

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



**In the name of Allah, The Most Gracious, The Most Merciful**

# CONSTITUTION

and

# BYLAWS

**ISLAMIC CENTER OF BRUSHY CREEK**

**AS AMENDED BY THE SHURA COUNCIL NOVEMBER 2018**

1950 Brushy Creek Road, Cedar Park, TX 78613  
<http://www.icbrushycreek.org>

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## **1. ARTICLE I: NAME AND AFFILIATION**

### **1.1 Section 1: Name**

This organization is called the Islamic Center of Brushy Creek, herein after referred to as the ICBC.

## **2. ARTICLE II: AIM, PURPOSE, AND OFFICE**

### **2.1 Section I: Aims and Purpose**

The aims and purposes of ICBC are to serve Islam and Muslims, particularly the Muslims living in the Northwest Austin, Cedar Park, Southwest Round Rock and Leander areas. All the activities of the ICBC shall be in accordance with the Qur'an and the authentic Sunnah of Prophet Muhammad (peace be upon him).

To this end, the ICBC shall:

- a) Strive to strengthen and enforce the faith of all Muslims in Allah (SWT), His Prophet Muhammad (peace be upon him), the Qur'an, and the authentic Sunnah;
- b) Help the Muslims and neighboring communities to carry out Islamic programs;
- c) Promote unity and joint action among the Muslims;
- d) Aid and assist members when in need;
- e) Conduct religious, social, cultural, educational and other activities in the best traditions of Islam;
- f) Arrange and hold congregational prayers and Islamic religious festivals such as Eid-al-Fitr and Eid-al-Adha;
- g) Promote friendly relations and understanding between Muslims and non-Muslims;
- h) Endeavor to make Islamic teaching known to non-Muslims;
- i) Acquire and own real estate in the conduct of religious services; and
- j) Loan and borrow money and acquire funds through charity drives, donations, gifts and forms of entertainment, for its religious, civic, educational and promotional (Da'wah) purpose.

### **2.2 Section II: Office**

ICBC shall have, and continuously maintain in the State of Texas, a registered office and a registered agent, whose office is identical with such registered office, and may have other offices within or outside the State of Texas but within contiguous USA, as the Shura Council may from time to time determine.

### **3. ARTICLE III: ORGANIZATION AND STRUCTURE**

#### **3.1 Section I: Organizational Structure**

ICBC shall have the following Organizational Structure:

- (a) Executive Board (EB)
- (b) Shura Council (SC)
- (c) General Body (Voting Members) (GB)

#### **3.2 Section II: Description of the Organizational Structure**

The ICBC organizational structure consists of three (3) major entities as stated in Article III Section I, i.e., Executive Board, Shura Council, and the General Body (Voting Members).

The General Body shall consist of two (2) categories; Voting Members and Non-voting Members. The voting members of the General Body will elect the Shura Council through a voting process. The Shura Council in turn will select the Executive Board from amongst them.

The Executive Board will be the executive body of the ICBC in charge of managing its affairs. The Executive Board will form different committees from primarily the Shura Council, to the extent possible, to carry out various tasks for ICBC.

The Shura Council will be entrusted with certain rights and responsibilities in order to create “check and balance” in the governance of the ICBC affairs. A more detailed description of the role and responsibilities of Shura Council is listed under Article V section I.

The details of each entity in the organization including its purpose, functions, and duties are described in more detail in the relevant sections below.

All the ratios mentioned in this document will be rounded to the nearest full integer. A ratio right in the middle will be rounded “up”. For example, 7.49 will be rounded to 7 and 7.5 and above will be rounded to 8.

### **4. ARTICLE IV: THE EXECUTIVE BOARD**

#### **4.1 Section I: Composition**

- a) The Executive Board shall consist of five (5) members as stated in Article IV Section V of this Constitution;
- b) The Executive Board members will be elected by the Shura Council from among the members of Shura Council as described in Appendix A;
- c) An Executive Board member will continue to be a member of Shura Council; and
- d) An employee of the ICBC cannot be a member of the Executive Board.

#### **4.2 Section II: Function**

The Executive Board is the highest executive authority and is responsible for running the day-to-day operations of ICBC. Its decisions, within the framework of its functions, are binding upon the Shura Council, Special Committees, General Body, and the people working for ICBC, as long as these decisions do not contradict Shariah or the authentic Sunnah.

The following are the general functions of the Executive Board.

- a) Executing the Goals and Objectives at the direction of Shura Council;
- b) Supervising implementation of the Constitution;
- c) Finding ways and means to raise funds for ICBC;
- d) The general management, maintenance and growth of ICBC;
- e) Approving and signing all withdrawal and expenses and financial management of ICBC;
- f) Appointment of employee(s) of ICBC;
- g) Overseeing and evaluating the performance of special committees;
- h) By two-third (2/3<sup>rd</sup>) majority vote, recommend to Shura Council the suspension or cancellation of any member of the Executive Board, in accordance with conditions under Article IV Section III;
- i) Updating Shura Council with the state of general and financial affairs at regular intervals, but not exceeding three (3) months;
- j) The Executive Board may recommend expulsion or exclusion of membership of any voting or non-voting member of the General body. However, it will require approval of Shura Council with three-fourth (3/4<sup>th</sup>) majority vote; and
- k) Any member unable to attend the meeting may provide their proxy to another attending member. Such proxy shall count towards the requirement for meeting quorum, voting purposes, etc.
  - i. Proxy needs to be sent in writing to the Executive Board and the person to whom it is being given prior to the scheduled meeting start time.
  - ii. Proxy is not transferable; i.e., cannot be passed to a third party by a current proxy holder. For example, Person A can give a proxy to Person B. If Person B gives his proxy to Person C, Person A's proxy does not transfer to Person C.
  - iii. If a member has to leave during the meeting, he can give a proxy to another attending member by notifying the Executive Board.

### **4.3 Section III: Tenure**

All Executive Board members shall be elected for a period of two (2) years at a time. At the end of their tenure, they will be eligible for re-election.

### **4.4 Section IV: Removal of Executive Board Members**

Under certain conditions and upon the recommendation of the Executive Board and/or the Shura Council, Executive Board member(s) may be removed by a three-fourth (3/4<sup>th</sup>) majority vote of the Shura Council.

The Shura Council shall appoint an ad-hoc committee consisting of three (3) members from the Shura Council to be chaired by a person appointed by the Shura Council to investigate any allegations against Executive Board member(s). Based on the findings of that committee, the Shura Council may proceed to remove the said Executive Board member(s).

The members of the Executive Board shall neither participate in the Shura Council proceedings pertaining to the removal of Executive Board member(s) nor will they be eligible to vote in the removal of Executive Board member(s).

Some conditions for removal of Executive Board member(s) are as follows:

- a) Open and persistent acts of a major sin;
- b) Direct and willful violation of the ICBC Constitution;
- c) Misuse or misappropriation of ICBC funds, assets, etc.;

- d) Damaging the existence or interests of ICBC; and
- e) Non-compliance or unwillingness to dedicate, without reasonable excuse, at least two (2) hours a week to the affairs of ICBC when requested to do so by the Executive Board.

#### **4.5 Section V: Vacancy and Appointment of New Members**

An Executive Board vacancy may be created when a member becomes incapacitated, dies, resigns, his term expires, or moves his primary residence outside the ICBC voting area as defined in Article VII Section II of this Constitution;

- a) The Shura Council will follow the normal procedure for electing an Executive Board member to fill this vacancy for the remaining period of the term of the vacated position;
- b) A vacancy may be filled with any member from the Shura Council;
- c) A person must be a member of the Shura Council before being eligible for election to the Executive Board; and
- d) If the term completed by the Executive Board member to fill in any mid-term vacancy exceeds one (1) year, then that term will be counted towards the term limit.

#### **4.6 Section VI: Officers, Roles and Responsibilities**

The Executive Board members will be elected by the Shura Council from among the Shura Council members.

The following are the Officers of the Executive Board:

- a) Chairman (Ameer);
- b) Vice Chairman;
- c) Secretary;
- d) Treasurer; and
- e) Executive Board Member.

#### **4.7 Section VII: Chairman of the Executive Board**

The Chairman of the Executive Board will be elected from among the members of the Shura Council. The following are the roles and responsibilities of the Chairman:

- a) Supervising and managing the general affairs of ICBC;
- b) Calling and presiding over the meetings of the Executive Board;
- c) Co-signing with the Treasurer bank checks, documents and any other official correspondence in accordance with Article VIII;
- d) Presenting reports about the affairs of ICBC as required;
- e) Ensuring the legal and tax requirements of the Federal, State, and Local governmental agencies are being fulfilled; and
- f) Acting in an advisory capacity to all special committees.

