Constitution

of the
Muslim Community Association
of
San Francisco Bay Area

The text of this constitution is 20 pages. The formatting of the document, header and footer, and the table of contents are not part of the constitution and neither is this cover page.

This is the updated text of the Constitution of the Muslim Community Association of San Francisco Bay Area which includes the amendments passed by the General Body of the MCA on April 23rd, 1995 at Masjid Annoor.

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CONSTITUTION

OF THE

MUSLIM COMMUNITY ASSOCIATION

OF SAN FRANCISCO BAY AREA

Whereas we, the Muslims of the San Francisco Bay area, recognize Islam as a total way of life and have pledged to endeavor practicing it as such, we do hereby adopt and give to ourselves this constitution which is formulated in accordance with Quran and Sunnah, and pledge to abide by its provisions, Insha'Allah.

ARTICLE I NAME

Section 1.

The organization shall be called The Muslim Community Association of San Francisco Bay Area, herein after called the Association.

ARTICLE II AIMS AND PURPOSES

Section 1.

The aims and purposes of the Association shall be to advance the cause of Islam and serve Muslims in the San Francisco Bay area so as to enable them to adopt Islam as a complete way of life. Towards this end, it shall:

1. Arrange and hold congregational prayers and Islamic religious festivals at appropriate times;
2. Promote unity and cooperation among Muslims;
3. Provide Islamic services and develop institutions to meet the needs of Muslims;
4. Endeavor to make Islamic teachings known to interested non-Muslims;
5. Conduct religious, educational, social, cultural, and other activities in the best traditions of Islam;
6. Promote better relations between Muslims and non-Muslims.

Section 2.

The Association shall maintain place(s) of worship (Masjid).

Section 3.
The Association shall maintain an office on one of the properties owned by the Association.

Section 4.
The Association shall be a religious, non-profit, and non-political organization. The fundamental purpose of the Association shall be to encourage and to enable Muslims to acquire the basic knowledge and competence in Islam in order to contribute individually and collectively towards meeting human needs in conformity with Islamic doctrines and belief. It shall also be the purpose of the Association to create a feeling of brotherhood and to avoid any wrong practices in Islam.

ARTICLE III AFFILIATION

Section 1.
The Association shall be affiliated with the Muslim Community Association of United States and Canada, an organization of the Islamic Society of North America. This affiliation shall be in accordance with Article III of the constitution of the Muslim Community Association of United States and Canada as shown in Annexure I.

ARTICLE IV MEMBERSHIP

Section 1.
The membership of the Association shall consist of members who wish to abide by this constitution and satisfy the membership requirements specified in Sections 2, 3, 4, 5, and 6 of this Article.

Section 2.
An applicant a or renewing member shall testify in the basic beliefs of Islamic faith specifically:

1. Belief in Allah (SWT);
2. Belief in Muhammad (PBUH) as the last of the prophets;
3. Belief in the Books of Allah (SWT);
4. Belief in the angels;
5. Belief in the Day of Judgment;
6. Belief in Kadaa and Qudr.

Section 3.
A person who belongs to a group which has deviated from the specified Islamic beliefs such as Quadianis, Druze, and Bahais shall not be members of the Association.

Section 4.
A member must be at least 16 years old.

Section 5.
A member must be a resident of the San Francisco Bay area, specifically a resident of San Francisco, Santa Clara, San Mateo, San Benito, Alameda, or Santa Cruz counties.

Section 6.
An applicant or a renewing member must pay the membership dues set by the Executive Committee to become or to continue being a member.

Section 7.
The term of membership is one Hijra year, from the first of Muharram to the end of Dhulhajj. Membership is renewable.

Section 8.
Withdrawal from membership may be voluntary or may be decreed by a majority vote of the Executive Committee for failure to continue to meet the qualifications stated in Article IV Sections 2, 3, 5, and 6.

