THE CONSTITUTION OF THE LONDON ONTARIO MALAYALEE ASSOCIATION

London Ontario Malayalee Association (LOMA) is a social group formed by Malayalees with origins from Kerala, India.

ARTICLE I: DEFINITIONs

1. The 'Association' means London Ontario Malayalee Association (LOMA).
2. 'Malayalee' for the purpose of the Association shall be:
   a) One whose mother tongue is Malayalam; or
   b) One whose ancestors were of Kerala origin; or
   c) One who has a parent who belongs to (a) or (b) above; or
   d) One who is married to a person belonging to (a) or (b) or (c) above.
3. AGM is defined as Annual General Body Meeting.
4. Special Meeting is defined as General Body Meeting called for special purposes.
5. The Board means the Board of Directors.
6. Chair means Chairperson of the Board.
7. President is the President of the Executive Committee.

ARTICLE II: THE NAME

1. The legal name of the organization shall be "LOMA KERALA COMMUNITY ORGANIZATION", hereinafter referred to as the Association or **LOMA.**

ARTICLE III: THE CONSTITUTION

1. This document shall, hereinafter, be referred to as the Constitution, and shall govern the activities of the Association.

ARTICLE IV: AIMS AND OBJECTIVES OF THE ASSOCIATION

The Association shall be secular, non-profitable, apolitical, charitable in approach and shall

1. Organize social activities and cultural programs to promote the social and cultural traditions and talents of the people of Kerala (India) origin in our community.
2. Design activities to promote cultural integration with other communities and Malayalee community at large.
3. Organize sports and other recreational activities for its members/community.
4. Help assist and render relief to all in distress caused by calamities, natural or otherwise.
5. Provide educational counseling and other support services for immigrants and others in need.
6. Provide programs to promote the health and welfare of its members/community.

7. Organize/provide charity services for the needy and assist the efforts of other approved organizations for community services.
8. Carry on its activities without the intention of gain for its members and any profit or gain generated shall be used for promoting its objectives.
9. The Vision statement of LOMA:

   To be the torch bearer for the caring and vibrant Malayalee community, to promote the rich traditions and cultural values of Kerala among our friends, families, and younger generations, to meet their needs, advance their interests and develop partnerships with other organizations and agencies in pursuit of a cohesive, confident, and a prosperous community and we achieve social recognition.
10. The Mission statement of LOMA:

    To enhance, engage and represent our community by facilitating strong partnerships, providing programs and services to engage our community members of all ages that promotes our rich traditions, heritage, and culture, to establish a strong community network to provide support for the needy locally or globally, create avenues to form leaders for the betterment of the community they live in, to pursue all opportunities to participate and join local communities and thereby assimilate into the local culture and traditions and to provide respectful leadership to the community.
11. Our Values
    - *Respect: We are considerate and treat others with care and respect.*
    - *Integrity: We are honest in everything we do.*
    - *Diversity: We strive to engage all members of our community irrespective of gender, beliefs, caste, or political views.*
    - *Compassion: We are genuinely concerned for the sufferings of others and take action to help.*
    - *Pride: We are proud of our heritage, language, and our successes.*
    - *Accountability: We are accountable to the community and are responsible for doing what we say we will do.*

ARTICLE V: MEMBERSHIP

1. General Requirements
   a. If you are a Malayalee adult of voting age as per Canadian law and if you are a resident of the City of London and Canadian townships that falls within 100 Kilometers of the City Hall, you can apply for either the Annual Membership (renewable yearly) or Life Membership.
   b. Honorary Membership may be granted to VIPs or persons who have rendered valuable, outstanding, and long service to the community.
   c. Any person wishing to be a member shall be deemed willing to uphold the objectives of the Association and abide by its constitution.
   d. All existing members of the Association shall maintain their membership and privileges, provided that they keep the membership in good standing by paying the membership fees within the prescribed dates besides

complying with the provisions of this Constitution and by-laws of the Association, passed from time to time.

e. Members who are renewing their membership need not submit the supporting documents (Address Proof).
f. Anyone obtaining new membership should submit supporting documents (Address Proof) along with the membership application.
g. All new memberships are subject to the approval of the Executive Committee.
h. The Executive Committee shall verify all the new membership application and supporting documents before the membership can be active. If there are sufficient reasons to reject the application by the Executive Committee, the applicant shall be so informed along with the reasons for rejection.
i. Once approved by the Executive Committee, the Treasurer shall accept the membership fees and issue a receipt and thereafter the Secretary shall enter the name and address, and other particulars of the applicant in the Membership Register and issue a unique membership number along with Membership Card/ID if available. If the membership application and fees are submitted online and if there are sufficient reasons to reject the application by the Executive Committee, the applicant shall be so informed along with the reasons of rejection along with the cheque of the fees paid for membership.
j. Registration of membership shall be open only between April 1 and Dec 31 of every year. Members who maintain their membership (Life member and those who have paid annual membership fee) as of Dec 31 of the previous year is eligible to vote in the elections.
k. Membership in the Association shall not be transferable.

2. Types of Membership
   a. Annual member: A person above the voting age is eligible for the annual membership on payment of the membership fee as established by the General Body.
   b. Life member: A member in good standing for a minimum of one year is eligible for life membership on payment of a one-time membership fee as established by the General Body.
   c. Honorary member: The honorary membership is a lifetime membership unless revoked by a motion by the General Body and is awarded upon the approval of the Executive Committee and the Board of Directors. Honorary membership is open to persons of any national origin and shall be exempted from membership fee and shall have no voting rights in any matters of the Association.
3. Membership Fees
   a. Membership shall be awarded upon payment of a prescribed membership fee, to the eligible persons who qualify under Article V.1.
   b. The General Body of the Association shall decide the membership fee, annually.

c. The membership fee shall be valid for one year or life depending on the type of membership and fees are non-refundable.
d. Membership Fee
    i. Annual membership - $10
    ii. Life membership - $100
    iii. The fees for the membership shall be payable at such time and in such manner as the Executive Committee shall from time to time determine.

