



## The Constitution

Hamilton Downtown Mosque

**AS APPROVED BY THE GENERAL BODY ON MARCH 5, 2017**

## Article 1 – Name

The organization shall be known as the “**Hamilton Downtown Mosque**” abbreviated as HDM.

## Article 2 – Location

The organization is located in the region of Hamilton-Wentworth, province of Ontario.

Address: 221 York Blvd. Hamilton, ON L8R 1Y6

Telephone: (905) 527-7371

## Article 3 – Guiding Principles

**The organization is a charitable, not for profit organization, and shall be guided by Islamic principles inscribed in the Qur’an and Sunnah of the prophet Muhammad (SAW). These principles will take precedence over and will abrogate the provisions of this Constitution in the event of any conflict.**

## Article 4 – Objectives

- A. Promote Islam and the best interests of the Muslims of Hamilton.
- B. Promote an understanding of Islam and its teaching.
- C. Maintain the Downtown Mosque for congregational prayers and all other Islamic activities.
- D. Establish and manage a school for the teaching of the Qur’an, the Sunnah, other Islamic subjects and other Ontario approved curriculum subjects
- E. Provide help to needy members of the community and those in crisis.
- F. Provide social services to meet the ongoing needs of the community such as Food bank, funeral services, etc.

## Article 5 – Membership

- A. **Eligible members:** To become a member of the HDM, the individual must meet **ALL** the following conditions:

- 1. Be a Muslim from Ahl Sunnah waljama’ah.
- 2. Be eighteen (18) years of age or older.
- 3. Must reside within the boundaries of the municipality of Hamilton-Wentworth area.
- 4. Must pay membership dues or make a documented donation of fifty dollars (\$50.00) or more in any given year.

***Muslims who meet conditions 1, 2 and 4 but reside outside of the boundaries of the municipality of Hamilton-Wentworth may become non-voting honorary members of HDM.***

### **B. Rights:**

- 1. Membership shall be valid from January 1st to December 31st of each calendar year.
- 2. Membership renewal becomes effective upon payment of the membership fee.
- 3. The voting member may attend and vote in General Body meetings.
- 4. The voting member may attend Board of Director and Advisory Council meetings as an observer or to present a pre-arranged proposal.
- 5. The voting member may nominate another eligible member for the positions of the Board of Directors during an election year.
- 6. Voting members in good standing, who have maintained their membership for at least two (2) consecutive years, are also eligible to stand for election to the Board of Directors subject to article 6(C).

### **C. Obligations: Members of the organization shall:**

1. Strive to elect those candidates who have the knowledge and abilities required to perform the duties of the positions of the Board of Directors, have quality of piety, humility and trustworthiness as exemplified by the Sunnah of Prophet Muhammad (SAW).
2. Put the best interest of the HDM ahead and above the interests of any other organization or group.
3. Not engage in actions or discussions that, in the view of the Advisory Council, may lead to disunity or conflict in the mosque or the community at large.
4. In addition to the provisions of this constitution, abide by and adhere to the General Rules and Code of Conducts of the HDM.

## Article 6 - Board of Directors

### **A- Function:**

**The organization shall be operated by a Board of Directors, who shall:**

1. Manage the operations of the organization in an efficient and fiscally responsible manner.
2. Ensure that the business of the organization is conducted according to Canadian laws and Islamic principles.
3. Ensure that the provisions of this constitution are respected and followed.
4. Develop annual operating plans and budget for approval by the Advisory Council and General Body.
5. Ensure that the premises of HDM and other properties over which it exercises control are properly maintained and cared for.
6. Develop job descriptions for all employees of HDM, with the exception of Imams and Islamic School staff.
7. Develop and implement procedures for the supervision, monitoring and review of the employees' performance, with the exception of Imams and Islamic School staff.
8. Establish functional committees such as Sisters' committee, Fundraising Committee, etc, in consultation with the Advisory Council.
9. Submit a bi-annual progress report, including the board meeting minutes, for the review of the Advisory Council.
10. Not interfere with the Religious matters of HDM. All Religious matters, including forming Religious affairs committees, shall be the sole responsibility of the the Advisory Council and Imams.
11. The Board of Directors can not buy or sell assets movable or unmovable, that belong to the mosque without the consultation and approval of the Advisory Council, and the approval of at least three fourth (3/4) of the entire HDM voting members.
12. The members of the Board of Directors shall not receive any remuneration for their service.

