excepted.*

Article VI. Amendments and Conditions

Sec. 1 All amendments to this Constitution will be proposed as stipulated in Article III, Section 6, and will be approved by a two-thirds referendum vote of the Members of Avery. Any amendment made to this Constitution will take effect immediately upon passage, but will not have retroactive effects of any kind. It is the responsibility of the Secretary, upon the passage of a Constitutional amendment, to promptly post the amended Constitution in a publicly accessible location.

Sec. 2 Any matters not directly resolved by this Constitution will be resolved either by the ExComm or by a vote of the Members of Avery, depending on the import of the matter in question.

Sec. 3 This Constitution will take effect immediately upon ratification by two-thirds referendum vote of the Members of Avery, which must include two-thirds of all undergraduate and two-thirds of all graduate students voting.†

* Third General Amendment, 2004

† Wald Amendment, 2005