

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

*Constitution*

*and*

*By-laws*





# *The Constitution and By-laws*

---

---

## TABLE OF CONTENTS

### Constitution

ARTICLE I - GENERAL .....	5
SECTION 1 - ASSOCIATION .....	5
SECTION 2 - MAIN OFFICE LOCATION .....	5
SECTION 3 - DEFINITIONS.....	5
ARTICLE II - PREAMBLE.....	8
ARTICLE III - PURPOSE .....	9
ARTICLE IV - MEMBERSHIP.....	10
SECTION 1 - Full Member.....	10
SECTION 2 - Associate Member .....	10
SECTION 3 - Voting Rights.....	10
ARTICLE V - GENERAL ASSEMBLY .....	11
ARTICLE VI - EXECUTIVE COUNCIL.....	12
SECTION 1 - Role of the Executive Council .....	12
SECTION 2 - Structure of the Executive Council .....	12
SECTION 3 - Qualifications of the Executive Council Members.....	12
SECTION 4 - Term of the Executive Council members.....	13
SECTION 5 - Voting Rights and Decisions.....	13
SECTION 6 - Dysfunctional Executive Council.....	13
ARTICLE VII - ELECTION AND COMPLIANCE COMMISSION.....	14
SECTION 1 - Role of the Election and Compliance Commission .....	14
SECTION 2 - Structure of the Election and Compliance Commission .....	14
SECTION 3 - Qualifications of the Election and Compliance Commission Members .....	14
SECTION 4 - Term of the Election and Compliance Commission Members .....	15
ARTICLE VIII - ELECTIONS .....	16
SECTION 1 - General Elections .....	16



# *The Constitution and By-laws*

---

---

SECTION 2 - Bi-Elections.....	16
ARTICLE IX - APPOINTMENT OF MIA STAFF .....	17
SECTION 1 - Appointments .....	17
SECTION 2 - Staff.....	17
ARTICLE X - CONFLICT OF INTEREST.....	18
SECTION 1 - General.....	18
SECTION 2 - Restricted activities.....	18
ARTICLE XI - CODE OF ETHICS .....	19
SECTION 1 - Core Values .....	19
SECTION 2 - Responsibility .....	19
ARTICLE XII - MIA ASSETS.....	20
ARTICLE XIII - DISSOLUTION .....	21
ARTICLE XIV - AMENDMENTS.....	22

## By-laws

Part I - Membership .....	24
Part II - General Assembly Meetings.....	25
Section 1 - Annual Meetings.....	25
Section 2 - Special Meetings .....	26
Section 3 - Extra-Ordinary Meetings.....	26
Section 4 - Notes on the Minutes .....	27
Part III - Executive Council .....	28
Section 1 - Duties and Responsibilities of the Executive Council Members.....	28
Section 2 - Meeting of the Executive Council .....	29
Section 3 - Elections of Executive Council Members and Voting Process .....	29
Section 4 - Vacancies.....	30
Part IV - Election and Compliance Commission.....	32
Section 1 - Meeting of the Election and Compliance Commission.....	32



# *The Constitution and By-laws*

---

---

Section 2 - Election of the Election and Compliance Commission Members.....	32
Section 3 - Vacancies.....	33
Part V - Care of Funds .....	34
Section 1 - Banking and Fiscal Year.....	34
Section 2 - Investments.....	34
Section 3 - Insurance.....	34
Part VI - Resignation and Removal.....	35
Part VII - Transitions.....	36
Part VIII – Saving Clause.....	36



---

---

## ARTICLE I - GENERAL

### SECTION 1 - ASSOCIATION

The Manitoba Islamic Association (MIA) was incorporated in 1969 and is registered as a charitable non-profit organization in the Province of Manitoba.

### SECTION 2 - MAIN OFFICE LOCATION

The main offices of the MIA shall be located in Winnipeg, Manitoba, Canada.

### SECTION 3 - DEFINITIONS

Adult	Defined per the laws enforced in Manitoba.
AGM	Annual General Body Meeting: an annual meeting of the General Assembly of the Membership.
Allah	The Arabic translation of the word for "God".
Bi-Election	Means complementary elections to replace only resigned or removed members of the Executive Council and/or the Election and Compliance Commission for the remainder of the term.
Calendar Year	The Gregorian year beginning on January 1 and ending on December 31.
Capital Projects	<p>Includes:</p> <ol style="list-style-type: none"><li>1. Purchase, lease or long term rent of land and/or a building,</li><li>2. Construction of a new building,</li><li>3. Expansion of an existing building,</li><li>4. Renovations costing five (5)% (or more) of the city assessed value of the structure under renovation.</li></ol> <p>Does not include:</p> <ol style="list-style-type: none"><li>1. Routine maintenance,</li><li>2. Any repairs, upgrades or maintenance to keep the existing facilities safe and/or operational.</li></ol>



