

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

*In the name of Allah, the Most Merciful, the Bestower of Mercy*

## **The Constitution of the Muslim Students' Association at York University**

{وَأَنْزَلْنَا إِلَيْكَ الْكِتَابَ بِالْحَقِّ مُصَدِّقًا لِمَا بَيْنَ يَدَيْهِ مِنَ الْكِتَابِ وَمُهَيْمِنًا عَلَيْهِ فَاحْكُم بَيْنَهُمْ  
بِمَا أَنْزَلَ اللَّهُ وَلَا تَتَّبِعْ أَهْوَاءَهُمْ عَمَّا جَاءَكَ مِنَ الْحَقِّ لِكُلِّ جَعَلْنَا مِنْكُمْ شِرْعَةً وَمِنْهَاجًا...}

*“And We have revealed to you, [O Muhammad], the Book in truth, confirming that which preceded it of the Scripture and as a criterion over it. So judge between them by what Allah has revealed and do not follow their inclinations away from what has come to you of the truth. To each of you We prescribed a law and a method... “ Qur’an [5:48]*

## **1. Definitions**

- 1.01** The name of this association shall be the '*Muslim Students' Association*' hereinafter referred to as the '*MSA*', which refers to the members of the aforementioned association at York University for the purpose of this constitution.
- 1.02** The terms '*General Member(s)*' and '*General Membership*' shall be deemed to refer to every member of MSA, subject to **Article 5**.
- 1.03** The term '*Executive*' shall be deemed to refer to the elected body of MSA.
- 1.04** The term '*Director*' shall be deemed to refer to the *General Members* appointed by the Executive for specific roles.
- 1.05** The '*Qur'an*' shall be deemed to refer to the Holy Book of Islam, considered to be the Word of *Allah* (Arabic term for 'The God').
- 1.06** The '*Sunnah*' shall be deemed to refer to what the Prophet (peace be upon him) said/did or actions witnessed and not objected to by him, as agreed upon by the majority of Muslim Sunni scholars.
- 1.07** The '*Shari'ah*' shall be deemed to refer to the religious code of laws and rules governing the life of all Muslims according to the Qur'an and Sunnah.
- 1.08** '*Salaf*' shall be deemed to refer to righteous and pious predecessors or the first three generations of Muslims.
- 1.09** '*Da'wah*' shall be deemed to refer to the practice of educating the public about Islam.
- 1.10** '*Jumu'ah*' shall be deemed to refer to the weekly Muslim Friday prayers.

## **2. Objectives**

- 2.01** The MSA is a mainstream Sunni Islamic Association that follows and adheres to the Qur'an and Sunnah upon the understanding of the Salaf.
- 2.02** The MSA will organize events in accordance with the Shari'ah. Any innovations in religious matters or "modernisation" will not be acceptable, as Islam is a way of life for all times and places and hence is not subject to being outdated or needing reform.
- 2.03** This constitution is enacted for the purpose of establishing a representative body of elected members. The MSA's objectives, subject to **Article 3**, are to:
- (a)** Ensure that prayer facilities are available for use by Muslim students attending York University.

- (b) Encourage and facilitate the practice of Islam on Campus.
- (c) Promote awareness of Islam amongst the Campus community.
- (d) Act as a representative and counsel to the Muslims on Campus.

### **3. Interpretation**

- 3.01** The MSA Executive shall make all determinations of construction and interpretation with due regard to accepted rules of procedure. The President, subject to an appeal by the Executive Board, is generally the first source for interpretation of the Constitution.

### **4. Areas of Legislative Responsibility**

- 4.01** The MSA shall legislate on all matters within its jurisdiction as set out by this constitution.

- 4.02** This constitution shall be the sole document governing the MSA's behaviour.

- 4.03** The MSA shall amend or append this constitution only in accordance with **Article 20** of this constitution.

### **5. Membership**

- 5.01** General Membership is open to any member of the York Community (student, staff, and faculty) as per existing requirements (e.g. membership fee) set by the Executive.