4. Voting
    a. Every Annual/Life member whose name appears on the membership registry shall be entitled to one vote.

5. Cancellation / Termination / Revocation of membership:

    a. Cancellation: A member may cancel his/her membership with the Association at any time by expressing so in writing on a form prescribed by the Association.

        i. Application for cancellation of membership may be submitted (written/email) to the Secretary of the Executive Committee. It is the responsibility of the Secretary to ensure that the application for cancellation of membership reaches the Executive Committee.
        ii. The cancellation of membership application should be accepted by the Executive Committee within 30(Thirty) days after receiving such duly filled and complete application from a member.
        iii. All accepted membership cancellation shall take effect from midnight immediately following the date where the application was accepted by the Executive Committee.
        iv. The Secretary of the Association must communicate (written/email) with the departing member about the cancellation of membership and revocation of the rights and privileges of such departing member with the Association. This communication shall be sent to the departing member within 10(Ten) days from the date of acceptance.
        v. The Association reserves the right to communicate membership cancellation to other members of the Association if necessary.

    b. Termination: The General Body may terminate the membership from the Association in the following circumstances; also included are the conditions for reinstatement of membership:

        i. Sufficient grounds to believe that such a member or family is no longer residing in the Cities under the jurisdiction.
        ii. In the unfortunate event of the death of the member.

iii. Substantial evidence suggesting that such a member is engaging in activities detrimental to the existence and functioning of the Association and what it stands for.
iv. Substantial evidence suggesting that such a member is abusing or misappropriating the funds and assets of the Association in a manner unbecoming for a member and in direct contravention to the procedures set for accessing the Association's funds and assets.
v. Substantial evidence suggesting that a member is misusing the goodwill and name of the Association for any personal and/or business gains, including financial.
vi. Substantial evidence suggesting that a member is acting against the decisions of the General Body.
vii. Substantial evidence suggesting that any member of the Association engages in the act of violence or encouraging such act of violence causing bodily harm towards the office bearers or members of the community at large with the intention to disrupt the smooth functioning of LOMA and its activities or harassing the members of this organization, especially the office bearers of LOMA with the intention to cause undue distress and defamation to LOMA or its office bearers.
viii. Substantial evidence suggesting that any member of the Association engages in spreading false or misleading information based on unsubstantiated facts and/or wrongly accusing office bearers of LOMA and/or creating distasteful contents mocking office bearers of LOMA or LOMA itself on social media (Internet) platforms that cause undue distress and defamation to LOMA or its office bearers and their family members.
ix. A member convicted of any criminal offense by a court of law in Canada. Such members may regain membership through a new application process after a Record Suspension and submitting a recent valid criminal record check.
x. All terminations will take immediate effect and the terminated member will cease to enjoy all the rights and privileges associated with the membership from the date and time at which such a decision was made by the General Body and signed by the president or an authorized official of the Executive Committee.
xi. The Secretary of the Executive Committee must communicate (written/email) the decision of membership termination with the terminated member and publish such decision on a suitable and appropriate media for the knowledge of members at large. This communication shall be sent to the terminated member and the members at large within 5(Five) days from the date of the decision to terminate.
xii. Reinstatement of a terminated member (not applicable to clauses 'i' & 'ii') shall be totally at the discretion of the Executive Committee and through the subsequent ratification by the General Body.
xiii. Terminated members must submit an application acceptable to the Association expressing interest to rejoin the organization if they wish to rejoin the Association.

xiv. Members terminated solely on the basis of the above clause 'i can regain their membership with the Association anytime through new membership application process after establishing residential or work ties with any of the cities under its jurisdiction.

xv. Terminated members regaining membership based on clauses 'iii' through 'ix' shall not have the right to stand for election to the Board of Directors and Executive Committee for life.

xvi. In the event of a member terminated by any of the clauses with 'iii' through 'ix' getting elected during the banned period through the falsification of documents or producing misleading documents to the Election Committee, they will be expelled from the office immediately and their membership terminated for life when proved.

c. Termination of the membership by the Executive Committee:

   i. Membership of a member may be terminated by the Executive Committee on findings of a member being in direct violation of the bylaws of the Association including the clauses listed under ARTICLE V:b iii through ix. This should be communicated to the Board of Directors and subsequently communicated to the member and members at large within 2(Two) days of revocation of the membership.

   ii. The notice shall set out the reasons for the disciplinary action or termination of membership. The Member receiving the notice shall be entitled to give the Executive Committee a written submission opposing the disciplinary action or termination not less than 5 days before the end of the 15-day period. The Executive Committee shall consider the written submission of the Member before making a final decision regarding disciplinary action or termination of membership. Failure to comply will lead to termination of membership indefinitely and reinstatement is subjected to clauses 'xii' and 'xiii' of the sub Article V.5.b.

6. Only members of good standing shall be elected/nominated as office bearers or be a member of any of the sub-committees. A member in good standing is a member with unpaid dues, a member who has not been disciplined in the last 6(Six) years, whose membership is never terminated based on the clauses listed under ARTICLE V:b iii through ix, there is no ongoing complaint/inquiry or proceedings against the member in accordance with the Bylaws of the Association or decision by the General Body.

ARTICLE VI: BOARD OF DIRECTORS

1. Board of Directors shall consist of 3(Three) Life members of the Association, at least one of whom must be a lady.
2. The Board of Directors shall select a Chair of the Board and Secretary of the Board among themselves.
3. The Board Chair shall preside all the meetings of the Board of Directors.
4. The Board Secretary shall be responsible for maintaining the records of all activities of the Association carried out by the Board of Directors.
5. The Term of office of the Board shall be 3(Three) years.

