

Memorandum of Understanding between Canadian Yearly Meeting and Canadian Friends Service Committee (2001)

Purpose:

The purpose of this Memorandum of Understanding is to supplement Canadian Friends Service Committee's (CFSC) federal not-for-profit incorporation and registered charitable status. This document addresses the fundamental relationship between CFSC and Canadian Yearly Meeting of the Religious Society of Friends (Quakers). In particular, CFSC's federal incorporation documents set out bylaws which are required by Canadian law, but they say little about the spiritual nature of this work and our relationship. Nor does it directly address the organization and procedure which bind CFSC and Canadian Yearly Meeting (CYM) and which constitute CFSC's methods of operation as a committee of a community of faith.

History of Canadian Friends Service Committee:

"Canadian Friends Service Committee is a standing committee of the Yearly Meeting. The Service Committee was established in 1931 and represented the wider organization of Friends in Canada across the divisions. In 1955, it became the service arm of the new Canadian Yearly Meeting. Service projects were already in existence in 1955. The strength and experience which came from participation in Friends' war-time and post-war relief and witness brought fresh impetus to the work of the Committee. Younger Friends and newcomers who had done Quaker service abroad as conscientious objectors in relief and ambulance work, along with Friends from other Yearly Meetings, participated in the work with concern and enthusiasm. The concerns, witness and projects of the Service Committee over the past 59 years have brought much life into the Yearly Meeting, at times with challenges and problems to be resolved. Service projects, peace witness and education have been supported as Friends have felt guided and have recognized that Quaker concern is "that leading of the Holy Spirit which may not be denied". The struggle perhaps has been to discern true guidance for projects which express a religiously-based approach to the life of our times and which are not solely philanthropic or humanitarian work." (From *Organization & Procedure*, Section I - Historical Outline, pp. 17-18)

Relationship between Canadian Yearly Meeting and Canadian Friends Service Committee:

Canadian Yearly Meeting is a community of faith with various component parts which express that faith, including Canadian Friends Service Committee. Our corporate body is spiritual in nature as are our practices, our concerns and leadings as Meetings and Friends which are often assisted and expanded through the work of Canadian Friends Service Committee. It is mutually understood that Canadian Friends Service Committee (CFSC) is a committee of Canadian Yearly Meeting of the Religious Society of Friends (Quakers) as outlined in Canadian Yearly Meeting's *Organization & Procedure*. CFSC will continue to use *Organization & Procedure* as its Discipline as it seeks to fulfill its legal obligations as set out in the incorporation and charitable status documents and, importantly, its terms of reference as set out in Section VI. *Organization & Procedure* "attempts to communicate to present day seekers and members the historic and continuing practices of Friends and to outline procedures to be followed by Meetings and their members in the conduct of their affairs" (*Organization & Procedure*, p. i).

Terms of Reference of Canadian Friends Service Committee:

"The Canadian Friends Service Committee exists to unify and expand the concerns of Friends in Canada for peace witness and peace education, international services, and social concerns in Canada. It cooperates with such bodies as the American Friends Service Committee and Quaker Peace and Service of London Yearly Meeting to work abroad in relief

and medical aid work and services to persons in need in many nations." (from *Organization and Procedure*, Section VI - the Yearly Meeting, p. 66)

The incorporation documents reviewed by Representative Meeting in November 2000 and approved by the Committee of Clerks in January 2001 (which was delegated the responsibility of working with CFSC on the final paperwork to be submitted) included the following objects for CFSC:

"To unify and expand the concerns of Friends in Canada for peace witness and peace education, international services and social concerns in Canada. This is achieved through:

The establishment and maintenance of religious programs which:

- Alleviate suffering and poverty;
- Promote justice and peace in accordance with the religious principals, practices and testimonies of Canadian Yearly Meeting of the Religious Society of Friends (Quakers);
- Educate members of the Religious Society of Friends (Quakers) and the general public about:

The activities of the Corporation and issues that inform these activities;
The principals and beliefs of Quakers."

CFSC's structure and governance as a not-for-profit corporation:

The legal non-for-profit corporation status complements the fundamental spiritual understanding of CFSC as a committee of CYM. Not-for-profit corporations have appointed members who elect a board of directors who then elect officers and an executive committee. In CFSC's case, the members will be appointed to CFSC by CYM (as set out in *Organization & Procedure*, Section VI - The Yearly Meeting, p69a-69b). The members will then elect themselves to be the board of the CFSC and elect the officers from within the board membership. The officers of CFSC will be, respectively, the Clerk, Associate Clerk, and Treasurer of CFSC (who will be appointed as outlined in CFSC's *Policy, Organization and Procedure Manual*). The executive committee of CFSC will be appointed as outlined in the *Policy, Organization and Procedure Manual* of CFSC.

The Canadian Corporation Act (a federal law) requires that these appointments (board, officers and executive committee) be subject to a vote. In practice, CFSC will arrive at these appointments through our decision-making discipline of Unity in the Spirit (which is recorded as such in the incorporation documents). When Unity has been reached, the appointments will be recorded as "carried". As such, Friends will not, in practice, put issues to a vote.