#### **4.8 Section VIII: Vice Chairman of the Executive Board**

The Vice Chairman of the Executive Board will be elected from among the members of the Shura Council. The following are roles and responsibilities of the Vice Chairman:

- a) Carrying out the management activities, in the absence of the Chairman;
- b) Temporarily assuming the functions of the Chairman when requested to do so or if the Chairman is incapacitated. In the latter case, if the remaining term of the vacated position

is one (1) year or less, the Vice Chairman of the Executive Board will assume the position of the Chairman of the Executive Board to complete the rest of the term of the Chairman. In such an instance, a new member will be elected to the Executive Board per Article IV Section III, and a new Vice-Chairman will be elected by the Shura Council; and

- c) Performing any special assignments given to him by the Chairman.

#### **4.9 Section IX: Secretary of the Executive Board**

The Secretary of the Executive Board will be elected from among the members of the Shura Council. The following are the roles and responsibilities of the Secretary:

- a) Reporting the important events and activities of ICBC to the external bodies. Any communication to the external bodies must be co-signed with the Chairman of the Executive Board;
- b) Preparing, circulating and maintaining the minutes of the Executive Board Meeting;
- c) Preparing the agenda for the Executive Board meeting and notifying the members of the Executive Board of it;
- d) Maintaining the list of members and the volunteers for the various functions of ICBC;
- e) In case of emergency and when requested to do so by the acting Chairman, preside over the Executive Board meetings when both the Chairman and Vice Chairman are absent;
- f) Presenting at the beginning of every Executive Board meeting, the minutes of the last meeting for approval by the Executive Board;
- g) Posting as necessary, a list of members eligible to vote; and
- h) Maintaining all the records (except financial) of ICBC.

#### **4.10 Section X: Treasurer of the Executive Board**

The Treasurer of the Executive Board will be elected from among the members of the Shura Council. The following are the roles and responsibilities of the Treasurer:

- a) Maintaining the record of all the financial transactions of ICBC. The treasurer will be responsible for systematic maintenance of books, check disbursements, receipts, bank statement reconciliation and presenting the financial status of ICBC;
- b) Collecting and depositing all funds received on behalf of ICBC;
- c) Co-signing all withdrawals and check disbursements in accordance with Article VIII;
- d) Presenting annual budgets to the Executive Board for approval;
- e) Presenting before the Executive Board monthly, quarterly, and yearly reports on the status of the financial affairs of ICBC;
- f) Ensuring proper back-up materials are maintained for all financial transactions; and
- g) Keeping ICBC registered in the State of Texas and maintaining its non-profit religious and tax-exempt status with the Internal Revenue Service (IRS) and with any other Federal, State or Local governmental organizations.

#### **4.11 Section XI: Executive Board Meetings and Procedures**

The Executive Board shall meet, at a minimum, once every month;

- a) Presence of four (4) out of five (5) members shall constitute a quorum;
- b) For an Executive Board decision to be binding, it must be approved by at least 2/3rd majority of the Executive Board members;

- c) Executive Board meetings will be closed to the public;
- d) A decision reached by the Executive Board cannot be modified, changed, or altered by any individual Executive Board member(s) unless it is done by provisions of this Constitution, inclusive of notice, quorum, meeting in person, by phone or via electronic mail. In the event of an emergency, which requires immediate or quick decision, approvals may be received over the phone or via electronic mail. In such a case, the issue must be notified to the Secretary, or in his absence, to the Vice Chairman;
- e) The Secretary (or Vice Chairman) will contact the Executive Board members and obtain their votes on the issue over the phone or via electronic mail. The decision reached in this manner should be documented and presented at the next meeting by the Secretary;
- f) The Executive Board shall approve the job responsibilities of any ICBC employee;
- g) An Executive Board member who fails to attend at least three consecutive scheduled meetings without being excused prior to the meeting by the Chairman shall be required to provide an explanation in writing for his absence. Appropriate course of action may be taken in accordance with Article IV Section III. The Executive Board must grant the individual a hearing before taking any action; and
- h) In case of ambiguity or conflict regarding the interpretation of any provisions of this Constitution, the interpretation of the Shura Council shall be final and binding on all.

## **5. ARTICLE V: SHURA COUNCIL**

### **5.1 Section I: Functions**

- a) Elect members / officers of the Executive Board;
- b) Set direction for the Executive Board to carry out the charters, goals and activities of ICBC;
- c) Determine monthly or yearly membership dues and fees for the ICBC;
- d) The Shura Council will need a 2/3<sup>rd</sup> majority to initiate the process of “vote of no-confidence” against any members of the Executive Board or Shura Council;
- e) The Shura Council will be able to call a vote of no confidence against any member of the Executive Board or all of the Executive Board with 2/3<sup>rd</sup> majority vote and in accordance with Article IV Section IV. In this case, the Executive Board members will be excluded from the proceedings of the Shura Council and the 3/4<sup>th</sup> majority vote will be from those Shura members who are not part of the Executive Board; and
- f) The Shura Council will be responsible for all major and strategic decisions such as:
  - i. Amendment to the Constitution;
  - ii. Change of Affiliation of the Organization;
  - iii. Decision to start major project such as building construction or spending in excess of five thousand dollars (\$5,000) on a single project.
  - iv. Decision impacting the capital structure of the organization or ownership of the assets of the organization;
  - v. Acquiring major financial loans; and
  - vi. Selection of Imam;
- (h) In case of ambiguity or conflict regarding the interpretation of any provisions of this Constitution, the interpretation of the Shura Council shall be final and binding on all.

## 5.2 Section II: Composition

- a) The Shura Council shall consist of nineteen (19) members;
- b) The Shura Council shall be elected by ICBC voting members in good standing, as described in Article VII Section II;
- c) The members of the Executive Board are also members of the Shura Council;
- d) The Shura Council shall elect a Coordinator of the Shura Council as described in Appendix B;
- e) The Shura Council Coordinator shall be elected for a period of two (2) years at a time. At the end of the tenure, he will be eligible for re-election;
- f) There will be a limit of two (2) consecutive terms. After serving for two (2) consecutive terms, the Shura Council Coordinator must wait a minimum of two (2) years before becoming eligible for another two (2) terms;
- g) If the Shura Council Coordinator vacates the position due to any reason after completing more than one (1) year of the current term, then that term will be counted as a “completed term” for the purpose of determination of the term limit. However, if he vacates the position due to any reason after completing less than one (1) year of the current term, then that term will not be counted as a “completed term” for the purpose of determination of the term limit;
- h) The Shura Council Coordinator shall call and preside over the meetings of the Shura Council;
- i) The Shura Council must meet at least once every two (2) months;
- j) The presence of two-third ( $2/3^{\text{rd}}$ ) of the members shall constitute a quorum. If two-third ( $2/3^{\text{rd}}$ ) of the members do not appear at the meeting, another Shura Council meeting shall be called to discuss the same within thirty (30) days. In the second meeting there shall be no quorum requirements for voting on matters that were to be voted at the previously scheduled meeting;
  - i. Any member unable to attend the meeting may provide their proxy to another attending member. Such proxy shall count towards the requirement for meeting quorum, voting purposes, etc.;
  - ii. Proxy needs to be sent in writing to the Shura Council Coordinator and the person to whom it is being given prior to the scheduled meeting start time.
  - iii. Proxy is not transferable; i.e., cannot be passed to a third party by a current proxy holder. For example, Person A can give a proxy to Person B. If Person B gives his proxy to Person C, Person A's proxy does not transfer to Person C.
  - iv. If a member has to leave during the meeting, he can give a proxy to another attending member by notifying the Shura Council Coordinator.
- k) If, at any time, Shura Council membership falls below fifteen (15), the Shura Council shall elect enough members to cross the threshold of fifteen (15) members within thirty (30) calendar days. Until the membership reaches fifteen (15) or higher, Shura Council cannot make any major or strategic decisions;
- l) If, at any time, Shura Council membership falls below thirteen (13), the Shura Council shall conduct a by-election within ninety (90) calendar days to fill the vacant positions by the ICBC Voting Members. Until the Shura Council membership reaches fifteen (15) or higher, Shura Council cannot make any major or strategic decisions;
- m) A Shura Council member must be willing to volunteer at least two (2) hours a week to the affairs of the ICBC or become part of any committee if they are asked to do so by the Executive Board. Non-compliance may be considered sufficient ground for the removal

of the Shura Council member. The removal process is same as described under Article V Section IV; and

- n) An employee of the ICBC cannot be a member of the Shura Council.

### 5.3 Section III: Membership and Tenure of the Shura Council

- a) A voting ICBC member in good standing for at least twelve (12) months is eligible for membership in the Shura Council;
- b) Members of the Shura Council will be elected from among the voting ICBC members who are in good standing;
- c) Nomination of a person for the Shura Council shall be done by a voting ICBC member in good standing and recommended by at least two (2) other voting ICBC members in good standing;
- d) The Shura Council may reject the nomination of any member to the Shura Council if it believes that the individual may be detrimental to the interests of ICBC. The rejection will be based on the same criteria as mentioned in the Article IV Section IV. An ad-hoc committee appointed by the Shura Council will give the voting member an opportunity for a hearing;
- e) Members of the Shura Council shall be elected for a period of three (3) years at a time. At the end of their tenure, they will be eligible for re-election. The 3-year term shall be applied retrospectively to include the members elected to the Shura Council at the elections held in December 2013 for the first time, but not to the incumbents (returning members);
- f) All Shura Council members shall be elected for a period of three (3) years at a time. At the end of their tenure, they will be eligible for re-election;
- g) Time served as a Shura Council member in the Interim Shura Council (See Appendix C) and as a continuing member in the Shura Council immediately after the Interim Period (See Appendix C) shall not be counted as a “completed term”; and
- h) If a Shura Council member vacates the position due to any reason after completing more than one (1) year of the current term, then that term will be counted as a “completed term”.