6. The Board shall meet at least once a year to discuss the matters of the Association.
7. The members of the Board shall not be elected to any other Elected body or any sub-Committee of the Association. But they shall be nominated to any committee as ex-officio members.
8. The Board of Directors may invite the Executive Committee members to attend the meetings of the Board of Directors. The Board of Directors shall abide by the wishes of the Executive Committee and the decisions taken by the General Body meeting of the members.
9. All the immovable assets of the Association shall be vested in the Board of Directors and the Board shall administer such assets according to the wishes of the Executive Committee and General Body as well as the relevant clauses of this constitution.
10. The Board shall be entrusted with the management of the Association's permanent funds. Such funds shall be used for the benefit of the Association when approved by the General Body. All the members of the Board shall have signing authority but at least two signs are required to release the fund.
11. The Board is only responsible for Association's Assets and its Funds or matters as entrusted by the General Body or the Constitution.
12. The Board shall act on behalf of the Association in legal matters and shall be the signatory of all the legal documents.
13. The Board is responsible for renewing the registration and submission of the annual tax returns of the Association.
14. The Board of Directors shall act as a consultant for the Executive Committee, and any committee(s) on their request.
15. At least once a year or more if the need arises, the Board of Directors may call for a combined meeting of all committees and any other office bearers of the Association. Decision(s) taken by such combined meeting(s) shall be binding to all Association committees. The Chair of the Board of Directors shall preside over such meetings.
16. All members of the Board of Directors are the mandatory signatory on, any deeds, mortgages, contracts, or other instruments which the General Body has authorized to be executed.

ARTICLE VII: ADMINISTRATION

1. The Executive Committee
    a. The Executive Committee shall have broad power to implement the goals of the Association and shall manage the day to day affairs of the Association.
    b. The members of the Association shall elect the Executive Committee through an election for a term of one year.
    c. The Executive Committee shall consist of a minimum of 9(Nine) members and a maximum of 15(Fifteen) members and shall include President, Vice-President, Secretary, Joint Secretary, Treasurer, Joint Treasurer; at least 2(Two) of whom are ladies and a maximum of 3(Three) Program Coordinators and 6(Six) Committee members. The 6(Six) committee members must include a representative from Seniors, Ladies, Youth/(Sports/Activities), IT/Media Support, and Student(University/College).

d. The committee shall raise and spend money for the betterment of the Association subject to limits imposed by the general body. The Executive Committee shall continuously seek ways and means of raising funds for the activities of the Association including applying grants from all levels of governments, conducting fund-raising programs, contracting with outside fundraisers to generate funds; and will devise other methods for generating income. It will continuously solicit corporate and other sponsors for the Association's activities and apply for eligible government grants.
e. Where necessary or appropriate to facilitate and support the activity/business of the Association, the President/Secretary may invite subject matter experts/professionals to serve as resource persons for items of business before the Committee at a meeting. The resource person shall not be a participant in the voting.
f. The Executive Committee may, from time to time, request the assistance of any member of the Association to conduct activities or programs.
g. Sub-Committees shall be created as needed from time to time by the Executive Committee and entrusted with specific mandates to conduct the business of the Association.
h. At every meeting of the committee, a number equal to the simple majority of the committee members shall constitute a quorum.
i. The decisions taken by the committees should be approved by a majority of votes and, in the case of the equality of votes, the Chair of the meeting shall have the casting vote.
j. The Executive Committee members make every genuine effort to attend all meetings. They will make arrangements with other office bearers when a meeting cannot be attended.
k. The office-bearers of the Association must step down when he/she cannot full fill the role or cannot attend to the matters of the Association for an extended period of time.

1. Duties of the Office Bearers of the Executive Committee

a. **The President**

i. The President shall be the Head of the Association and shall perform all duties incidental to the office of the President and such other duties that may be designated by the General Body.
ii. The President shall preside over the Executive Committee meetings, regulate the order of business at such meetings, receive, and put lawful motions to the floor.
iii. He/she is a mandatory signatory on, any deeds, mortgages, contracts, or other instruments which the General Body has authorized to be executed except in cases where the signing and executing thereof shall be expressly delegated by the General Body to some other agent of the Association.
iv. He/she shall designate delegates or representatives to other groups, shall appoint such special and Sub Committees as may be necessary to further the Association's objectives, and may dissolve any such committee when its purpose has been served, in consultation with the Executive Committee.

v. In times of urgency and/or expediency, the President may be vested with the authority to make decisions by consultation with the majority of the Executive Committee members. The decision shall be conveyed to all the members and ratified at the next General Body meeting.

vi. Be responsible for the overall functioning of the Association and oversee the work done by all office-bearers. Among other responsibilities following unequivocal responsibility has been implied to the position of the President of the Association such as to:

1. liaise with the treasurer and prepare an annual financial report and make arrangements to properly audit the report and publish/ present the same to the members when the treasurer can't full fill this responsibility.
2. liaise with the secretary and prepare an annual report and publish/ present the same to the members when the secretary can't full fill this responsibility.
3. liaise with the Board of Directors and treasurer to submit the audited annual financial statement to the Government of Ontario.

b. **The Vice President**

i. The Vice President shall assume the duties of the president in his/her absence and other duties assigned by the Executive Committee.

ii. In the absence of the President, the Vice-President shall preside over any meetings, and in the absence of both, a Chair may be elected by the quorum to preside thereat.

c. The **Secretary**

The Secretary shall:

i. Keep records of the minutes of all meetings.

ii. Review the minutes of the previous committee meeting in the next meeting.

iii. Maintain an updated list of all members of the Association.

iv. Be responsible for keeping/managing the subscription/maintenance of the websites owned by the Association, updates to the same, and also for manage electronic/social media accounts active.

v. Initiate and execute the decisions of the Executive Committee.

vi. Set and circulate agenda for all meetings.

vii. Keep copies of all correspondence from and to the Association either in paper or in electronic form, including newsletters, program brochures of or for the activities of the Association, reports submitted by the Committee chairpersons, and any business correspondence conducted by the Association.

viii. Keep a record of attendance for all meetings of the Association.