Commission	Election and Compliance Commission.
Contract	A documented signed agreement
Decision	A motion that has been passed in a duly called and documented meeting.
Dues	Annual membership fee of the MIA.
EC	Executive Council (Board of Directors).
Fiscal Year	Financial year starting in October 1 and ending in September 30.
He, She, Him, His, Her	In this Constitution, all references to a specific gender (he, him, her, etc.) shall be assumed to mean male and female.
General Assembly	As defined in Article V
Major Assets	Includes: <ol style="list-style-type: none"> <li>1. Land</li> <li>2. Building(s)</li> <li>3. Investments</li> <li>4. Goodwill</li> <li>5. Logo</li> <li>6. Name</li> </ol>
Members	All members of the MIA.
MIA	Manitoba Islamic Association (Incorporated).
MIA Staff	Paid or unpaid individuals, not including members of various committees, appointed by the EC to carry out tasks requiring a specific skill set.
Net Earnings	Revenues including all dues, donations and grants minus all expenses in a fiscal year.
P.B.U.H.	Peace Be Upon Prophet Muhammad or SAW ( <i>Salla-Allahu-Alaihi-Wa-Sallam</i> ).
Quorum	The minimum number of voting members in a said meeting required for transaction of business at said meeting.
Resolution	Agenda items that are submitted in writing to be discussed in a General Assembly meeting.
Signature	Any legally accepted method of authorization.
SWT	<i>Subhanahu-Wa-Ta'ala</i> meaning "May Allah (God) be Glorified and Exalted."



---

---

Term	Length of time for an individual to hold a position or an office of the MIA.
Waqf	<p>The word Waqf literally means "confinement and prohibition" or causing a thing to stop or stand still.</p> <p>Waqf (also spelled Wakf) is, under the context of 'sadaqah', an inalienable religious endowment in Islamic law, typically donating a building or plot of land or even cash for Muslim religious or charitable purposes. The donated assets are held in a charitable trust.</p>



---

---

## ARTICLE II - PREAMBLE

1. Whereas we affirm the ultimate and the absolute sovereignty of Allah (SWT) - the Beneficent, the Merciful, the Sustainer of the worlds.
2. Whereas we affirm that Prophet Muhammad (P.B.U.H.) is the last and the final Messenger of Allah (God) (SWT).
3. Whereas we trust that the Qur'an and the Sunnah are the ultimate source of guidance, laws, regulations and philosophy of life.
4. Whereas we abide by the teachings of Islam in accordance with the Qur'an and the Sunnah of the Prophet Muhammad (P.B.U.H.), and the examples set forth by the first four rightly guided Caliphs of Islam.





---

---

## ARTICLE III - PURPOSE

The purpose of the Association shall be:

1. To acquire, establish, construct, maintain and operate facilities to provide services for the Muslim Community of Manitoba, which might include, but not limited to Mosques, Schools, Libraries and other social and religious facilities.
2. To provide a variety of religious, social, educational, charitable and community services, which might include, but not limited to, marriage services, funeral and burial services, financial assistance, endowment (Waqf) management, etc.
3. To disseminate knowledge about Islam and Muslims.
4. To raise funds, collect donations, accept gifts and bequests (Waqf) and engage in charitable activities.
5. To promote interfaith and inter-communal relations at local, national, and international levels.



---

---

## ARTICLE IV - MEMBERSHIP

The Association shall have the membership comprising of Full and Associate Members.

### SECTION 1 - Full Member

An Adult who fulfills the following criterion:

1. Affirms the Preamble (0).
2. Understands and agrees to the Purpose (0) of the MIA.
3. Resides in Manitoba.
4. Has completed and forwarded an application for membership to the MIA.
5. Has duly paid the membership fee for the current calendar year.

### SECTION 2 - Associate Member

Any of the following who has completed and forwarded an application for membership to MIA and has paid the membership for the current year:

1. A Muslim residing in Manitoba who is not interested in becoming a Full Member.
2. A Muslim residing outside of Manitoba.
3. Any resident of Manitoba who is in agreement with the aim and objectives of the MIA.

### SECTION 3 - Voting Rights

Only Full members have the right to vote in the following MIA events:

1. General Elections.
2. Bi-Elections.
3. Annual General Assembly Meeting.
4. Special Meeting.
5. Extra-Ordinary Meeting.

Each Full Member, without any exceptions, shall have one vote for a single motion or election.



