

**In the name of Allah "God", the Most Gracious, the Most Merciful.**

**THE CONSTITUTION OF  
The Islamic Center of Asheville, Inc.**  
A non-profit, tax-exempt, religious and charitable organization

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We, the Muslims of Asheville-WNC, NC recognize Islam as a total way of life and have pledge to practice it as such. We do hereby proclaim the establishment of The Islamic Center of Asheville in the state of North Carolina. We agree to and adopt this constitution and pledge to abide by its provisions as long as it does not contradict with the teachings of Al-Islam which have been mentioned in Al-Quran and As-Sunnah of Prophet Muhammad, Insha-Allah "if Gods will it", so help us Allah; "Amen"


**ARTICLE I: NAME AND ADDRESS •**

**SECTION 1:**

Islamic Center of Asheville, hereafter ICA, will be the name of the non-profit organization incorporated in the State of North Carolina, and shall conform to all the certification requirements of the Internal Revenue Service, to be a non-profit, religious, charitable, and educational organization.

**SECTION 2:**

The official address of ICA is 941 Old Fairview Road, Asheville NC 28803.

*Approved Bylaws on 12/6/08*  
*Fiaz Aziz general Sec.*  


## ARTICLE II: CHARACTER AND PURPOSE

### SECTION 1:

The basic character of ICA shall remain a religious organization at all times.

### SECTION 2:

The fundamental objective of ICA will always be to glorify ALLAH, and uphold the teaching of the Al-Quran and the As-Sunnah of Prophet Muhammad, Islamic "Law" Shariah. Islamic Shariah shall always be the guiding light for ICA. Hence ICA should:

- a) Represent, foster and serve the interest of Muslims in greater Asheville-WNC
- b) Preserve and perpetuate Al-Islam and Islamic teaching in the community
- c) Facilitate a greater understanding and relations between Muslims and non-Muslims in the community

## ARTICLE III: ACTIVITIES OF ICA

### SECTION 1:

The activities of ICA should be directed towards achieving its objective, yet maintaining the Islamic character as defined. The overall activities, not necessarily limited to the items listed below, should be:

- (a) To provide various services to the Muslim community especially religious, educational, charitable, social and cultural services
- (b) To disseminate Islamic teachings utilizing printed publications and various mass media, as may be deemed fit and necessary
- (c) To establish, maintain and operate a Muslim community center in the area
- (d) To find ways and means for fund-raising to finance the activities of ICA
- (e) To institute ways and means to cooperate with other Islamic Organizations

## ARTICLE IV: STRUCTURE AND ORGANIZATION

ICA structure shall be based on the following three groups.

- (a) General Body, consisting of duly registered active members of ICA according to the regulations provided herein.
- (b) Executive Committee (SHURA): consists of five active members elected by the General Body for the term of three years. Executive Committee shall elect every year amongst themselves officers to implement the policies and to institute services to the active members of ICA. Each active member of the Executive Committee shall assume and exercise the respective authority as defined herein. The Imam of ICA cannot be a part of the Executive Committee and/or Overseers.

- (c) OVERSEERS OF ICA, consisting of three active members elected by the General Body for the term of three years. In the case an overseer drops off, the General Body will select the replacement during the next General Body meeting.

The General Body is the governing authority of ICA. The primary legal and financial responsibility for ICA rests with the Executive Committee. Executive Committee shall implement services and activities of ICA in addition to the planning for future of ICA. The judicial role is for the Overseers. The Overseers shall carry out duties such as nominations, elections, and any mediator, reconciliatory or any investigative role if need be. They have no responsibility, powers or authority to be involved in the decisions of the Executive Committee.

## ARTICLE V: JURISDICTION AND AUTHORITY

### **A: The General Body**

#### SECTION 1: Authority

The General Body is the Governing Authority of ICA.

#### SECTION 2: Investigation

A written petition is required from at least twenty-percent (20%) of the total active membership of ICA can commission the Overseers to investigate any matter pertaining to the operation of ICA. In that event, the Overseers have the obligation to investigate impartially the issues and recommend a course of action, to either the Executive Committee or to the General Body.