ix. Be the custodian of the Constitution, Membership Register, Guidelines, Social Media accounts, Logins, and all credentials used by the Association.

x. Notify the role, responsibility, terms of references, deliverables, and job descriptions for the members of subcommittees formed by the Executive Committee/General Body from time to time.
xi. Securely keep either hard/soft copies of all books, reports, statements, certificates, documents, and any pieces of business records of the Association in a systematic filing method.
xii. Along the hard copies keep electronic copies of all documents available in electronic form and convert important and sensitive documents to electronic format and securely store the same.
xiii. The secretary shall share the details of all Social Media accounts, Logins, and all credentials used by the Association with the Joint Secretary and the Secretary of the Board. Any changes to the logins/credentials shall also be shared with them.
xiv. Only the Secretary of the Executive Committee or Joint Secretary shall operate Social Media accounts on an ongoing basis.
xv. Be responsible for transferring all the records and credentials of the Association to the incumbent Secretary within 15(Fifteen) days of the election.

d. The Joint Secretary

i. The Joint Secretary shall assist the duties of the secretary and shall carry out other tasks if assigned by the Executive Committee or the General Body.
ii. The Joint Secretary shall assume the duties of the secretary in his /her absence.

e. The Treasurer

The Treasurer shall:

i. Be responsible for issuing notice and collection of all dues and other funds and for depositing the same in such banks as the Executive Committee may designate.
ii. Be responsible for paying the subscription/maintenance of the website (s) owned by the Association.
iii. Have custody of records of all receipts and disbursements, which shall be open at all reasonable times for inspection by the Executive Committee.
iv. Responsible for managing, bookkeeping, and reporting of Association's funds.
v. The Treasurer shall be responsible for maintaining all financial records of the Association activities conducted by the Executive Committee.
vi. The Treasurer shall submit an audited financial statement of the Association, approved by the Board of Directors and the Executive Committee at the Annual General Body Meeting.
vii. The financial statements regarding events must be reported to the Executive Committee at its first meeting after each event.

viii. Submit the audited financial report to the government in liaison with the President and the Board of Directors.

ix. Perform such duties and exercise such other powers incident to the office of the Treasurer and as may be assigned by the Executive Committee.

x. Be responsible for transferring all the financial/ records and account details of the Association within 15 (Fifteen) days of the election.

f. **Joint Treasurer**

i. The Joint Treasurer shall assist the duties of the treasurer and shall carry out other tasks if assigned by the Executive Committee or the General Body.

ii. The joint treasurer shall assume the duties of the treasurer in his/her absence.

g. **The Program Coordinators**

The program coordinators along with the other committee members shall organize all programs of the Association.

h. Responsibilities of Executive Committee Members as a collective

1. They are responsible to implement the Executive Committee's decisions and carry out other delegated responsibilities by the committee.

ARTICLE VIII: <u>SUB COMMITTEEs</u>

1. Property Sub Committee
   a. The Property Committee is established under the authority of and is accountable to and report to the Executive Committee.
   b. The purpose of this committee is to buy, maintain, protect and facilitate the smooth operation of the Association's property.
   c. It shall function as stipulated in the terms of reference and the regulations formed by the General Body from time to time.
   d. The Committee shall consist of 7 (Seven) members.
   e. The General Body elects 3 (Three) members from the public to the Property committee for a term of 3 (Three) Years.
   f. The Chair of the Board of Directors shall chair the Committee and shall serve as an ex-officio voting member of the Committee.
   g. The President, Secretary, and the Treasurer of the Executive Committee shall be ex-officio voting members of the Property Committee.
   h. A Convener of the Property Committee shall be chosen from the committee members, preferably a non ex-officio committee member. If none of the members from the public is willing to take up the role, then any other member of the committee can be selected for the role.

i. The mandate of the Property Committee,
    i. Formulate policies, manage financial sustainability for buying lands, facilities, infrastructure, and supervising related property matters for the functioning of the Association.
    ii. Organize fundraising programs for the purpose of buying/managing property for the Association. All the proceeds shall be deposited to the Property Committee's account.
    iii. The Income/Expenses associated with the fund-raising event for Property Committee shall be managed separately from the Executive Committee account.
    iv. Construction and renovation projects including related supplies, equipment, technology, and services.
    v. Acquisition and disposition of immovable property.
    vi. Manage leases, permits, regulatory requirements, and dependencies.
    vii. Duties of the Convener
        1. Establish, facilitate and delegate, all operations approved by the committee, and if necessary, get help from other LOMA members.
        2. Present yearly activity report and year-end financial statement of the Property committee at the Annual General Body Meeting
        3. Responsible for keeping all official documents regarding the Property committee decisions, minutes of all committee meetings.
        4. Shall present to the committee the minutes of the previous committee meeting.
        5. Organize committee meetings as required. (Minimum of 3 meetings in a year).
        6. Responsible for managing the account and financial records of the Property Committee.

2. Other Sub-Committees
    a. The Sub-committee may be constituted by the Executive Committee or the General Body assigned to focus on a particular task or area that is of importance to the Association and these committees shall report to the Executive Committee.
    b. The terms of reference and reporting back procedures of any sub-committees should be laid down in writing by the Secretary, agreed by the Executive Committee or the General Body within 15(Fifteen) days of constituting a sub-committee.
    c. The tenure of the sub-committee shall be for a limited term and no sub-committee (other than Property Sub Committee) shall continue to exist beyond the term of the Executive Committee.

d. The President of the Executive Committee can nominate Executive Committee members including themselves to be the ex-officio voting member of the Sub Committee.
e. A subcommittee member (non ex-officio member preferred) shall be selected as Convener for each committee to manage the activities of the committee.
f. All decisions taken by any of the committee shall be subject to the final approval of the Executive Committee.
g. The sub-committees possess only those powers that are provided to them by the Executive Committee or the General Body in the order of reference or by subsequent motion.
h. Responsibilities
    i. The Convener shall record the Minutes of Meeting and also shall manage communication with the Executive Committee and/or Board of Directors. This responsibility may be assigned to any member of the sub-committee.
    ii. The Sub Committee Members are responsible to implement the committee's decisions and carry out other delegated responsibilities.