## ARTICLE V - GENERAL ASSEMBLY

1. Full members (00) shall constitute the General Assembly of the MIA.
2. The General Assembly shall be the ultimate authority of the MIA.
3. The General Assembly shall empower elected members, the Executive Council, to run the affairs of the MIA with the following exceptions:
  - a. Capital projects and major assets to be purchased or sold shall be approved by the General Assembly.
  - b. Any loans or collaterals against the MIA must be approved by the General Assembly.



---

---

## ARTICLE VI - EXECUTIVE COUNCIL

### SECTION 1 - Role of the Executive Council

1. The EC shall be the elected officials of the General Assembly.
2. The EC shall govern and manage the affairs of the MIA.
3. The EC activities shall include but not limited to:
  - a. Budgeting, fund raising and approving expenses and overall financial management.
  - b. Policy making and managing of day-to-day operations.
  - c. Recruitment and termination of the MIA staff as well as contractors.
  - d. Officially representing the MIA.
4. The EC shall call an Annual General Assembly Meeting for the General Assembly to:
  - a. Provide status updates on the affairs of the MIA.
  - b. Provide financial updates including audited financial statements for the year.
  - c. Provide a budget for the next year and obtain approval from the General Assembly.
5. The EC shall keep all information relating to MIA members confidential.

### SECTION 2 - Structure of the Executive Council

There shall be an Executive Council consisting of seven Full Members as follows:

1. President
2. First Vice President
3. Second Vice President
4. Secretary
5. Treasurer
6. Executive Member 1
7. Executive Member 2

All seven members shall be elected by the General Assembly in duly called elections.

### SECTION 3 - Qualifications of the Executive Council Members

1. Full member of the MIA.
  2. Canadian citizen or permanent resident of Canada.
  3. Living in Winnipeg for at least 3 years and planning to reside in Manitoba for the entire term of office.
- 
-



- 
- 
4. Having proven good experience in volunteer work and community service through actively serving in one or more of the MIA's committees and/or activities.
  5. Must be free from criminal convictions as defined by the criminal code of Canada or conviction of professional misconduct.

#### SECTION 4 - Term of the Executive Council members

1. The Term of the EC shall be three (3) calendar years.
2. Each EC member can be elected to a maximum of two (2) consecutive Terms for any of the positions.

#### SECTION 5 - Voting Rights and Decisions

1. Each EC member, without any exceptions, has one vote to pass a motion during the duly called and documented EC meeting.
2. None of the EC members, without any exceptions, has a right to veto any EC decisions made during a duly called and documented EC meeting.

#### SECTION 6 - Dysfunctional Executive Council

The EC as a whole shall be considered dysfunctional if at least one of the following occurs:

1. The EC fails to perform its roles as defined by 0, 0
2. The EC fails to hold at least one (1) duly called and documented EC meeting over a period of two (2) months.
3. At least four (4) EC elected members resign at the same time or separately within a calendar year.
4. At least three (3) EC members disqualify to be EC members in accordance with the guidelines provided in this constitution and the associated by-laws.
5. Any decisions made by the EC in a duly called and documented meeting contradicts the Code of Ethics (0).
6. Any decision made by the EC in a duly called and documented meeting creates a Conflict of Interest (0).



---

---

## ARTICLE VII - ELECTION AND COMPLIANCE COMMISSION

### SECTION 1 - Role of the Election and Compliance Commission

1. The Commission shall call elections in accordance with the guidelines provided in this constitution and the associated by-laws.
  - a. The Commission shall oversee all aspects of the election process as provided in the by-laws.
  - b. The EC shall make available to the Commission on an ongoing basis the list of the Full Members of the MIA and the Commission has the right to contact the Full Members directly to request such information if not provided in due course through any means it sees necessary.
2. The Commission shall call a Special or Extra-Ordinary Meeting in accordance with the guidelines provided in this constitution and the associated by-laws.
3. The Commission has the duty to bring any violations related to constitution and by-laws to the attention to the EC for resolution and ensure compliance. The EC shall give the Commission full access to the information needed to resolve the violation(s).

### SECTION 2 - Structure of the Election and Compliance Commission

1. There shall be three (3) members in the Commission.
2. All three (3) members shall be elected by the General Assembly in duly called elections.
3. There shall be one spokesperson of the Commission. The spokesperson shall be selected internally by the Commission members themselves.

### SECTION 3 - Qualifications of the Election and Compliance Commission Members

1. Full member of the MIA.
2. Canadian citizen or permanent resident of Canada.
3. Living in Winnipeg for at least three (3) years and planning to reside in Manitoba for the entire Term.
4. Having proven good experience in volunteer work and community service through actively serving in one or more of MIA committees and/or activities.
5. Must be free from serious criminal convictions as defined by the criminal code of Canada or conviction of professional misconduct.