Section 9.
A person whose membership has been revoked for failure to meet the qualifications stated in Article IV Section 2 and 3 can only be reinstated by testifying to his/her beliefs in front of the Executive Committee. A person whose membership has been terminated for failure to meet the qualifications stated in Article IV Sections 5 and 6 can be reinstated by applying for membership and paying the required dues.

ARTICLE V EXECUTIVE COMMITTEE

Section 1.
The Association shall be managed by an Executive Committee consisting of a President, six members elected at large, and a Women's Representative. These will be elected positions and will not receive any remuneration. All members of the Executive Committee other than the Women's Representative shall be men.

Section 2.
The six members elected at large shall be assigned the position of Vice President, General Secretary, Treasurer, Da’wah Secretary, Publications Secretary and Social Secretary by the Executive Committee

The officers of the Association are: President, Vice President, General Secretary and Treasurer.

Section 3.
The term of office for each position on the Executive Committee is two Hijra years. The President and three members at large are elected at the beginning of even Hijra years. The Women's Representative and three members at large are elected at the beginning of odd Hijra years.

Section 4.
A member of the Executive Committee must meet the following qualifications:

1. Be adult, practicing Muslim known for his Islamic manners and morals in his community and organization dealings;

2. Be a regular attendee to the Masjid and regular participant in Masjid activities;

3. Be committed to supporting the Association financially;

4. Be a member of the Association for a minimum of one year;

5. Not be an active position seeker;

6. Be committed to avoiding kabair as defined in the following hadith:

> *The Prophet (PBUH) said "Avoid the deadly seven." The companions said "Oh Prophet of Allah, what are they?" He replied "Shirk (associating others with Allah), magic, killing without just cause, eating of ribah (interest), eating the money of orphans, desertion from the battlefield, and accusing innocent women of adultery."*

Section 5.

All the members of the Executive Committee, individually and collectively, shall endeavor to implement the aims and purposes of the Association. Towards this end they shall:

1. Define internal and external policies for the Association in accordance with the generally accepted Islamic principles and this constitution;

2. Raise funds for the routine and general maintenance of the Association activities;

3. Appoint Functional Committees and act on their recommendations;

4. Appoint full time or part time staff and supervise their work;

5. Maintain the office of the Association;

6. Ensure that regular Islamic studies are held for all members of the Association;

7. Abide by all executive Committee decisions,

8. Modify if necessary and approve the finalized annual budget of each service institution at least 30 days prior to the commencement of the fiscal year of the service institution.

Section 6

The President shall be responsible for:

1. The general management of all the activities of the Association;

2. Directing and coordinating of all the activities so as to achieve the purpose of the Association;

3. Calling and presiding over meetings of the Executive Committee and the General Body;

4. Appointing members of Ad Hoc committees with approval of the Executive Committee;

5. Controlling funds and expenses of the Association as defined in Article XII;

6. Presenting reports on the state of the Association to the annual meeting and in its Newsletter;

7. Being a liaison between the Executive Committee and the Board of Trustees;

8. Being the spokesman, representative and correspondent for the Association in external activities;

9. Establishing efficient links between the Association and other Muslim organizations specifically ISNA and local organizations.

Section 7.

The Vice President shall be responsible for;

1. Carrying out the management of the activities in the Association in the absence of the President;

2. Directing and coordinating the activities of the Functional Committees;

3. Assisting the President in accomplishing the purposes of the Association;

4. Temporarily assuming the functions of the President when requested as such by him;

5. Assuming the functions of the President if that position is vacated until the next annual election;

6. Keeping the Association registered in the State of California and reporting to all relevant government agencies,

7. Performing any other responsibility delegated by the President.

Section 8.

The General Secretary shall be responsible for:

1. Preparing, circulating and maintaining the minutes of all Executive Committee and General Body meetings;(minutes should be circulated within 14 days of the relevant meeting)

2. Preparing, posting, and circulating the agenda for the Executive Committee and General Body meetings;

3. Maintain all official records and documents of the Association;

4. Presiding over the Executive Committee meetings when both the President and the Vice President are absent;

5. Presenting the minutes of previous Executive Committee and General Body meetings for approval by the Executive Committee and posting of approved Executive Committee decisions;

6. maintaining the list of Association members,

7. maintaining a list of all people interested in Association affairs,

8. Performing any other responsibility delegated by the President.

Section 9.