#### SECTION 3: Quorum

The quorum required for the General Body meetings is 33% of the total active membership. All decisions shall be taken by simple majority rule.

#### SECTION 4: Annual Meeting

The General Body must meet at least once a year. In this annual meeting, Executive Committee must present the year's activities and financial status of ICA in a manner as duly described in this constitution.

#### SECTION 5: Quorum calls of the Annual Meeting of General Body

In the event that the Annual Meeting of General Body fails to realize the necessary quorum of twenty percent (20%) of total active membership with voting rights, on the first call at the notified time and place, the subsequent second and third calls shall be made at about half hour intervals. A Limited Annual Meeting of the General Body may be convened at the discretion of the Executive Committee, as soon as at least half the quorum has assembled. If the third call, at least one hour later than the prescribed time, fails to meet the quorum then the meeting will remain the Limited Annual Meeting.

The Limited Annual Meeting must meet the following conditions:

- a) All active members were properly notified about the time and place of meeting, in

accordance with the constitution.

- b) There is no just cause to postpone the meeting, such as bad weather, strikes, travel and communication disruptions, specific long weekend or holidays, etc.
- c) At least half of the quorum is present (10% active members).
- d) All decisions are carried by two-third (2/3) majority of the active members present and voting, instead of simple majority rule.
- e) The agenda of the Limited Annual Meeting is limited to the following only: Annual Reports, Annual Financial Statements and Status, and Budgets.
- f) There shall be no discussion of any other business, issue, and resolution of any kind. The meeting can only discuss, and vote on matters pertaining to the limited-agenda.
- g) Executive Committee shall notify the active membership within two weeks about the Limited Annual Meeting and the proceedings.

## **B: The Executive Committee**

### **SECTION 1: Eligibility Criteria**

Only those active members of ICA can be elected as Executive Committee and meets the following criteria of eligibility. The nominee for Executive Committee of ICA must:

- a) Be, at least, a legal resident of The United States and resident of Asheville-WNC
- b) Be an active member in good standing for at least 2 consecutive years. Any person who completes an association form shall be considered an active member.
- c) Have effectively served ICA for a minimum period of at least 1 year. During which period, one must have substantially participated in the activities of any of the Committees or Bodies listed below, or have previously served as an appointed or elected ICA Executive Committee for any length of time .
  - 1. ICA ad hoc Committee. Any committee is created for a specific task and ceases to exist once the task is completed
  - 2. Be willing and able to perform duties, functions and responsibilities of an Executive Committee of ICA
  - 3. Weekend School PTA (Parent Teacher Association), Youth Group or alike.

Executive Committee may also appoint any number of advisors, consultants, directors, and/or associates (and/or committees) with no voting rights, to assist them in carrying out their task.

### **SECTION 2: Quorum**

The Quorum for the Executive Committee meetings is over 2/3, and all decisions, unless otherwise stated, shall be taken by simple majority vote.

### **SECTION 3: Meetings**

The Executive Committee shall have no less than six Executive Committee meetings in a year. If an Executive Committee member does not attend three consecutive meetings then he should resign from the Executive Committee. The Executive Committee shall have at least one meeting during a year with the "General Assembly" in addition to any Special General Body Meetings that the Executive Committee may call for specific reasons. No specific quorum is required for conducting such General Assembly Meetings. Necessary notifications for the above Meeting shall be given as required by the related bylaws. A "General Assembly" means the usual gathering of ICA active members at ICA on Saturdays and/or Sundays throughout the year.

**SECTION 4: Executive Committee**

The Executive Committee shall elect by simple majority the Officers of ICA (Executive Committee) from amongst themselves every year.

The following officers shall constitute the Executive Committee:

1. President
2. Vice President
3. Secretary
4. Treasurer
5. Operations Director

The Quorum for any Executive Committee Meeting shall be three out of the above five. The Executive Committee shall meet as often as needed to perform its function. The respective duties of each officer shall be set forth in the by-laws of ICA.

