

# JUNIATA COLLEGE STUDENT GOVERNMENT

## POLICY COMMITTEE

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# Document Drafting Guidelines

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*Prepared by:*  
Policy Committee

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# Article 1

## Types of Documents

### 1.1 Governing

Governing documents are voted upon by the Student Body, or are direct supports to documents that are voted upon by the Student Body. They define and limit specific processes that can be undertaken by the Student Government.

It is unlikely that other documents will be added to this list without a major overhaul of the government. Therefor

#### 1.1.1 The Constitution

The Constitution is primarily concerned with defining processes that can be undertaken. It does not concern itself with the specifics of those processes. However, the specifics of those processes must still conform to it as stated under Article ?? of the Constitution. The Constitution should not refer to any particular organization that is not defined within itself for the execution of those processes.

The Constitution is also special since it is self-sovereign. It is the only document that is allowed to give itself authority over other documents. It also gains this authority from itself. No external organization, including the administration of Juniata College, may modify or violate this Constitution.

Please note, that the Constitution is still subject to the laws of the jurisdiction that the institution is located within. If the Constitution is found to be in violation of any of these laws, it does not offer defense for the individual who undertook an action as a result of the Constitution.

#### 1.1.2 General Bylaws

The General Bylaws are primarily concerned with the execution and limitation of specific processes that can be undertaken by the Student Government. The specifics

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## **1.2 Legally Binding**

### **1.2.1 Financial Bylaws**

### **1.2.2 Standing Orders**

### **1.2.3 Spending Bills**

## **5 1.3 Legally Non-binding**

### **1.3.1 Resolutions**

Resolutions are statements on the position of the Student Body, and as such are not binding. However, they are still written in legal language, and thus the definitions as in listed in Article 2 of the Document Guidelines still apply.

### **10 1.3.2 Executive Statements**

Executive Statements are statements on the position of, or actions requested by, the Executive Council, and as such are not binding. However, they are still written in legal language, and thus the definitions as in listed in Article 2 of the Document Guidelines still apply.

## **15 1.4 Nonlegal Documents**

### **1.4.1 Allocation Rubrics**

Allocations Board produces an internal rubric by which they judge allocations so that all organizations are operating on a level playing field. This rubric however, is not a legal document, and not binding for the disbursement of funds to organizations.

### **20 1.4.2 Memos**

Memos may be issued by any member of Student Government to clarify their position, or a previous position of the government. These are never binding and should not be taken to be written in legal language.

## **1.5 Supporting Documents**

**25** Supporting documents are special case. The number of these documents should be minimized. This document, the Document Guidelines, is a supporting document. It share features of both Governing documents and Nonlegal documents. Article 2 is a governing

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article that does not define, limit, or modify any particular process but, instead handles the intricacies of the words used within all other documents.

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# Article 2

## Legal Definitions

This is not a definitive list of legal terms. The definitions included here may differ from other definitions that one can find on the internet or other sources. These definitions are the ones used in all governing document of the Student Government of Juniata College. The content of this article is immutable.

### 2.1 “May”

- a) “May” represents a granting of permission to take an action.
- b) “May” is not binding.

### 2.2 “Should”

- a) “Should” represents a recommendation to take an action.
- b) If “Should” is in a legal document then, there is an implicit grant of permission.
- c) “Should” is not binding.

### 2.3 “Will”

- a) “Will” represents a future action to be taken.
- b) If “will” is in a legal document then, there is an implicit grant of permission.
- c) “Will” is not ultimately binding.
- d) “Will” statements may be non binding if extraneous circumstances are present.
- e) In all other cases “will” is binding.

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## 2.4 “Must”

- a) “Must” represents a requirement to take an action.
- b) If “must” is in a legal document then, there is an implicit grant of permission.
- c) “Must” is ultimately binding, regardless of circumstance.