Decision making procedure:

"Responsibility and authority in Friends work lies in the guidance of the Meeting corporately experienced. This guidance, we believe, embodies the leading of the Holy Spirit. It is only as we each and all actively participate with our knowledge and ability, our dedication and prayers, that the guidance becomes heard and on which we can rely for direction and authority" (from 1966 Report to CYM by CFSC). It is important to clearly set out our mutual understanding of decision-making in the manner of Friends used by CYM and CFSC. Friends seek "unity in the Spirit" which is achieved through the sense of God's guidance within the meeting and, when this sense is difficult to achieve, Friends have processes. From *Organization & Procedure*, Section II - General Procedure in Meetings for Business, pp. 29-30, we agree on the following historic and continuing decision making practices of Friends:

"Sense of the Meeting

The Religious Society of Friends believes that any right and satisfactory decision depends upon the full understanding and general agreement of the members present. Therefore, it transacts business by united decision without undue influence by either a majority or a minority. Meetings for Business, at any level, should be Meetings for Worship centred upon specific matters. All members who feel concerned to express a judgment should be heard. In making such expressions, Friends have the obligation to discipline themselves by speaking as briefly as may be necessary to make their judgment clear and to the point under discussion. When it appears to the Clerk that the Meeting has reached a decision, the Clerk shall state clearly what appears to be the sense of the Meeting. There is no decision made by a majority which overrides opposition. Action is taken only when the group can proceed in substantial unity."

"Differences of Opinion, The Meaning of Unity, Laying Down of Business

If there are serious differences of opinion, it is frequently possible to find unity by recourse to a period of silent prayer. It may happen that objections are then withdrawn or some new way opens which has not been observed before. Such a way transcends compromise; it is the discovery, at a deeper level, of what all really desire. If, however, unity is not manifest then the Clerk must lay the matter down, or lay it over to the next Meeting if this seems required, and those who sponsored the concern should accept this decision in good spirit and perhaps as an encouragement to make further research. While this approach to decision-making may seem irritatingly slow to some, we believe it has been proved to be the only reliable way to right and loving decisions. It should also be remembered by all Friends at times when unity is not present that the concept of the Meeting being united in spirit does not mean that the members must all necessarily conform to one particular opinion, no matter how compelling such a view may appear to some. Indeed, the imposition of conformity becomes a censorship which is quite contrary to the teaching of Friends; the Society, itself, is a testament by those who have cherished the right to dissent from majority opinion."

This understanding of decision-making in the manner of Friends stands as our mutual understanding of CFSC's decision-making practice as it appears in the incorporation documents.

In situations where, by legal statute, voting is required, this would be our standing procedure: to seek Unity and to record that the 'motion' (that is, the minute) as 'carried'. On principle, voting is not Friends' practice: it would be contrary to the well-being and functioning of the Committee if some members were to vote in favour on an issue and some against. If there is not unity, more discernment is needed. This approach to voting will be used in all situations where voting is required by legal statute (board of directors, member of executive committee, officers, change of location of head office, bylaw changes, issues involving remuneration, etc.).

Finally, any decision before CFSC which raised questions of interpretation of Quaker Testimonies or of standing positions by CYM, or which involves a significant new position on an issue that intersects with our Testimonies and which CYM has not noted its will, will be taken to Representative Meeting and/or CYM.

Interpretation of several statutory-required bylaws of CFSC:

Replacing members who leave CFSC before the end of their term:

(Subject to approval by CYM), CYM Nominating Committee will nominate up to five people

as "alternates" to CFSC and prioritize these names. If someone leaves CFSC and a replacement is needed, CFSC's board or executive committee will appoint someone from this list following consultation with the Clerk of CYM Nominating Committee. Such a person will only serve on CFSC until the next Yearly Meeting when nominations for CFSC come before CYM through CYM Nominating Committee for approval.

Removing someone from membership:

This will happen very seldom, only under the most serious of circumstances, and under the guidance of CYM Nominating Committee as there is no adequate procedure for removal in *Organization & Procedure* presently. Once unity has been reached between CFSC and CYM Nominating Committee, according to statutory requirement to vote on this decision, we would record that the motion (that is, the minute) to remove the member has 'carried'.

Amendment of bylaws:

If CFSC needs to amend its bylaws, it will draft the amendment and bring it to CYM or Representative Meeting for approval. If approved, CFSC as a corporate board will, as required by law, 'vote' on the amendment (see section on decision-making process) and then submit it to the government department responsible for approving changes in bylaws by not-for-profit corporations.

Right to vote:

This will be understood to mean that every member of CFSC has the right to vote on those few issues on which the law requires not-for profit corporations to take a vote. These issues are: appointment to board and executive committee, removal from membership or office, amendment of bylaws, appointment of officers, change of location of head office, issues involving remuneration). As with other decisions, it will be made in the manner of Friends as outlined in *Organization & Procedure* (and above under "Decision making procedure").

Age of members of the board of directors:

By law, all members of the board must be of the legal age to make contracts, that is, 18 years of age. Occasionally, a Young Friend under the age of 18 is appointed to CFSC by CYM. In such a situation, the Young Friend under 18 would not be appointed to the board of directors but would remain a member. Their participation and weight in decision-making would not be affected by the fact that they are not formally a member of the board - they will be given, as Friends say, the 'freedom of the Meeting'. This understanding applies equally to the Young Friend appointed by the Canadian Young Friends Yearly Meeting (CYFYM). In addition, the Young Friend appointed by the CYFYM would need to be appointed by CYM as a member of CFSC (this is because the incorporation documents stipulate that members are appointed by CYM. It would further complicate matters to add additional bodies. CYM could choose to elect to simply 'recognise' the CYFYM appointment in the minute recording accepted nominations).

Conclusion:

This Memorandum of Understanding between Canadian Yearly Meeting and Canadian Friends Service Committee is prepared in a spirit of love and mutuality under the guidance of the Holy Spirit. It clarifies the practices of Friends and how they will be upheld and maintained within CFSC once it is incorporated and the continuing mutual accountability and responsibility between CYM and CFSC.