### 5.4 Section IV: Removal of Shura Council Members

Under certain conditions and upon the recommendation based on a simple majority of the Shura Council, a Shura Council member may be removed by a three-fourth (3/4<sup>th</sup>) majority vote of the Shura Council members. The Shura Council shall appoint an ad-hoc committee consisting of three (3) members from the Shura Council to be chaired by a person appointed by the Shura Council to investigate any allegations against Shura Council member(s). Based on the findings of that committee, the Shura Council may proceed to remove the said Shura Council member(s).

Some conditions for removal of Shura Council member(s) are as follows:

- a) Open and persistent acts of a major sin;
- b) Direct and willful violation of the ICBC Constitution;
- c) Misuse or misappropriation of ICBC funds, assets, etc.;
- d) Damaging the existence or interests of ICBC; and

- e) Non-compliance or unwillingness to volunteer, without reasonable excuse, at least two (2) hours a week to the affairs of ICBC when requested to do so by the Shura Council.

### **5.5 Section V: Vacancy and Appointment of New Members**

A Shura Council vacancy may be created when a member becomes incapacitated, dies, resigns, his term expires, or moves his primary residence outside the ICBC voting area as defined in Article VII Section II of this Constitution;

- a) The Shura Council can nominate and elect anyone from the voting ICBC members of the General body to fill this vacancy for the remaining period of the term of the vacated position as described in Appendix D;
- b) A person must be a voting ICBC member in good standing for at least twelve (12) months before being eligible for election to the Shura Council; and
- c) If the term completed by the Shura Council member to fill in any mid-term vacancy exceeds one (1) year, then that term will be counted towards the term limit.

## **6. ARTICLE VI: SPECIAL COMMITTEES**

The Executive Board may appoint, at any time, special committees to carry out assignment(s). The tenure of these committees may vary from a fraction of an hour to more than a year depending on the nature of the assignment(s);

The assignment given to any special committee shall be clearly defined by the Executive Board;

The committees will work under the general supervision of the Executive Board and within the constitutional framework of ICBC. However, specific committees will work under general guidance of the Executive Board member responsible for that function; and

The following special committees may be appointed, but are not limited to:

- a) Administration Committee
- b) Communications Committee
- c) Community Welfare Committee
- d) Construction Committee
- e) Da'wah Committee
- f) Educational Activities Committee
- g) Facilities Maintenance Committee
- h) Financial Committee
- i) Funeral services Committee
- j) Fund Raising Committee
- k) Masjid Activities Committee
- l) Sisters' Affairs Committee
- m) Social Activities Committee
- n) Welcome & Orientation
- o) Youth Activities Committee

## **7. ARTICLE VII: GENERAL BODY**

### **7.1 Section I: Composition**

The General Body will be comprised of the "General Members" of ICBC that will be further classified into "voting" and "non-voting" members.

The General Body meeting will be called by the Executive Board of the ICBC every six months for briefing on the status of the ICBC affairs.

### **7.2 Section II: Voting Membership Requirements**

- a) A Muslim who believes in and endeavors to practice Islam according to the beliefs of Ahlus Sunnah Wa-Jama'a as defined in Appendix E and resides within ICBC voting area is eligible to become a voting member under the following conditions;
- b) The person must be at least 18 years old;
- c) The person must be participating community member (for example, regular attendee of the congregational prayers and other ICBC activities) for at least three (3) months and has been registered at least three (3) months prior to the election date;
- d) The person must present a valid, legal (picture) ID before voting in election related to ICBC;
- e) ICBC voting area is defined as the region included within a circle of ten (10) miles radius, centered at the ICBC address. To elaborate, a person having his or her primary residence situated within 10 miles distance from the ICBC location (1950 Brushy Creek Road, Cedar Park, TX 78613), is eligible to become a voting member, provided all other conditions are satisfied;
- f) The ICBC voting area will also include any addresses outside the said 10 miles radius of the ICBC premises provided ICBC is the nearest masjid to that residence;
- g) To be a Voting Member in good standing, a member must be current with any monthly or yearly membership dues that may be established by ICBC from time to time. Such member must also not be a member of any entity including but not limited to a group, club, or organization that is known to have enmity towards Islam and/or Muslims;
- h) The Shura Council may reject the membership request of an applicant if it believes that the individual's membership may be detrimental to the interests and charter of the ICBC as discussed under Article IV Section IV. A member with rejected application will have the right to appeal the decision to the Shura Council;
- i) The Voting Members in good standing will elect the Shura Council. After the election of the Shura Council, the general voting members will have no voting privileges in the decision-making process of the other governing bodies of the ICBC;
- j) A Voting Member must be in good standing for at least twelve (12) months prior to the date of the election to vote for the Shura Council;
- k) A Voting Member must not have any prior convictions for a felony or misdemeanor in the United States for a period of three (3) years prior to the date of election; however, the Shura Council can make an exemption to this rule on an individual case basis; and
- l) A Voting member must be a Citizen or Legal Permanent Resident of the United States or be legally allowed to reside in the United States such as those holding non-immigrant visas. In other words, an illegal immigrant cannot become a Voting member.

### **7.3 Section III: Membership Dues**

Membership dues will be established by the Shura Council.

### **7.4 Section IV: Non-Voting Members**

A Non-Voting member is any member who fulfills all the membership requirements of a Voting member except primary residency requirement as described in Article VII Section II of this Constitution; and

The spouse of Muslim men who are of Christian or Jewish faith (People of the Book) can become non-voting member and will be exempt from the conditions mentioned in Article VII Section II (a) under (i), (ii), (iii) and (v).

Appendix F provides details of the Shura Council member election process.

## **8. ARTICLE VIII: FINANCE**

### **8.1 Section I: Contributions**

- a) ICBC may accept contributions in any form from any source consistent with the purpose of ICBC and the principles of Islam;
- b) All funds collected for a specific cause shall be used for that cause. Exception to this rule have to be declared to the donors with explanation for why this was not done, and/or giving the donor the choice to either withdraw donation or transfer permit using it for a different cause; and
- c) All the funds collected will be in accordance with the State and Federal Laws and IRS 501 (3) requirements.

### **8.2 Section II: Separation of Accounts**

ICBC shall establish separate, interest-free, bank accounts for various expense categories such as Operations, Construction, Educational programs, Sadaqa, Zakat, Imam expenses, etc.

Records and sub accounts must be maintained for funds received for specific purposes - Zakat, Zakat-al-Fitr, Sadaqa and cause-specific relief funds, etc. All funds received for a specific purpose and/or under a sub-account must be spent on that particular purpose and or sub account accordingly. Exceptions to this rule have to be declared to the donors with explanation for why this was not done, and/or giving the donor the choice to either withdraw donation or transfer permit using it for a different cause.

### **8.3 Section III: Withdrawal of Funds**

- a) Any disbursements in excess of \$5,000 require the prior approval of the Shura Council.
- b) All checks or withdrawals greater than \$5,000 must be co-signed by Treasurer and Chairman of the Executive Board;
- c) For regular expenses (rent, electricity, telephone, water/sewage, gas, etc.) associated with the day-to-day operations of ICBC and other miscellaneous expenses under \$500, the signature of the Treasurer is sufficient.
- d) The Treasurer must advise the Chairman of all checks written.
- e) For expenses greater than \$500 the Treasurer must advise the Executive Board;

- f) A petty cash fund with an amount of up to \$500 may be kept by the Treasurer to meet incidental expenses of ICBC. All such expenses must be supported by expense documentation.

**8.4 Sections IV: Audit**

- a) The Executive Board may nominate professional auditors who have basic knowledge of accounting and audit procedures;
- b) The nominated Auditors will audit the accounts of ICBC and report its recommendations and findings to the Executive Board;
- g) Annual audit of accounts must be performed by a certified public accountant in accordance with the State and Federal laws;
- h) Scope of audit over and above the Federal and State’s minimum requirements has to be recommended by the Executive Board or Shura Council. The nominated Auditors will audit the accounts of ICBC and report its recommendations and findings to the Shura Council; and
- i) The Executive Board has to publish the audit results to the ICBC members.

**9. ARTICLE IX: CONFLICT RESOLUTION**

All stakeholders at ICBC—Executive Board, Shura Council, employees, volunteers, etc., shall work together based on the Islamic principle of Shura (consultation and consensus building). Any conflict involving ICBC stakeholders shall be resolved through mutual reconciliation. However, if the parties are unable to resolve their dispute amicably, the case shall be escalated to the Shura Council and addressed as per the process outlined in Appendix G.