The Treasurer shall be responsible for:

1. Maintaining the record of all the financial transactions of the Association;

2. Systematic up-keep of books by recording contributions, disbursements, receipts, and banking reconciliations;

3. Collecting and depositing all funds received on behalf of the Association;

4. Countersigning all withdrawal checks on behalf of the Association in accordance with Article XII;

5. Preparing the annual budget of the Association for the following Hijra year, in consultation with the Executive Committee and the Board of Trustees at least 3 months prior to the end of the current Hijra year

6. Presenting before the Executive Committee a monthly report on the status of the Association's financial affairs;

7. Assisting Board of Trustees in preparation of all tax returns and other Government reports involving fiscal activities;

8. Performing any other responsibility delegated by the President.

Section 10.

The Da'wah secretary shall be responsible for:

1. organizing regular Quranic studies sessions

2. organizing lectures, classes and seminars to introduce Islam to non-Muslims

3. organizing lectures, classes and seminars to increase Islamic awareness among Muslims

4. arranging da'wah programs at schools, colleges and universities in the San Francisco Bay Area

5. organizing da'wah presentations for print, radio and other media

6. leading the Da'wah Committee

7. performing any other responsibility delegated by the President.

Section 11.

The Publications Secretary is the head of the Publications Committee that is responsible for:

1. Preparing circulars, bulletins, and newsletters of the Association;

2. Circulating the Association's publications;

3. Editing and publishing literature on behalf of the Association;

4. Sending copies of each major publication to appropriate organizations;

The Publications Secretary is also required to perform any other responsibility delegated by the President.

Section 12.
The Social Secretary shall be responsible for:

1. Directing and supervising all arrangements for celebration of religious festivals and social programs such as picnics, dinners, lectures, etc.;

2. Informing members about the time, place, and details of the festivals and social events through the Publications Secretary;

3. Performing any other responsibility delegated by the President.

Section 13.
The Women's Representative shall be responsible for:

1. Acting as liaison between the Executive Committee and the female members of the Association;

2. Chairing the Women's Committee;

3. Presenting the needs, opinions, and concerns of the female members of the Association to the Executive Committee;

4. Performing any other responsibility delegated by the President.

Section 14.
In the event of a vacancy among the six members elected at large, the Executive Committee shall fill the vacancy from among members of the Association. The selected member must meet the requirements set forth in Article V, Section 4.

Section 15.
In the event the position of the Women's Representative is vacated, the Executive Committee shall fill the vacancy from among women members of the Association. The selected member must meet the requirements set forth in Article V, Section 4.

Section 16.
In the event the position of President is vacated during the first year of his term, a new President shall be elected for a one year term at the next annual election.

Section 17.
A member of the Executive Committee may be immediately removed from the Committee by a unanimous vote of the other members of the Committee.

ARTICLE VI BOARD OF TRUSTEES

Section 1.
The real estate property purchased and owned by the Association shall be entrusted with the North American Islamic Trust, (NAIT) of Indianapolis, Indiana and shall be maintained and managed by a Board of Trustees according to Islamic principles, the trust agreement between NAIT and the Association, and the Aims and Purposes of the Association. All members of the Board of Trustees shall be men.

Section 2.
The Board of Trustees shall consist of five members. Three of them shall be elected by the General Body of the Association for a term of three years. The fourth member shall be appointed by the Executive Committee for a term of two years. The fifth member shall be appointed by the Chairman of NAIT from among the members of the Association for a term of two years.

Section 3.
Each year the Trust members shall choose a chairman from among the three elected Trust members. Each year the Trust members shall also choose a Trust Secretary and a Trust Treasurer from among the remaining four Trust members.

Section 4.
The Trust members can be selected by election or appointment for not more than two consecutive terms.