---

---

## SECTION 4 - Term of the Election and Compliance Commission Members

1. The Term of the Commission members shall be three (3) years.
2. Each Commission member shall serve only two (2) consecutive Terms.



---

---

## ARTICLE VIII - ELECTIONS

### SECTION 1 - General Elections

1. General Elections shall be held every three (3) years, by default, for a new Term of the Executive Council.
2. The Commission shall call and run the General Elections in accordance with the guidelines provided in this constitution and the associated by-laws.

### SECTION 2 - Bi-Elections

1. Normally, if required, Bi-Elections shall be held during an Annual General Body Meeting or at any other time as deem necessary according to the constitution and by-laws.
2. The Commission shall call and run the General Elections in accordance with the guidelines provided in this constitution and the associated by-laws.





---

---

## ARTICLE IX - APPOINTMENT OF MIA STAFF

### SECTION 1 - Appointments

1. Appointment as well as termination of all staff shall be approved by the EC.
2. Appointments may be of paid or unpaid staff.
3. Each appointed staff member shall have necessary qualifications to perform duties associated with the job position.

### SECTION 2 - Staff

1. Each paid employee shall have an employee contract, a clear job description, and a performance review at least once a year.
2. Each paid position shall be opened to all qualified individuals.
3. Each paid position shall be posted publically and to be filled after following a due process, as defined by MIA policies and/or procedures.
4. Any staff shall not campaign in elections or be eligible to run for the MIA elections during their employment or within six months of the end of employment.



---

---

## ARTICLE X - CONFLICT OF INTEREST

### SECTION 1 - General

1. Any elected member or MIA Staff shall not utilize their position and/or MIA assets to benefit his/her own interest or interests of their relatives.
2. Elected members shall not be paid any salary or honorarium or receive, directly or indirectly, any payments for his or her services to the MIA.
3. Elected members shall not be appointed to fill any paid staff positions in the MIA.

### SECTION 2 - Restricted activities

1. No part of the net earnings of the MIA shall insure to the benefit of, or be distributed to its officers, directors or other private persons, except that the MIA shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth under this Constitution.
2. No substantial part of the activities of the MIA shall be the carrying on of propaganda or otherwise attempting to influence legislation, and the MIA shall not participate in, or intervene in (including the publishing or distributing of statements) any political campaign on behalf of any candidate for public office.
3. Notwithstanding any other provision of these Articles, the MIA shall not carry on any other activities not permitted to be carried on by a corporation exempt from the Federal Income Tax and which has a Charitable Status under the Acts and Regulations of the Government of Canada.



---

---

## ARTICLE XI - CODE OF ETHICS

### SECTION 1 - Core Values

Every MIA member shall abide by the Islamic code of ethics and transact in accordance to them. At the core of these ethics lie sincerity to Allah (God) and accountability first and foremost to Allah. Accordingly, every member shall act with integrity, respect, courtesy, decency, civility and selflessness. Actions that contradict these core values such as conflict of interest, favoritism, partisan factionalism, discrimination, or defamation shall be considered a breach of this constitution.

### SECTION 2 - Responsibility

By applying for or continuing membership in the MIA, each Member agrees to uphold the ethical standards set out in this "Code of Ethics".



---

---

## ARTICLE XII - MIA ASSETS

All MIA major assets are considered and to be treated as Waqf.



---

---

## ARTICLE XIII- DISSOLUTION

In the event of the dissolution of MIA, the EC shall, after paying or making provision for the payment of all the liabilities of the MIA, dispose of all of the assets of the MIA, exclusively for the purposes of the MIA, in such manner, or to such organization or organizations organized and operated exclusively for Islamic (religious, charitable, educational or scientific) purposes, as shall at the time qualify as an exempt organization or organizations, under the corresponding Acts and Regulations of the Government of Canada, as the EC shall decide.

Any such assets not so disposed of shall be disposed of by the Laws of the Province of Manitoba.



---

## ARTICLE XIV - AMENDMENTS

The constitution and by-laws of the MIA may be amended at an Extra-Ordinary Meeting of the General Assembly, specifically called for this purpose. The procedure of holding such Extra-Ordinary Meetings shall be specified in the by-laws of the MIA.