### **6. Procedure for Calling Meetings**

- 6.01** General Meetings:
- (a) Meetings shall occur no less than once every academic year.
  - (b) Meetings shall be called by 2/3 of the Executive, or by a petition signed by 2/3 of the General Membership.
  - (c) Members must be notified of a meeting at least five (5) days prior to the day of the meeting.
  - (d) Emergency meetings shall be permissible in extenuating circumstances, provided notice is posted in prominent places on campus and every attempt is made to ensure that members receive 24 hours notice.
  - (e) The agenda shall be made available at each meeting, subject to **Section [9.01 (j)]**.
- 6.02** Executive Meetings:
- (a) Meetings shall occur no less than once every four (4) weeks during the Fall and Winter terms and no less than once every four (4) weeks during the Summer term of each academic year.
  - (b) Meetings shall be open to the public except when the MSA Executive decide by consensus that a particular meeting be held privately.
  - (c) Meetings shall be called based on 2/3 of the Executive availability.

- (d) The agenda of each meeting shall be made available one (1) day prior to each meeting subject to **Section [9.01 (j)]** by the President or Vice President(s) in the absence of the President.
- (e) Emergency meetings shall be permissible in extenuating circumstances provided that every attempt is made to ensure that the Executive receives one (1) day notice.
- (f) An emergency meeting can be called by approval of 1/3 of the Executives, subject to **Section [6.02 (e)]**.
- (g) Each Executive is allowed two (2) absences per term without the need for explanation.
- (h) In the event that an Executive misses more than 5 meetings per term without a valid reason, they are subject to be terminated by a 2/3 vote by the rest of the Executive.
- (i) Each Director shall attend no less than two (2) meetings per term unless valid reasons are provided.

## **7. Meeting Procedure**

### **7.01 Chairing:**

- (a) The President shall chair all meetings. In the absence of the President, one of the Vice President(s) shall chair the meetings.
- (b) The Chair shall be responsible for maintaining order subject to **Section [8.03]**, and ensuring that the agenda is discussed in a complete and efficient manner.

### **7.02 General Meetings:**

- (a) A report of the financial position of MSA shall be presented at the meeting.

### **7.03 Executive Meetings:**

- (a) Quorum shall consist of no less than 1/3 of the Executive, including the President or one of the Vice President(s) in the absence of the President.
- (b) Only the Executive shall reserve the right to form/establish the final decision based on Executive consensus.
- (c) Any Executive or Director may open issues for discussion.

## **8. Duties and Structure of the Executive**

### **8.01** The Executive shall consist of ten (10) elected York University Muslim Students:

- The **President** (brother or sister)
- The **Brothers' Vice-President** (brother)
- The **Sisters' Vice-President** (sister)
- The **Treasurer** (brother or sister)
- The **Secretary** (brother or sister)
- Four (4) **Public Relations Commissioners** (two (2) brothers and two (2) sisters)
- The **Da'wah Commissioner** (brother or sister)

### **8.02** The Executive shall be responsible for the direction and management of the affairs of the MSA in accordance with the provisions of this constitution.

### **8.03** The Executive shall strive to adhere to the Shari'ah.

- 8.04** Any disagreements between the Executives or Directors must remain only within themselves and not leak to the General Members.
- 8.05** The Executive shall be responsible for recruiting Directors, subject to **Article 15**.
- 8.06** The term of office for each Executive shall be one (1) year beginning May 1 and expiring on April 30 of the following year.

## **9. The President**

- 9.01** The President shall:
- (a)** Act as the official representative of the MSA on all occasions.
  - (b)** Provide leadership and guidance to the Executive and the MSA.
  - (c)** Be responsible for ensuring that the Executive carry out their respective duties as outlined in **Articles 10-14**.
  - (d)** Supervise and ensure the smooth operation of MSA, which includes peacefully resolving any inter-Executive or Director conflict and reviewing all MSA documentation.
  - (e)** Chair each Executive and General meeting, subject to **Section [7.01]**.
  - (f)** Act on his/her own authority only if an Executive or General meeting cannot be called subject to **Sections [6.01 (e) and 6.02 (d)]**. This may include making emergency decisions such as delegating duties or special powers to an Executive member subject to **Section [9.01 (g)]**.
  - (g)** Be responsible to the Executive and the MSA for all of his/her actions as their representative.
  - (h)** Prepare and present an annual report to the MSA during the final General Meeting.
  - (i)** Prepare the agenda for each Executive and General meeting in consultation with the Executive and the General Membership.
  - (j)** Be one (1) of the two (2) signing officers of the MSA.

## **10. The Vice-Presidents**

- 10.01** The Brothers' Vice-President shall:
- (a)** Assist the President with all designated duties and responsibilities.
  - (b)** Assume all duties and responsibilities of the President in the President's absence with the cooperation of the Sisters' Vice-President.
  - (c)** Consult and work closely with the President and Sisters' Vice-President.
  - (d)** Supervise, consult and work closely with the Brother Executives and Directors.
  - (e)** Interact with and act as a mentor to the MSA Brothers.
- 10.02** The Sisters' Vice-President shall:
- (a)** Assist the President with all designated duties and responsibilities.
  - (b)** Assume all duties and responsibilities of the President in the President's absence with the cooperation of the Brothers' Vice-President.
  - (c)** Consult and work closely with the President and Brothers' Vice-President.
  - (d)** Supervise, consult and work closely with the Sister Executives and Directors.
  - (e)** Interact with and act as a mentor to the MSA Sisters.

## **11. The Treasurer**

**11.01** The Treasurer shall:

- (a) Be responsible for all the financial affairs of MSA, including the maintenance and security of the financial records.
- (b) Be one (1) of the two (2) signing officers of the MSA.
- (c) Maintain a maximum of \$80.00 in petty cash, reimbursing only when a proof of purchase is provided, subject to **Section [19.04]**.
- (d) Prepare the annual budget of the MSA.
- (e) Present monthly bank statements to the Executive, including a financial report and bank statement following every major event if requested.
- (f) Disburse no funds of MSA except as authorized by 2/3 Executive or the President.
- (g) Prepare an annual report of the financial position of MSA to be presented on the website, including original net worth, revenue generated, expenditures incurred, amount payable, accounts receivable and final balance.
- (h) Transfer all assets and other financial records to the incoming Treasurer.

## **12. The Secretary**

**12.01** The Secretary shall:

- (a) Prepare and type an accurate account of each Executive and General Meeting and distribute the minutes to the Executive and Director no later than three (3) days from the date of the meeting.
- (b) Keep a record of contacts within the Executive and Director.
- (c) Keep a list of all MSA members.
- (d) Keep an updated file of MSA activities, events and classes throughout the respective Executive term.
- (e) Document events taking place throughout the term and save all information for future reference.
- (f) Organize the entire history of the MSA in the MSA folder.
- (g) Reserve rooms and space needed for Executive and General Meetings.
- (h) Provide application forms for Director.
- (i) Transfer the minutes and all other records to the incoming Secretary.

## **13. The Public Relations Commissioners**

**13.01** The Public Relations Commissioners shall:

- (a) Act as a liaison between the MSA and the community; this includes other on-campus groups, mosques, and other Muslim Students' Associations.
- (b) Assist the Vice President(s) in supervising the Director and organizing Director meetings.
- (c) Be responsible for advertising and the publicity of MSA events in the community as outlined in **Section [13.01 (a)]**.
- (d) Be responsible for calling the General Membership to a General Meeting, subject to **Sections [6.01 (c) and 6.01 (d)]**.

- (e) Prepare a Post Event Report after the end of each MSA event.
- (f) Prepare an event itinerary prior to each major MSA event.
- (g) Be responsible for the MSA's social media sites.

#### **14. The Da'wah Commissioner**

**14.01** The Da'wah Commissioner shall:

- (a) Be responsible for organizing regular Da'wah activities to spread the teachings of Islam on campus.
- (b) Be responsible for organizing the Islam Awareness Weeks.
- (c) Be responsible for organizing Da'wah training sessions during the academic year.
- (d) Supervise the two (2) Da'wah directors.
- (e) Encourage Muslims to volunteer in giving Da'wah.
- (f) Follow up with all those who are interested in Islam with the assistance of the two (2) Da'wah directors.
- (g) Ensure all reverts are assisted with their learning and implementation of Islam by a Muslim who is recognized by the Muslim community as a good Muslim with good conduct and character and has adequate knowledge to assist in this capacity.

#### **15. Duties and Structure of the Directors:**

**15.01** The Executive may appoint a director for any purpose it deems fit. Such positions must include, but are not limited to:

(a) **The Senior Advisor** (one (1) brother and one (1) sister):

Based on previous experience with the MSA, they are to act as an advisor for the Executive Team and assist with decision-making. This Director must be a previous MSA Executive and is not necessarily a General Member.

(b) **The Da'wah Director** (one (1) brother and one (1) sister):

Shall assist the Da'wah Commissioner in organizing all of the Da'wah activities on campus.

(c) **The Prayer Services Directors** (one (1) brother and one (1) sister):

Is responsible for the maintenance and setup of the prayer facilities on campus.

(d) **The Graphic Design Director** (one (1) brother or sister):

Is responsible for creating and designing posters and banners for the MSA.

**15.02** Any decisions made by appointed Directors must be approved by 2/3 of the Executive.

**15.03** Directors shall strive to adhere to the Shari'ah.

**15.04** The term of office for each Director shall be decided by the Executive.

#### **16. Election Procedure**

**16.01** Annual elections of MSA shall start no later than seven (7) weeks prior to April 30 of each year.

- 16.02** Notice of the election dates shall be announced no later than one (1) week in advance of the start of elections.
- 16.03** The Executive shall select an Outgoing Election Team (OET) from the York Muslim Community to preside over the elections. The OET shall not be candidates in the elections, may not submit any nominations, or vote in the elections. The OET shall consist of at least three (3), and no more than four (4) members.
- 16.04** The OET shall be responsible for receiving nominations, setting up and supervising the voting tables, preparing and issuing election ballots, and declaring the results.
- 16.05** Nomination Procedure:
- (a) Nomination period shall begin no later than two (2) weeks and close one (1) week prior to the voting period.
  - (b) Any General Member may nominate a potential candidate.
  - (c) Candidates shall not be permitted to campaign or lobby for support.
  - (d) All candidates must submit a maximum of 500-word statement outlining the following:
    - (I) Why they decided to join the MSA.
    - (II) What they think the MSA is and what its purpose is.
    - (III) How involved they were in the MSA and/or the Muslim community in the previous years, by mentioning the events/classes they volunteered in or attended.
    - (IV) What they would like to change or establish for the upcoming year.
  - (e) All candidates shall be notified privately of their status by the OET no later than five (5) days prior to the voting period, at which time they have the right to withdraw from the election.
  - (f) Potential candidates must be paid members as defined in **Section [5.01]**
- 16.06** Voting Procedure:
- (a) A list of all candidates shall be presented at the voting booth during the voting period.
  - (b) Voting shall be conducted in secret ballot.
  - (c) Online voting can only be implemented in extreme cases (like a strike).
  - (d) All General Members have the right to vote; voting will be conducted over a period of one (1) week.
  - (e) A person shall be considered elected if he/she receives a majority vote cast by members of the club.
  - (f) Positions for which there is only one candidate shall be acclaimed.
- 16.08** The new Executive shall take office on May 1 for one (1) year.
- 16.09** Any elected position on the MSA, which becomes vacant during the academic year for any reason can either be:
- (a) Filled through a by-election called by the current Executive no later than three (3) weeks of the vacancy, and shall be held according to **Article 17**.
  - (b) Or the position may be left vacant upon 2/3 Executive majority vote.

## **17. By-Election Procedure**

- 17.01** Notice of the by-election dates shall be announced no later than one (1) week in advance of the by-election dates.
- 17.03** Nomination period shall begin seven (7) days and close four (4) days prior to the voting period.
- 17.04** All candidates shall be notified (privately) of their status by the Executive no later than three (3) days prior to the elections, at which time they have the right to withdraw from the election.
- 17.05** All General Members have the right to vote; voting will be conducted over a period of three (3) days starting on and including the by-election date.
- 17.06** Candidates shall not be permitted to campaign or lobby for support.
- 17.07** All candidates must submit a maximum of 500-word statement as defined in **Section [16:05 (d)]**.

## **18. Removal from Office**

- 18.01** An Executive or Director member shall be reprimanded by the Executive, and upon repetition, be subject to dismissal for:
- (a)** Violating any Islamic Principle or Law that deems them unworthy to serve as a leader of the Muslims.
  - (b)** Slander against another Executive member or General Member.
  - (c)** Usage of profanities, derogatory, or discriminatory language in conversation pertaining to MSA, its affairs, or membership.
  - (d)** Incompetence or deliberate negligence of duty.
- 18.02** A 2/3 majority Executive vote shall accomplish removal from office after charges and specifications against the affected member have been presented to him/her at a previous Executive meeting, subject to **Section [18.03]**.
- 18.03** After consultation with the aggrieved parties, the President shall write up and present a list of charges against the affected member to the Executive at the next meeting. This shall activate **Section [18.02]**.
- 18.04** Any removed Executive or Director shall be deemed to have resigned.

## **19. Finances**

- 19.01** The signing officers of the MSA bank account shall be the Treasurer and the President. In the unavoidable absence of the Treasurer, the President shall assume the duties of the Treasurer.

- 19.02** The annual budget of MSA revenues and expenditures for the year shall be prepared subject to **Section [11.01 (d)]** and approval by 2/3 of the Executive.
- 19.03** Extraordinary expenditures, not covered by the budget, must at any time be approved by 2/3 of the Executive.
- 19.04** All expenditures exceeding \$100.00 must be authorized in advance by 2/3 of the Executive.
- 19.05** All finances collected for a specific purpose must not be allocated for any other purpose.

## **20. Constitutional Amendment Procedure**

- 20.01** As of 2001, this constitution shall be known as the Constitution of the Muslim Students' Association at York University.
- 20.03** If it becomes necessary to amend this constitution, a notice of intent to amend the constitution and written copies of the proposed amendment(s) must be presented to the Executive.
- 20.04** Proposals for all constitutional amendments shall be subject to the approval of 2/3 of the Executive.
- 20.05** Following approved amendment(s), such amendment(s) shall be advertised for one (1) week.

## **21. Conflict of Interest**

- 21.01** Any Executive, Director or General Member, who has a direct or indirect personal or financial interest, as defined below, is an interested person. A person has a financial interest if the person, directly or indirectly, through business, investment, or family, has:
- (a)** An ownership or investment interest in any entity with which the organization has a transaction or arrangement,
  - (b)** A compensation arrangement with the organization or with any entity or individual with which the organization has a transaction or arrangement.
  - (c)** A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the organization is negotiating a transaction or arrangement.
- 21.02** Compensation includes direct and indirect remuneration as well as gifts or favours that are not insubstantial.
- 21.03** A financial interest is not necessarily a conflict of interest. A person who has a financial interest may have a conflict of interest only if the Executive decides that a conflict of interest exists. In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given the opportunity to disclose all material facts to the Executive.

**21.04** Violations of the conflicts of interest:

- (a) If the Executive has reasonable cause to believe a General Member, Director, or Executive has failed to disclose actual or possible conflicts of interest, it shall inform the person of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.
- (b) If after hearing the General Member, Director, or Executive respond and after further investigation as warranted by the circumstances, the Executive determines the person failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action subject to **Article 18**.