### **B- Composition:**

**The Board of Directors shall be comprised of seven (7) members:**

- The President
- The Vice President
- The treasurer
- Assistant treasurer
- The Secretary
- Two directors

## **C- Qualifications:**

**In order to qualify as a nominee for any position in the Board of directors, the nominee shall meet ALL of the following requirements:**

1. Be a voting member of HDM in good standing for a minimum of two years.
2. Be known to have the qualities of piety, humility, and trustworthiness.
3. Have suitable Islamic knowledge, background knowledge related to the position nominated for and a good command of the English language.
4. Is actively involved in the programs and activities, and is a regular attendee of the Downtown Mosque and well-aware of the Muslim Community of Hamilton. ***Regularity shall be established by the Advisory Council in consultation with the Board of Directors.***
5. Be of twenty one (21) years of age or older.
6. Shall have a clear police/criminal record and not be bankrupt.
7. **For the positions of President and Vice President:** The nominee must have served in the Board of Directors for a minimum of one year.

## **D – Term of Office and Meetings:**

1. The Board members shall be elected for a term of three (3) years. The Board members cannot serve more than two (2) consecutive terms.
2. The Board shall meet at least once a month or as often as necessary.
3. Board meetings shall be open to voting members of the organization who may attend as **observers. Any matters related to the affairs of HDM shall not be deemed confidential.** When confidential matters are discussed, the board shall explain the nature of confidential matters and exclude observers.
4. A member of the Board, who without a valid cause, misses two (2) consecutive board meetings, shall cease to be a member of the board.
4. If any member of the board resigns or cannot maintain his/her position, the Advisory Council shall appoint a suitable replacement from the voting members of the HDM in accordance with Article 6(C).
5. An agenda for a board meeting shall be circulated at least one-week prior to the scheduled meeting.
7. A minimum of four (4) members of the board is required to hold a meeting.
8. The members of HDM, in a General Body meeting, may move a motion to replace one or more of the Board of Directors members.

## **E- Duties and Responsibilities:**

### **1. The President shall:**

- a. Convene and preside over board meetings, the General Body meetings and special General Body meetings.
- b. Be the official representative of the organization and be or assign delegates to meet with representatives of other organizations.
- c. Direct, coordinate and supervise activities mentioned in article 6 (A) in order to achieve the objectives of the organization.
- d. Present a report on the functions of the organization to the annual General Body meeting.

### **2. The Vice President shall:**

- a. Assist the President to carry out the duties outlined in article 6 (D) (1).
- b. Act as the President of the organization in the absence of the President.

### **3. The Treasurer shall:**

- a. Maintain the financial accounts of the organization, prepare monthly, bi-annual and annual budgets and develop financial statements for the General Body .
- b. Receive the annual membership dues from the election committee, receive donations and other contributions, and issue appropriate receipts for them in a timely fashion.
- c. Make payments for expenses incurred and bank deposits for revenue received.
- d. Complete and post the monthly financial statement of the organization by the first week of each month.
- e. Duly complete and, upon the approval by the General Body, submit income tax returns to Revenue Canada on behalf of the organization.
  - **The signing of the cheques is the duty of two of the following: President or Vice President AND Treasurer or Assistant treasurer**
  - **The Advisory Council must approve any expenditure (cheques or any other methods of payment) that exceeds the amount of Five thousand Canadian Dollars (\$5000.00 CDN).**

### **4. The Assistant Treasurer shall:**

- a. Assist the Treasurer to carry out the duties outlined in article 6 (D) (3).
- b. Act as the Treasurer of the organization in the absence of Treasurer.