---

---

# *By-laws*



---

---

## Part I - Membership

1. There shall be a Membership Committee chaired by the Secretary of the MIA and two other members appointed by the Election and Compliance Commission.
2. The role of the Membership Committee is to ensure that applicants for membership meet the requirements stated in the constitution and by-laws.
3. Only completed MIA application form for membership accompanied with due membership fee shall be processed.
4. The completed MIA application form for membership shall be made available to the Membership Committee, who shall review it.
5. An annual membership fee is due on January 1st of each calendar year. This annual membership fee can be paid anytime during the calendar year without pro-rating.
6. Members may select to pay their membership fee for a period of one, two or three consecutive years in one payment which makes them members for that period of time.
7. From time-to-time, the annual membership fees shall be reviewed or revised by the Executive Council subject to the approval of the Annual General Assembly. The new fee shall be reflected at least on the membership application form.
8. The new fees will be in effect on January 1st of the year following the approval of the Annual General Assembly.
9. Any member shall automatically lose membership if he or she, at any given time, does not meet the membership requirements stated in the constitution and by-laws.
10. Membership shall be considered to have lapsed if the annual membership dues for that year are not paid by the end of February of that year. After such time a person may rejoin the Association in accordance with ARTICLE IV, SECTION 1.
11. Membership dues must be paid by the individual for himself/herself or for a family member (defined as spouse, children, parents and parents -in-law). Cash payments must be submitted in person.
12. Applications submitted in a bundled form shall be invalid. Bundling is defined as one individual or entity submitting applications and payments for people other than himself/herself or for a family member.





---

---

## Part II - General Assembly Meetings

### Section 1 - Annual Meetings

1. The Annual General Body Meeting of the Members of the MIA shall be held in the City of Winnipeg on any date after November 1st, but prior to December 10th, in each year as the EC may decide.
2. Non-members may be allowed to attend the meeting subject to the approval of the EC.
3. The quorum required for transaction of business at an Annual General Assembly Meeting shall be one hundred (100) Full Members or 20% of the Full Members, whichever is greater. If, within an hour after the time appointed for the meeting, a quorum has not been reached, the meeting shall be postponed.
4. The EC shall determine the time, within the same calendar year, and give no fewer than a ten (10) day-notice of such postponed meeting. Members present at this postponed meeting shall constitute a quorum.
5. The agenda of Annual General Assembly Meetings must include the following items:
  - Approval of the agenda
  - Approval of the minutes of last meeting
  - Report of the President
  - Financial Report
  - Consideration of the Auditors 'report
  - Business arising out of the minutes
  - Resolutions
6. The draft agenda prepared by the EC along with the notice of the meeting shall be delivered, mailed, emailed or transmitted by any other form of communication to Full Members thirty (30) days prior to the meeting.
7. The final agenda for all General Assembly Meetings shall be delivered, mailed, emailed or transmitted by any other form of communication to Full Members seven (7) days prior to the scheduled meeting.
8. No other business except those stated in the final agenda shall be transacted.
9. Resolutions submitted for an Annual General Assembly Meeting shall be in writing, signed by the mover and seconder and received by the MIA no fewer than fifteen (15) days prior to the commencement of the meeting. Either the mover or the seconder shall be present in person at the meeting for the resolution(s) to be considered.
10. The President shall be the chair of Annual General Assembly Meetings of the MIA. In the absence of the president, the First Vice-President shall chair the meeting. In the absence of the President and First Vice-President, the Second Vice-President shall chair the meeting.



- 
- 
11. To pass a motion in any Annual General Assembly Meeting, it is required to be supported by a simple majority of full members voting on said motion at said meeting.
  12. To vote in any of the General Assembly Meetings, a person has to be a Full Member of the MIA as of August 1 of the calendar year.

## Section 2 - Special Meetings

1. Special Meetings of the MIA shall be held at the call of the EC, or on receipt by the Commission of a requisition signed by not fewer than fifty (50) Full Members who are Members not less than ninety (90) days prior to signing the petition. Members requesting a Special Meeting shall provide the Commission with a copy of the motion(s) to be presented at the meeting.
2. No business shall be dealt with except that for which the meeting was called.
3. The Commission shall hold the meeting within forty-five (45) days of receipt of the signed requisition. However, no Special Meeting shall be held within ninety (90) days of the Annual General Assembly Meeting.
4. No fewer than a thirty (30) day-notice shall be delivered, mailed, emailed or transmitted by any other form of communication to Full Members for a Special Meeting. The notice shall specify the business to be brought forward. A copy of the motion(s) to be presented shall accompany the notice.
5. The quorum required for transaction of business at any Special Meeting shall be one hundred (100) Full Members or 20% of the Full Members, whichever is greater. If, within an hour after the time appointed for the meeting, a quorum has not been achieved, the meeting shall be cancelled and the requested motion(s) shall be considered defeated.
6. The spokesperson of the Commission shall be the chair of Special Meetings of the MIA. In the absence of the Commission spokesperson, any member of the Commission designated by the Commission spokesperson shall chair the meeting.
7. To pass a motion in any Special Meeting, it is required to be supported by a simple majority of Full Members voting on said motion at said meeting.
8. To vote in any of the Special Meetings, a person has to be a Full Member of the MIA at least ninety (90) days prior to the meeting.