Section 5.
One Trust member shall be elected every year coincident with the annual election of the Executive Committee. The newly elected Executive Committee shall appoint one Trust member at the beginning of each even Hijra year. The Chairman of NAIT shall appoint one Trust member at the beginning of each odd Hijra year. The newly formed Board of Trustees shall take office on the first of Jamad-al Awal (third month of the Hijra year).

Section 6.
In case an elected Trust member resigns or leaves the area prior to the expiration of his term, the remaining Trust members shall appoint another member of the Association to serve as a Trust member until a replacement is elected at the next annual election. The appointed member must meet the requirements set forth in Section 8 of this article.

Section 7.
In case an appointed Trust member resigns or leaves the area prior to expiration of his term, the Executive Committee or the Chairman of NAIT, as the case may be, shall appoint another member of the Association to fill the vacancy for the remainder of the term. The appointed member must meet the requirements set forth in Section 8 of this article.

Section 8.
The qualifications of the Trust members shall be the same as the qualifications of the Executive Committee members described in Article V Section 4. A person cannot simultaneously be a member of the Executive Committee and the Board of Trustees.

Section 9.
The Board of Trustees shall be responsible for:

1. The general management, maintenance, renovation, and expansion of the Masjid and other real estate properties;

2. Raising funds for the maintenance, renovation, and expansion of the Masjid and other real estate properties;

3. Taxes, insurance, and legal matters pertaining to the Masjid and other real estate properties;

4. Maintaining and operating accounts for the above purposes.

Section 10.
The Chairman shall call and preside over all Trust meetings. He shall also be the spokesman of Trust activities. The Trust Secretary shall maintain a record of minutes of every meeting and of all correspondence pertaining to the Trust activities. The Trust Treasurer shall be the custodian of all Masjid Fund accounts and records.

Section 11.
All decisions of the Board of Trustees require approval by at least three Trust members.

Section 12
A Board member may be immediately removed from the Board, or from office held within the Board by a unanimous vote of the other members of the Board.

ARTICLE VII FUNCTIONAL COMMITTEES

Section 1.
The Association may have the following standing functional committees to assist in the implementation of the aims and purposes of the Association:

- Women's Committee
- Children's Education Committee
- Youth Committee
- Fiqh Committee
- Zakat and Relief Committee
- Dawah Committee
- Adult Education Committee

- Muslim World Affairs Committee
- Family Counseling Committee
- Cemetery Committee
- Publications Committee

Section 2.
The Executive Committee shall appoint the chairmen of all functional committees except the Da'wah Committee within 30 days of the annual elections. The Da'wah Secretary shall be the chairman of the Da'wah Committee. No person can be a chairman of more than one committee.

Section 3.
The committee members shall be appointed by the Executive Committee with the concurrence of the appointed committee chairman.

Section 4.
The sessions of the functional committees shall be called and presided over by the chairman of the committee. A representative of the Executive Committee may participate in the meetings as an observer.

Section 5.
Each functional committee shall stay active until a new committee is formed by the newly elected Executive Committee.

Section 6.
The members or chairperson of any functional committee other than Women's Committee may be removed and replaced by the Executive Committee at any time during their tenure.

Section 7.
The Women's Committee shall report to the Executive Committee through the Women's Representative. The Publications Committee shall report to the Executive Committee through the Publications Secretary. The Da'wah Committee shall report to the Executive Committee through the Da'wah secretary. All other functional committees shall report to the Executive Committee through the Vice President of the Association.

Section 8.
The Executive Committee shall provide goals and guidelines for all functional committees except the Fiqh Committee. The recommendations of all the functional committees except the Fiqh committee will be acted on by the Executive Committee.

Section 9.
The Fiqh Committee shall provide Fiqh opinions to the Association whenever needed. The Fiqh opinion shall be based on sound research and may be obtained from notable scholars. The recommendations of the Fiqh Committee will be accepted and implemented by the Executive Committee and Board of Trustees without change. In case a majority of the Executive Committee or Board of Trustees disagrees with a decision or a recommendation of the Fiqh Committee, the two

committees will meet together to resolve the issue. A two third majority vote by the joint committee would be needed to decide the issue.