### **5. The Secretary Shall:**

- a. Prepare and circulate minutes of all meetings of the board and of the General Body meeting and distribute the same within two (2) weeks of the meeting, or prior to the next meeting.
- b. Be responsible for the distribution of newsletters and other publications.
- c. Receive mail on behalf of the organization and respond to mail under the direction of the President.
- d. Be the custodian of the seal, all records and all official documents of the organization including membership lists prepared by the Advisory Council .
- e. Be responsible of informing the General Body of any upcoming meeting

### **6. The Directors shall:**

- a- Act as the Public relation and building maintenance officers.
- b- Perform and carry out other duties assigned to them by the President of the Board.

## **Article 7 – Advisory Council**

### **A. Function:**

- A. Guide the organization and its General Body by Islamic principles inscribed in the Qur'an and Sunnah of the prophet Muhammad (SAW) and ensure that these principles will take precedence over the provisions of this Constitution in the event of any conflict.
- B. Supervise the Board of Directors on carrying out the functions outlined in article 6(A).
- C. Obtain and assess the bi-annual progress report from the Board of directors, and provide corrective directions upon review of such report.
- D. Evaluate the performance of the Board of Directors at least once a year or as often as necessary, make recommendations, and report to the General Body.
- E. Evaluate the performance of the Imam(s) at least once a year or as often as necessary, make recommendations, and report to the General Body.
- F. Assist the Imam(s) to establish a functional Religious Affairs Committee.
- G. Provide support to the Imam(s) to offer programs that help achieve the objectives of the organization as outlined in article (4).
- H. Act as as an Election Commission to receive and screen nominations, and inform the General Body of the names of the qualified nominees for the Board of Directors.
- I. Call for a special or emergency General Body meeting when necessary.
- I. Establish the Zakat Committee and supervise the functions of this committee.

**The members of the Advisory Council shall not receive any remuneration for their membership in the Advisory Council.**

### **B. Composition:**

1. The Advisory Council shall consist of nine (9) members including the Head of the Advisory Council and the Imam(s) of HDM.
2. The members of the Advisory Council shall, in the form of consultation, choose one of themselves to be the head of the Advisory Council .
3. The Imam(s) of HDM can not be the head of the head of the Advisory Council.
4. The Head of the Advisory Council shall inform the General Body of the Advisory Council's membership after it has been established.
5. Membership of the Advisory Council shall be reflective of the various backgrounds and ethnicities within the Muslim community subject to 7(C).

## **C. QUALIFICATIONS:**

**In order to be considered for the membership of the Advisory Council, a candidate shall meet ALL of the following requirements :**

1. Be known to have the qualities of piety, humility, trustworthiness, and wisdom.
2. Have above average Islamic knowledge and a good command of the English language.
3. Be an active member and well-aware of the Muslim Community in Hamilton.
4. Be of forty (40) years of age or older , well-known, and respected by the greater Muslim community of Hamilton.
5. Has a clear police/criminal record.
6. Be nominated by at least two (2) members of the current Advisory Council and approved by at least five (5) members of the current Advisory Council members, pending the review and confirmation of the General Body.

## **D. Term of Office and Meetings:**

- a. The Advisory Council shall be selected for a term of three (3) years, renewable upon review and confirmation by the General Body.
- b. The Process of the selection or replacement of the members of the Advisory Council shall be conducted in accordance with Article 7 ( C ) and Article 8 (H).
- c. A minimum of five (5) members of the Advisory Council is required to hold a meeting.
- d. The Advisory Council shall meet as often as necessary for proper supervision and control of the affairs of the organization.
- e. To avoid conflict of interest, the Imam(s) of HDM shall be excluded from the meeting when discussing matters related the Imam(s).
- e. The members of Advisory Council, in a General Body meeting, may move a motion to replace one or more of the Advisory Council members.