## Section 3 - Extra-Ordinary Meetings

1. Extra-Ordinary Meeting of the MIA shall be held to amend the constitution and/or the by-laws of the MIA. No business shall be dealt with except that for which the meeting was called.



- 
- 
2. Extra-Ordinary Meetings of the MIA shall be held at the call of the EC, or on receipt by the Commission of a requisition signed by not fewer than one hundred (100) Full Members. Members requesting an Extra-Ordinary Meeting shall provide the Commission with a copy of the amendment(s) to be presented at the meeting.
  3. No less than a thirty (30) day-notice shall be delivered, mailed, emailed or transmitted by any other form of communication to Full Members for the Extra-Ordinary Meeting. A copy of the proposed amendment(s) to be presented shall accompany the notice.
  4. The quorum required for transaction of business at any Extra-Ordinary Meeting shall be two hundreds (200) Full Members or 30% of the Full Members, whichever is greater. If, within an hour after the time appointed for the meeting, a quorum has not been reached, the meeting shall be postponed. The Commission shall determine the time and place and give no fewer than a ten (10) day-notice of such postponed meeting. The quorum required for transaction of business at such postponed Extra-Ordinary Meeting shall remain the same.
  5. The spokesperson of the Commission shall be the chair of Extra-Ordinary Meetings of the MIA. In the absence of the Commission spokesperson, any member of the Commission designated by the Commission spokesperson shall chair the meeting.
  6. To pass a motion to amend the constitution and/or the by-laws of the MIA, it has to be supported by a three-quarter (75%) majority of the quorum defined in Part II, Section 3, Item (4) voting on said motion at said meeting.
  7. To vote in any of the Extra-Ordinary Meetings, a person has to be a Full Member of the MIA at least ninety (90) days prior to the meeting.

#### Section 4 - Notes on the Minutes

The notes on the minutes of all meetings of the MIA, as documented and signed by the Chair of a meeting and the Secretary shall, in the absence of evidence to the contrary, be deemed to be a correct record of the proceedings of any such meetings.



---

---

## Part III - Executive Council

### Section 1 - Duties and Responsibilities of the Executive Council Members

1. The President shall:
  - a. Be the chief spokesperson of the MIA.
  - b. Preside over the meeting of the EC.
  - c. Be the ex-officio member of all committees established by the EC.
  - d. Present the annual report to the Annual General Assembly Meeting on behalf of the EC.
  - e. Do and perform all other duties applicable to his position including signing all documents requiring the corporate seal of the MIA.
2. The First and Second Vice-President:
  - a. The First Vice-President (or in his/her absence the Second Vice-President) shall perform the duties and responsibilities of the President, in the President's absence or when requested to do so by the President.
  - b. The First and the Second Vice-President shall perform all duties assigned to them by the EC.
3. The Secretary shall:
  - a. Keep or direct the keeping of an accurate record of all proceedings of the MIA and keep an accurate record of attendance at all EC and General Assembly Meetings.
  - b. Bring before the EC all official communications and notices and shall maintain a record of same.
  - c. Give the necessary notice of meetings of the General Assembly and of the EC.
  - d. Be the custodian of the "corporate seal" of the MIA.
4. The Treasurer shall:
  - a. Be the custodian of all funds, donations, and contributions collected, raised or received in the name of the MIA and shall keep such funds as described in Part V of these by-laws.
  - b. Prepare the annual budget for approval by the Annual General Assembly.
  - c. Make regular financial reports to the EC of expenditures, all receipts and the balance of the MIA's account(s).
  - d. Further make an annual report to the Annual General assembly on receipt of investments and expenditures as of the end of the Fiscal year. Such a report shall have been duly audited by an auditor other than members of the EC or the Commission appointed by the General Assembly.
5. Executive Members:

The two EC Members shall perform all duties assigned to them by the EC.



