

## **The Constitution (REVISED)**

Amendments:

March 2003 (1st Amendment)

February 2011 (2nd Amendment)

[www.mcnjonline.com](http://www.mcnjonline.com)

## **MUSLIM COMMUNITY OF NEW JERSEY**

**OATH (All Shura members to sign)**

With Allah, Lord of the universe as my witness, I, being of sound mind and clear conscience, affirm that:

1. I bear witness that there is no God but Allah, and I also testify that Muhammad (PBUH) is His servant and messenger.
2. I am aware of the objectives of the MCNJ and I am in full agreement of these objectives.
3. I do affirm that I am joining the Majlis-e-Ala/Shura of MCNJ for the achievement of its purposes and exclusively for the attainment of Allah’s pleasure and success in the hereafter, with the Holy Quran and Sunnah as my guidance.
4. I do hereby pledge that I shall InshaAllah fully abide by the provisions of the Constitution and the By-Laws in effect at that time. In case of any misunderstanding, difference, grievances or conflicts with other members and/or officials of MCNJ, I shall follow due process prescribed in the Constitution and shall fully abide by its resolution. I shall never resort to outside agency or agencies (like the US Courts, etc.), even when I have left MCNJ.
5. If Majlis-e-Ala/Shura decides that any Majlis/Shura member will not disclose the proceedings of any meeting to outsiders, I promise that I will not discuss such proceeding of Majlis or Shura meetings with those other than Majlis or Shura Members.
6. I will abide by and support the decisions made by the majority of the Majlis/Shura which were voted on during Majlis/Shura meetings
7. May Allah (SWT) enable me to remain faithful to my pledges. Ameen.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date \_\_\_/\_\_\_/\_\_\_

Witnessed By: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_/\_\_\_/\_\_\_

## I. NAME AND LOCATION

### A. NAME

The name of the organization is Muslim Community of New Jersey, Inc. hereafter referred to as MCNJ.

### B. LOCATION

MCNJ is incorporated in: NEW JERSEY, USA

PHYSICAL LOCATION: 15 South Second Street, Fords, NJ 08850

### Abbreviation of Commonly used words

Muslim Community of New Jersey = MCNJ

Board of Trustees = BoT

Majlis-e-Ala = Majlis

Majlis-e-Shura = Shura

MCNJ Islamic Sunday School = MCNJISS

## II. NATURE

### A. NATURE

MCNJ is a religious, charitable, educational, social and a non-profit organization.

### III. OBJECTIVE

#### A. GENERAL OBJECTIVES:

1. MCNJ was created with the sole purpose of exalting the name of Allah through the concept in the Quran and the tradition of Prophet Muhammad (PBUH). MCNJ will follow the Sunni Shariah. MCNJ is established to teach the Muslims, especially the Muslim Children comprehensive knowledge and practice of Islam. All proceedings of MCNJ including the medium of instruction at the school shall be in English.
2. To promote goodwill, tolerance, unity, friendship and understanding to strengthen the fraternal bonds among Muslims of Middlesex County and bordering counties and states.
3. To promote interfaith dialogues in order to enhance understanding of Islam and to improve relations between Muslims and people of other faiths.
4. To educate the Muslims and non-Muslims in the community.
5. To carry out Dawa activities among Muslim and non-Muslims

#### B. SPECIFIC OBJECTIVES:

1. To organize programs to engage Muslim youth in the activities of the Center and to develop their leadership skills.
2. To organize Tafsir-ul-Quran for adults and intergenerational discussion programs, such as family study circles
3. To establish a full time school for Academic and Islamic studies.
4. Manage daily activities of the places of worship which MCNJ currently owns and/or plans on acquiring.