**SECTION 5: Petition**

The Executive Committee must convene a General Body meeting if requested by a petition from more than 20% of active member in good standing. The quorum for such an emergency meeting shall be twice the number of signatures on the petition.

**SECTION 6: Limitation of Term**

An executive committee officer may be elected for two consecutive terms. Thereafter, there must be a minimum three years break before becoming re-eligible to be elected as an executive committee officer for any following term or consecutive terms.

**SECTION 7: Compensation**

No executive committee officer, Overseer or any other official of ICA is entitled to any remuneration or compensation for their time, effort and/or services.

**SECTION 8: Dismissal**

The Executive Committee shall have the right to remove any active member of the Executive Committee for cause by 4 votes.

**SECTION 9: Vacancy**

The Executive Committee shall fill any vacancy created during the year by appointment until next elections. Such appointees shall have same voting rights as the elected Executive

Committee. Such appointment shall be made from the list of the nominees of the last election in the order of the votes received by them in that election. An eligible candidate must have received at least 25% of the valid votes cast in that election. If no candidate received 25% vote in the last election, the Executive Committee has the authority to appoint anyone meeting the eligibility criteria for election to the Executive Committee under the Constitution.

**SECTION 10: Authority**

The Executive Committee shall have jurisdiction over all elements of ICA, but will be answerable to the General Body of ICA only. Executive Committee must cooperate with the Overseers, if they are investigating an issue petitioned by the General Body.

**C: The Overseers of ICA**

**SECTION 1: Restriction and Authority**

The Overseers must not be involved in any decision of the Executive Committee, in any form or manner other than the capacity of an active member of ICA.

**SECTION 2: Responsibility**

The Overseers shall be the “Ombudsmen” on behalf of the general active members of ICA to resolve all issues of conflict, discord, arguments, grievances, misunderstandings and/or differences of opinions between any individuals, groups and/or Executive Committee.

**SECTION 3: Investigation Responsibility**

The Overseers shall not and must not initiate any investigation on their own accord. The Overseers are entitled to investigate thoroughly and completely any issue only if either the General Body petitions it or by the Executive Committee. All Executive Committee and/or active members of ICA must facilitate the Overseers in their tasks. Any communication (petition, grievances or disputes from individual active members) to the Overseers must be in writing and a copy must be provided to the President of the Executive Committee.

- a) Definition: Petition is defined as a formal written document signed by the specified number of active members, requesting resolution of a major issue such as a violation of the Constitution or by-laws.
  
- b) Definition: A grievance or a complaint is a formal written document signed by the aggrieved party/parties requesting resolution of smaller issues such as hostile treatment by an ICA official or committee or disciplinary problems.

Any valid petition, by at least 20% of active members, must identify a spokesperson or liaison, which will be responsible for communicating with the Overseers. The Overseers may choose to call an Emergency General Body Meeting to resolve the issue, if so warranted by them.

**SECTION 4. Communication Responsibility**

The Chief Overseer shall act as a spokesperson and shall carry out all communications. However, for the convenience and expediency or for any reason, any overseer may be approached. The Overseers shall promulgate their judgment, ruling, findings, opinions, interpretations and/or guidance on a given issue either to the Executive Committee or to the General Body as they see fit and necessary in their judgment. A copy of all communications to/from the Overseers must be provided to the President. If the Overseers issue a decision and the Executive Committee does not act upon the decision within forty-five (45) days of its issuance, the Overseers may call an Emergency General Body Meeting.

**SECTION 5: Nomination Responsibility**

The Overseers shall receive all nominations for elections, and they should make sure that each conforms to the rules and requirements laid down in the constitution, before any name is put on the ballot. The Overseers may at their option require written statements from the nominee and his/her family stating their consent and indicating their awareness of the potential liabilities. The Overseers shall announce the accepted nominations eligible for election. An overseer cannot be a nominee even for the position of overseer. The Overseers must certify that they have followed the provisions of Section 5, and shall provide reasons if any proposed nominees were excluded from the final nomination ballot.