## 5 2.5 “Shall”

- a) “Shall” represents a requirement to take action, without a future action.
- b) “Shall” has no clear meaning.
- c) If “shall” is in a legal document then, there does not exist an implicit grant of permission.
- 10 d) “Shall” must not be used in any future documents
- e) If present in legacy documents, “shall” must be taken to mean “must”.

## 2.6 “Not”

- a) “Not” represents the direct negation of the previous legal term.
- b) “Not” represents a lack of permission.

## 15 2.7 “Only”

- a) “Only” represents the restriction of the previous legal term.
- b) “Should only” does not void permission by omission.
- c) In all other cases, “only” voids any permission by omission.

## 2.8 “Immutable”

- 20 a) Portions of documents rendered “immutable” must not be modified in any way by any circumstance.
- b) “Immutable” sections may be rendered void by another overriding section in a document of higher authority.

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## 2.9 “Article”

- a) The highest level of organization within a document is an “Article”.
- b) The numbering of Articles will be in Arabic numerals.
- c) Articles may not contain operative statements that are not contained within another organizational layer.
- d) Articles should not be made immutable.
- e) Shorter documents will be implied to have a single unnumbered article.

## 2.10 “Section”

- a) The primary level of organization within a document is a “Section”.
- b) The numbering of Sections will be in Arabic numerals.
- c) Steps should be taken to reduce the number of subsections
- d) If a subsection is needed, it will also be listed with an Arabic numeral.

## 2.11 “Clause”

- a) The lowest level of organization within a document is a “Clause”.
- b) The numbering of Clauses will be in lowercase English letters.
- c) Clauses should be the primary location of operative actions.
- d) Clauses should not contain multiple operative actions, unless the two actions are very closely linked.
- e) Clauses must not have subclauses.

## 2.12 “Preambulatory”

- a) Statements made in articles but not contained within a section are “preambulatory”.
- b) “Preambulatory” clauses found in articles provides clarifying narrative.
- c) Statements made in Standing Orders, Resolutions, or Spending Bills that are not numbered are also considered “preambulatory”.

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- d) “Preambulatory” clauses found in Standing Orders, Resolutions, or Spending Bills explain the reasoning behind the Standing Order, Resolution, or Spending Bill and should be terminated with a comma.
  - e) “Preambulatory” clauses must not contain any operative action.
  - 5 f) The content of a “preambulatory” clause may not request any action be taken.

## 2.13 “Operative”

- a) Statements made in articles but not contained within a section are “preambulatory”.
- b) “Operative” clauses found in articles provides actions to be taken
- c) Statements made in Standing Orders, Resolutions, or Spending Bills that are num-  
10 bered are also considered “operative”.
- d) “Operative” clauses found in Standing Orders, Resolutions, or Spending Bills explain the reasoning behind the Standing Order, Resolution, or Spending Bill and should be terminated with a semicolon.
- e) “Operative” clauses must contain operative action.

## 15 2.14 “Comment”

- a) If clarification is needed on a clause, a “comment” may be added.
- b) Comments are not enumerated.
- c) The totality of the comment is to be italicized
- d) Comments may not have subcomments.
- 20 e) Each clause may only have one comment.
- f) There is no limit to the amount of information that can be in a comment.
- g) Information within a comment is not operative in itself.

## 2.15 “Committee”

## 2.16 “Board”



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# Article 3

## Words to Avoid

The following list of words should not be present in any governing document. They confuse the meaning of other words, or in the case of “shall”, have no clear legal meaning.

- |    |  |   |
|----|--|---|
| 5  | 1) abeyance  | 17) same [as a substitute for "it", "he", "him", "she", or "her"] |
|    | 2) above [as an adjective]                               | 18) shall [instead of "may", "will", or "must"]                   |
|    | 3) above-mentioned                                       | 19) thenceforth   |
|    | 4) afore-granted   | 20) thereunto   |
|    | 5) afore-mentioned                                       | 21) therewith   |
| 10 | 6) aforesaid   | 22) to wit  |
|    | 7) before-mentioned                                      | 23) under-mentioned   |
|    | 8) henceforward  | 24) unto  |
|    | 9) hereby  | 25) whatsoever  |
|    | 10) herein   | 26) whensoever  |
| 15 | 11) hereinafter  | 27) wheresoever   |
|    | 12) hereinbefore   | 28) whereas   |
|    | 13) hereunto   | 29) whereof   |
|    | 14) not only   | 30) whosoever   |
|    | 15) pursuant   | 31) within-named  |
| 20 | 16) said [as a substitute for "the", "that", or "those"] | 32) witnesseth  |