ARTICLE IX: GRIEVANCE REDRESSAL

1. Grievances/complaints about the functioning of the Association or any of the office bearers can be filed with the Secretary of Executive Committee or designate. The aggrieved individual shall wait until the time (not more than 30 days) indicated by the Secretary of Executive Committee or designate to solve the grievance/complaint before taking recourse.
2. The Secretary shall receive complaints from members regarding non-performance, miss-appropriation of funds, underperformance, misrepresentation of facts, misconduct, breach of trust, Conflict of interest, etc.
3. Upon receipt of such a complaint, the Secretary should inform the Executive Committee regarding the receipt of the complaint. If the complaint is against the Secretary, then the complaint should be handled by any other member of the Executive Committee nominated by the President.
4. The Secretary/delegate to form a 3(Three)-member panel to scrutinize the merit of complaint, consider whether further action should be taken to address the complaint and this panel will be called the Grievance sub-committee.
5. The Grievance sub-committee shall consist of a member(s) from the Board of Directors and the Secretary of the Executive Committee. However, a maximum of 1(one) member from the general membership can also be included in the Grievance committee on special circumstances. Nevertheless, the total members in the panel shall not exceed 3(Three).
6. The Grievance sub-committee shall accept the complaint based on its merit. If the sub-committee assesses that the complaint could be resolved through mediation, the same shall be communicated to both parties. If the parties agree to participate, they will indicate the same by a written agreement setting out on what terms the mediation will take place.
7. If the complaint has not been resolved or the parties are not willing for mediation, Secretary/delegate shall issue a show-cause notice to the accused. The office

bearer against whom the show-cause notice has issued shall step down temporarily until a resolution is made on the grievance.

8. The Secretary/delegate to issue a show-cause notice to the accused against whom the said complaint has been made. The accused shall respond to the allegations via written or email submission within 15(Fifteen) days from the date of the notice.
9. If the office bearer who has been issued with the show-cause notice does not reply within 15 (Fifteen) days, or if the reply is not satisfactory to the Grievance Committee, he or she may be asked to step down permanently by the Executive Committee, by way of a written letter or email. Such a letter or email shall be sent by the Secretary/Joint-Secretary on behalf of the Committee to the accused.
10. An office-bearer who has been asked to step down from the role, shall not have the right to stand for election to the Board of Directors or Executive Committee for a period of 6(Six) years or for 2(Two) terms, whichever is longer, from the date of the letter.

ARTICLE X: NO-CONFIDENCE MOTION, SUSPENSION, ABSENTEEISM AND VACANCIES

1. No-Confidence Motion: Any or all the members of any elected body may be removed from office by the General Body in the manner specified below:
   i. The motion shall be presented to the General Body by any of the members with reasons and supporting facts.
   ii. The motion shall be put to vote and shall be passed if supported by a simple majority of the members present during voting.
   iii. Member(s) regarding whom a non-confidence motion has been passed shall vacate their position immediately, from any elected body and new member(s) shall be elected to the vacated position(s) at the same General Body Meeting, and the new member(s) shall serve the remainder of the term.
   iv. An elected body member(s) against which the no-confidence motion has been passed, shall not have the right to stand for election to the Board of Directors and Executive Committee for 6(Six) years or for 2(Two) terms, whichever is longer, from the date of the no-confidence motion.

2. Suspension and Removal of the Executive Committee: The Board of Directors may suspend the Executive Committee under extraordinary situations.
   i. An Executive Committee which is not in good standing or is not acting in the best interest of the Association may be suspended by the extraordinary resolution of the Board.
   ii. To initiate suspension of an Executive Committee, the Board should be convinced that the Committee is dysfunctional and/or consistently negligent towards the requests by the Board or the members and/or consistently not abiding the by-law.
   iii. For the suspension to be effective, all members of the Board should agree to the removal of the Executive Committee and sign the order of removal.
   iv. The Board shall communicate the decision to the public within 1(One) day of the suspension of the Executive Committee with reasons listed

in writing or through email or electronic media platforms of the Association.

v. The Board shall call a special General Body meeting within 30(Thirty Days) days of the suspension of the Executive Committee and seek the removal of the Executive Committee. The notification shall be made in writing or through email or social media platforms of the Association.

vi. The Chair of the Board or a designate shall present a motion to remove the Executive Committee to the General Body with reasons and supporting facts.

vii. The motion shall be put to vote and shall be passed if supported by a simple majority of the members present during voting.

viii. If the motion is approved by the General Body, a new committee shall be nominated for the remainder of the term.

ix. If the motion is not approved by the General Body, the Board shall act based on the decisions of the General Body and may or may not make changes to the Executive Committee. Any changes will be effective only for the remainder of the term.

x. An Executive Committee Member(s) against whom the no-no confidence/removal motion has been passed, shall not have the right to stand for election to the Board of Directors and Executive Committee for a period of 6(Six) years or for 2(Two) terms, whichever is longer, from the date of the no-confidence/removal motion.