**SECTION 6: Election Responsibility •**

The Overseers shall carry out the entire election proceedings. A written report shall be filed by the Chief Overseer with the Executive Committee for the permanent record of ICA.

**SECTION 7: Authority**

The Chief Overseer, if it is necessary, shall call the General Body emergency meeting to report the findings.

**SECTION 8: Eligibility Criteria**

Only those active members of ICA can be elected as Overseers who meet the following criteria of eligibility.

The nominee for Overseer must:

- a) Be, at least, a legal resident of the United States and resident of Asheville-WNC.
- b) Be an active member in good standing for at least 2 consecutive years, including the current year.
- c) Have served on the Executive Committee of ICA, or any of the ad hoc Committee
- d) An overseer shall not be a member of the Executive Committee or any ad hoc Committee, once elected to the office of the Overseer.
- e) Be willing and able to perform the duties, functions and responsibilities of an Overseer of ICA.

SECTION 9: Dismissal

- a) Any Overseer may be dismissed for not performing his/her duties, functions and responsibilities in accordance with the Constitution and by-laws.
- b) A two-third (2/3) majority vote of the General Body shall be required to remove the proposed overseer(s).
- c) The Quorum for such Special General Body Meeting shall be 10% of the Active members of record.

SECTION 10: Vacancies

- a) In the same Special General Body Meeting that upheld the removal of the Overseer(s), the total combined active membership of the Executive Committee and the remaining Overseers shall present a slate of candidates for voting to fill in vacancies created.
- b) The slate of the proposed candidates shall comprise of current active members who were nominees in the most recent elections for the Executive Committee and Overseers.
- c) The General Body shall appoint the new interim Overseers in the order of the votes received, to serve until the next regular election.

ARTICLE VI: ACTIVE MEMBERSHIP

SECTION 1: Categories of Active membership

All active members shall be Muslim adults and be a legal resident of the United States of America and resident of Asheville-WNC. The following active memberships are recognized under ICA Constitution.

a) **ACTIVE MEMBERS:**

1. **ELIGIBILITY CRITERIA FOR NEW ACTIVE MEMBERSHIP APPLICANTS:**

- I. Shall be a Muslim, 18 years of age or over, on the date of filing the Application for Voting Active membership.
- II. Shall concur with the Objectives/Mission of ICA and abide by its Constitution and Bylaws as exist and amended from time to time.
- III. Shall file the prescribed Association Membership Form latest by December 31 of a year.



## 2. RIGHTS OF AN ACTIVE MEMBER:

- I. An Active member shall be eligible to vote in the General Elections, on Amendments to ICA Constitution and on any other issues brought to vote according to the Rules and Procedures outlined in ICA Constitution and Bylaws.
- II. An Active member has the right to submit draft Amendments, file grievances, appeals following rules and procedures outlined in ICA Constitution and Bylaws.
- III. Every Active member is entitled to a single vote. The voting right is personal, individual and nontransferable. Proxy votes are not allowed.
- IV. All Active members shall be entitled to same rights and privileges.
- V. An Active member shall receive by mail/email timely Notifications, Minutes of General Body Meetings, if requested in writing.
- VI. The Annual Financial Statements, Committee Reports, Proposed Amendments, other issues, and communications of all other activities and functions of ICA will be made available to the active members upon their written request.

### **b) GENERAL MEMBERS:**

These are the members of the Muslim Community whose circumstances do not permit them to become active members of ICA. They enjoy all privileges available to any Muslim at ICA except for the right to vote. They must abide by ICA Bylaws.

### SECTION 2:

The membership of any person can be terminated for a cause deemed detrimental to the objectives of ICA by the Executive Committee and the Overseers.