**10. ARTICLE X: AMENDMENTS**

**10.1 Section I: Amendment requests**

- a) The Executive Board, The Shura Council, or a general member in good standing, may propose constitutional amendments. Constitutional amendment requests must be made in writing to the Shura Council Coordinator;
- b) However, one-third (1/3<sup>rd</sup>) members of the Shura Council must sign the proposal;
- a) The Shura Council Coordinator shall mail the proposal to all the members of the Shura Council and call a Shura Council meeting within sixty (60) days of notice of the proposed amendments; and
- b) Meeting to discuss the constitutional amendments should be held no sooner than thirty (30) days from the date of notification (post-marked date).

**10.2 Section II: Approval**

- a) The quorum required for voting an amendment shall be seventy-five (75) percent, i.e., three fourth (3/4<sup>th</sup>) of the Shura Council which will be in effect for two (2) consecutive meetings;
- b) To be effective, an amendment must be approved by at least three-fourth (3/4<sup>th</sup>) majority of the total Shura Council members.

- c) In the absence of quorum in the first two meeting, the quorum requirement for the subsequent meeting shall be sixty-six (66.67) percent; i.e., two-thirds (2/3rd) of the Shura Council;
- d) To be approved at a meeting with the lowered quorum requirement, an amendment must be approved by at least three-fourths (3/4th) majority of the total Shura Council members present at that meeting.

**10.3 Section III: Amendment Restriction [Exclusions]**

Amendments to any of the following Sections may not be valid. These sections are:

- a) Article II Section I
- b) Article VII Section II (a)
- c) Article IX
- d) Article X

**11. ARTICLE XI: DISSOLUTION**

In case the organization (ICBC) becomes financially insolvent, the Shura Council may dissolve the organization with a three-fourth (3/4<sup>th</sup>) majority vote. The Shura Council shall dissolve ICBC, after making all payments or provisions for the payment of all liabilities of the ICBC, dispose of all the United States assets of the ICBC. Any funds/assets remaining after settling/paying off all of the liabilities of the Organization (ICBC) shall be donated to a non-profit Islamic organization of Sunni sect of Islam, in Austin, Texas, or if no organization exists in Austin, then any in Texas, or if none exists in Texas, then any national Islamic organization, per ICBC Bylaws.

*<End of Articles>*

## APPENDIX A

### Executive Board Election

The Executive Board election process shall entail the following steps:

- a) Nomination
- b) Deliberation
- c) Election

#### **11.1 Nomination**

Every eligible Shura Council member shall automatically be nominated for the Executive Board.

A candidate must have been a member of the Shura Council for a minimum of twelve (12) months to be eligible to be nominated. For purposes of calculating total time in the Shura Council, time served can be cumulative and need not be consecutive. However, the time served shall be within the previous three (3) years.

The Shura Council Coordinator shall provide a list of eligible nominees prior to the meeting.

Each nominee shall have the opportunity to withdraw their name from consideration for the Executive Board election.

If the minimum five nominations are still not reached, then every eligible Shura Council member name shall be placed on the ballot.

#### **11.2 Deliberation**

- a) The quorum for a meeting to elect the Executive Board members shall be no less than four-fifth (4/5<sup>th</sup>) of the total Shura Council membership at the time of the election. The quorum shall be the sum of the number of Shura Council members present at the start of the meeting and the Shura Council members nominating proxies in their absence.
  - o If the quorum is not established at the meeting, the Shura Council Coordinator shall cancel the meeting and arrange another one at a later date.
  - o For subsequent meetings, Shura Council members who expect to be absent shall nominate proxies for the purpose of electing new Executive Boardmembers.
- b) Deliberation will take place on the list of nominees.
- c) The nominated Shura Council member(s) shall answer any questions asked by other Shura Council members in an open and candid manner.
- d) Shura Council members shall be permitted to make comments on the strength(s) and weakness(es) of the nominated candidate(s).
- e) Shura Council members shall not engage in personal attacks or make derogatory remarks about any candidate(s). Rather, this process shall include healthy and constructive debate regarding the pros and cons of the candidates.
- f) The Shura Council Coordinator will decide the appropriate time for beginning the ballot process, based on his judgment on the length and depth of the Shura Council discussions.
- g) The Shura Council Coordinator will announce the final list of candidates for the Executive Board positions prior to the ballot process.

### **11.3 Election**

- a) The election process shall be done through a secret ballot method.
  - o Each Shura member can select (vote) for up to five (5) nominees, or up to a number equal to the number of open Executive Board positions.
  - o Any blank ballot or ballot that has more nominees selected than there are open positions will be considered invalid and will not be counted and cannot be recast.
- b) During the election process, each Shura Council member shall vote, in writing, for five candidates.
- c) At the end of the voting process, the Shura Council Coordinator shall obtain all ballots and tally the results.
- d) The candidates who receive the top five (5) votes will be considered elected to the Executive Board.
- e) After the five (5) members are elected to the Executive Board, there shall be another round of election held immediately thereafter to select the office bearers of the Executive Board.
  - o Those Shura Council members absent at the time of an election will lose their voting privilege at that particular election. They will not be provided an opportunity to cast their ballot either through telephone or via other means.
  - o However, Shura Council members are allowed to nominate proxies in their absence.
    - Proxies need to be sent in writing to the Shura Council Coordinator and the person to whom it is being given prior to the scheduled meeting start time.
    - Proxy is not transferable; i.e., cannot be passed to a third party by a current proxy holder. For example, Person A can give a proxy to Person B. If Person B gives his proxy to Person C, Person A's proxy does not transfer to Person C.
    - If a member has to leave during the meeting, he can give a proxy to another attending member by notifying the Shura Council Coordinator.
- f) In case of a tie between competing candidates, the ballot process shall be repeated for only those specific candidates. In case of a tie for the second time, the Shura Council Coordinator shall be the “tie breaker”.

## APPENDIX B

### Shura Council Coordinator Election

The Shura Council Coordinator election process shall entail the following steps:

- Nomination
- Deliberation
- Election

#### **1.1 Nomination**

- a) The Shura Council Coordinator shall announce the date of election at least two (2) weeks in advance.
- b) Every eligible Shura Council member shall automatically be nominated for the Shura Council Coordinator.
- c) A Shura Council member cannot concurrently serve in the Executive Board and as the Shura Council Coordinator.
- d) A candidate must have been a member of the Shura Council for a minimum of twelve (12) months to be eligible to be nominated. For purposes of calculating total time in the Shura Council, time served can be cumulative and need not be consecutive. However, the time served shall be within the previous three (3) years.
- e) The nominating Shura Council member shall try his best to ensure that the nominee is able and willing to carry out the duties and responsibilities of the Shura Council Coordinator.
- f) Nomination shall conform to the Internal Revenue Service (IRS) Conflict of Interest Policy for non-profit organizations with tax-exempt status, i.e., business partnership, blood relations, etc.
- g) The Secretary of the Executive Board shall collect all the nominations and verify their eligibility.
- h) The Secretary of Executive Board shall confirm from the nominated members if they accept the nominations.
- i) Every nominee shall have the opportunity to withdraw their name.
- j) If no nominations are received, then every eligible Shura Council member name shall be placed on the ballot.

#### **1.2 Deliberation**

- a) The quorum for a meeting to elect the Shura Council Coordinator shall be no less than four- fifth (4/5<sup>th</sup>) of the total Shura Council membership at the time of the election. The quorum shall be the sum of the number of Shura Council members present at the start of the meeting and the Shura Council members nominating proxies in their absence.
  - o If the quorum is not established at the meeting, the Shura Council Coordinator shall cancel the meeting and arrange another one at a later date.
  - o For subsequent meetings, Shura Council members who expect to be absent can nominate proxies for the purpose of electing new Shura Council Coordinator.
- b) Deliberation will take place on the list of nominees.

- c) The nominated Shura Council member(s) shall answer any questions asked by other Shura Council members in an open and candid manner.
- d) Shura Council members shall be permitted to make comments on the strength(s) and weakness(es) of the nominated candidate(s).
- e) Shura Council members shall not engage in personal attacks or make derogatory remarks about any candidate(s). Rather, this process shall include healthy and constructive debate regarding the pros and cons of the candidates.
- f) The Secretary of the Executive Board will decide the appropriate time for beginning the ballot process, based on his judgment on the length and depth of the Shura Council discussions.
- g) The Secretary of the Executive Board will announce the final list of candidates for the Shura Council Coordinator position prior to the ballot process.