ARTICLE VIII AD HOC COMMITTEES

Section 1.
The General Body of the Association, the Executive Committee, or the Board of Trustees may appoint an ad hoc committee to carry out a specific assignment. The assignment and the terms of the committee shall be precisely defined through a memorandum of the Executive Committee or the Board of Trustees as appropriate. The maximum tenure of such a committee shall be one year.

Section 2.
The Executive Committee shall appoint the chairman of the ad hoc committee. The chairman must agree with the terms of the aforementioned memorandum. No person can be a chairman of more than one committee at a time.

Section 3.
The committee members shall be appointed by the Executive Committee with the concurrence of the appointed committee chairman.

Section 4.
The sessions of the ad hoc committees shall be called and presided over by the chairman of the committee. A representative of the Executive Committee may participate in the meetings as an observer.

Section 5.
The committee chairman shall present a progress report at least once per month to the Executive Committee.

Section 6.
The committee shall submit its final report/recommendation to the Executive Committee upon completion of its assignment. The Executive Committee shall then dissolve the ad hoc committee.

Section 7.
In case the ad hoc committee fails to meet its objectives within the specified time, the Executive Committee may extend its tenure or may dissolve it.

Section 8.
The Executive Committee dissolves the ad hoc committee by issuing a memorandum to that effect to the ad hoc committee chairman.

Section 9.
The Executive Committee must act on the recommendation of the ad hoc committee within one month of receiving it. The ad hoc committee report and the Executive Committee actions shall be announced to the Association Membership.

ARTICLE IX SERVICE INSTITUTIONS

Section 1.
Service Institutions may be formed by members of the Association to efficiently meet specific needs of the community that are consistent with the aims and goals of the Association.

Section 2.
Service Institutions shall be managed by a board of directors. Sixty percent of the directors, to the nearest whole number, shall be elected by participants of the institution. The other directors shall be appointed by the Executive Committee.

Section 3.
Each service institution is officially formed when the by laws of the service institution are approved by simple majority vote of the Association membership and appended to this constitution. Changes to the institution by laws shall be made in accordance with the procedure for amending this constitution set forth in Article XV.

Section 4.
Disputes arising between a service institution and the Executive Committee or between two service institutions shall be resolved by a panel consisting of two members selected by each party to the dispute. Three additional members for the panel shall be selected by the first four. The chairman of the panel shall be from the latter three members. Each panel member must have been a member of the Association for at least one year.

ARTICLE X MEETINGS

Section 1.
The Executive Committee shall call one Annual General Body meeting to be held no later than two weeks after Eid-ul-Adha. Written or printed notice of a General Body meeting shall be mailed to all members of the Association at least two weeks prior to the date of the meeting.

Section 2.
The Executive Committee shall call a special General Body meeting upon receiving a written request signed by at least ten per cent of the members of the Association. Such a meeting will be held within 5 weeks of receipt of the written request. Additional General Body meetings may be called at the discretion of the Executive Committee.

Section 3.
The presence of one third of the total members of the Association shall constitute a quorum for a General Body meeting. It shall be the responsibility of the person presiding over a General Body meeting to check quorum requirements before beginning the meeting.

Section 4.
If the quorum requirement for a General Body meeting is not fulfilled, a second General Body meeting shall be held for the same purpose within thirty days. There is no quorum requirement for the second

meeting for voting on matters which were to be voted on in the first meeting. No notices are required to be mailed to the members regarding the date of the second meeting; a notice posted on the bulletin board at the office of the Association one week prior to the date of the meeting, and an announcement to the Jum'ah gathering on the Friday immediately preceding the date of the meeting, shall be sufficient.

Section 5.
A simple majority vote of members present is sufficient for decisions on all matters except those requiring a special majority vote as stated elsewhere in the constitution.