## ARTICLE VII: FINANCIAL MANAGEMENT AND RESPONSIBILITY

### SECTION 1:

The Executive Committee is responsible and liable for all finances, assets, and financial commitments on behalf of ICA.

### SECTION 2:

No one shall have the right to make any financial commitment except if authorized by the Executive Committee or the President under authority from the Executive Committee.

**SECTION 3:**

Executive Committee shall decide every year prior to the annual meeting and elections the capital and operations budget. These budgets should be presented to the General Body for approval.

**SECTION 4:**

The Capital Budget should include the cost of acquiring new facilities along with the cost of maintenance for the next three (3) years from the date of initial completion and use.

**SECTION 5:**

Five percent of all the funds raised in a given year shall be put in a Reserve Fund. This sum should be invested for long term, and only in a dire emergency can these funds be made available. Under no circumstances can more than half of the Reserve Funds be withdrawn in a given year. Reserve fund shall be used for long-term expansion.

**SECTION 6:**

Executive Committee has the responsibility to plan for ICA and its facilities so that the operation of the organization is financially independent. Hence, income providing investment programs should be initiated to sustain the activities of ICA.

**SECTION 7:**

Executive Committee may invest, on behalf of ICA, in relatively safe investments (e.g., land, real estate, commodities of a non-speculative character, business, etc.) for appreciation of capital of ICA within the allowed framework of Islam.

**SECTION 8:**

Executive Committee shall keep ICA solvent at all times. Under no circumstances the long-term debt to asset ratio of ICA shall exceed 0.2 (20%). This rule shall apply to each and every entity and undertaking of the Center, in addition to total funds of ICA.

**SECTION 9:**

The Executive Committee must balance the budget every year.

**SECTION 10:**

- a) The Fiscal year for the financial purposes shall be from January 1 to December 31st.
- b) Operations Budget: The Executive Committee is authorized to appropriate the existing annual operating budget for the New Year starting January 1 until the General Body adopts a new operations budget.
- c) Capital Budget: The Executive Committee is authorized to fulfill any and all contractual obligations, previously authorized and incurred, beyond the current fiscal year ending on December 31, up to the extent of the funds available, until the General Body adopts a new capital budget.

**SECTION 11:**

Financial statements should be presented to the General Body in the annual meeting and all previous records of the financial transactions in the last three (3) years should be made available for public scrutiny on a request basis.

**ARTICLE VIII: ELECTIONS**

**SECTION 1:**

The elections should take place in the annual meeting of ICA, to be held once every three years.

**SECTION 2:**

The Overseers of ICA should conduct elections. All nominations should be filed with the Overseers at least one month in advance of the election date or within the time frame specified in the notification for the annual meeting and elections. Executive Committee in consultation with the Overseers shall decide annual meeting notification. Overseers, after appropriate deliberations will announce the list of accepted nominees to be voted in the elections. No floor nominations may be considered without an advance notice to the General Body at large. In case there is insufficient number of qualified nominees available to fill in vacancies in the Executive Committee or the Overseers, the Overseers may invite floor nominations. If so, the Overseers in consultation with the Executive Committee shall decide the procedure for accepting floor nominations in advance of the Annual General Body Meeting and outline the procedure in the notification sent to the General Body regarding elections.

**SECTION 3:**

Elections shall be held for all the officers every 3 years.

**SECTION 4:**

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

**SECTION 5:**

The outgoing Chief Overseer shall take the oath of office from all duly elected persons, including newly elected Overseers.

**SECTION 6:**

Any protest, complaint or objection should be filed with the Chief Overseer within 2 weeks after the elections, and copy shall be provided to the President and the Executive Committee.

**SECTION 7:**

Decisions of the Overseers on all objections and complaints shall be final.

**SECTION 8:**

Chief Overseer shall file a complete report on elections, including nominations, elections and any protests if received – within 4 weeks of the elections -- with the President of the Executive Committee for permanent records of ICA.