## IV. SPECIFIC ACTIVITIES

### A. ACTIVITIES

The activities of MCNJ shall be directed towards achieving its objectives. The overall activities, not necessarily limited to the following shall be:

#### 1. Education:

- a. Develop Quran, Hadith, Tafseer and Tajweed classes
- b. Establish full time Islamic school
- c. Foster educational program for the individual families, and communities so that they can learn about Islam and Arabic, the language of Quran. Such programs will be based on the Quran, the tradition of Prophet Mohammad (PBUH) and the Shariah.
- d. Establish youth and adult literacy programs
- e. Expand the current Sunday school and evening Quran school

#### 2. Relations

- a. Establish an Inter-faith committee
- b. Promote good relations among Muslims, between Muslims and people of other faith
- c. Promote harmony and reach out to other faiths through open houses and interfaith meetings
- d. Respect other schools of thought and practices in accordance with Shariah.
- e. Provide a forum where the community can bring problems for resolution
- f. Work with other Islamic Centers both regionally, nationally and internationally

#### 3. Growth

- a. Acquire properties and real estate to accomplish the above.
- b. Grow the community through membership drives. Attract and maintain new members within the community
- c. Expand current facilities by acquisition of adjacent properties to current MCNJ properties
- d. Maintain current facilities on behalf of the community needs

#### 4. Financing

- a. Plan and conduct regular fundraising activities

## V. MEMBERSHIP

### A. MEMBERSHIP

1. Any Muslim eighteen (18) years of age and older accepting the objectives of MCNJ and the provisions of this Constitution (and By-Laws) shall be eligible to become a member of MCNJ by applying for membership, paying the membership dues and abiding by the Islamic values which is part of this Constitution.
2. There shall be following four categories of regular members:
  - i. Family Membership (Husband and wife with one vote each)
  - ii. Individual Membership
  - iii. Lifetime membership: Anybody who contributes \$5,000 during a 12 month period will automatically entitled to a lifetime membership
  - iv. Honorary member
3. Eligibility Requirements for Members
  - a. Shall be a Muslim, 18 years of age or over, on the date of filing the Application for Membership
  - b. Shall concur with the Mission, objectives of the center and abide by its constitution and bylaws as amended from time to time
  - c. Shall file the prescribed membership application latest by September 30 of each year and pay for a full year's membership fee as determined by the Majlis for that year, but no later than December 31 of the same year to be eligible for voting rights during the following year.
  - d. The applicant shall certify on the application form that his/her membership has not been terminated for cause by any Islamic Center and he/she is not under any criminal indictment
  - e. All new applicants for membership are required to provide at least one (1) reference from a current MCNJ member

### B. VOTING:

1. Only Members for 6 months shall have the right to be the part of the General Body, and 1 year to become a Shura member, hold office and be eligible to vote.
2. Please refer to Section VI for qualifications to hold office
3. A paid member shall be eligible to vote in the general elections, on amendments to the MCNJ constitution and on any other issues brought to vote according to the rules and procedures outlined in the MCNJ constitution and bylaws.

4. Every member is entitled to a single vote. Family membership means one vote for each husband and wife. The voting right is personal, individual and non-transferable. Proxy votes are not allowed
5. All members are entitled to the same rights and privileges
6. A member shall receive by e-mail, timely notifications, minutes of General Body meetings, newsletters, audited financial statements, committee reports, proposed amendments, other issues, and communications of all other activities and functions of MCNJ
7. HONORARY MEMBERS: the Majlis may designate as honorary members certain outstanding individuals in the community who have provided support and/or valuable services to MCNJ.

Recommendations for such designation may be made by any member of MCNJ.

Honorary members are not entitled to vote.

### **C. DUES**

The Majlis (BoT and Shura) will determine the membership dues.

### **D. REJECTION**

The Majlis shall have the right to reject an application, if it believes the membership of such a person is against the interest of Islam and MCNJ. The rejected applicant will have the right to appeal to the BoT.

### **E. PRIVILEGES**

Failure to pay the membership dues may result in the loss of all membership privileges. The payment of outstanding dues shall immediately restore all membership privileges.



## VI. STRUCTURE AND ORGANIZATION

### A. STRUCTURE

The organizational structure of MCNJ will be in the following ascending order:

- A. Participants—General public; (members/nonmembers)
- B. General Body/ Paid Membership
- C. Majlis
- D. Shura
- E. Executive Council (Office Bearers)

### 1. PARTICIPANTS

Participants/General public includes all registered paid/unpaid members and nonmembers.

### 2. GENERAL BODY

The General Body will comprise of all the eligible paid Registered Members.