Section 6.
The Executive Committee shall meet at least once every month at such a time and place as is most suitable to most of the committee members.

Section 7.
The President may call Executive Committee meetings in addition to the regular monthly meeting whenever he considers it necessary.

Section 8.
An emergency meeting of the Executive Committee may be requested in writing by at least one third of the Executive Committee members. Such a meeting shall be held within one week after the written request is presented to the President or the member presiding in his absence.

Section 9.
The presence of one half of the members of the Executive Committee shall constitute a quorum for an Executive Committee meeting.

Section 10.
The decision on each and every matter in the Executive Committee meeting shall be reached in a parliamentary way with each member of the Executive Committee present, except the President, voting on the matter. In case of a tie, the President shall have the tie breaking vote. The President may veto a decision made by a simple majority. However 2/3 majority of the members present, not counting the President or the member presiding in his absence can override any presidential veto. The members not attending the meeting shall not be able to vote on any issue.

Section 11.
The regularly held Executive Committee meetings shall be open to the members of the Association. The Executive Committee may invite past Executive Committee members and/or any other members to an Executive Committee meeting in order to know the history of past decisions and/or to seek their views on the items on the agenda for the meeting. However, none of the additional attendees shall have a right to vote on any Executive Committee decision.

Section 12.
The member presiding over a General Body meeting, Executive Committee meeting, Board of Trustees meeting, functional committee meeting, or ad hoc committee meeting shall cast a vote only to break a tie.

ARTICLE XI ELECTIONS

Section 1.
Annual elections shall be held no later than two weeks after Eid ul Adha in order to elect half of the Executive Committee and a Trust Member for the following year in accordance with Articles V and VI.

Section 2.
The Executive Committee shall appoint the chairman and two other members of the Elections Committee. All three members of the Elections Committee must be members of the Association and cannot be members of the Executive Committee or Board of Trustees. The Elections Committee shall be formed no later than 2 weeks after Eid ul Fitr.

Section 3.
The nomination for the election must reach the Elections Committee two weeks before the specified time for the election. The exact time of the elections shall be announced by the Executive Committee at least three weeks before Eid ul Adha.

Section 4.
The nominators as well as seconders of nominations shall be members of the Association. In order to be eligible to nominate, or to second a nomination, a member must have maintained his/her membership for an uninterrupted period of 60 days immediately preceding the filing of the nomination with the Election Committee.

Section 5.
The nominee for each post shall be a member of the Association. All nominees must meet the requirements set forth in Article V Section 4. Elections Committee shall verify the eligibility of nominees. Members of Elections Committee cannot be nominees.

Section 6.
The newly elected Executive Committee shall assume the charge of the Association on the first of Muharam of the following year.

Section 7.
In order to be eligible to vote at a General Body meeting or at elections, a member must have maintained his/her membership for an uninterrupted period of 60 days immediately preceding the meeting.

Section 8.
The Elections Committee members shall not campaign in favor of or against any candidate; however, they shall have the right to vote as members of the Association.

Section 9.
The Election Committee shall post the list of nominees and update the list weekly.

Section 10.
The chairman of the election committee shall keep all ballots and records for two years.

Section 11.
For election results to be in force, at least 25 per cent of members must participate in voting at an election. If fewer than 25 per cent members participate, the Elections Committee shall seal the ballots and schedule a second election to be held within 7 days. There is no minimum participation requirement for the second election.

ARTICLE XII FINANCE

Section 1.
Membership dues shall be determined by the Executive Committee. Membership dues may be different for earning and non earning members.

Section 2.
Annual dues shall not be increased by more than twenty five per cent in any year without approval by the majority of the members of the Association.

Section 3.
The Executive Committee or Board of Trustees may accept any contribution for the Association in any form from any source consistent with the purposes of the Association and with the principles of Islam.

Section 4.
Funds collected for the specific purpose of expanding and maintaining the Masjid shall not be used for any other purpose. All other funds collected for a specific cause shall be used for that cause unless a two thirds majority vote of the members of the Association authorizes its use for a different purpose within the goals and objectives of the Association.