---

---

## Section 2 - Meeting of the Executive Council

1. There shall be not less than twelve (12) meetings of the EC in each year.
2. Meetings of the EC may be called by the President or the Secretary.
3. Upon the written request to the Secretary by no fewer than three members of EC, the Secretary shall call a meeting of EC by giving notice to all members of EC no fewer than seven (7) days before the meeting is to take place. Such notice shall be delivered, mailed, emailed or transmitted by any other form of communication to each member of the EC.
4. The agenda of EC meetings shall include the following items:
  - a. Approval of the agenda.
  - b. Approval of the minutes of last meeting.
  - c. Business arising out of the minutes.
  - d. Any other business.
5. The President shall be the chair of EC meetings. In the absence of the President, the First Vice-President shall chair the meeting. In the absence of the President and First Vice-President, the Second Vice-President shall chair the meeting.
6. The quorum required for transaction of business at any EC meeting shall be four (4) members including the chair of such an EC meeting.
7. To pass a motion in any EC meeting, it is required to be supported by at least four (4) members or a three-quarter (75%) majority of members in attendance, whichever is less, voting on said motion at said meeting.

## Section 3 - Elections of Executive Council Members and Voting Process

1. The Election and Compliance Commission shall receive nominations and run the elections for the EC according to the following schedule:
  - a. Nominations will open thirty (30) calendar days prior to the Election Day.
  - b. Nominations will close fifteen (15) calendar days prior to the Election Day.
  - c. The final list of eligible candidates will be announced seven (7) days prior to the Election Day.
  - d. Elections shall be held between November 1st and December 10th in the election year as the Commission may decide.
  - e. The elections shall be held during a weekend in one day between 10:00 am and 4:00 pm.
  - f. The results of the vote have to be announced on the same Election Day.
  - g. All times noted in these by-laws are Central Time.
2. Candidates running for EC positions must be Full Members of the MIA in good standing as of April 1st of the election year.



- 
- 
3. Voting Members must be Full Members of the MIA in good standing as of August 1st of the election year.
  4. A person may be nominated for only one position.
  5. The Election and Compliance Commission shall perform the following tasks:
    - a. Verify the eligibility of candidates running for EC positions as well as the eligibility of voting Members according to the conditions stated in the constitution and by-laws.
    - b. Post a list of eligible candidates on the announcement board of the MIA at least seven (7) days prior to the Election Day.
    - c. Post a list of voting Members on the announcement board of the MIA by October 15<sup>th</sup>.
    - d. Prepare ballots with eligible candidates' names listed in alphabetical sequence under each category.
    - e. Receive and respond to complaints regarding the procedures for nominating, electing and voting for members to the EC.
    - f. Process ballots following the close of the voting period and approve the final count.
  6. The Election and Compliance Commission shall reject from the count ballots as spoiled if the elector:
    - a. Has voted for more than the prescribed number of candidates on any one ballot.
    - b. Has made a mark on the ballot such that the elector can be identified.
  7. A determination on the rejection of a ballot shall be made by all members of the Commission.
  8. There shall be an automatic recount of the ballots for a given candidate category where the vote total between the candidate receiving the highest number of votes and the candidate receiving the next highest number of votes is less than two (2)% of the votes cast for that candidate category.
  9. In case of a tie vote for a given candidate category, a second round of elections for that candidate category between the two candidates with tied votes shall be held within two weeks of the original election day.
  10. The final vote counts have to be documented in a written report signed by the Commission members and kept in the office of the MIA for a period of at least five (5) years following the elections.

#### Section 4 - Vacancies

1. In the event of executive positions become vacant for whatever reason, the EC may temporarily appoint up to no more than two such positions until the next General Assembly Meeting, at which time, a Bi-Election will be held to fill these vacancies for the remainder of the term of office. This does not apply to the position of President. If the President position becomes vacant, the First Vice-President shall assume the



---

---

responsibilities and duties of the President. If the First Vice-President's position is vacant at that time as well, then the second Vice-President shall assume the responsibilities and duties of the President.

2. If the position of President or if more than two executive positions become vacant in any given year, these positions are to be filled through Bi-Elections within sixty (60) days.
3. Prior to the appointment of such temporary EC members their eligibility shall be verified by the Commission.
4. In case of a dysfunctional or a dissolved EC due to resignation or removal of more than three (3) members an election shall be called by the Commission within sixty (60) days of the day the EC becomes dysfunctional or dissolved.



---

---

## Part IV - Election and Compliance Commission

### Section 1 - Meeting of the Election and Compliance Commission

1. The Commission shall meet at least sixty (60) days prior to the Election Day.
2. The Commission shall meet within ten (10) days of the receipt of a request to hold a Special Meeting.
3. Meetings of the Commission shall be called by any Commission member.
4. The spokesperson shall be the chair of the Commission meetings. In the absence of the spokesperson, the older of the two remaining members shall chair the meeting.
5. The quorum required for transaction of business at any Commission meeting shall be two members.
6. To pass a motion in any Commission meeting, it is required to be supported by at least two members, voting on said motion at said meeting.