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# Article 4

## Principles of Clear Writing

### 4.1 Write in the active voice

The active voice eliminates confusion by forcing you to name the actor in a sentence. This construction makes clear to the reader **who** is to perform the duty.

The passive voice makes sentences longer and roundabout. Who is responsible is much less obvious. Passive verbs have a form of the verb to be plus the past participle of a main verb, plus a main verb usually ending in “en” or “ed”.

am is are was were be been

Table 4.1: Passive verbs

Examples of passive verbs:

- was received
- is being considered
- has been selected

The passive voice reverses the natural, active order of English sentences. In the following passive example the receiver of the action comes before the actor.

**Passive:** The regulation [receiver] was written [verb] by the drafter [actor].

**Active:** The drafter [actor] wrote [verb] the regulation [receiver].

Passive constructions are confusing when used in regulations and policy. Active sentences must have actors, but passive ones are complete without them.

The material will be delivered. | By whom?

The start date is to be decided. | By whom?

The figures must be approved. | By whom?

Putting the actor before the verb forces you to be clear about responsibility.

- The messenger will deliver the material.

- The contractor will decide the start date.
- The administrator must approve the figures.

The passive voice is appropriate when the actor is unknown, unimportant, or obvious. This does not usually apply in regulatory text.

- 5
- Small items are often stolen
  - The applications have been mailed

## 4.2 Use action verbs

Avoid words like this: They are called "nominals" – nouns with verbs inside. They are

Don't Say	Say
give consideration to	consider
is applicable to	applies to
make payment	pay
give recognition to	recognize
is concerned with	concerns

Table 4.2: Nominals

hard to read and make sentences longer. Action verbs are shorter and more direct. The  
 10 exception to this comes in the preambulatory clauses of Resolutions.

## 4.3 Use "must" instead of "shall"

shall	imposes an obligation to act, but may be confused with prediction of future action
will	predicts future action
must	imposes obligation, indicates a necessity to act
must not	indicates a prohibition
should	infers obligation, but not absolute necessity
may	indicates discretion to act

Table 4.3: Alternatives to "shall"

To impose a legal obligation, use "must."  
 To predict future action, use "will."

- 15 **DON'T SAY:** The Governor shall approve it.  
**SAY:** The Governor must approve it. [obligation]  
**OR:** The Governor will approve it. [future action]

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## 4.4 Be direct

Talk directly to your readers. Use the imperative mood. Regulations lend themselves to this style, especially procedures, how-to instructions, and lists of duties.

5 Directness avoids the passive voice:

**SAY:** Sign all copies.

**SAY:** Attach a copy of your W-2 to your return.

This style results in procedures that are shorter, crisper, and easier to understand

## 10 4.5 Use the present tense

A regulation of continuing effect speaks as of the time you apply it, not as of the time you draft it or when it becomes effective. For this reason, you should draft regulations in the present tense. By drafting in the present tense, you avoid complicated and awkward verb forms.

15 **DON'T SAY:** The fine for driving without a license **shall be** \$10.00.

**SAY:** The fine for driving without a license is \$10.00.

## 4.6 Write positively

If you can accurately express an idea either positively or negatively, express it positively.

20 **DON'T SAY:** The Governor may not appoint persons other than those qualified by the Personnel Management Agency. **SAY:** The Governor must appoint a person qualified by the Personnel Management Agency.