## ARTICLE IX: AMENDMENTS TO THE CONSTITUTION

### SECTION 1:

This constitution may be amended at the annual meeting of ICA or at any meeting duly called for this purpose. The notice for such a meeting shall be mailed or emailed to the active members at least fifteen days before the meeting. The notice shall describe the amendment in the exact language.

### SECTION 2:

A 3/4 vote of the attending active members shall be necessary to approve any amendments of the constitution.

## ARTICLE X: DISSOLUTION OF ICA

### SECTION 1:

A majority of the 75% of the Executive Committee of ICA on record on any given day can decree the dissolution for a reason and a cause. The decree will become a final declaration if it is approved by 75% of the General Body in a meeting called specifically for such purpose. Failure of approval by General Body automatically removes all Executive Committee. The Overseers shall carry out the interim wishes of the General Body, to handle the situation, as best as possible.

### SECTION 2:

Upon dissolution of ICA, all the proceeds, after payment of all outstanding debts, shall be distributed to a bona fide registered Islamic, nonprofit, religious and charitable organization registered under the section 501 (c) (3) of the Internal Revenue Code and/or North American Islamic Trust, based in Indiana.

### SECTION 3:

Executive Committee of ICA shall be responsible for carrying out the dissolution process in a manner satisfactory to the State and Federal Authorities. (These are privileges of the Executive Committee).

## ARTICLE XI: BY-LAWS

### SECTION 1:

Executive Committee may enact additional by-laws for the administration of its affairs effectively.

### SECTION 2:

Additional by-laws enacted by the Executive Committee may be amended by majority vote in an

Executive Committee meeting, provided the amendments were circulated at least seven days prior to the meeting.

**SECTION 3:**

Additional by-laws may not restrict or alter any provision of this constitution.

**SECTION 4:**

Roberts Rules shall be adopted for the conduct of all meetings, unless specified otherwise.

**SECTION 5: Duties of the Executive Committee**

**a) The President**

1. He shall preside at each and every meeting.
2. He shall have the right to appoint ad hoc Committees
3. He shall have the right to call a special meeting when necessity demands.
4. He shall have the right, if necessity required, to spend up to \$200 and to give account of it at the first Executive Committee meeting thereafter.
5. He shall be an advisory active member on every committee.
6. He shall sign all contracts and legal papers and official documents in the name of ICA, after approval by the Executive Committee.
7. Vice President or Secretary of the Executive Committee shall replace the President, in that order.

**b) The Vice President**

1. He will assume president's responsibilities in his absence.
2. The President can designate some of his responsibilities to the Vice President in case of a need.

**c) The Secretary**

1. The Secretary shall keep the minutes of all the Executive meetings. Shall also keep record of all activities.
2. Shall keep the active membership roster, properly and duly updated along with all the correspondence.
3. Each committee shall appoint its secretary separately.
4. Shall keep the seal of ICA.
5. Shall be responsible for all correspondence on behalf of ICA.
6. Shall hand over all official papers of ICA to the incoming officer within one week after the election.

**d) The Treasurer**

1. Shall keep and maintain all financial records of ICA and shall give receipts for all received monies.
2. Shall keep accounts according to accepted accounting procedures and must provide detailed reports to the Executive Committee every four months, or every second meeting of the Executive Committee, or whenever requested by the Executive Committee.
3. Shall have no right to spend the funds except as authorized.
4. Shall disburse funds by checks drawn on the bank accounts of ICA only.
5. Shall co-sign all checks with the President.
6. Shall represent ICA before IRS or any other authority for financial audit or inquiry, e.g. Overseers, etc.

**e) Common**

1. All checks drawn on the account of ICA shall have at least two signatures from the Executive Committee.

**SECTION 6:**

The services, facilities and resources of ICA are limited to those Muslims who have been satisfactorily accepted by either the General Body, the Executive Committee, Overseers and/or its designated bodies and they do adjure the "Unity of Allah and the Finality of Prophet Muhammad (pbuh)."

**ARTICLE XIII: CODE OF CONDUCT**

To be amended