3. Absenteeism from meetings.
   i. If any member(s) of Board or any committee or subcommittee, is absent from 3(Three) consecutive meetings including special committee meetings without proper reason, he or she will automatically lose his/her position in that body. The respective body has the power to appoint another person to the vacant position for the remainder of the term.
   ii. Request for leave of absence from meetings must be addressed to the Secretary of the Executive Committee.
   iii. Grant of leave of absence must be noted in the minutes of the subsequent meeting.
4. Vacancies
   i. Board of Directors
   a. A vacancy may arise due to any of the following
   i. The Director may resign from the office by written notice to any other member of the Board, preferably Chair.
   ii. Or based on any of the clauses of the Ontario Corporation Act.
   iii. Or if the Director is removed before the expiration of the Director's term of office.
   b. If any vacancy arises amongst the Board of Directors, the Board shall have the power to fill such vacancy temporarily by nomination and such new appointments shall be subject to the confirmation of the members at the next General Body Meeting.
   c. If all members of the Board resign, the Executive Committee shall call a special General Body meeting or can seek nomination based on the

circumstances and the Board of Directors can be elected for the remainder of the term.

ii. Executive Committee

a. Any member of the Executive Committee may resign at any time.

b. In the event that the office of the President or Secretary or Treasurer becomes vacant, the Vice-President, the Joint-Secretary, or the Joint Treasurer shall assume their office respectively.

c. Any other vacancy occurring in the Executive Committee shall be filled by nomination from the active members by the Executive Committee with the approval of the Board and such appointment shall be held valid until the term of the Executive Committee.

d. If the majority of or the entire Executive Committee resigns, the Board of Directors shall call a Special General Body meeting or can seek nomination based on the circumstances and the vacancies shall be filled for the remainder of the term.

iii. It is the responsibility of the resigned members to handover all the records (reports, account details, minutes of the meeting, online credentials other assets, and artifacts) as applicable to another office-bearer immediately after resignation.

ARTICLE XI: GENERAL BODY MEETINGS

1. The General body is the supreme forum of the corporation and shall consists of all active, eligible members. The General body can approve/reject any decisions taken by the Board or the Executive Committee.
2. The General Body meeting of the Association shall be held at least once a year.
3. The General Body may be conducted online(virtual) or in-person as appropriate. The Board based on the recommendation of the Executive Committee shall approve the mode of conducting the General Body.
4. The annual General Body Meeting of the Association shall be held within the first 90(Sixty) days of the year.
5. The notification shall be sent to a member of the Association at least 15(Fifteen) days before the date of the General Body meeting by the Secretary of the Executive Committee or his/her delegate, with the approval from the Board of Directors, along with the proposed agenda. The General Body meeting notice shall be sent to members online or written as decided by the Executive Committee and approved by the Board.
6. Any item not included on the agenda of the meeting may be introduced at the meeting with the approval of the chair.
7. During the Annual General Body Meeting, the Secretary or the designate shall present the Annual Report and the Treasurer or the designate shall present the audited Annual Financial Statement and seek the approval. The Property Committee convener shall also present the yearly activity report and year-end financial statement of the Property Committee. The General Body shall also conduct other businesses as included in the agenda.

8. A quorum for the transaction of business at any general or special general meeting shall consist of a minimum of 50(Fifty) members or two-thirds of the membership, whichever is less.
9. Unless otherwise specified in this constitution, a simple majority of the members present shall be decisive in all matters.
10. A special General Body meeting shall be called by the Board to meet within 30(Thirty) days of the receipt of a written or email request corroborating the need and signed by a minimum of:
    i. A majority of members of the Executive Committee, or
    ii. 30 % (Thirty) of the voting members of the Association.
11. The request for a Special General Body Meeting shall include a statement of the reason(s) for the meeting and specific motions to be discussed by the General Body. The same shall also be communicated (email) to the Board of Directors.

ARTICLE XII: ELECTIONS

1. Election to the Executive Committee will be held Annually and Election to the Board of Directors shall be held in 3(Three) year intervals.
2. The Board of Directors based on the recommendation of the Executive Committee shall appoint an Election Committee from active members, which consists of an Election Commissioner along with two electoral officers within 15 days of the start of a year.
    a. The appointment of the Election Committee shall be notified to the public within 2(Two) days of appointment.
    b. The members of the Election Committee and their spouses cannot contest the elections.
    c. The Election Committee shall cease to exist once the newly elected representatives assume office.
    d. Election Committee members shall not serve more than two terms continuously.
    e. Election Committee may take the assistance of the active members to conduct the election in a free and fair manner.
    f. All decisions made by the Election Committee about the election process will be final.
    g. If sufficient members could not be identified or if any vacancy arises in Election Committee, these shall be filled from the Board of Directors or the Executive Committee by the Chair.
3. Elections shall be conducted within the first Sixty (90) days of the year.
4. Elections may be conducted on the same day of the Annual General Body Meeting or online.
5. The rules and deadlines regarding the election shall be published 45(Forty-Five) days prior to the elections to its members. The notification shall consist of the following schedule:
    a. Date of release of voters list
    b. Date for filing and withdrawing nominations.
    c. Date of release of the nominee list.
    d. Date of release of the candidate’s list after scrutiny.

e. Venue, date, and time of the election.
f. Rules of the election.

6. No member of the Association who held the office of Chairperson (Board of Directors), President, Secretary, or Treasurer (Executive Committee) can hold the position for two consecutive terms. After the term, he/she shall take a mandatory break for a period of at least one term before contesting the election.
7. The spouse of the Chairperson (Board of Directors), President, Secretary, or Treasurer (Executive Committee) cannot contest the election.
8. An office-bearer (Board of Director, Trustee, Committee Member) of any other registered community organization within any of the cities under the jurisdiction and/or those that have a conflict of interest with LOMA cannot contest the election.

6. The Election shall be conducted in the following order, as necessary
   a. The Board of Directors
   b. The Executive Committee

      i. President
      ii. Vice-President
      iii. Secretary
      iv. Joint Secretary
      v. Treasurer
      vi. Joint treasurer
      vii. Program Coordinators (3)
      viii. Committee members (6)

7. Election Rules

a. Board of Directors
   i. The elections to the Board of Directors shall be held at the Annual General Body Meeting or online.
   ii. Life members who are either a Canadian Permanent Resident or a Canadian Citizen and has been a resident for at least 3 (Three) years in any of the cities within the jurisdiction can contest the election.
   iii. If a person who is not a life member is elected as a Board of Directors, they shall obtain life membership within 30 (Thirty) days of the election. Failure to do shall result in the disqualification of the member and the Board of Directors shall have the authority to fill in the vacancy based on the rules defined in Article VI.16.
   iv. Nomination Start Date: The Election Commission shall notify the members regarding the upcoming election to the Board of Directors 30 (Thirty) days before the election date.
   v. The candidates for election as a Director shall be proposed and seconded on the prescribed form or through email to the Association by an eligible member. Such forms must be signed or an email must be sent by the candidate signifying willingness.

vi. A candidate can nominate themselves but must be seconded by another.

vii. Nomination End Date: The nomination must be received by the Election Commissioner within 7(Seven) days of the nomination start date. The Election Commission shall publish the names of all the nominated candidates within 2(Two) days of the nomination end date.

viii. The Election Commission must verify the Nomination and Membership of the candidate and confirm that the candidate is a member with good standing as defined in ARTICLE V.6. The Election Commission shall accept or reject nomination based on the verification and, this should be communicated to the candidates. The verification and communication of the decision to the candidate shall be completed within the 3(Three) days of the nomination end date.

ix. A candidate can withdraw their nomination within 5(Five) days of the nomination end date by sending an email to the Election Commission.

x. The names of the final list of candidates shall be communicated to the members not less than 15(Fifteen) days before the date of the General Body meeting.

xi. A closed ballot or online election shall be held if there are more than 3(Three) nominations.
    1. The Election Commission shall prepare a numbered ballot list consisting of the names of candidates in alphabetical order.
    2. Each valid member shall be entitled to cast one vote for a candidate of their choice using the list/form provided to them.
    3. The vote should be counted at the end of the election and the top three scoring candidates shall be declared the winner on the same day. In the case of a tie, the outcome will be determined by flipping a coin.

xii. In the event sufficient nominations are not received, the Election Commission shall fill the position from the floor during the General Body Meeting as necessary to complete the required number.

b. Executive Committee

i. Annual/life member(s) of the Association who is either a Canadian Permanent Resident or a Canadian Citizen can hold the post of the President, Vice President, Secretary, Joint Secretary, Treasurer, and Joint Treasurer.

ii. Anyone applying for the post of President, Secretary, Treasurer should be a resident of any of the cities within the jurisdiction for at least 2 (Two) years.
iii. The candidates for election to the Executive Committee shall be proposed and seconded on the prescribed form or through email to the Association by an eligible member. Such forms must be signed by the candidate or an email must be sent signifying willingness and eligibility to accept the office.
iv. A candidate can nominate themselves but must be seconded by another.
v. Nomination Start Date: The nomination period shall commence 30(Thirty) days prior to the election date and last for one week.
vi. Nomination End Date: The nomination must be received by the Election Commissioner within 7(Seven) days of the nomination start date. The election commission shall publish the names of all the nominated candidates within 2 (Two) days of the nomination end date.
vii. The Election Commission must verify the Nomination and Membership of the candidate and confirm that the candidate is a member with good standing as defined in ARTICLE V.6. The Election Commission shall accept or reject nomination based on the verification and, this should be communicated to the candidates. The verification and communication of the decision to the candidate shall be completed within the 3(Three) days of the nomination end date.
viii. A candidate can withdraw their nomination within 5(Five) days of the nomination end date by sending a letter or email to the election commission.
ix. The names of the final list of candidates shall be communicated to the members not less than 15(Fifteen) days before the date of the election.
x. In the case where only one candidate is nominated for a role, he/she shall be declared the winner.
xi. In the event If no nominations are received for a role, the Election Commission shall fill the position from the floor during the General Body Meeting.
xii. Closed ballot or online elections shall be held for the roles with more than one nomination.
    1. The Election Commission shall prepare a numbered ballot list consisting of the names of candidates in alphabetical order for the roles with more than one nomination.

2. Each valid member shall be entitled to cast one vote for a candidate of their choice using the numbered ballot list provided to them at the counter.
3. The vote should be counted at the end of the election and the candidate with a simple majority shall be declared the winner on the same day. In the case of a tie, the outcome will be determined by flipping a coin.

8. Committee handover procedure.
   i. If the election is held along with the General Body, the handover should be done on the same day. If online, the handover timeline/procedure shall be communicated by the Chair within 3(Three) days of the election. The Chair shall call a combined meeting of the outgoing and new committees and Board of Directors within 15(Fifteen) days and handover all the records/artifacts.

ARTICLE XII: <u>BANKING AND ACCOUNTS</u>

1. The Executive Committee and the Property Committee shall maintain separate bank accounts in the name of the Association.
2. Separate bank accounts may also be opened for specific fund raise activities, if needed.
3. Any fundraised not exclusively for the Property purposes shall be deposited in the Executive Committee account.
4. The President, Secretary, and the Treasurer shall be the designated representatives of the Executive Committee to deal with the account of the Executive Committee. Signature of any two of the above-mentioned designated persons should be required to withdraw funds from the bank account.
5. The Chair of the Board, President of the Executive Committee, and the Convener of the Property Committee shall be the designated representatives of the Property Committee to deal with the account of the Property Committee. Signature of the Chair of the Board is mandatory along with any one of the two above-mentioned designated office bearers are required to withdraw funds from the bank account of the Property Committee.
6. If the balance is greater than $5000.00 in the Executive Committee account at the end of the year, the remaining amount shall be transferred to the Property Committee account.
7. In the case that fund is not available in the Executive Committee account to conduct the business of the Association, the fund from the Property Committee can be used with the approval of the Board of Directors and the Property Committee. The amount withdrawn from the Property Committee should be deposited back as soon the Executive Committee raises the required amount.