## **Article 8 – Imam(s)**

- a. The Advisory Council will select the Imams and convene over renewal or dismissal of the Imam(s) from the contract with HDM.
- b. The Advisory Council will be responsible for writing the contracts for Imam(s).
- c. An Imam leaving on good terms may assist in the selection of a new Imam.
- d. The Imam(s) will take care of the daily prayers, arrange lectures and study circles for the benefit of the community. Imams are also required to deliver or arrange for the sermons (Khutbahs) and shall keep the community united and inclusive.
- e. The Imam(s) shall have one day per week as a day off.
- f. The Imam(s) shall perform and solemnize marriages in accordance with rites and principles of Hamilton Downtown Mosque, and in compliance with the Marriage Act in the Province of Ontario.
- g. The Imam(s) of HDM can not be a member of the Board of Directors of HDM.
- h. The Imam(s) shall be a member of the Advisory Council .

## **Article 9 – Election**

- a. A General Body election meeting shall be called specifically for the purpose of electing candidates to the board for a period of three (3) years.
- b. Minimum of three (3) voting members of the organization are required to nominate a candidate for any position on the board.
- c. By October 1st of the third year of the board term, the Advisory Council shall invite nominations to be submitted. The Advisory Council publishes a list of the nominations received from members of the organization by the end of October, subject to Article 6(C).
- d. Where nominations have not been received for any position, the Advisory Council shall appoint a suitable candidate to such position in accordance with Article 6 (C), and this appointment shall be approved by the General Body.
- e. None of positions of the Board of Directors shall be claimed by default, unless approved by the Advisory Council and the General Body.
- f. The election shall be held on the last Sunday of December or any other day as determined by the Advisory Council.
- g. The voting member shall be present in person to vote at any General Body meeting. Proxy vote is not be permitted.

## **Article 10 – The General Body**

- a. Voting members of the organization shall comprise the General Body, which shall meet at least once a year.
- b. The President shall convene an annual General Body Meeting, each year, at any time between January 1st and March 1st.
- c. The president shall give a minimum notice of one month for a General Body meeting and provide an agenda.
- d. An annual report shall be prepared by the President and the treasurer and shall include a consolidated income statement, balance sheet and a statement of sources and uses of funds.
- e. During a new board election year, the Advisory Council shall convene a meeting of the General Body for the purpose of electing members to the board of directors.
- f. Attendance by two-third (2/3) of the voting membership or (200) voting members, whichever is less shall constitute a quorum in a regular General Body meeting.
- g. Three fourth (3/4) of the voting members of the organization or (250) voting members, whichever is less may move a motion or an amendment to the constitution, provided such motions are submitted to the Head of the Advisory Council and the President of the Board of Directors in writing, at least one month before a General Body Meeting and distributed to the members with a notice of meeting and the agenda. An amendment to the constitution requires the approval of at least three fourth (3/4) of the members in attendance.
- h. The voting member shall be present in person to vote at any General Body meeting. Proxy vote is not be permitted.



## **Article 11- Islamic School EDUCATION COMMITTEE**

### **A. COMPOSITION:**

1. The Advisory Council and the Board of Directors shall appoint the head and the members of the Education Committee.
2. The Education Committee shall consist of five (5) members, including the head of the education committee.
3. the President of the Board of Directors shall inform the General Body of the Education Committee's membership after it has been established.

### **B. FUNCTION: The Education committee of the Islamic School shall:**

- 1- be responsible for the general Supervision of the School.
- 2- be responsible for recruiting, interviewing, and selecting qualified candidates for all vacant positions, including the Principal.
- 3- Make annual assessment of all school staff, student enrolment and all other school activities.
- 4- prepare an annual report of the school to the Board of Directors, Advisory Council and the General Body.
- 5- The members of the Education Committee shall not receive any remuneration for their service.

### **C. QUALIFICATIONS: Members of the Islamic School education committee shall:**

- 1- be minimum of twenty five (25) years of age and have a clear police/criminal record.
- 2- Have relevant experience in the field of education.
- 3- have suitable Islamic knowledge, and a good command of the English language.
- 4- Preference shall be given to candidates with managerial experience.

### **D. TERM OF OFFICE and MEETINGS:**

1. The Education Committee shall be selected for a term of two (2) years, renewable upon review of the Advisory Council and the Board of Directors.
2. The Education Committee shall meet at least once a month or as often as necessary for the proper supervision of the Islamic School.

## **Article 12 – Finances**

The fiscal year of the organization shall be from september 1st to August 31st.