### **1.3 Election**

- a) The election process shall be done through a secret ballot method.
  - o Each Shura member will select (vote) for one nominee.
  - o Any blank ballot or ballot that has more than one nominee selected will be treated as an ‘abstain’ for this vote.
  - o Any blank ballot or ballot that has more than one nominee selected will be considered invalid and will not be counted and cannot be recast.
- b) During the election process, each Shura Council member shall vote, in writing, for the nominated candidates indicating their order of preference. Shura Council members casting votes shall sign and date their ballots.
- c) At the end of the voting process, the Secretary of the Executive Board shall obtain all ballots and tally the results.
- d) The candidate will be considered elected upon reaching a simple majority of the total vote.
- e) Those Shura Council members absent at the time of an election will lose their voting privilege at that particular election. They will not be provided an opportunity to cast their ballot either through telephone or via other means.
- f) However, Shura Council members are allowed to nominate proxies in their absence.
  - o Proxy needs to be sent in writing to the Shura Council Coordinator and the person to whom it is being given prior to the scheduled meeting start time.
  - o Proxy is not transferable; i.e., cannot be passed to a third party by a current proxy holder. For example, Person A can give a proxy to Person B. If Person B gives his proxy to Person C, Person A's proxy does not transfer to Person C.
  - o If a member has to leave during the meeting, he can give a proxy to another attending member by notifying the Shura Council Coordinator.
- g) In case of a tie between competing candidates, the ballot process shall be repeated for only those specific candidates. In case of a tie for the second time, the Secretary of the Executive Board shall be the “tie breaker”.

### **1.4 Order of Precedence**

- a) In any year where the Executive Board or a position of on the Executive Board is being elected and the Shura Coordinator are being elected, the Executive Board election always takes precedence, taking place before the Shura Coordinator election can be held.

## APPENDIX C

### Interim Governance Model

1. The Shura Council that exists at the time of adoption of this Constitution shall become the Interim Shura Council the day this Constitution becomes effective and shall continue to function until it is replaced by a newly elected Shura Council as per the guidelines of this Constitution.
2. During the interim period, ICBC will be governed by the Shura Council consisting of nineteen (19) members, one of whom will serve as a Coordinator and another as the Treasurer.
3. The “Interim Period” is defined as the time between now and the date when the original loans incurred on behalf of the Islamic Center of Brushy Creek (ICBC) are paid off in full or July 11, 2011, whichever occurs first.
4. During the Interim Period, the Shura Council will have all of the rights and responsibilities as provided in the ICBC Constitution to the Executive Board, the Shura Council and General body (both Voting and Non-Voting members) combined, to run the affairs of ICBC.
5. During the Interim Period, the Shura Council will govern the affairs of the ICBC as per the ICBC Constitution and Bylaws.
6. The current members of the Shura Council will serve in the Interim Shura Council as defined in the ICBC Constitution during this interim period.
7. Any vacant position(s) in the Shura Council shall be filled through an election process as described in Appendix D.
8. The Shura Council shall elect a Coordinator and a Treasurer from among its members to manage the affairs of the Shura Council.
9. The duties and responsibilities of the Shura Council Coordinator shall include, but not limited to, the following:
  - a) Organize Shura Council meetings, including issuing meeting agenda, conducting the meetings, and publishing meeting minutes;
  - b) Serve as the Spokesperson for ICBC;
  - c) Sign paperwork and documents related to ICBC;
  - d) Maintain and safeguard all ICBC documents; and
  - e) Manage and coordinate the activities of various ICBC Committees.
10. The duties and responsibilities of the Treasurer shall include, but not limited to, the following:
  - a) Maintaining the record of all the financial transactions of ICBC, including systematic maintenance of books, check disbursements, receipts, bank statement reconciliation and presenting the financial status of ICBC;
  - b) Collecting and depositing all funds received on behalf of ICBC;
  - c) Co-signing all withdrawals and check disbursement in accordance with Article VIII of the ICBC Constitution;
  - d) Preparing the annual budgets for the fiscal year;
  - e) Presenting before the Shura Council monthly and yearly reports on the status of the financial affairs of ICBC; and
  - f) Ensuring proper back-up materials are maintained for all financial transactions.

11. During the Interim Period, any amendment(s) to the Constitution can be approved by the Shura Council with a simple majority vote.
12. The Shura Council Coordinator and Treasurer shall have a term limit of twelve (12) months. The Coordinator and Treasurer will be eligible for re-election upon expiration of their terms.
13. The process for election of the Shura Council Coordinator and Treasurer is described in Appendix C.
14. The Shura Council Coordinator can constitute various committees to run the affairs of ICBC.

## APPENDIX D

### Shura Council By-Election

The Shura Council member election process for a vacant Shura Council position shall entail the following steps:

- Nomination
- Deliberation
- Election

#### **1.1. Nomination**

Any voting ICBC member can be nominated by a Shura Council member for a vacant Shura Council position.

The nominated candidate shall fulfill all requirements for becoming a Shura Council member as per the ICBC Constitution.

The Shura Council Coordinator shall announce the date of election at least two (2) weeks in advance.

A Shura Council member can nominate more than one candidate for vacant position(s).

Nomination shall be submitted to the Shura Council Coordinator in writing before the set deadline. The nominating Shura Council member shall try his best to ensure that the nominee is able and willing to carry out the duties and responsibilities of the Shura Council position.

Nomination shall conform to the Internal Revenue Service (IRS) Conflict of Interest Policy for non-profit organizations with tax-exempt status, i.e., business partnership, blood relations, etc.

The Shura Council Coordinator shall collect all the nominations and verify their eligibility.

Each nomination shall be deliberated upon and approved/rejected by the Shura Council. The Shura Council shall approve the final list of candidates.

It is highly recommended that the nominated candidate(s) is/are not informed about their consideration for the Shura Council position or the Shura Council election process. The Shura Council Coordinator shall inform the person only if they are elected.

#### **1.2. Deliberation**

- a) The presence of two-third (2/3rd) of the members shall constitute a quorum. If two-third (2/3rd) of the members do not appear at the meeting, another Shura Council meeting shall be called to discuss the same within thirty (30) days. In the second meeting there shall be no quorum requirements for voting on matters that were to be voted at the previously scheduled meeting.
  - o Any member unable to attend the meeting may provide their proxy to another attending member. Such proxy shall count towards the requirement for meeting quorum, voting purposes, etc.;
  - o The Proxy needs to be sent in writing to the Shura Council Coordinator and the person to whom it is being given prior to the scheduled meeting start time;

- o Proxy is not transferable; i.e., cannot be passed to a third party by a current proxy holder. For example, Person A can give a proxy to Person B. If Person B gives his proxy to Person C, Person A's proxy does not transfer to Person C.
  - o If a member has to leave during the meeting, he can give a proxy to another attending member by notifying the Shura Council Coordinator.
- b) Deliberation will take place on the list of nominees.
  - c) Shura Council members shall be reminded about the importance of maintaining privacy of all deliberations. The meeting proceedings shall be treated as strictly confidential and any member violation(s) will be dealt with in accordance with the appropriate provisions of the ICBC Constitution.
  - d) The nominating Shura Council member(s) shall introduce the candidate(s) being proposed by them and answer any questions asked by other Shura Council members in an open and candid manner.
  - e) Shura Council members shall be permitted to make comments on the strength(s) and weakness(es) of the nominated candidate(s).
  - f) Shura Council members shall not engage in personal attacks or make derogatory remarks about any candidate(s). Rather, this process shall include healthy and constructive debate regarding the pros and cons of the candidates.
  - g) During the deliberations, only a nominating Shura Council member may withdraw the name(s) of any candidate(s) he proposed from further consideration.
  - h) The Shura Council Coordinator will decide the appropriate time for beginning the ballot process, based on his judgment on the length and depth of the Shura Council discussions.
  - i) The Shura Council Coordinator will announce the final list of candidates for the vacant Shura Council positions prior to the ballot process.

### **1.3. Election**

- a) Each open Shura position shall be voted on separately. In other words, there will be a separate vote for each open position.
- b) The election process shall be done through a secret ballot method.
- c) Each Shura member present will select (vote) for one nominee for the open Shura position.
- d) Any blank ballot or ballot that has more than one nominee named will be treated as an 'abstain' for that round of voting.
  - o Any blank ballot or incorrectly cast ballot cannot be recast for that round of voting.
- e) At the end of the voting process, the Shura Council Coordinator shall obtain all ballots and tally the results.
- f) In the event no candidate receives two-thirds (66.6%) of the vote, the votes will be recast for the two nominees with the most votes.
- g) If no candidate still receives two-thirds (66.6%) of the vote, the Shura Council position will remain vacant.

## APPENDIX E

### Ahlu Sunnah Wa-Jama'a

The Messenger Muhammad (peace be upon him) said: "*My nation would divide into seventy-three sects all are to hell except one*" the companions of the Messenger asked: "Who that one is Oh! Rasullullah" the Messenger replied: "*Al-Jama'a*" and in another narration: "*Those who remain on which I and my companions remain they would be that **one group***". [Abu Dawood (2/503), Ahmad (4/102) and al-Haakim (1/128)]

Ahlu Sunnah Wa-Jama'a (the people of the Sunnah) refers to this **one group** as mentioned in the above Hadeeth (sayings of Prophet Muhammad (peace be upon him)) the Muslims who maintain their Islamic beliefs according to the teaching of the Messenger Muhammad (peace and blessing be upon him) as understood and maintained by his companions. As such, a person who belongs to Ahlu Sunnah Wa-Jama'a (also referred to as *Sunni Muslim*):

- Believe in the oneness of GOD Almighty Allah, and Mohammad (peace be upon him) as Allah's last messenger (and last prophet);
- Believe in the Qur'an and the Authentic Sunnah of the Messenger Muhammad (peace be upon him); and
- Believe in the righteousness of all the mothers of all the believers (Umm-ul-Momineen) and the four rightly guided Caliphs (Khulafa-e-Rashideen) - Abu Bakr, Umar bin Khattab, Uthman bin Affan, and Ali bin Abi Talib (may Allah be pleased with all of them).

# APPENDIX F

## Shura Council Member Election Process

The Shura Council election process can be divided into three distinct parts as enumerated below:

- a) Generating the Membership list
- b) Preparing for Elections
- c) Elections and Announcing the results

Appendix F.1 provides a flow chart of the election process with key timeline.

### 1 Generating the Membership List

Generating and maintaining the ICBC membership roster is a year-round process. The Secretary of the Executive Board is responsible for maintaining the list of members eligible to vote. Specifically, the Welcome & Orientation Committee is assigned the task of encouraging newcomers to the community to become ICBC members by completing the ICBC Membership application.

There is a mandatory membership fee of one hundred dollars (\$100) per household (same physical address) per calendar year. To be a voting member, the membership fee must be paid by October 1st of the current year or at least 8 weeks prior to the election date, whichever is earlier, taking effect beginning in calendar 2019.

Membership fee shall be waived for any individual or family that is unable to meet this requirement due to financial hardship.

Article VII Section II provides the requirement for the voting membership. Any member over the age of eighteen (18) years can be voting members. This includes children who are eighteen (18) years and older as long as they share residence with their parent. For example, children attending school or college and have their parents' residence as the primary address are eligible to vote provided the residence meets the 10-mile distance requirement (as defined in the ICBC Constitution & bylaws).

Children who maintain a separate residence from that of their parents must complete a separate membership application form.

### 2 Preparing for Elections

#### 2.1 Establish Election Date

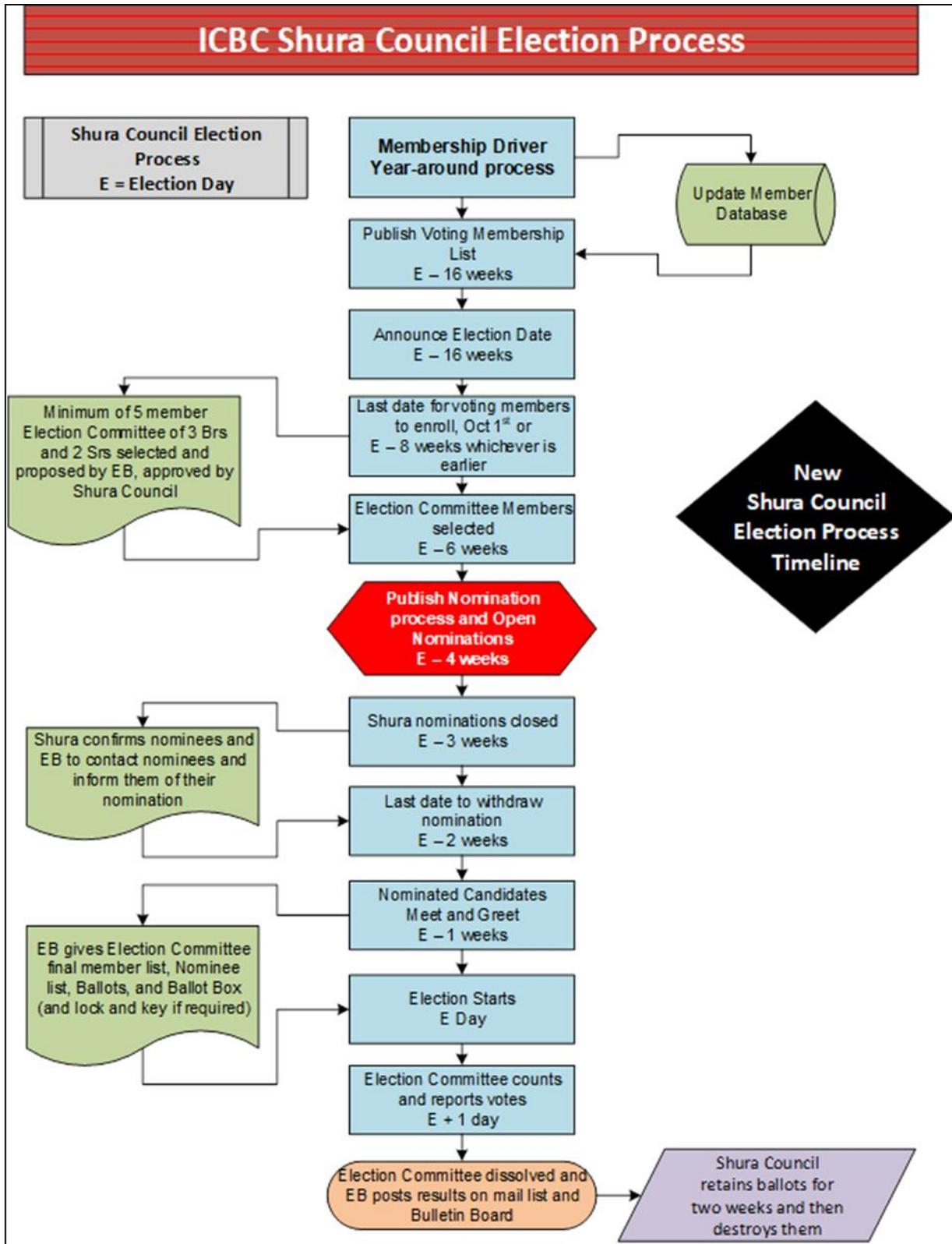
Election shall be held every year, preferably closer to the anniversary date of the elections of the previous year.

In order to increase community participation in the elections, it is preferable to hold the elections in conjunction with another community event such as; Jumu'ah prayers, Potluck dinner, etc., and have multiple dates for voting. It is also preferred to allow early voting for the convenience of those members who could be unavailable on the specific election dates.

#### 2.2 Publish Election Date

Upon establishing the date of elections and determining the number of members whose terms will expire during that calendar year, the Shura Council shall announce the election dates to the community, in writing, at least sixteen (16) weeks prior to the proposed election date.

A flow chart below shows the election process once the election date has been announced.



### 2.3 Constitute an Election Committee

An independent committee, consisting of non-Shura Council members, shall manage the election process. If any of the Election Committee members are nominated for the Shura Council position, they shall be excused from serving in the Election Committee.

The election committee shall comprise at least five (5) members, preferably, three (3) men and two (2) women. Election committee members must be independent members who represent a broad spectrum of the Austin Muslim community with a history of community involvement. Election Committee members are proposed by the Administration Committee and approved by the Shura Council.

The selected members shall be informed of the Election Committee membership. The Election Committee shall appoint one among them as the Lead Person.

### 2.4 Publish and Finalize Membership List

The final membership list consisting of voting and non-voting members shall be posted at the ICBC Bulletin Board at least six (6) weeks before the announced election date.

Community members must be informed that the preliminary list of voting and non-voting members has been posted and any objections shall be made within two (2) weeks from the date of such posting. After the mandatory two (2) week waiting period, the voter list shall be considered final for the upcoming elections.

### 2.5 Solicit Nominations

After the membership list is finalized and made official but at least four (4) weeks prior to the date of the elections, the Shura Council shall solicit nominations for candidates.

Eligibility criteria for Shura Council nominees are defined in the Article VII Section II of ICBC Constitution & bylaws.

The nomination process must be, preferably, web-based, in order to facilitate easy maintenance of the necessary paperwork. Appendix F.2 provide a sample Candidate Nomination Form.

Nominations shall be open for a period of one (1) week and thereafter, the Shura Council shall confirm the eligibility of the nominees. Once the list of candidates is finalized, the candidates shall be notified of their nominations. If any nominee is found ineligible, the nominating person shall be informed as such with the reason for rejection of the candidacy. Eligible nominees shall be granted one (1) week to withdraw their names from candidacy. Thereafter, the final list of candidates shall be prepared.

The nominee list along with their biographies shall be communicated to the ICBC community through electronic mail as well as posting at the ICBC Bulletin Board. Appendix F.3 provides a Sample Candidate Biography.

It is recommended to generate a FAQ (Frequent Asked Questions) on the Shura Council elections and send to the ICBC community through electronic mail as well as post at the ICBC Web Site. Appendix F.4 provides a sample FAQ on Shura Council Election.

## 2.6 Candidate Introductions

At least one (1) week prior to the election date, the Shura Council shall organize a Candidate Meet 'N Greet Event in which the community members can interact directly with the candidates in an informal setting. This event shall be announced to the community ahead of time.

## 2.7 Preparatory Meeting with the Election Committee

At least (one) 1 week prior to the election date, the Administration Committee shall hold a face-to-face meeting with the Election Committee to discuss the logistics of the election, such as the location of the balloting, the hours of voting, etc. During the meeting, the election committee must be provided with the final membership list, the list of candidates, and the ballot papers. Appendix F.5 provides a sample ballot. Two ballot boxes, one each for use at the Men's and Women's sides, must be provided for use during the elections.

# 3 **Elections and Announcing the Results**

## 3.1 Prior to the Day of Elections

A sign shall be posted at the Multi-Purpose Hall indicating that sisters can vote at the Sisters' prayer room at the main masjid building.

For voter's reference, a sample of the completed ballot shall be posted at the two rooms where the balloting will take place.

It is also highly recommended that the candidate biographies along with their photographs be posted at the two rooms where the balloting will take place.

## 3.2 Election Process

During the day of voting, the voting members need to show a valid proof of identification, usually, a government-issued ID such as a driver's license or passport. Once the voter's identity is established and cross-checked against the membership list, the name is marked off. The voter is then provided a ballot and guided to the ballot room to cast their ballot. At this point, the Election Committee at this point shall not answer any questions regarding the nominees.

Below are some considerations of the elections:

- a) A valid photo identification is required to vote.
- a) Any ballot that is marked with more than the number of contesting candidates will be rendered invalid. However, selecting less than the number of competing candidates is acceptable.
- b) If a voter mistakenly selects more than the number of candidates and would like a new ballot paper, he/she can be given a new ballot paper only after surrendering the incorrectly marked ballot paper.
- c) All ballots handed must bear the signature of at least one member of the Election Committee.

- d) Ballot boxes must be kept locked and cannot be removed from ICBC. The keys shall stay in the possession of the Lead Person of the Election Committee. ICBC can provide locks if requested by the Election Committee.
- e) Questions about the membership list shall not be entertained by the Election Committee but shall be referred to the ICBC Shura Council.

If there are X positions open for elections and the number of nominees is Y, then the voting members shall choose no more than X candidates from the ballot. Any ballot that is considered to have been altered as per the Election Committee, or determined to be not the ballot that was issued by the Election Committee, or marked for more candidates than the number of open positions, will be deemed invalid and discarded. The validity a ballot is at the sole discretion of the Election Committee; neither the Shura Council nor the Voting member shall participate in such decision.

### 3.3 Counting the Ballots

The ballots shall be counted by the Election Committee members within one (1) day of completion of the last round of ballots.

In case of a tie between two or more candidates, the Shura Council shall be the tie-breaker. The Lead Person of the Election Committee will convey the tie to the ICBC Administration Committee. The Shura Council will convene immediately and vote to break the tie. In case of a further tie, the Shura Council will continue to be the tie-breaker.

The Shura Council Coordinator will provide the results to the Election Committee Lead Person.

When the elected candidates are determined, all members of the Election Committee shall sign the tally sheet to certify the results and then provide the original results sheet to the Shura Council Coordinator.

### 3.4 Announcing the Results

The ICBC Shura Council shall announce the results after congregational salat as well as via electronic mail to the community.

### 3.5 Record Keeping

The ballots and the final count sheet shall become the property of ICBC. The Shura Council shall retain the ballots for a period of two (2) weeks after the results are announced, following which they will be destroyed.

# Appendix F.2

## Shura Council Member Nomination Form



### Shura Council Election Nomination Form

Please use this form to nominate an eligible ICBC member for the open Shura Council position.

Please remember to:

- Check with the member if he is willing to serve in the Shura Council;
- Obtain the email and/or phone number of the nominee; and
- Provide your email and that of the person seconding the nomination

ICBC Shura Council will verify if the nominee conforms to the eligibility criteria as defined in the ICBC Constitution and Bylaws. For details please refer the FAQ page posted online at <http://www.icbrushycreek.org>.

Remember that a nominated person may withdraw his name by submitting in writing (through email or letter) to the Election Committee, at least two weeks before election date. The Election Committee will then remove name from ballot.

Name of the Nominee	
Nominated By	
Seconded By	
Email of Nominee	
Email of Nominating Person	
Email of Person Seconding Nomination	
Message (optional)	

Shura Council Use Only (please do not write below this line)

## Appendix F.3

### Sample Election FAQ page

What is the purpose of the elections?

As per the ICBC Constitution and bylaws, ICBC shall be governed by a nineteen (19) member Shura Council, whose members need to be elected by the community.

How many positions will the elections be held for?

There are fourteen (14) open positions that need to be filled.

Does that mean there are 13 incumbents who will leave this year?

Yes. Thirteen (13) current members of the Shura Council will leave this year. Of the remaining 6 (1/3<sup>rd</sup> of the Shura Council), one has since relocated out of Austin and the other 5 current members will continue to serve in the Shura Council.

Will those incumbents stepping down be eligible to run for the election?

If they are nominated and accept the nomination, they are eligible to run for election. As per the ICBC Constitution and bylaws, any approved voting member of ICBC can be nominated for and contest for the open positions.

Who will oversee the election process?

A team of six (6) members from the community have volunteered to assist with this task. This team (the Election Committee) will manage the entire election process.

Is any Shura Council member part of the Election Committee?

To ensure fairness, independence, and transparency (in the process), the Election Committee does not consist of any Shura Council members, past or present.

Who are the Election Committee members and what is the committee's charter?

The Election Committee comprises of four (4) brothers and two (2) sisters, who are dedicated and respected community members with past experience in election-related affairs at various Islamic Centers. These members will be responsible for the entire election process, including counting and announcing final results.

When was the elections announced?

The Shura Council had notified the community in early September 2013 that elections will be held in December 2013. The exact date of the elections was announced after Juma'a Salah on September 13<sup>th</sup>, and was also emailed to ICBC email distribution list on September 12<sup>th</sup>.

Who can vote?

Anyone who has submitted a Membership Application by the previously announced deadline, satisfied the membership criteria as defined in the ICBC Constitution, and approved as a voting member, is eligible to vote. Children over the age of 18 living in the household are also eligible to vote.

How do I know if I have been approved as a Voting Member?

ICBC Shura Council has reviewed all membership applications that were received and has posted the list of Voting Members and Non-Voting members at the ICBC Bulletin Board located at the Men's and Women's prayer areas. If you believe you have submitted an application and do not see your name in this list, please notify the Shura Council at [info@icbrushycreek.org](mailto:info@icbrushycreek.org) or call (512) 850-4786.

After membership feedback closes, when will the final member list used as a basis for the electorate be published?

Based on member feedback, updates have been made to the list. A final list was posted at the ICBC Bulletin Board on Oct 21, 2013.

What is the nomination process?

Any ICBC Voting member can nominate another Voting member. Nominations will be open from Nov 22<sup>nd</sup> to Nov 29<sup>th</sup>. Nomination will close after Isha' Salah on Nov 29<sup>th</sup>.

Can I withdraw my name from the nominee list? Is there a deadline when this can be done? Yes.

Deadline for withdrawing nominations is Monday, Dec 2<sup>nd</sup>. Withdrawals need to be submitted in writing (either through an email or a letter) to the Election Committee by Isha Salah on Dec 2<sup>nd</sup>. The Election Committee will then remove the name from the ballot.

Is there a duration during which the submitted nominations will be verified for eligibility?

The Shura Council will review the final list of nominations to verify conformance with the criteria as defined in the ICBC Constitution and bylaws, following which the final list of nominations will be posted. We expect to publish the final nominee list by Dec 5<sup>th</sup>, *Insha Allah*.

Is there a date by which the final nomination list is announced, with a list of those who have been found to be disqualified and ineligible, for any valid reason?

See preceding response. All nominees will be notified in a timely manner.

If there the number of nominees at the time nominations close is the less than or equal to the number of open positions, how is this situation handled? Do we still need an election?

If the number of nominees are less than or equal to the number of open positions, there will be no elections. Those nominated will be considered to have been elected to serve ICBC as Shura Council members.

Shouldn't there be a date on which the nominated candidates introduce themselves to the community,

explain the reason(s) they are seeking the office and what value they will bring to the office? We plan to have a candidate Meet-n-Greet event on Sunday, Dec 8<sup>th</sup>, *Insha Allah*.

What are the voting days and times? Voting will be held on two different days

Friday, December \_\_\_\_\_: After Juma'a; and between Maghrib and Isha

Saturday, December \_\_\_\_\_: After Fajr (for approx. 1 hour), and  
between Asr and Isha Voting will close at the time of Iqamah of Isha Salaat on Saturday Dec \_\_\_\_\_  
Members can vote on either day.

What are the logistical arrangements on the day of voting?

Voting will be held at ICBC. Both men and women can vote on the same day. However, there are separate arrangements for brothers and sisters. The ballot will need to be collected from and Election Committee member and needs to be cast in their presence. At no time will the ballot be allowed to leave either the room. The Election Committee members will have complete charge of all ballots and ballot boxes up to and until they declare the results. They will then sign off on these ballots and hand over to the Shura Council to be kept for a period of 2 weeks after voting closes and results are declared. The ballots will be destroyed after the two-week period.

Can women vote in the elections?

Yes, as long as their names are on the voting member-list posted at the ICBC Bulletin Board. Separate arrangement has been made for sisters. The Election Committee comprises two sisters who will oversee the election process for the sisters.

What do I need to vote?

A list of Voting Members is posted at the ICBC Bulletin Board. On the day of elections, bring any form of Government-issued picture ID

Can I take the ballot home to vote?

No. At no time will the ballots be allowed to leave ICBC premises.

Can I vote on behalf of my spouse as well?

There will be no proxy voting. For instance, if a husband and wife are Voting Members, both need to come in person to ICBC to cast their ballot. The husband cannot vote for the wife, and vice versa.

What if I'm unable to attend the masjid during the scheduled election time? I will likely be out of town. Is there a possibility to do an absentee vote? Are there any alternate arrangements for this?

Unfortunately, no. That is the reason we have arranged for voting on two dates. No ballots will leave ICBC premises and voting has to be done in person.

When will the results of the election be declared?

Voting will close at the time of Isha Iqamah on Saturday, Dec \_\_\_\_\_ and the results will be announced after Isha Salah at ICBC on Sunday Dec 15th, Insha Allah.

# Appendix F.4

## Candidate Bio Template

### ICBC Shura Council Candidate Bio Template

	<b>Name</b>				
	<b>Duration in Austin</b>				
	<b>Duration in USA</b>				
	<b>Country of Origin</b>				
	<b>Education</b>	<b>College</b>	<b>Major</b>	<b>Comments</b>	
<b>Profession / Business</b>					
<b>Marital Status / Children</b>					
<b>Describe your contributions to ICBC in the last 12 months.</b>					
<b>Experience with Islamic / Any Non-Profit Organizations</b>					
<b>Have you been a regular attendee of congregation prayers?</b>					
<b>Personal Comments</b>					

**Notes:**

1. Please provide a picture of yourself
2. Please send this no later than **<Date>**
3. This information will be shared with the ICCB members via email distribution and posted at the ICBC Bulletin Board.

# Appendix F.5

## ICBC Shura Council Elections Sample Ballot

### Voting Instructions:

You can only select candidates from those nominees listed below. Indicate your choices by placing a check mark (✓) in the box next to the nominee's name.

### **IMPORTANT**

**You may select fewer than the number of open positions on the ballot for Shura Council.**

**If you select more nominees than there are open positions, your ballot will be rendered invalid.**

Name of Nominee	Check (✓) any [#] of the boxes
[Nominee 1]	
[Nominee 2]	
[Nominee 3]	
[Nominee 4]	
[Nominee 5]	
[Nominee 6]	
[Nominee 7]	
[Nominee 8]	
[Nominee 9]	
[Nominee 10]	

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***Please do not write below this line - For use by election committee only.***

Voting member identification verified by the Election Committee. EC members sign below. Two signatures are required.

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# APPENDIX G

## Conflict Resolution

This process shall apply to conflicts and unresolved disputes including, but not limited to, the Executive Board, the Shura Council, ICBC employees including the Imam, volunteers at ICBC, and members of the ICBC community.

- a) An arbitration committee shall be established from among the current members of the Shura Council. The Shura Council, at its discretion, can appoint non-Shura Council members to the arbitration committee.
  - i. This shall be accomplished by nominating suitable candidates for the arbitration committee and selecting the arbitration committee members through an election process.
- b) The arbitration committee shall consist of no less than three (3) members but no more than five (5) members.
  - i. The number of members in the arbitration committee shall be decided by the Shura Council depending upon the nature and complexity of the unresolved dispute.
  - ii. In case of conflict involving one or more Shura Council member(s), the concerned Shura Council member(s) shall be excluded from the arbitration committee.
  - iii. In case of conflict between the Executive Board and an employee of ICBC, the Executive Board shall be excluded from the arbitration committee.
- c) The arbitration committee shall conduct a thorough investigation and present its findings and recommendation(s) to the Shura Council within four (4) weeks.
- d) The Shura Council shall deliberate on the findings and recommendation of the arbitration committee.
  - i. If one or more Shura Council member(s) is party to a dispute, he (they) shall not participate in the Shura Council deliberations on the findings of the arbitration committee and any subsequent voting that takes place.
  - ii. In case of a dispute between the Executive Board and an employee of ICBC, the Executive Board members shall not participate in the Shura Council deliberations on the findings of the arbitration committee and any subsequent voting that takes place.
- e) The Shura Council shall render a final decision which shall be binding on all parties.
  - i. The decision shall be reached by voting among the Shura Council members participating in the Shura Council deliberations.
  - ii. In case of a tie, the recommendation of the arbitration committee shall be adopted as the decision of the Shura Council.
  - iii. If the arbitration committee did not provide a recommendation, the Chairman of the Executive Board shall cast the tie-breaking vote.

- iv. If the Chairman of the Executive Board is a party to the dispute and is ineligible to participate in the Shura Council meeting proceedings, the Shura Council Coordinator shall cast the tie-breaking vote.
- v. If the Shura Council Coordinator is a party to the dispute and is ineligible to participate in the Shura Council meeting proceedings, the Shura Council member serving from the earliest date in the Shura Council, who is eligible to participate in the Shura Council meeting proceedings, shall cast the tie-breaking vote.

## **APPENDIX H**

### **Imam – Selection and Management Process**

#### **Selecting an Imam**

- a) After deliberations, the Shura Council recommends the Executive Board to constitute an Imam Search committee.
- b) The Imam Search committee may consist of Shura Council members and non-Shura Council members.
- c) The Imam Search committee shall be approved by the Shura Council by a simple majority of the number of the Shura Council members in attendance at the meeting.
- d) The Imam Search committee shall report to the Executive Board and keep it informed of the progress with the Imam search efforts.
- e) When the Imam Search committee has a final list of eligible candidates for the Imam position, it shall notify the Executive Board accordingly.
- f) The Executive Board shall then request the Shura Council Coordinator to call a special meeting of the Shura Council to discuss the recommendations of the Imam Search Committee.

#### **Hiring an Imam**

- a) The Executive Board shall provide a summary of the eligible Imam candidates to the Shura Council.
- b) Members shall be permitted to ask questions about the Imam candidates.
- c) The Shura Council Coordinator shall decide the suitable time to end the deliberations and call for a vote on the Imam candidate.
- d) Quorum to vote is 75%, 3/4 of Shura Council.
- e) During the election process, each Shura Council member shall vote, in writing, for the eligible candidate of their choice.
- f) The election process shall be done through a secret ballot method.
  - i. Votes shall be cast as YES or NO
- g) At the end of the voting process, the Shura Council Coordinator shall obtain all ballots and tally the results.
- h) A successful candidate for the position of Imam must have a YES on two-thirds (2/3) majority of all votes cast.
- i) In the absence of a quorum in the first two meetings to vote on the Imam, the quorum requirement for the subsequent meeting shall be 66.67% (2/3) of the Shura Council;
  - i. To be approved at a meeting with the lowered quorum requirement, the vote to hire an Imam must be approved by at least three-fourths (3/4th) majority of the total Shura Council members present at that meeting.

### **Removal of an Imam**

- a) The Shura Council shall appoint an ad-hoc committee consisting members from the Shura Council to be chaired by a person appointed by the Shura Council to investigate any allegations against the Imam.
- b) Based on the findings of that committee, the Shura Council shall meet with the Imam and seek his clarifications on the dispute. Thereafter, the Shura Council shall deliberate further and may proceed to vote for the removal of the Imam.
- c) Quorum to vote is 75%, 3/4 of Shura Council
- d) It requires three-fourth (3/4th) majority vote by the Shura Council members present to remove the Imam.
- e) In the absence of a quorum in the first two meetings to vote on the Imam, the quorum requirement for the subsequent meeting shall be 66.67% (2/3) of the Shura Council;
- f) To be approved at a meeting with the lowered quorum requirement, the vote to remove the Imam must be approved by at least three-fourths (3/4th) majority of the total Shura Council members present at that meeting.
- g) Some conditions for removal of an Imam are as follows:
  - i. Open and persistent acts of a major sin;
  - ii. Direct and willful violation of the ICBC Constitution;
  - iii. Direct and willful refusal to follow the directions of the Executive Board of the ICBC;
  - iv. Misuse or misappropriation of ICBC funds, assets, etc.;
  - v. Damaging the existence or interests of ICBC; and
  - vi. Non-compliance or unwillingness to perform the duties of the office of Imam as outlined in the employment contract, repeatedly and / or without reasonable excuse.

*<End of Document>*