### 3. MAJLIS-E-ALA

1. The Majlis will comprise of the BoT and the Shura
2. The Shura will consist of the 13 elected shura members and 1 secretary of women affairs

ELECTED Majlis-e-Ala  
(Total 19)

- The current number of Majlis will be 19. This number may be expanded or contracted as needed.
- All Shura members shall be elected by the General Body

### Board of Trustees- (7) (Elected Five + 2 Ex Officio)

1. President (Ex Officio)
2. Vice president (Ex Officio)
3. \_\_\_\_\_ (Trustee)
4. \_\_\_\_\_ (Trustee)
5. \_\_\_\_\_ (Trustee)
6. \_\_\_\_\_ (Trustee)
7. \_\_\_\_\_ (Trustee)

**Shura - (14 – All Elected)**

**Office Bearers – 5 (Elected)**

- 1. President (Ex Officio Trustee as well)
- 2. Vice President (Ex Officio Trustee as well)
- 3. General Secretary
- 4. Treasurer
- 5. Secretary of Sisters’ Affairs (Ex-Officio Shura Member)

- 6. \_\_\_\_\_
- 7. \_\_\_\_\_
- 8. \_\_\_\_\_
- 9. \_\_\_\_\_
- 10. \_\_\_\_\_
- 11. \_\_\_\_\_
- 12. \_\_\_\_\_
- 13. \_\_\_\_\_
- 14. \_\_\_\_\_

**B. ORGANIZATION**

**1. GENERAL BODY**

a) Make Up

All paid Eligible Members of MCNJ shall constitute the General Body.

b) Meetings

The General Body shall meet four times each year to review Operations and various reports by the Shura and to approve any major decision.

Special meetings may be convened as and when required.

c) Quorum

There is no quorum requirement for the general body meetings.

d) Decision

In all matters, decision of the General Body shall be made by a simple majority vote.

e) Special Meetings

The General Body shall be summoned to hold special meetings whenever necessary on the recommendation of the Majlis

## **2. MAJLIS-E-ALA**

### **A. Board of Trustees**

#### **Makeup**

The BoT shall consist of 5 members; which will be selected/nominated/elected by the Shura. The President and Vice President when elected will become Ex Officio and 6<sup>th</sup> and 7<sup>th</sup> members of the BoT.

Vice President will be the secretary of BoT.

#### Chairperson

The Chairperson of the BoT should be able to provide Islamic leadership to MCNJ.

#### Eligibility

A trustee shall be selected from the following:

Majlis-e-Shura or from General Body

All members of the BoT shall fulfill eligibility requirement as set forth in the Constitution.

#### Term Limit

Normally a Trustee will Not serve more than 2 consecutive terms. The third term will have to be approved by the Majlis before being eligible for reelection for a consecutive term.

#### Duties of Chairperson

The BoT shall appoint a Chairperson from among themselves, who will chair the BoT until the next election or until the BoT decide among themselves. The Chairperson can summon and shall preside all Majlis and BoT meetings.

#### Time Between Meetings

The BoT shall meet as often as necessary but the interval between two (2) meetings shall not exceed two (2) months. Failure to attend three (3) consecutive meetings without prior written notice and a reason not acceptable to two third (2/3rd) majority of the BoT can result in the termination of membership of a Trustee. The Chairman of the BoT as well as the President of MCNJ can summon special meeting of board of trustees at any time.

#### Resignation

Any Trustee may resign at any time by giving a written notice to the Chairman BoT, with a copy to the President and General Secretary of the Shura. The resignation shall be considered in the special meeting of the Majlis within thirty (30) days of the resignation date.

### Decision

At any meeting of the BoT, Four (4) Trustees shall constitute a quorum. A simple majority vote shall be required for arriving at a decision in the meeting. In the absence of a quorum, a second meeting shall be summoned within fifteen (15) days. If the BoT fails to have a quorum for the second time, then a special meeting of the Majlis shall be called.

### Filling Vacancies

The BoT shall not fill any vacancy created during the term. The Majlis will fill any vacancy created during the term by appointment. Any vacancy so created must be filled within sixty (60) days or before the next meeting of the BoT whichever comes first.

## B. SHURA

### Makeup

The Shura shall consist of 13 shura members and 1 secretary of women affairs. From these 13 shura members following 4 office bearers will be elected for a 2-year term by the Majlis. Secretary of Women Affairs will be elected by the paid registered women members of MCNJ for a two year term. :

- 1) President
- 2) Vice President
- 3) General Secretary
- 4) Treasurer
- 5) Secretary of Women Affairs (ex-officio Shura member)

### Eligibility

All members of the Shura shall fulfill the eligibility requirement as set forth in the Constitution. A special exemption to this eligibility requirement can be waived if a Muslim Scholar or a Muslim of Exceptional qualification relocates to our area and is considered an asset to the Community by the Shura and approved by a simple majority vote. Then only such an individual may be nominated to Shura.

### More Than One Person In A Family

Only one person in a family can hold one executive position.

### Holding More Than One Position

No one member can hold more than one position in the Shura.

### The President

The President should be able to provide Islamic leadership to the Muslim Community. Refer to the duties of the President.

### Term Limit

All members of Shura shall be eligible for a maximum of two (2) term.

However Majlis may approve by simple majority vote some exceptional candidate for a third term as a special case.

Elections shall be held every two years. During each election, 30% members of the Shura will be replaced. The 30% oldest serving members of Shura will automatically vacate their positions for the new inductees.

### Appointments

The Office Bearers shall be elected by the Majlis every 2 years. The office bearers may be appointed for a maximum of two (2) terms.

### Sub-Committee

The Shura meeting shall be chaired by the President, or by the Vice President in his absence. Other Ad-hoc and permanent -Committees shall be formulated whenever necessary by the approval of the Shura. A Trustee may be appointed to a sub-committee in consultation with Chairperson of BoT, such a trustee will automatically become Chairperson of this sub-committee. The Chairperson of such auxiliary Sub-Committee shall be responsible to the President.

The Shura will also include a sister who will serve as the elected secretary of Sisters Affairs. The term of this position shall be of two (2) years and will be eligible for a maximum of 2 terms.

### Timing of the Meeting

The Shura shall meet at-least once every month or sooner if necessary. The General Secretary (or Treasurer) shall maintain proper minutes of any meeting.

### Failure To Attend Meetings

All members must attend at least 75% of all meetings within a 12 month-period. Any member of the Shura who fails to attend two (2) consecutive meetings of the Shura without a valid reason (sickness and death in close family) shall be issued a "show cause notification."

If the behavior continues and a second such notification is issued then the matter shall be referred to the Shura for corrective action and due process, which may lead to the termination of the member from Shura.

The names of defaulters shall be put up to Majlis for termination from Shura by the MCNJ General Secretary who is responsible for maintaining the members' attendance.

### Decisions

A simple majority vote of the Shura members present at any of its meetings shall be required for arriving at a decision provided the quorum requirements have been met.

### Absence of Quorum

70% members of the Shura shall constitute the quorum.

In the absence of a quorum, a second meeting shall be called within fifteen (15) days. If the Shura fails to have a quorum for the second time, a special meeting of the Majlis will then be called.

The Shura will have separate meetings from the BOT and vice-versa unless agreed upon.

### **MCNJ Islamic Sunday School (MCNJISS)**

Sunday School or InshaAllah a fulltime School will function under the umbrella of MCNJ. However, day-to-day Operation of the school(s) will be supervised by Principal, Vice Principal and the School Administration.

School will have proper guidelines and procedure for day-to-day functioning of the school.

School will maintain their account which will be periodically audited by MCNJ.

The Principal will be appointed as per the guidelines set forth in the “MCNJ Islamic Sunday School – Guidelines.”

**MCNJ Islamic Sunday School Board** will be created as per the guidelines set forth in “MCNJ Islamic Sunday School Guidelines.”

Majlis will continue to review these guidelines and may make improvements in the “Guidelines” as they deem necessary with the consultation of the School Board.

## **VII. JURISDICTION AND AUTHORITY**

### **A. MAJLIS-E-ALA**

#### **Final Authority**

Day to day decisions will be made by office bearers and the Executive Committee by a majority vote.

Shura will be the next higher decision making body by a simple majority vote.

Majlis will be the next higher authority and is empowered to decide by itself or override the decision by Shura with a simple majority.

In case of a stalemate or indecision in Majlis, BOT will have the authority to call a General Body meeting to make the decision or they may convene a special BOT meeting and make decision by a simple majority vote. Their decision is binding on all concerned.

Under normal conditions, the General Body is the final authority within the confines of the Constitution.

#### **Chairperson**

The Chairperson of the Board of Trustee shall also be the Chairperson of the Majlis.

#### **Meetings**

The Majlis shall meet whenever necessary and General Secretary shall maintain proper minutes of all meetings.

#### **Decisions**

All decisions in Majlis shall be arrived at by a simple majority vote.

#### **Quorum**

At any meeting of the Majlis, 70% members from the Shura and the at least 4 Trustees together shall constitute the quorum. A person may be the member of the BoT and the Shura will be counted as one. This applies to the President and Vice President.

#### **Guest Attendance**

In some Majlis meetings General Body members could be invited as guests, not to exceed two (2) members per meetings and to attend as an Observer only and not allowed to participate in discussion.

#### **Disciplinary Actions**

Any member of the Majlis who violates the Constitution or the By-Laws, fails to carry out his duties, exceeds his legitimate authority or infringes on the objectives of MCNJ on P.5; Sec III, shall be liable to appropriate action including termination from the Majlis.

## Termination

Any member of the Majlis who shows disruptive behavior or hinders in the function of MCNJ shall be subject to termination by the Majlis on the following grounds:

1. The member has not met the minimum attendance requirements as per the constitution.
2. A member who is disruptive, loud, emotional, or fails to conduct himself/herself in the meeting at the School or at any other places of MCNJ business with other Trustees, members of the Shura or other MCNJ members shall be voted out by a simple majority of the Majlis.
3. A member who routinely declines responsibilities assigned to him or her will be put on notice. Any member who is put on notice more than twice may be considered for termination.
4. Every violation shall be counted and discussed

### Process for Termination:

Step 1: A warning letter will be issued

Step 2: If the offense continues again, the member is terminated.

## **B. BOARD OF TRUSTEES**

### Authority

The BOT shall hold in trust and serve as a custodian of all assets of MCNJ. Trustees will have pro-active commitment in Financial and Constitutional Matters

Trustees will be responsible to ensure that MCNJ constitution is being implemented.

### Eligibility

The following criteria for eligibility will apply:

#### a) Muslim

Shall be a Sunni Muslim in his/her daily life in accordance with the Quran and Sunnah, and not involved in any activity that violates the Objectives of MCNJ

#### b) Legally in USA

Shall have a legal status to stay domiciled in USA.

#### c) Good Standing

Shall be an active member in good standing for a period of one (1) year.

#### d) Service

Should have effectively served MCNJ for a period of one (1) year.

#### e) Willing And Able

Shall be willing and able to perform the duties, functions and responsibilities of the office of a Trustee.



f) Relatives

Close relatives will be discouraged to be members of BOT

g) Age

Shall be of proper age as laid down in the constitution

h) Endorsement

Shall endorse the Constitution and By-Laws of MCNJ.

**C. SHURA**

Authority

The Shura shall operate under the leadership of the President and shall undertake all activities of MCNJ as described on P.6; Sec IV. Office bearers and the Executive Committee will carry out these responsibilities with the cooperation and assistance of the Shura members.

Eligibility

The following criteria for eligibility will apply:

a) Muslim

Shall be a Sunni Muslim in his/her daily life in accordance with the Quran and Sunnah, and not involved in any activity that violates the objectives of MCNJ

b) Legally in USA

Shall have a legal status to stay domiciled in USA.

c) Good Standing

Shall be an active member in good standing for a period of one (1) year.

d) Service

Should have effectively served MCNJ for a period of one (1) year.

e) Willing And Able

Shall be willing and able to perform the duties, functions and responsibilities of the Shura members

f) Relatives

Close relatives will be discouraged to be members of Shura

g) Age

Shall be of proper age as laid down in the MCNJ constitution

h) Endorsement

Shall endorse the Constitution and By-Laws of MCNJ and is responsible for its implementation

Meeting

For a quorum, 70% of the Shura members are required in all meetings at any time.

## VIII. FINANCIAL MANAGEMENT AND RESPONSIBILITY

### A. COMMITMENTS

No one shall have the right to make any financial commitments except those authorized by the BOT, the President or any office bearer under authority from the BoT.

### B. SOURCE OF FUNDS

The source of the financial resources of MCNJ shall be:

1. Dues and Fees

Membership dues and school fees

2. Contributions

Voluntary contributions by individuals/ organizations

3. Fund Raising

Funds collected at different occasion of Fund Raising activities.

4. Donations

Donations will be accepted from all sources provided they do not violate the objectives of MCNJ and the laws of the land.

5. Evening Quran school

### C. REMUNERATION

The members of Majlis of MCNJ will not draw any remuneration from MCNJ funds. The school staff, the Imam, Administrator and other permanent/temporary staff may get paid if the financial conditions so permit after approval from the Majlis. The Shura will approve any compensation for any individuals less than \$25,000 per year by a majority vote. Any amounts in excess of \$25,000 will need approval of the Majlis in separate voting sessions.

### D. FISCAL YEAR

The Fiscal Year will start on January 01 and end on December 31 each year.

### E. DECISIONS

The Majlis will make all major financial decisions with a simple majority

### F. FUND RAISING

All participants are expected to raise funds to meet MCNJ's objectives.

### G. BANK ACCOUNT

All funds raised must be deposited in the checking account of MCNJ. Three signatories, (President, a Trustee and Treasurer) will be authorized by the Majlis. At all occasions any two of the above are required to be signatories on the MCNJ checks.

## **H. REIMBURSEMENT**

The President can spend at his discretion or in an emergency up to two thousand (\$2,000) dollars or less on valid expenses without prior approval of the Shura.

Amount between \$2,000 and \$10,000 will be approved by Shura.

Amounts over \$10,000 need to be approved by Majlis.

## IX. ELECTIONS

### CONDUCT OF ELECTIONS

MCNJ Elections will be held in Three Stages.

#### 1- General Elections

- a. General Election of Shura every (2) years by General Body.
- b. Secretary of Sisters Affairs (To be elected by paid registered women members of MCNJ)

#### 2. Election of following office Bearers by Majlis every 2 Year.

- President
- Vice President
- General Secretary
- Treasurer

#### 3. Election of Trustees by Majlis every 5 Years

### B. RULES

General Elections will be held every two (2) years for Shura by paid registered members of General Body to elect new Shura members. Thirty percent (30%) of the longest serving Shura members will automatically vacate their seats and will be replaced by equal number of newly elected members from the paid registered members of General Body of MCNJ. However, if no new candidate(s) is forthcoming, only then, after the special approval from Majlis, the vacating members may stand for one more election to the pool, as per criteria for eligibility for Elections

Election of Office Bearers- 2 year Term by Majlis

Quorum 80% of Majlis Members

Election of Trustees for 5 year term by Majlis

Quorum 80% of Majlis Members

The following election rules shall be observed:

1. Election/Nomination Month:  
The elections may be held in the first weekend of May. However, a latitude of maximum 60 days may be permissible by Majlis.
2. The nominations may be accepted at least 30 days prior to the election date.

#### 2. Members

All active members for the last one-year shall have the right to hold an office.

#### 3. Ballots

All elections shall be carried out by secret ballots. No absentee ballots shall be allowed

#### 5. Tenure Limits

All members of the Shura will be elected for a maximum of six (6) years.

#### 6. Location of Elections

The General Secretary shall inform all members of MCNJ in writing; the date, time and place of election sixty days prior to the Election Day.

#### 7. Election Officials

BoT shall appoint an election officer (called Overseer) ninety (90) days before the Election Day, who shall conduct the election.

One BoT member shall monitor the elections as the Chief Election Officer.

The overseer shall not be a candidate for the election.

#### 8. Cancellation/Postponement

If due to any unavoidable circumstances the election needs to be postponed, a new date for the election need to be announced within thirty (30) days after the first election date.

#### 10. Decision

The Election officials shall declare nominees having a simple majority vote elected/nominated.

#### 11. Filling Shura Vacancies:

If there are two or more vacancies in Shura, a special supplemental election shall be held to fill the vacancies in the next General Body meeting.

#### 12. Election Related issues:

All election related issues shall be referred to the Election Commission. The resolution of such issues need to be approved by the BoT.

## **X. AMENDMENTS TO THE CONSTITUTION**

### **A. AMENDMENTS**

With time and growth of MCNJ activities, the Constitution shall be reviewed and modified if necessary, to meet new challenges.

### **B. PROCESS**

The President may appoint an ad-hoc constitution committee to come up with suggestions to make amendments in the constitution.

The proposed amendment must be sent to all members of the Majlis at least fifteen (15) days before the day of the meeting. The Majlis may approve all changes recommended by the constitution committee by a simple majority.