### Section 2 - Election of the Election and Compliance Commission Members

1. The Commission members shall be elected in the Annual General Assembly Meeting in a staggered form, where each member will be elected every three years at a different calendar year. The start term of the new member shall be January 1st of the following calendar year.
2. The overlap period, between elections and end of calendar year, shall be used to transfer information from the outgoing member to those newly elected.
3. In the election year, an Ad-Hoc Committee will be appointed by the EC and approved by the floor, with a mover and seconder, during the Annual General Assembly Meeting to run the elections of the Commission members.
4. The Ad-Hoc Committee described in this Section, Item (3) shall receive nominations for Commission members from the floor, with a mover and seconder.
5. The Ad-Hoc Committee shall perform the following tasks:
  - a. Verify the eligibility of candidates running for Commission positions as well as the eligibility of voting Members according to the conditions stated in the constitution and by-laws,
  - b. Prepare ballots with eligible candidates' names listed in alphabetical sequence,
  - c. Process ballots following the close of the voting period and approve the final count.
6. The Ad-Hoc Committee shall reject from the count ballots as spoiled if the elector:
  - a. Has voted for more than the prescribed number of candidates on any one ballot.
  - b. Has made a mark on the ballot such that the elector can be identified.





- 
- 
7. A determination on the rejection of a ballot shall be made by all members of the Ad-Hoc Committee.
  8. There shall be an automatic recount of the ballots if the vote total between the candidate receiving the highest number of votes and the candidate receiving the next highest number of votes is less than two (2)% of the votes.
  9. In case of a tie vote between the two (2) top candidates, a second round of elections between those two (2) candidates shall be held within two (2) weeks of the original Election Day.
  10. The candidate with the highest votes will be the Commission member.
  11. The final vote counts have to be documented in a written report signed by the Ad-Hoc Committee members and kept in the office of the MIA for a period of at least five (5) years following the elections.

### Section 3 - Vacancies

1. In the event that one position becomes vacant for whatever reason, it may be temporarily appointed by the remaining two Commission members until the next General Assembly Meeting, at which time, a Bi-Election will be held to fill the vacant position for the remainder of the Term of office.
2. If more than one position becomes vacant in any given year, these positions are to be filled through Bi-Elections within sixty (60) days to fill the remaining Terms of the vacated positions. This Bi-Election will be called by the EC in accordance with Part V, Section 2.



---

---

## Part V - Care of Funds

### Section 1 - Banking and Fiscal Year

1. The EC shall ensure that all money received on behalf of the MIA is deposited in the name of the MIA in a bank or in a credit union established in such a way as to guarantee the deposits.
2. All cheques and withdrawal of funds from the account(s) of the MIA shall be signed by any two (2) of the following:
  - a. The President and the Secretary or the Treasurer of the MIA, or
  - b. The Treasurer and such other member of EC as EC may appoint.
3. The fiscal year of the MIA shall be from October 1st to September 30th.

### Section 2 - Investments

The EC shall ensure that when funds of the MIA are invested they are held secure through means set out in policies and procedures approved by the EC.

### Section 3 - Insurance

The EC shall ensure that the MIA maintains security arrangements and insurance coverage against loss of funds that the MIA may sustain resulting from employee dishonesty, destruction, disappearance, wrongful abstraction or forgery.



---

---

## Part VI - Resignation and Removal

1. An elected EC or Commission member may at any time give notice in writing to the MIA of his or her wish to resign, and such resignation shall become effective upon submission.
2. A member of the EC or the Commission who fails to attend three consecutive meetings of the EC or the Commission, respectively, without notification to the MIA shall be considered to have resigned from his/her position in the MIA.



---

---

## Part VII - Transitions

1. The elected members of the current EC shall continue their duties and responsibilities until the end of their term. At such time, new members of the EC will be elected according to the provisions of the constitution and by-laws.
2. The elected members of the current Board of Trustees (as defined in the previous MIA constitution) shall assume the duties and responsibilities of the Commission members.
3. Membership eligibility requirement to run for MIA elected positions will be effective as of the year following the approval of this constitution and by-laws. For the current year eligibility to run for the office will be thirty (30) days following the approval of this constitution and by-laws.

## Part VIII - Saving Clause

The decisions and actions undertaken by the Association prior to the ratification and enforcement of this constitution shall remain in force unless inconsistent with this constitution.

---

This amended Constitution and By-laws of the Manitoba Islamic Association was ratified by members of the MIA at a duly called MIA Extra-Ordinary Meeting on Saturday June 01, 2013, at the Grand Mosque on 2445 Waverly Street, Winnipeg, Manitoba.

MIA Corporate seal: