

**BYLAWS**  
**FOR**  
**JAMAAT IBAD AR-RAHMAN, Inc.**

**Last modified and approved on December 1, 2018**

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## TABLE OF CONTENTS

<b>ARTICLE I.</b>	<b>NAME</b>	<b>3</b>
<b>ARTICLE II.</b>	<b>REGISTERED OFFICE AND REGISTERED AGENT</b>	<b>3</b>
<b>ARTICLE III.</b>	<b>MISSION STATEMENT &amp; PURPOSE</b>	<b>3</b>
<b>ARTICLE IV.</b>	<b>OBJECTIVES</b>	<b>3</b>
<b>ARTICLE V.</b>	<b>BASIC LAW</b>	<b>4</b>
<b>ARTICLE VI.</b>	<b>MEMBERS &amp; MEETING OF MEMBERS</b>	<b>4</b>
<b>ARTICLE VII.</b>	<b>GENERAL BODY</b>	<b>6</b>
<b>ARTICLE VIII.</b>	<b>BOARD OF DIRECTORS</b>	<b>7</b>
<b>ARTICLE IX.</b>	<b>EXECUTIVE COMMITTEE</b>	<b>8</b>
<b>ARTICLE X.</b>	<b>STANDING AND AD HOC COMMITTEES</b>	<b>11</b>
<b>ARTICLE XI.</b>	<b>BOARD OF TRUSTEES</b>	<b>12</b>
<b>ARTICLE XII.</b>	<b>IMAM COUNCIL</b>	<b>13</b>
<b>ARTICLE XIII.</b>	<b>ELECTIONS</b>	<b>14</b>
<b>ARTICLE XIV.</b>	<b>THE IMAM</b>	<b>15</b>
<b>ARTICLE XV.</b>	<b>CONTRACTS, CHECKS, DEPOSITS, AND FUNDS</b>	<b>17</b>
<b>ARTICLE XVI.</b>	<b>CERTIFICATES OF MEMBERSHIP</b>	<b>17</b>
<b>ARTICLE XVII.</b>	<b>BOOKS AND RECORDS</b>	<b>17</b>
<b>ARTICLE XVIII.</b>	<b>FISCAL YEAR</b>	<b>18</b>
<b>ARTICLE XIX.</b>	<b>DUES</b>	<b>18</b>
<b>ARTICLE XX.</b>	<b>SEAL</b>	<b>18</b>
<b>ARTICLE XXI.</b>	<b>WAIVER OF NOTICE</b>	<b>18</b>
<b>ARTICLE XXII.</b>	<b>DISSOLUTION</b>	<b>18</b>
<b>ARTICLE XXIII.</b>	<b>BYLAWS AMENDMENTS</b>	<b>18</b>

**Article I. NAME**

The name of the organization shall be Jamaat Ibad Ar-Rahman, Incorporated (JIAR).

**Article II. REGISTERED OFFICE AND REGISTERED AGENT**

The principal office of Jamaat Ibad Ar-Rahman, Incorporated in the State of North Carolina shall be located in the City of Durham, County of Durham. The corporation may have such other offices, either within or out of the State of North Carolina, as the Board of Directors may determine or as affairs of the corporation may require from time to time.

Jamaat Ibad Ar-Rahman, Incorporated shall have and continuously maintain in the State of North Carolina a registered office (the current Chairman of the Board of Directors), and a registered agent whose office is identical with such registered office, as required by the North Carolina Non-Profit Corporation Act. The address of the registered office may be changed from time to time by the Board of Directors.

**Article III. MISSION STATEMENT & PURPOSE**

The mission and purpose of the organization is to please Allah (SWT) by obeying His commands and staying away from His prohibitions. It shall invite to all that is good, enjoin what is right and forbid what is wrong according to Quran and Sunnah and Ijmah.

**Article IV. OBJECTIVES**

1. To provide a place for all Muslim to pray, learn, and coordinate their affairs in accordance with the principles of Islam.
2. To engage in the religious beliefs and practices of Islam through the moral, educational, cultural, and economic development of all members.
3. To provide, with the needed services and accommodations, members with guidance in matters of marriage, divorce, inheritance, Islamic funerals, the collection and dispensing of Zakaah, and resolution of disputes in accordance with Islamic Law (Shariah), and any other services deemed necessary by the members.
4. To establish an open and fair environment where Muslims are free to pray, think, research, discuss, and analyze the Holy Quran (the Divine Message sent to the Prophet Muhammad (SAW)), and the Sunnah (authenticated reports of statements, actions and teachings of Prophet Muhammad, peace and blessings of Allah be upon him).

5. To develop Da'wah (invitation) programs to spread the message of Al-Islam. As such, the organization is intended to serve as a source of educational programs designed to increase the knowledge and awareness of Islam within the community of Muslims and non-Muslims.
6. To enter into contracts, agreements, leases, and other transactions necessary to attain the purposes enumerated above.
7. To do each and everything necessary, suitable or proper for the accomplishment of any purpose, or the attainment of any one or more of the above enumerated purposes.
8. To engage in business for the sole purposes of enhancing the economic status of the corporation; any fundraising activities must be approved by the Board of Directors. In most cases a vendor charge will be required by the seller. The Board of Directors has the right to amend the vendor policy at anytime.

## **Article V. BASIC LAW**

The following items constitute the BASIC LAWS of Islam which are unchangeable partially or completely.

### **Section 1. Criteria for the Organization Members**

- 1.a. Their belief should be based on the Quran and the Sunnah according to the methodology of the people of Sunnah and Jama'ah. This constitutes the four main Mathaahib – Hanafi, Maliki, Shaffi'i, Hanbali and other Muslims who base their understanding exclusively on the Quran and the Sunnah of the Prophet Muhammad (SAW) and the Sunnah of the four rightly guided Caliphs. The four rightly guided caliphs are Abu-Bakr, Umar, Uthman and Ali (May Allah (SWT) be pleased with them all.
- 1.b. They should be of good Islamic conduct.
- 1.c. The membership shall be immediately revoked by the Executive Committee in the manner provided in Article VI (Members and Meeting of Members) of these bylaws if a member does not comply with the criteria mentioned in 1.a. and 1.b.

**Section 2.** Any Shariah issue or matter in the JIAR is not subject to be voted upon. It is to be referred exclusively to the Imam Council for a verdict.

**Section 3.** All decisions and recommendations of the organization should be within the framework of Quran and Sunnah according to the methodology of the people of Sunnah and Jama'ah.

## **Article VI. MEMBERS & MEETING OF MEMBERS**

### **VI.1 Members**

**Section 1. Membership.** Any Muslim whose belief is according to Quran and Sunnah as stated in the basic law, and endeavors to practice Islam as total way of life is eligible for membership. Any Muslim

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interested in membership shall submit an application. Approval of membership shall be by majority votes of the Executive Committee. JIAR shall have two classes of membership, full members and associate members.

1.1. Full Member:

- (a) Belief is according to the Quran and Sunnah as stated in the Basic Law.
- (b) Acceptance of the JIAR Bylaws by signature is required.
- (c) Payment of the annual dues as determined annually by the Board of Directors. If the Board of Directors decides that there are no dues needed, then that will be acceptable.
- (d) Age of sixteen (18) years or more.
- (e) A resident of Durham, NC or surrounding area that is directly adjacent to the border of Durham. Special recommendation from the Board of Directors is accepted.
- (f) The member must be a legal resident of the United States, whether it is by student visa, work visa, visitation visa or American citizenship.

1.2. Associate Member:

- (a) Any person meets the criteria 1.1.(a) and 1.1.(b) and does not meet either 1.1.(d) or 1.1.(e).
- (b) An Associate Member is not required to pay annual dues.
- (c) An Associate Member shall enjoy all benefits and privileges of a full member except voting and holding office.

**Section 2. Voting Rights.** Each Full member shall be entitled to one vote on each matter submitted to a vote of the members. However, a Full member cannot vote on any matter pertaining to the affairs of the corporation until ninety (90) days following his or her membership approval by the Executive Committee and payment of their annual membership dues. Annual dues can consist of a value of zero.

**Section 3. Termination of Membership.** The Executive Committee, by affirmative vote of the majority of all of the members of the Executive Committee, may suspend or expel a member for cause after an appropriate hearing, and may, by majority vote of those present at any regularly constituted meeting, terminate the membership of any member who becomes ineligible for membership, or suspend or expel any member who shall be in default in the payment of dues for the period fixed in Article XX (Dues) of these bylaws.

**Section 4. Resignation.** Any member may resign by filing a written resignation with the Secretary. The Executive Committee may reinstate such former member to membership upon such terms as the Executive Committee may deem appropriate.

**Section 5. Transfer of Membership.** Membership in this corporation is not transferable or assignable.

## VI.2 Meeting

**Section 1. Annual Meeting.** An annual meeting of members shall be held on the first Sunday in the month of February in each year at the hour of twelve o'clock, noon for the purpose of electing the Board of Directors and present an annual financial report of previous year's activity to the General

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Body. The Board of Directors shall have the authority to hold a special meeting if the above cannot be accommodated.

**Section 2. Special Meeting.** Special meetings of the members may be called by the President, the Board of Directors, or not less than one-third of the members having voting rights.

**Section 3. Place of Meetings.** The Board of Directors may designate any place within the County of Durham as the place of meeting called by the Board of Directors. If no designation is made or if a special meeting be otherwise called, the place of meeting shall be the registered office of the corporation in the State of North Carolina; but if the majority of the members shall meet at any time and place within the State of North Carolina, and consent to the holding of a meeting, such meeting shall be valid without call or notice, and at such meeting any corporate action may be taken.

**Section 4. Notice of Meeting.** Written notice stating the place, day and hours of any meeting of members shall be sent by the Secretary of the Corporation to each member entitled to vote at such meeting, not less than ten (10) days before the date of such meeting, by or at the direction of the President, or the Secretary, or the officers or persons calling the meeting. In case of a special meeting or when required by statute or by these bylaws, the purpose or purposes for which the meeting is called shall be briefly stated in the notice. If mailed, the notice of a meeting shall be deemed to be delivered when deposited in the United States mail with postage thereon prepaid, addressed to the member at the address as it appears on the records of the corporation. If electronically mailed, the notice of a meeting shall be deemed to be delivered when the sentemail is addressed to the member at the address as it appears on the records of the corporation.

**Section 5. Quorum.** The members holding one-third (1/3) of the votes which may be cast at any meeting shall constitute a quorum at such meeting. If a quorum is not present during the first meeting called, the meeting will be cancelled and the president shall call for another future meeting and in such a meeting a quorum is not necessary and adoption of a matter can be determined by the majority votes.

**Section 6. Manner of Acting.** A majority of the votes entitled to be cast on a matter by the members present at a meeting at which a quorum is present shall be necessary for the adoption thereof.

## **Article VII. GENERAL BODY**

### **Section 1. Composition**

It shall consist of all full and associate members whose application of membership has been approved by the Executive Committee.

### **Section 2. Functions**

- a. To participate in JIAR activities and function as a nucleus of Islamic education and conduct.
- b. To elect the Board of Directors (only Full members allowed to vote).
- c. It may adopt resolution(s) to promote the aims and purposes of the JIAR. Such resolution(s) are to be implemented by the Board of Directors.
- d. It may approve or disapprove JIAR bylaws amendment(s) (see Article XXIV (Bylaws Amendment(s))) after these have been duly approved by the Board of Directors and

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Board of Trustees.

## **Article VIII. BOARD OF DIRECTORS**

### **Section 1. Composition**

- a. Board of Directors shall consist of eleven (11) Full members and the Imam. Preference on any condition for composition of the Board of Directors must be in accordance with the Shariah.
- b. The Board of Directors shall be elected for a period of four years by the General Body. Elections will be held every two years.
- c. The Imam shall be a permanent non-voting member of the Board of Directors.

### **Section 2. Qualification for Board of Directors Members**

Any Muslim aged eighteen (18) years or older, by the first of February of the election year, and has been a member of the JIAR for at least one calendar year, is eligible to become a member of the Board of Directors. Members of the Board of Trustees are not eligible to be candidates for the Board of Directors. Any paid JIAR employee is not eligible to be a candidate for the Board of Directors.

### **Section 3. Functions**

The Board of Directors shall:

- a. Appoint the Executive Committee (EC) and any number of other committees it deems necessary to perform its functions.
- b. Approve guidelines for the Executive Committee and bylaws of the standing committees.
- c. Resolve issues referred to it by the Executive Committee.
- d. Approve annual budget proposal submitted by the Finance Committee.
- e. Oversee the general activities of the Executive Committee and other committees.
- f. Approve proposed Bylaws amendment(s) before being presented to the Board of Trustees and the General Body.
- g. Select an Imam for the JIAR and decide on compensation (See Article XV (The Imam)).
- h. Determine annual membership dues.
- i. Resolve the transition in applying any amended bylaws.

### **Section 4. Procedures**

- a. The Board of Directors shall elect its own Chairman, Vice-Chairman, Secretary and Treasurer.

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- b. A Director seat shall be considered vacant if the membership of a Director in JIAR is suspended or revoked or a Director: i) formally resigns ii) leaves the area continuously for six months or more iii) fails to attend three consecutive meetings of the Board of Directors without being excused iv) fails to attend at least 50% of the scheduled meetings in a calendar year.
  - c. A list of runners-up for the Board of Directors candidates shall be made at each election. In case of a vacancy the next runner-up shall become the Director for the remainder of the term.
  - d. The Board of Directors shall meet once a month.
  - e. The meeting shall be called by the Chairman of the Board of Directors.
  - f. A special meeting shall be called within four weeks by the Chairman of the Board of Directors whenever formally requested by one-third of its members.
  - g. The members shall be notified about the time and place of a meeting at least three days in advance.
  - h. The meeting shall be presided by the Chairman of the Board of Directors.
  - i. The presence of two-thirds of members in the first meeting and seven (7) members in an adjourned meeting shall constitute a quorum.
  - j. Unless specifically required otherwise by the Bylaws, the decisions in a Board of Directors meeting are to be made by a simple majority of members present and proxies.
  - k. Approval of at least two thirds (2/3) of the total membership of the Board of Directors is required to register a vote of no confidence against the Chairman, the Vice-Chairman, Secretary or the Treasurer of the Board of Directors.
  - l. In case of a tie we bring the topic back to discussion.

## **Article IX. EXECUTIVE COMMITTEE**

### **Section 1. Composition**

- a. The Executive Committee (EC) shall consist of the executive officers and Chairpersons of all standing committees.
- b. The Chairman, Vice-Chairman, Secretary and Treasurer of the Board of Directors shall be the Executive Officers.

### **Section 2. Functions**

- a. Conducts the affairs of the JIAR within the guidelines of the Board of Directors.
- b. Implements decisions of the Board of Directors.
- c. Coordinates activities of different committees.
- d. Processes membership application(s).



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- e. Appropriates funds for various committees, activities and project(s) approved by the Board of Directors.

### **Section 3. Procedures**

- a. The EC shall meet on a monthly basis to conduct the affairs of the JIAR.
- b. The decisions of EC require approval by a simple majority of its total members.
- c. An EC seat shall be considered vacant if the membership of an EC member is suspended or revoked or a member i) formally resigns ii) leaves the area continuously for four months or more iii) fails to attend three consecutive meetings of the EC without being excused by the Chairman.
- d. A vacancy in EC shall be filled by a new member appointed by the Board of Directors.

### **Section 4. Chairman**

The Chairman (can also be called President) shall be the principal Executive Officer of Jamaat Ibad Ar-Rahman, Incorporated and shall, in general, supervise and control all of the business affairs of the corporation. The Chairman signs, or co-signs with the Treasurer, any deeds, mortgages, bonds, contracts, or other instruments which the Board of Directors has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board of Directors or by these bylaws to some other officer or agent of the corporation, or shall be required by law to be otherwise signed or executed. The person shall, in general, perform all duties incidental to the office of the President and such other duties as may be prescribed by the Board of Directors from time to time. The President shall be chairman of the Executive Committee and an ex-officio member of all committees established by the Board of Directors and these bylaws. The Chairman can authorize expenditures up to \$250 per project or through a period of two months from the last unauthorized expenditure, without authorization of the Board of Directors.

The Chairman is the main spokesman, representative and correspondent for the JIAR in external affairs.

### **Section 5. Vice Chairman**

The Vice Chairman (can also be called Vice President), in the absence of the President or in the event of the person's inability to act, the Vice President (or in the event there be more than one Vice President, the Vice President in order of their election) shall perform the duties of the President, and when so acting, shall have all the powers of and be subject to all restrictions upon the President. Any Vice President must be a member of the Board of Directors and shall perform such other duties as from time to time may be assigned to by the President or by the Board of Directors.

The Vice Chairman shall be responsible for:

- a. Assisting the Chairman in directing and coordinating activities of all committees so as to achieve the aims and purposes of the JIAR.
- b. Assuming the responsibilities of the Chairman when the Chairman is absent.
- c. Maintaining JIAR website and bulletin board.
- d. Preparing circulars, bulletins and newsletter, and presenting these to the EC for

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approval before distribution.

- e. Editing and publishing literature on behalf of the JIAR after consultation and approval by the EC.
- f. Being a liaison between the JIAR and external media under the guidelines approved by the Board of Directors.

### **Section 6. Secretary**

The Secretary shall perform all duties incidental to the office of Secretary and such other duties as from time to time may be assigned to by the President or by the Board of Directors.

The Secretary shall be responsible for:

- a. Preparing the agenda for the Board of Directors, EC, and General Body meeting(s).
- b. Keeping the minutes of the Board of Directors, EC and General Body meeting(s) and presenting the minutes of previous meeting(s) for approval.
- c. Notifying the members about the time and place of a meeting.
- d. Keeping the JIAR registered and in compliance with state laws.
- e. Keeping the corporate records and the seal of the corporation.
- f. Keeping a directory of names, current phone numbers and addresses of all JIAR members according to the membership committee's records.

### **Section 7. Treasurer**

The Treasurer shall have charge and custody of and be responsible for all funds and securities of Jamaat Ibad Ar-Rahman, Incorporated, receive and give receipts for moneys due and payable to the corporation from any source whatsoever, and deposit all such moneys in the name of the corporation in such banks, trust companies or other depositories as shall be selected in accordance with the provisions of Article XVI (Contracts, Checks, Deposits, and Funds) of these bylaws; and in general perform all duties incidental to the office of Treasurer and such other duties as from time to time may be assigned by the President or by the Board of Directors.

The Treasurer shall be responsible for:

- a. Maintaining the records of all financial transactions, systematically maintaining the account books, checks, and receipts, writing disbursements and performing banking reconciliation.
- b. Assisting the Finance Committee in collecting and depositing all funds.
- c. Assisting the Finance Committee to prepare the annual budget of JIAR.
- d. Preparing and presenting a quarterly report on finances to the EC.
- e. Matters related to the Internal Revenue Service (IRS) and other tax agencies.

**Section 8. Assistant Treasurers and Assistant Secretaries.** The Assistant Treasurers and Assistant Secretaries in general, shall perform such duties as assigned to them by the Treasurer or the Secretary, or by the President or the Board of Directors.

## **Article X. STANDING AND AD HOC COMMITTEES**

### **Section 1. Standing Committees**

JJAR shall have the following standing committees:

- a. Al-Misbah Qur'an Academy: shall be responsible for planning and managing affairs related to the Al-Misbah Islamic school.
- b. Outreach (Dawah): shall be responsible for Dawah among Muslims as well as non-Muslims.
- c. Education: shall be responsible for providing educational programs and conducting classes for the community members in both religious and non religious areas.
- d. Finance: shall be responsible for financial affairs of JJAR, including the preparation of the annual budget. It shall review and certify the financial statement of the treasurer. It shall review investment prospective and make recommendation to the EC.
- e. Funeral: shall be responsible for handling funerals (Janaa'iz) and managing JJAR cemetery.
- f. Membership: shall be responsible for recruiting new members and keeping an updated list of members. It shall coordinate with the election committee (an ad hoc committee) and finalize the list of eligible members during the election year. It shall suggest membership dues to the EC.
- g. Planning and Project Management: shall be responsible for planning and managing JJAR development and construction projects and other special-purpose projects.
- h. Property Management: shall be responsible for day-to-day management and maintenance of the Masjid premises. It shall coordinate and schedule different activities within Masjid.
- i. Welfare/Sadaqah: (including Zakaah) shall be responsible for keeping records of needy families under JJAR support, determining eligibility of individuals to receive Sadaqah or Zakaah, and dispensing collected sadaqah and Zakaah according to Shariah rules.
- j. Social: shall be responsible for coordinating social activities of JJAR, and arranging and coordinating Eid celebration and other Islamic occasions according Islamic calendar.
- k. Women's Committee: shall be responsible for coordinating group activities which are of interest to Muslim women.
- l. Youth: shall be responsible for coordinating group activities which are of interest to the Muslim youth.

### **Section 2. Ad Hoc Committees**

Ad hoc committee(s) may be appointed by the Board of Directors whenever it deems necessary. The task and the duration shall be outlined by the Board of Directors.

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## **Article XI. BOARD OF TRUSTEES**

### **Section 1. Composition**

a. The **Board Of Trustees (BOT)** shall:

- Consist of Ten (10) members including the Imam who will serve as an ex-officio non-voting member;
- The Nine voting members shall initially be selected by the Board of Directors (BOD).
- The Trustee's term shall be lifetime and perpetual.
- The BOT once formed, shall be a self-sustaining and autonomous body with no external interference.
- The Board of Trustees shall elect its own **President** and a **Coordinator**, who will organize meetings, make necessary communications, and prepare and file official documents.

b. A Trustee seat shall be considered vacant/revoked if the Trustee:

- formally resigns with a written notification to BOT and BOD
- discontinue employment with JIAR (applicable in case of Imam only).
- chooses to retire from BOT or is, otherwise, no longer able to discharge the duties
- carries out any action that is contradictory to JIAR By-Laws
- demise, etc.

c. The selection or removal of a member-trustee will be determined by a 2/3<sup>rd</sup> majority of the BOT. The president will preside over meetings and initiate the selection or removal process of a trustee.

### **Section 2. Qualifications**

To be eligible to serve on the Board of Trustees, a person shall meet all of the following criteria:

- A Muslim aged forty (40) years or more, and whose belief is according to Quran and Sunnah as stated in the Basic Law (Article V), and who endeavors to practice Islam as a total way of life.
- A member of JIAR for a minimum of three consecutive years and is not an active follower of any group with a known ideology that is contradictory to the Basic Law (Article V).
- A resident of Durham or surrounding counties for at least five years.
- Legally permitted to reside in the United States by the law of the land.
- Not affiliated with any organization that will lead to a conflict of interest; an exception may be exercised on an extremely deserving and dedicated individual and this exception has to be endorsed by the Board of Directors and approved by the Board of Trustees.

### **Section 3. Functions**

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- a. The Board of Trustees shall be the ultimate authority at JIAR and their decisions on any matter will be final and binding to all including the BOD and the general body (members).
  - b. The BOT shall have the right to amend the by-laws as per the deemed process if a situation arises whereby the sanctity of the Jamaat is in jeopardy, however, it is desired to have the BOD pursue the changes and present them to the BOT for review and approval.
  - c. In case of ambiguity regarding the interpretation of any section of the Bylaws or possible conflict between two or more sections, the Board of Trustees shall clarify such ambiguities and resolve the conflict and their decision shall be final.
  - d. Approving the rules and guidelines for JIAR shall be based purely on Islamic principles required under the Basic Law (Article V) and ensuring that these policies are carried out properly by the BOD. If there is a dispute over the rules and guidelines the Board of Trustees shall hold the final decision after consulting with the BOD and the disagreeing party.
  - e. Choose a course of action it deems necessary to perform its functions.
  - f. It is expected that the Board of Trustees meet at least twice a year to assess the overall condition of JIAR in relation to its Mission (Article III) and Objectives (Article IV).
  - g. The Board of Trustees are not responsible for the day-to-day activities of the Masjid, unless an emergency or a conflict that would disrupt the structure of the Jamaat or Masjid, in which case Board of Trustees should take one or all of the following steps to resolve the issue:
    - i. Discuss with the Executive Committee and/or the BOD.
    - ii. Hold a joint meeting with the BOD
    - iii. Vote for confidence on member(s) of the BOD and call for replacement election with a decision made by a 2/3<sup>rd</sup> majority of the BOT if such a situation arises. The existing BOD at a given time will appoint election committee to conduct election within 60 days of the official decision made by the BOT to replace the BOD.
  - h. The BOT have the authority to overrule the board and the general assembly and expel the board member(s).

## **Article XII. IMAM COUNCIL**

### **Section 1. Composition**

- a. The Imam Council shall consist of five (5) knowledgeable Muslims.
- b. The Imam shall serve as the Chairman of the Council.
- c. The Imam shall select the four persons of this council and be approved by the Board of Directors.
- d. Members of the Board of Directors and Board of Trustees cannot serve on the Imam Council.

### **Section 2. Functions**

- a. To ensure that the Jamaat Ibad Ar-Rahman is following Quran and Sunnah.
- b. To be consulted when a Shariah issue needs to be determined. Shariah matters can be

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determined by the majority of the Imam Council.

- c. Decisions of the Imam Council require approval by the majority of its total members.
- d. The Imam Council's decision regarding any Shariah matter is final.

## **Article XIII. ELECTIONS**

### **Section 1. Date of Elections**

The election shall be held on the first Sunday of the month of February. The time and alternate date "if necessary" shall be decided by the Board of Directors. It can be extended to a maximum of three months.

### **Section 2. Eligibility**

- 2.1 Refer to Article VI.1 (Members) section. 1 and 2.
- 2.2 A new Full member cannot hold office until one year of full membership

### **Section 3. Election Committee**

An election committee shall be appointed by the Board of Directors by first week of August prior to the election year. The Election Committee shall consist of five members – two Directors that are not Executive Officers and whose terms are not expiring in the upcoming year, and three members of the General Body who have waived their election eligibility for the upcoming elections. The committee will choose its chairman.

### **Section 4. Duties of Election Committee**

The election committee shall coordinate with the membership committee the following:

- a. Preparing and posting on the bulletin board of the JIAR a list of members eligible to vote. The list shall be posted by first week of November prior to the election year.
- b. Making public a preliminary list of members eligible to be on the Board of Directors by first week of October prior to the election year. Individuals qualified to be Directors should be contacted by the election committee to express their willingness to serve as Directors.
- c. Making public a final list of nominated members eligible, and willing to serve on the Board of Directors by first week of December prior to the election year.

### **Section 5. Election Procedure**

The Election Committee shall conduct elections as follows:

- a. Seek eligible nominees from the full membership of the General Body. Full members can be nominated or express their interest/willingness to serve to the Election Committee.
- b. To be included on the final ballot, a nominee must have the signature of three (3) full members of the general body (excluding the candidate) on their nomination form.

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- c. Members eligible to vote shall be provided a ballot containing the final list of names of all persons qualified and willing to serve on the Board of Directors.
  - d. Members shall vote for candidates of their choice.
  - e. Any ballot containing more votes than the vacant seats is invalid.
  - f. Candidates receiving the most votes shall become Directors.
  - g. In case of a tie, the older person shall become the Director.
  - h. A list of the remaining candidates shall be prepared in the order of the received votes. A list of no more than five (5) runners-up shall be prepared for filling any vacancies until the next elections.

## Article XIV. THE IMAM

### Section 1. Qualifications

- a. Muslim male.
- b. Memorization of at least ten (10) *Juzz* (Sections) and ability to recite properly.
- c. Knowledge and practice of the obligations and prohibitions of Islam.
- d. Personal conduct appropriate to this position.
- e. Islamic training either formal or otherwise such that the Imam is capable in the terminology and reference books of the basic Islamic sciences in their original Arabic.
- f. Residency at the Triangle area during the term of the contract.
- g. Ability to communicate (verbally and in writing) with congregation – proficiency in English.
- h. ***If not found:*** If the above qualifications cannot be fully satisfied, then a temporary Imam will be chosen from among those available who comes closest to the above qualifications.

### Section 2. Functions

- a. Accountability to the Board of Directors: The Imam must work strictly within the guidelines, policies and priorities stated in the contract and the bylaws.
- b. Leading *Salaah* (Prayer): The Imam shall be the one who leads all prayers.
- c. Education & Dawah: The Imam shall be a member of the education and Dawah committees and shall give classes and courses deemed necessary by the education committee.
- d. Committees Support: The Imam shall participate and support as much as possible the committees of the Masjid.
- e. Performing Marriage Contracts: The Imam shall perform all marriage contracts and necessary documents.

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- f. Consultation and Counseling: The Imam shall make recommendations to the Board of Directors for all matters related to Islamic activities. The Imam shall also provide scheduled time (office hours) for the community to answer their questions or direct them to the appropriate resources.
  - g. Office Hours: The Imam shall maintain office hours as a reasonable access for members of the Muslim community according to the employee contract.

### **Section 3. Areas of Authority**

- a. The Imam is the chairman of the Imam Council that has the final say in all Shariah matters.
- b. Delegation: The Imam may appoint someone else to fulfill the duties and responsibilities of the Imam when needed. These appointments must be based on the individuals' qualifications for the post. Repeated absences will require a meeting with the board and a possible formal reprimand.
- c. *Musalla* (Prayer Hall): The Imam shall have the authority to conduct, authorize or limit any activity in the Musalla within the lines of duty that are in accordance with matters of Shariah.
- d. Zakaah: The Imam is a permanent member of the Welfare committee.
- e. The Imam is a permanent non-voting member of the Board of Directors.

### **Section 4. Term of Office**

The probationary period for the office of Imam is six (6) months. After satisfactory performance the term of office shall be a total of three (3) years. The Imam will be given a performance evaluation annually.

### **Section 5. Dismissal**

The Imam shall be dismissed from office if the person deviates from Islamic behavior unacceptable for the position. This includes: 1) proven and unrepentant commission of major sins, 2) unsatisfactory performance of Imam duties, 3) irresponsible behavior and/or misconduct, or 4) proven commission of any of *Nawaaqidh Al-Islam* (those which abrogate Islam) or continued support of such activities. Dismissal of the Imam is the responsibility of the Board of Directors and must be according to the above principles after a hearing. Any formal complaints must be fully investigated and dealt with.

### **Section 6. Procedure for Imam Search Committee**

- 6.1 The Board of Directors shall form an Imam Search committee (an ad hoc committee) as soon as the Imam position is vacant.
- 6.2 The Imam Search Committee should follow the following procedures:
  - a. Develop job description according to Imam Qualifications needed (refer to Article XV (The Imam)).
  - b. Post on community bulletin board, web, announce after Jumu'ah, etc for comments of general body (seek feedback from community).



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- c. Advertise in Islamic and public publications
  - d. Choose the 3 most qualified applicants. Applicant should give presentation either in person or through electronic media (tape, teleconference, etc).
  - e. Submit recommendations to the Board of Directors to appoint/hire Imam.

#### **Article XV. CONTRACTS, CHECKS, DEPOSITS, AND FUNDS**

**Section 1. Contracts.** The Board of Directors may authorize any officer or officers, agent or agents of the corporation, in addition to the officers so authorized by these bylaws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the corporation, and such authority may be general or confined to specific instances.

**Section 2. Checks, Drafts, etc.** All checks, drafts or orders for payment of money, notes or other evidence of indebtedness issued in the name of the corporation, shall be signed by such officer or officers, agent or agents of the corporation and in such manner as shall time to time be determined by resolution of the Board of Directors, such instruments shall be signed by the Treasurer or an Assistant Treasurer and cosigned by the President or a Vice President of the corporation.

**Section 3. Deposits.** All funds of the corporation shall be deposited from time to time to the credit of the corporation in such banks, trust companies or other depositories as the Board of Directors may select.

**Section 4. Gifts.** The Board of Directors may accept on behalf of the corporation any contribution, gift, bequest or device for the general purposes or for any special purpose of the corporation.

#### **Article XVI. CERTIFICATES OF MEMBERSHIP**

**Section 1. Certificates of Membership.** The Board of Directors may provide for the issuance of certificates evidencing membership in Jamaat Ibad Ar-Rahman, Incorporated, which shall be in such form as may be determined by the Board of Directors. Such certificates shall be signed by the President or a Vice President and by the Secretary or an Assistant Secretary and shall be sealed with the seal of the corporation. All certificates evidencing membership and the date of issuance of the certificate shall be entered on the records of the corporation. If any certificates shall become lost, mutilated or destroyed, a new certificate may be issued therefore upon such terms and conditions as the Board of Directors may determine.

**Section 2. Issuance of Certificates.** When a member has been elected to membership and has paid any dues that may be required, a certificate of membership shall be issued in his or her name and delivered to him or her by the Secretary, if the Board of Directors shall have provided for the issuance of certificates of membership under the provisions of Section 1 of this Article.

#### **Article XVII. BOOKS AND RECORDS**

The corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, Board of Directors and committees having any of the authority of the Board of Directors, and shall keep at its registered or principal office a record giving

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the names and addresses of the members entitled to vote. All books and records of the corporation may be inspected by any member, or his or her agent or attorney, for any proper purpose at any reasonable time.

#### **Article XVIII. FISCAL YEAR**

The fiscal year of Jamaat Ibad Ar-Rahman, Incorporated, shall begin on the first day of January and end on the last day of December of each year.

#### **Article XIX. DUES**

**Section 1. Annual Dues.** The Board of Directors may determine from time to time the amount of annual dues payable to the corporation by members.

**Section 2. Payment of Dues.** Dues shall be payable in advance on the first day of January in each year. Dues of a new member shall be reduced to one half of regular dues for membership elected on or after July 1.

**Section 3. Default and Termination of Membership.** When any member shall default in the payment of dues for a period of three (3) months from the beginning of the fiscal year or period for which dues become payable, such membership may thereupon be terminated by the Executive Committee in the manner provided in Article VI (Members and Meeting of Members) of these bylaws.

#### **Article XX. SEAL**

The Board of Directors shall provide a corporate seal which shall be in the form of a circle and shall have inscribed the name of the corporation and the words "Corporate Seal."

#### **Article XXI. WAIVER OF NOTICE**

Whenever any notice is required to be given under the provisions of the North Carolina Non-Profit Corporation Act or under the provisions of the Article of Incorporation or the Bylaws of the corporation, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

#### **Article XXII. DISSOLUTION**

If, as determined by the Board of Trustees, dissolution of JIAR becomes inevitable, the Board of Directors shall handle the process of dissolution. It shall make arrangements to meet all liabilities and transfer remaining assets to North America Islamic Trust (NAIT).

#### **Article XXIII. BYLAWS AMENDMENTS**

**Section 1.** The Basic Law shall not be amended.

**Section 2.** Proposed amendment(s) shall be signed by at least ten (10) members or ten percent (10%) of the General Body, whichever is greater, and submitted in writing to the Chairman or the Secretary of the Board of Directors.

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**Section 3.** After receipt of proposed amendment(s), the Chairman shall call a meeting of the Board of Directors within four (4) weeks to appoint (an) ad hoc committee(s) to study the proposed amendment(s). The Board of Directors may initiate the process of amendment(s) by appointing (an) ad hoc committee(s).

**Section 4.** The ad hoc committee(s) shall study the proposal and report its findings to the Board of Directors. After the ad hoc committee(s) reports the findings, the Board of Directors shall discuss and vote on the proposal. An affirmative vote of at least two thirds (2/3) of the total membership of the Board of Directors is required for approval of any amendment(s).

**Section 5.** After any amendment has been approved by the Board of Directors it shall be presented to the Board of Trustees. Upon approval by the Board of Trustees, it shall be presented to the General Body within two (2) months. If at least two thirds (2/3) of eligible voters in the General Body vote in favor, the amendment(s) shall be adopted and become effective.

**Section 6.** The implementation procedure of the amendment(s) shall be decided by the Board of Directors.

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**M. Jasim Chowdhury, President**

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**Abdul Gafoor Khan, Secretary**

**SEAL**

Mukhtar Adem \_\_\_\_\_

Iqbal Ahmad \_\_\_\_\_

Shakeel Ahmad \_\_\_\_\_

Khalid Ahmed \_\_\_\_\_

Shk. Mowlid Ali \_\_\_\_\_

Adil Abdul Aziz \_\_\_\_\_

Ibrahim Ihbais \_\_\_\_\_

Rizwan Malik \_\_\_\_\_

Saleem Qadri \_\_\_\_\_