25 A negative statement can be clear. Use it if you're cautioning the reader.

DON'T WALK  
DON'T SMOKE

30 But avoid several negatives in one sentence.

**DON'T SAY:** A demonstration project will not be approved unless all application requirements are met.

**SAY:** A demonstration project will be approved only if the applicant meets all requirements.

35 It's better to express even a negative in positive form.

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Don't Say	Say
not honest	dishonest
did not remember	forgot
did not pay any attention to	ignored
did not remain at the meeting	left the meeting
did not comply with	violated
failed to comply with	violated

Table 4.4: Negative vs. Positive Forms

## 4.7 Avoid the use of exceptions

If possible, state a rule or category directly rather than describing that rule or category by stating its exceptions.

- 5 **DON'T SAY:** All persons except those 18 years or older must...  
**SAY:** Each person under 18 years of age must...

However, you may use an exception if it avoids a long and cumbersome list or elaborate description. When you use an exception, state the rule or category first then state its exception.  
10

**DON'T SAY:** Alabama, Alaska,... and Wyoming (a list of 47 states) must ration...  
**SAY:** Each state except Texas, New Mexico, and Arizona must ration... (Note that the category "each State" is established first and then the exceptions are stated.)

## 15 4.8 Avoid split infinitives

The split infinitive offends many readers, so avoid it if you can.

**DON'T SAY:** Be sure to promptly reply to the invitation.  
**SAY:** Be sure to reply promptly to the invitation. or **SAY:** Be sure to reply to the invitation promptly.  
20

## 4.9 Use the singular noun rather than the plural noun

To the extent your meaning allows, use a singular noun instead of a plural noun. You will avoid the problem of whether the rule applies separately to each member of a class or jointly to the class as a whole.

25 **DON'T SAY:** The guard will issue security badges to the employees who work in Building D and Building E.  
**SAY:** The guard will issue a security badge to each employee who works in Building D

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and each employee who works in Building E.

**unless you mean**

The guard will issue a security badge to each employee who works in both Building D and Building E. (There are other possible meanings.)

## 5 4.10 Be consistent. Don't use different words to denote the same things.

Variation for the sake of variation has no place in regulation writing. Using a synonym rather than repeating the precise term you intend just confuses the reader.

10 **DON'T SAY:** Each motor vehicle owner must register his or her car with the Automobile Division of the Metropolitan Police Department.

**SAY:** Each automobile owner must register his or her automobile with the Automobile Division of the Metropolitan Police Department.

15 **Don't use the same word to denote different things. DON'T SAY:** The tank had a 200-gallon tank for fuel. **SAY:** The tank had a 200-gallon fuel container.

## 4.11 Use parallel structure

Arrange sentences so that parallel ideas look parallel. This is important when you use a list.

20 **Nonparallel construction:** The duties of the Executive Secretary of the Administrative Committee are:

- To take minutes of all the meetings; (phrase)
- The Executive Secretary answers all the correspondence; and (clause)
- Writing of monthly reports. (topic)

25 **Parallel construction:**

- To take minutes of all the meetings;
- To answer all the correspondence; and
- To write the monthly reports.

## 4.12 Prefer simple words

30 Government writing should be dignified, but doesn't have to be pompous. Writing can be dignified when the language is simple, direct, and strong. To make your writing clearer

and easier to read – and thus more effective – prefer the simple word.

Don't Say	Don't Say
construct, fabricate	make
initiate, commence	begin
terminate,	end
utilize	use
substantial portion	large part
afforded an opportunity	
allow	

Table 4.5: Simple Alternatives

### 4.13 Omit needless words

Don't use compound prepositions and other wordy expressions when the same meaning  
5 can be conveyed with one or two words.

Don't Say	Say
because of the fact that	since(because)
call your attention to the fact that	remind you
for the period of	for
in many cases	often
in many instances	sometimes
in the nature of	
like	
the fact that he had not succeeded	his failure
the question as to whether	whether

Table 4.6: Word Reduction Example

### 4.14 Avoid redundancies

Don't use word pairs, if the words have the same effect or where the meaning of one in-  
cluded the other.

10

Examples: Word pairs to avoid

- any and all
- authorize and direct

- cease and desist
- each and every
- full and complete
- order and direct
- 5 • means and includes
- necessary and desirable

### 4.15 Use concrete words

Government writing often concerns abstract subjects. But abstract words can be vague and open to different interpretations. Put instructions in simple, concrete words.

Don't Say	Say
clubs	RSOs
vehicles	automobiles
firearms	rifles
aircraft	helicopters

Table 4.7: Concrete

### 4.16 Don't use words that antagonize

Words can attract or repel readers. It is possible to choose words in our writing that do not make the wrong impression or antagonize our readers. Use words to which people react favorably rather than words that they resent.

#### Use words like

- ability
- achieve
- benefit
- guarantee
- please
- reasonable
- reliable

- service
- useful
- you

#### Rather than these words

- alibi
- allege
- blame



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- |              |   |               |
|--------------|---|---------------|
| • complaint  | 5 | • unfortunate |
| • impossible |   | • waste       |
| • liable     |   | • wrong       |
| • oversight  |   |               |

## 4.17 Avoid noun sandwiches

Administrative writing uses too many noun clusters – groups of nouns “sandwiched” together. Avoid these confusing constructions by using more prepositions.

**DON’T SAY:** Underground mine worker safety protection procedures development.

**SAY:** Development of underground procedures for the protection of the safety of mine workers.

**OR MORE LIKELY:** Development of procedures for the protection of the safety of workers in underground mines.

Which meaning is intended becomes clearer when this four-word sandwich is broken up.

## 4.18 Don’t Use gender-specific terminology

Avoid the gender-specific job title:

Avoid the gender-specific pronoun when the antecedent could be male or female.

Don’t Say	Say
Crewman	Crew member
Fireman	Firefighter
Manhours	Hours worked
Manpower	Personnel, workforce

Table 4.8: Gender-specific alternatives

**DON’T SAY:** The administrator or his designee must complete the evaluation form.

**SAY:** The administrator or the administrator’s designee must complete the evaluation form.

Be careful when you rewrite to avoid the problem. The following examples don’t necessarily have the same meaning:

- Each Regional Director will announce his or her recommendations at the conference.
- The Regional Directors will announce their recommendation at the conference.

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## 4.19 Write short sentences

Readable sentences are **simple, active, affirmative, and declarative**.

The more a sentence deviates from this structure, the harder the sentence is to understand. Long, run-on sentences are a basic weakness in legal documents.

- 5 Legal documents often contain conditions which result in complex sentences with many clauses.

The more complex the sentence, the greater the possibility for difficulty in determining the intended meaning of the sentence.

### Solutions

- 10
- State one thing and only one thing in each sentence.
  - Divide long sentences into two or three short sentences.
  - Remove all unnecessary words. Strive for a simple sentence with a subject and verb. Eliminate unnecessary modifiers.
  - If only one or two simple conditions must be met before a rule applies, state the conditions first and then state the rule.
- 15
- If two or more complex conditions must be met before a rule applies, state the rule first and then state the conditions.
  - If several conditions or subordinate provisions must be met before a rule applies, use a list.

## 20 4.20 Make lists clear and logical in structure

Listing provides white space that separates the various conditions. Listing can help you avoid the problems of ambiguity caused by the words "and" and "or". When you list, use the following rules:

- Use parallel structure
- List each item so that it makes a complete thought when read with the introductory text.
- If the introductory language for the list is a complete sentence –
  - End the introduction with a colon; and
  - Make each item in the list a separate sentence.
- If the introductory language for the list is an incomplete sentence –

30

  - End the introduction with a dash;

- 
- End each item in the list except the last item with a semicolon;
  - After the semicolon in the next-to-last item in the list, write "and" or "or" as appropriate; and
  - End the last item in the list with a period.

## **5 4.21 Use short paragraphs**

A writer may improve the clarity of a regulation by using short, compact paragraphs. Each paragraph should deal with a single, unified topic. Lengthy, complex, or technical discussions should be presented in a series of related paragraphs.

## **4.22 Use a checklist and review your draft for each of these principles separately.**

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# Article 5

## Ambiguity

### 5.1 Word Order

The position of words in a sentence is the principal means of showing their relationship.

- 5 You should group together words that are related in thought and separate words that are not related. The following conventions address the most common word order problems.

#### 5.1.1 Avoid misplaced modifiers

The careless placement of a modifier may result in the same sentence having several meanings.

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**DON'T SAY:** John saw Jane driving down the street.

**SAY:** John, while driving down the street, saw Jane.

**unless you mean**

John saw Jane, who was driving down the street.

15

#### 5.1.2 Avoid indefinite pronouns used as references

If a pronoun could refer to more than one person or object in a sentence, repeat the name of the individual or object.

20

**DON'T SAY:** After the administrator appoints an Assistant, he or she shall supervise the...

**SAY:** After the Administrator appoints an Assistant, the Assistant shall supervise the...

#### 5.1.3 Avoid grouping together two or more prepositional phrases

A common example of a problem of word order occurs when two or more prepositional phrases are grouped together in a sentence.

25

**DON'T SAY:** Each subscriber to a newspaper in Washington, DC.

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**SAY:** Each newspaper subscriber who lives in Washington, DC.  
**unless you mean**  
Each subscriber to a newspaper published in Washington, DC.

## 5.2 Word Meaning

- 5 Problems of word meaning occur when one word or phrase is open to several possible interpretations. The following conventions address the most common problems of word meaning.

### 5.2.1 Use the singular noun rather than the plural noun

- 10 To the extent your meaning allows, use a singular noun instead of a plural noun. You will avoid the problem of whether the rule applies separately to each member of a class or jointly to the class as a whole.

**DON'T SAY:** The guard will issue security badges to employees who work in Building D and Building E.

- 15 **SAY:** The guard will issue a security badge to each employee who works in Building D and each employee who works in Building E.

**unless you mean**

The guard will issue a security badge to each employee who works in both Building D and Building E. (There are other possible meanings).

### 20 5.2.2 Draft an expression of time as accurately as possible

You can eliminate uncertainty as to when a time period begins or ends by clearly stating the first and last days of that period.

**DON'T SAY:** From July 1, 19\_\_, until June 30, 19\_\_.

- 25 **SAY:** After June 30, 19\_\_, and before July 1, 19\_\_.

If a time period is measured in whole days, use the word "day" instead of "time". A reader may interpret the word "time" to mean an exact time during the day or night an event occurs.

- 30 **DON'T SAY:** Thirty days after the time when....  
**SAY:** Thirty days after the day on which....

- 35 Avoid the use of time relational words such as "now", "presently", and "currently" in your regulations. Use of these words to relate a provision in your regulations to the time the regulations takes effect creates an ambiguity. It is unclear whether the provision in the regulations should change if the "current" fact changes after the regulation takes effect.

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**DON'T SAY:** The Mayor of the District of Columbia is entitled to a salary equal to that of a GS-15, step 2, as now prescribed by law.

You know what the Mayor's salary is on the day the regulation takes effect but what salary does the Mayor receive if Congress changes the pay rate for a GS-15 one week, one month, or one year after the regulation takes effect?

If, in the example above, you intend the provision to remain unchanged after the regulation takes effect, it is better to determine what the provision would be on the day the regulation takes effect and write that specific provision into your regulation.

**SAY:** The Mayor of the District of Columbia is entitled to a salary of \$\_\_\_\_\_.

However, if you intend the provision to change as time passes, make that fact clear.

**SAY:** The Mayor of the District of Columbia is entitled to a salary equal to that of GS-15, step 2. The GS-15, step 2, salary is adjusted by Congress.

### 5.2.3 Draft an expression of range as accurately as possible

Similar problems occur when you express an range requirement. The expression "more than 21 years old" has two possible meanings. A person may be "more than 21" on his or her 21<sup>st</sup> birthday, or on their 22<sup>nd</sup> birthday. Depending upon which meaning you intend, clarify the ambiguity as follows:

**DON'T SAY:** A person who is more than 21 years old...

**SAY:** A person who is 21 years old or older...

**unless you mean**

A person who is 22 years old or older...

**DON'T SAY:** Between the ages of 16 and 20...

**SAY:** Is 16 years old or older and under 21...

### 5.2.4 Do not use privisos

The priviso is archaic, legalistic, and usually results in a long and unintelligible sentence. Use the following drafting conventions to avoid expressions such as "provided however" and "provided always".

- To introduce a qualification or limitation to the rule, use "but".
- To introduce an exception to the rule, use "except that".
- To introduce a condition to the rule, use "if".

- 
- If the clause is a separate complete thought, start a new sentence or subsection

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# Article 6

## Creating Definitions

### 6.1 Avoid unnecessary definitions

The main purpose of a definition is to achieve clarity without needless repetition. For this  
5 reason, "it is unnecessary" to define ordinary words that are used in their usual dictionary  
meaning.

**DON'T SAY:** Trash can means a receptacle for waste material.

### 6.2 Do not define in a way that conflicts with ordinary 10 or accepted usage

If possible, use a word in a way that is consistent with the its everyday meaning and do  
not define the word. Otherwise, you confuse the reader and risk using the word elsewhere  
in your regulations in its ordinary sense.

15 **DON'T SAY:** Airplane means an airplane, helicopter, or hot-air balloon.  
**SAY:** Aircraft means a device that is used or intended to be used for flight.

Here the definition is broad enough to include any device that flies and at the same time  
the word is not used in a way that conflicts with its ordinary meaning.

### 6.3 Do not define a term that is used only once or 20 infrequently

If a term is used only once or infrequently, spell out the meaning of the term at those few  
places it appears in the regulations.



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## 6.4 Do not include part or all of the term being defined in the text of your definition

A true definition should not include the term being defined as part of the definition. This forces the reader to consult a dictionary or look elsewhere in the regulations for the complete meaning.

**DON'T SAY:** Excepted position means a position in the excepted service.

## 6.5 Do not include a substantive rule within a definition

A reader can easily miss a rule placed within a definition. **DON'T SAY:** Sec. 200. **Definitions.** For the purpose of this part, **alcoholic beverage** means beer, wine, and liquor. Each owner of a business establishment serving alcoholic beverages must obtain a license.

## 6.6 Place a definition where it is most easily found by the reader

Generally, define a term that is used throughout a part or chapter at the beginning of that part or chapter. If you have a term that is used only once or in a few closely related sections, place the definition in the section where the term is used first.

## 6.7 Draft the regulations first, then draft the definitions

It is difficult to determine how many times a particular word or concept will be used in a set of regulations before you start drafting. If you draft definitions before you draft your regulations, you may define a word that is not used.

Often a concept that is used in a set of regulations is complex and you must develop a phrase to use as shorthand for that concept. If you develop the phrase before you draft the regulations, the phrase may not be as appropriate as one developed during the process of drafting.

## 6.8 Do not use "must" in a definition

The definition section of your regulations should not obligate anyone to do anything. For this reason, "must" is inappropriate for a definition. Instead, use the indicative mood.

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**DON'T SAY:** Agency head must mean...

**SAY:** Agency head means...

## 6.9 How to list definitions

- 5 If you have a group of terms that you want to group together, use the following conventions:
- Place the terms in a section called "Definitions".
  - Place the defined terms in alphabetical order.
  - Do not give any defined term a paragraph designation, for example, (a), (b), (c); however, subparagraphs are designated (1), (2), (3).
- 10 This method of listing definitions makes your task easier if you ever have to add or remove definitions. You do not have to change the paragraph designation of each term that appears after terms are added or removed.

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## Article 7

# Sources Relied Upon

Federal Register — Drafting Legal Documents

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