After the approval from the Majlis, all major amendments in the draft constitution shall be displayed for the information of General Body at least one month prior to the special General Body meeting for the final approval.

## **XI. DISSOLUTION OF MCNJ**

### **A. EMPOWERMENT**

The General Body is empowered to propose and carry out the dissolution of MCNJ on receiving a positive vote from a two-third majority of the General Body, for a valid cause or a reason. An 80% of attendance by the General Body will meet the quorum requirement.

### **B. DISSOLUTION PROCEEDS**

Upon dissolution of MCNJ, all the proceeds, after payment of all outstanding dues/debts, shall be given to an established bonafide registered Islamic, non-profit, religious organization registered under the Section 501(c)(3) of the Internal Revenue Code and located within a 25 mile radius of MCNJ's Islamic Center. All assets shall be sold in accordance with current market prices.

### **C. PROCESS**

BOT shall be responsible for carrying out the dissolution process in a manner satisfactory to the local, state and federal authorities.

The dissolution of MCNJ shall only be for a valid cause or reason. The Majlis shall vote by a 75% majority to dissolve MCNJ. Once approved, another vote will be taken in the General Body.

## **XII. BY-LAWS**

The Majlis may enact additional By-Laws for administrating their affairs effectively. Such By-Laws could be amended by a simple majority vote of the General Body (Article X). Additional By-Laws may not restrict or alter any provisions of this Constitution.

### A. DUTIES OF THE Majlis-e-Ala

To consider and approve matters referred to it, such as:

1. Appeals

Consideration of appeals of membership applications rejected by the Majlis

2. Conflicts

Take appropriate measures in case of conflicts between members and the Shura and/or BOT.

3. Suspension/Termination

Suspension and/or Termination of members

4. Proposals

Consider proposals and review/approve amendments to the Constitution and By-Laws.

5. Resignations

Review resignation of the Shura or the BOT for approval or further action.

6. Survival

Any other task that may be considered essential for the survival of MCNJ

### B. DUTIES OF THE BOT

1. Management

The BOT shall manage MCNJ in the absence or dissolution of the Shura. Shall hold in trust and serve as custodian of all assets of MCNJ.

2. Long Term Planning

The BOT shall be responsible for the long term planning as directed by Majlis or General Body.

### C. DUTIES OF THE PRESIDENT

1. Promotion

The President-elect should be able to provide leadership to MCNJ. He shall work for the promotion and advancement of MCNJ and for the preservation and implementation of this Constitution.

2. Programs

Shall plan organize and execute all approved programs and activities for accomplishing the objectives of MCNJ.

3. Policies

Shall carry out the policies and decisions made by the Shura and BoT, and assume responsibility for harmonious functioning of MCNJ.

4. Representations

Shall represent MCNJ in consultation with the BoT and the Shura.



5. Authority

Shall have the authority to call all meetings either on his own or on request from the Chairperson of the BoT.

6. Committee

Shall appoint or dissolve committees (Finance, Education, etc.) on his/her own initiative or at the request BOT. He will also act as an advisory member on every committee.

7. MCNJ Bank Account

Could be one of the three signatories on the MCNJ checks. Not to include any relatives.

8. Signature

Shall sign all contracts, legal papers and official documents as an agent of MCNJ, after approval from the BOT.

9. Annual Meeting

Prepare and present the Annual Report of MCNJ to the General Body at the Annual Meeting.

10. Day to Day Functions

The President is ultimately responsible for the day-to-day functions of MCNJ.

11. Limit on Authority

Shall not contact the General Body about organizational matters without approval from the Majlis.

D. DUTIES OF THE VICE PRESIDENT

1. Assistance

Assist the President in fulfilling his duties in day- to- day functioning of MCNJ.

2. Absence

Assume the function of the President in his or her absence

3. Membership Roster

Shall keep the membership roster updated at all times and work on improving the MCNJ membership

E. DUTIES OF THE GENERAL SECRETARY

1. Correspondence

Assist MCNJ in performance of its duties including correspondence. Shall keep all correspondence updated and cataloged.

2. Function

Should assume the functions of the Vice President temporarily in his/her absence.

3. Meeting Agendas

Will be responsible to notify the members about all meetings as instructed by the President/Vice President. Shall prepare the agendas of all meetings and notify the Shura.

4. Minutes

Shall be responsible to record the minutes of all the meetings and distribute them.

#### 5. Official Records

Shall hand over all official records and papers of MCNJ to his/her replacement at the end of the term or within a week of written notice from the BoT or in the event of his/her resignation.

#### 7. Limit on Authority

Shall not contact the General Body without approval from the BOT and/or the Shura.

### F. DUTIES OF THE TREASURER

#### 1. Bank Account

Shall receive and deposit all moneys payable to MCNJ including but not limited to membership dues, contributions, donations, etc., in the bank account of MCNJ.

#### 2. Retention

Shall keep records according to standard accounting practices, and retain all receipt and cancelled checks for a minimum of (5) five years.

#### 3. Reports

Shall issue statements of operations to the Shura on a monthly basis and shall provide all records of the financial transactions for public scrutiny as requested by the Shura.

#### 4. Signatures

Shall sign all checks with other signatories as authorized by the Shura.

#### 5. Limit of Authority

Shall have no right to spend or issue a check except as authorized by the BoT and/or the Shura.

### **XIII. SUCCESSION**

Upon death, resignation, and termination or through any cause the order of succession shall be as follows. However, the Majlis shall approve all successions including the trustees and if needed, nominate all vacancies including vacated trustee positions in the interim.

**1. President**

The Vice President shall succeed the President.

**2. Vice President**

Majlis will elect a new Vice President from the Shura.

**3. General Secretary**

The Treasurer shall succeed the General Secretary.

**4. Treasurer**

Majlis will elect a new Treasurer from Shura.

#### **XIV. HANDOVER**

The outgoing Shura Members shall handover all files, documents and any asset of MCNJ at their disposal to the newly elected/approved office bearers within (30) thirty days.

## **XV. INDEMNIFICATION**

MCNJ shall, to the extent legally permissible, indemnify each person who may serve or who has served at any time as an officer, director, or employee of MCNJ against all expenses and liabilities, including, without limitation, counsel fees, judgments, fines, excise taxes, penalties and settlement payments, reasonably incurred by or imposed upon such person in connection with any threatened, pending or completed action, suit or proceeding in which he or she may become involved by reason of his or her service in such capacity; provided that no indemnification shall be provided for any such person with respect to any matter as to which he or she shall have been finally adjudicated in any proceeding not to have acted in good faith in the reasonable belief that such action was in the best interests of the corporation; and further provided that any compromise or settlement payment shall be approved by a majority vote of a quorum of directors who are not at that time parties to the proceeding.

## **XVI. ADOPTION, ENFORCEMENT AND INTERPRETATION OF THE CONSTITUTION**

### **A. CONFLICT**

In case of any conflict between the Constitution and the Quran and Sunnah, the latter will supersede over the Constitution of MCNJ.

### **B. ADOPTION**

This Constitution and any amendment to it shall be adopted and enforced immediately to take effect, after it has been approved and shall supersede all provisions previously in effect.

### **C. AMBIGUITY**

In case of ambiguity regarding the interpretation of any provision of the Constitution or conflict between one or more provisions of the Constitution, the Shura shall clarify the ambiguity to resolve it.

### **D. APPELLATE REVIEW COMMITTEE**

If the Shura/Majlis/BOT fails to resolve the conflict, then an Appellate Review Committee's decision shall be final and binding.

#### **1. Make Up**

The Appellate Review Committee shall comprise of seven members appointed by the Shura as follows:

- i. Two member from the BOT of MCNJ
- iii. Two office bearer from the Shura of MCNJ
- iii. Three members from the Shura of MCNJ

#### **2. Hearing**

Such hearing shall comply with the member's right to due process.

#### **3. Due Process**

Due Process shall include:

- i. Specific Charges- the right to know specific charges.
- ii. Fair Hearing - the right to fair hearing.
- iii. Confront Witnesses- the right to call and confront the witness.

4. Prompt Decision – the right to prompt decision by the hearing body, based upon the findings of the fact. Such decision to be made within forty five (45) days of the conclusion of the final hearing and in accordance with the teaching of Quran, Sunnah and Shariah.

5. Final Decision- The final decision shall be binding to the complainant without any further appeal or recourse.