Section 5.
The Association shall maintain the following separate funds:

1. The General Fund shall be for all the Association income, receipts, dues, incoming checks, cash and donations except those designated for expansion or maintenance of the real estate assets of the Association. This Fund shall be managed by the Executive Committee.

2. The Masjid Fund shall be for all contributions and donations collected specifically for purchase, expansion or maintenance of the real estate assets of the Association. This Fund shall be managed by the Board of Trustees.

Section 6.
Appropriate number of bank accounts may be maintained to manage these funds. All accounts shall be interest-free. All withdrawals from the General Fund accounts shall be co-signed by the Treasurer and the President, or the Vice President in the President's absence. Only in the absence of the Treasurer, withdrawals shall be co-signed by the President and the Vice President. All withdrawals from the Masjid Fund accounts shall be co-signed by the Trust Treasurer and the Chairman or the

Secretary of the Board of Trustees. Only in the absence of the Trust Treasurer, withdrawals shall be co-signed by the Chairman and the Secretary.

Section 7.

All General Fund expenditures must be approved by the Executive Committee with the exception of regular operating expenses. An emergency fund shall be allocated at the beginning of each Hijra year. The President, or the Vice President in his absence, can authorize expenditures from this fund without prior approval of the Executive Committee. Such expenditures must be reported in the next meeting of the Executive Committee for review. The Executive Committee may replenish this fund.

Section 8.

The Executive Committee, the Board of Trustees and the Board of Directors of each service institution shall submit a financial report to the General Body at the annual General Body meeting. The Executive Committee is responsible for completing the MCA annual financial report prior to the annual General Body meeting.

ARTICLE XIII JUDICIARY PROCEDURES

Section 1.

Any member of the Association may bring charges of misconduct, misdemeanor, misappropriation of funds, fraud, corruption, or cover-up of such offenses against any committee member, Trust member, or employee of the Association or service institution. Such charges shall be given in writing to the President of the Association.

Section 2.

Within two weeks of receipt of the written charges, the Executive Committee shall form a panel to hear the charges.

Section 3.

The panel shall consist of seven members, two selected by the accuser(s), two selected by the accused, and two more members and a chairman selected by the first four members. Neither the accused nor the accusor shall be on the panel. Each panel member shall have been an Association member for at least one year.

Section 4.

If the person accused refuses to exercise the right to select the names of two members for the panel, the President or his replacement shall select the names in the presence of the Executive Committee.

Section 5.

The chairperson of the panel shall fix the time for the first session of the panel within two weeks after the formation of the panel and shall notify, in writing, the panelists at least one week before the scheduled session.

Section 6.

The panel shall hear the charge(s) as well as witnesses from both sides, examine all evidences, pass a verdict of "Guilty" or "Not Guilty", and determine punitive and/or corrective measures. The panel shall

report its findings to the Executive Committee which is obliged to enforce the decision of the panel. If the panel finds clear evidence of criminal violation according to State and/or Federal laws, it may recommend to the General Body to consider the possibility of legal suit against the person(s) accused.

ARTICLE XIV DISSOLUTION

Section 1.

A decision to dissolve the Association can only be reached at a General Body meeting held for that purpose and requires approval by at least four fifths of the members of the Association.

Section 2.

In the event of dissolution of the Association, the Board of Trustees shall call upon the Islamic Society of North America to handle the process of dissolution. Any assets which are left after meeting all liabilities shall be transferred to the Islamic Society of North America.

ARTICLE XV AMENDMENTS

Section 1.

This Constitution cannot be replaced in its entirety. Sections of this Constitution other than Article IV Sections 2 and 3, Article V Section 4, Article VI Section 8, Article XIV Sections 1 and 2, and Article XV Section 1 may be subject to amendment.

Section 2.

The proposal for an amendment to the constitution shall be signed by at least ten per cent of the Association members and submitted to the General Secretary.

Section 3.

The President shall call a General Body meeting to vote on the proposed amendment(s). This meeting shall be held at least 30 days and no more than 60 days after the proposal is submitted to the General Secretary. The General Secretary shall mail copies of the proposal with meeting agenda to all Association members at least two weeks before the General Body meeting.

Section 4.

An affirmative vote by two thirds of the members present, providing the affirmative vote constitutes at least one third of the Association membership, shall be necessary for the adoption of all amendments.

ARTICLE XVI CONSTITUTION ADOPTION, INTERPRETATION, AND ENFORCEMENT

Section 1.

This Constitution shall be adopted and in force effective immediately after it has been approved by two thirds of the members present at a General Body meeting called for that purpose.

Section 2.

The initial quorum requirement for voting on approval of this constitution is one half the total members. If one half of the Association Members are not present at that meeting, a second meeting shall be called for the same purpose within four weeks after the first meeting in which the quorum requirements shall be waived.

Section 3.

Registration in the State of California, opening the accounts, and implementation of other matters as required by the constitution shall be accomplished by the beginning of the Hijra year following adoption of this constitution.

Section 4.

In the first election following approval of this constitution, the Presedent, the six at large members of the Executive Committee, the Women's Representative, and the three elected Trust Members shall be elected. The three candidates for the at large position on the Executive Committee that receive the most votes shall serve two year terms, and the next three candidates shall serve one year terms. The candidate for Trust Member that receives the most votes shall serve a three year term, the second candidate shall serve a two year term, and the third candidate shall serve a one year term.

Section 5.

In case of ambiguity regarding the interpretation of any sections of the constitution or possible conflict between two or more sections, the interpretation of the Executive Committee to clarify the ambiguity or to resolve the conflict shall be final.

ANNEXURE I

THE CONSTITUTION

OF THE

MUSLIM COMMUNITY ASSOCIATION

OF THE

UNITED STATES AND CANADA

ARTICLE III: AFFILIATION

Section 1. Conditions of Affiliation

1. Any community-based organization, which is affiliated to the Muslim Student's Association of the U. S. and Canada in 1981 or becomes affiliated to MCA before or during the first meeting of the House of Delegates, shall be a founding Affiliate of MCA.

2. Any other locally-constituted organization may become affiliated to MCA provided that it fulfills the following conditions:

    a. it has a bonafide membership of locally-resident Muslims;

    b. it has a constitution that agrees in principle with the aims and purposes of MCA;

    c. it holds regular general body meetings;

    d. it conducts regular Islamic activities; and

    e. it files a written application with the Secretary accompanied by the prescribed fees.

3. Such organization shall be called an Affiliate and shall have the rights and responsibilities stated in this Constitution, and those determined by decisions of the House of Delegates.

Section 2. Rights and Responsibilities of Affiliates

An affiliate shall have the right to send delegates to the House of Delegates meetings and to participate in voting on all matters, and shall be eligible to receive the literature of the MCA and benefit from its services. It shall have the responsibility to carry out the decisions of MCA in areas within its jurisdiction.

Section 3. Suspension and Expulsion

Upon written charges being brought against an Affiliate and upon filing of such charges with the Secretary and upon hearing thereof by the Executive Committee in a duly-convened meeting, the Executive Committee may recommend to the House of Delegates that the said Affiliate be suspended or expelled from MCA. Any Affiliated recommended to be so expelled or suspended and not reinstated, shall have the right to a hearing by the House of Delegates in a duly-convened meeting. An affirmative majority vote of the House of Delegates to approve such suspension or expulsion shall be final.

Section 4. Selection of Delegates

In all matters related to this Constitution, an Affiliate shall be represented by its duly-elected President and/or other members duly authorized by the executive body when such authorization has been conveyed to the President of MCA. Such representatives shall be called Delegates and their number shall be as determined in the Rules of Procedures, subject to a minimum of one and a maximum of five, except that an Affiliate must have at least ten bonafide members to be represented by one Delegate.