ARTICLE XIV: <u>POWERS OF THE ASSOCIATION AND THE BOARD</u>

1. In furtherance of the forgoing objective, the Association shall have the following powers

    a. To solicit and raise funds by proper and appropriate means for the benefit of the Association
    b. To receive and hold any grant, donations, gifts, legacies, bequests or device of real or personal property for the benefit of the Association.
    c. To acquire, hold ad own real property.
2. The Board of Directors, after consultation and on the recommendation of the Executive Committee and where applicable a Sub- Committee, shall have the powers to borrow from its members or any recognized financial institution such as a chartered bank, a trust company, and other lending institutions from time to time. Any such borrowing shall be authorized specifically by a resolution duly passed by the General Body.

ARTICLE XV: FUNDS

1. The fiscal year of the Association is from 01st of January to 31st of December.
2. All funds collected and assets accrued shall only be used for the direct benefit to the Association, its day-to-day operations, and for fulfilling its mandate.
3. Funds shall not be used for any items or events without prior approval of the Executive Committee
4. Funds shall only be used for budgeted items and events. Amendments to the budget must occur with the approval of the Executive Committee before any expenditure can be made on all non-budgeted items or events.
5. All fundraising activities in the name of the Association must have pre-approval from the Executive Committee and the Board.
6. Money shall be banked as soon as practicable after receipt thereof.
7. A receipt must be issued for all the money paid to the Association.
8. A voucher must be issued for all payments made by the Association.
9. All disbursements of twenty dollars or over shall be paid by cheque.
10. The expenses incurred to conduct the business of the Association shall be reimbursed when submitting the receipts or other proofs of transaction.
11. All expenditure shall be approved or ratified at the Executive Committee meeting within 30 (Thirty) days of all events.
12. An auditable financial statement of the previous quarter shall be submitted to the Executive Committee and Board of Directors, within 1(one) month of the new quarter for all the accounts.
13. Proper books and accounts shall be kept and maintained either in written or printed or in electronic form showing the financial affairs of the Association.
14. The books and records of the Association may be inspected by any member of the Association by giving written or email notice and arranging a time satisfactory to the Treasurer and/or secretary within 30(Thirty) days of the request.
15. If the member is not satisfied with the access to the records or other shortfalls, then he/she may file a complaint with the grievance committee.
16. Each member of the Executive Committee and Board of Directors shall have access to financial books and records at all times.
17. An audit/financial review engagement by a CPA is required in all cases unless decided by the General Body.

ARTICLE XVI: REMUNERATION

1. Any Office Bearer or a member of the Association is not entitled to any remuneration for their services.

ARTICLE XVI: LIMITATION OF LIABILITY

1. Any Office Bearer or a member of the acted as per the by-law in their capacity as an Executive Committee member or Board of Directors shall not be liable for any debt or liability incurred by the Association.

ARTICLE XVII: AFFILIATIONS

1. The membership or affiliation to national/international organizations shall be decided by the Executive Committee.
2. The representatives/delegates to such organizations shall be selected by the Executive Committee.

ARTICLE XVII: GAMES/SPORTS

1. Efforts should be made to encourage and attract talents of our members in Sports and Games activities.
2. The Youth representative of the Executive Committee shall be the Coordinator of Sports and Games.
3. LOMA will not be responsible for any injury, illness, death, loss, damage, expense, cost, or other sum or claim of any description whatsoever which results from the games/sports/any other activities.
4. The participant must sign a waiver form in order to part take in games/sports activities organized by LOMA and the coordinator shall be responsible to get the waiver signed duly and submitted to the Secretary within a reasonable period after obtaining the signature.
5. The Sports/Activities representative shall make the bookings of facilities for the games and obtain insurance and the cost must be shared by the participants of the games.
6. The Executive Committee may get into agreements with sports organizations that are of interest to the community.

ARTICLE XVII: AMENDEMENTS TO THE CONSTITUTION

1. The constitution may be amended by the majority vote of members present at a General Body Meeting.
2. The Secretary shall mail copies of the proposed constitutional amendments along with the notice calling for the General Body meeting, 15(Fifteen) days in advance.
3. Only proposals of amendment for which due notice is given to members shall be discussed at a General Body meeting. Any member who wishes to make changes to the proposed amendment(s) shall give the changes in writing to the Secretary of the Executive Committee, 7 (Seven) days prior to the General Body Meeting.

ARTICLE XIX: STORAGE AND AVAILABILITY OF CONSTITUTION

1. An updated printed copy of the constitution and its by-laws duly signed and dated by the Board of Directors must be kept by the Chair of the Board of Directors and the Secretary of the Executive Committee.
2. Copies of the approved constitution should be made available to members, if requested, or can be posted on web site too.

ARTICLE XX: CONFLICT OF INTEREST

1. Whenever a Member of the Executive Committee or Board of Directors in any way, directly or indirectly, has an interest in a transaction or project or other matter to be discussed at a meeting, the Member shall disclose the nature of his interest before the discussion on the matter begins.
2. The Member concerned should not participate in the discussion or vote on the matter and should also offer to withdraw from the meeting and the Committee /Board shall decide if this should be accepted.

ARTICLE XXI: MISCELLANEOUS

1. The official communication method of the Association shall be by email or by social media (any internet or mobile platforms chosen as appropriate by the Executive Committee). The communication platforms shall be adopted from time to time by the Executive Committee. Personal written communication or phone calls will be used for only official purposes or under circumstances such as grievance, complaints.
2. When engaging vendors or when accepting sponsorship for the Association, the Executive Committee shall enter in a written contract that lists the details and commitment.
3. Quotes shall be invited for all services availed by LOMA for anything that costs more than $150(single occurrence or annual).
4. When inviting quotes, the quote must be collected in sealed envelopes as much as possible. The quotes can only be opened by the office bearer or designate in the presence of at least one other office-bearer. If getting the quotes in a sealed envelope is not possible, then a secure form of submission shall be adopted. Any act of breach of trust (leak of the quotes amount or quote details) amounts to the disqualification of the office bearer and blacklisting of the vendor.
5. The committee that signs the contract with a sponsor is responsible to collect the contracted amount from the sponsor.
6. Whenever a new committee/Board is formed, the President/Chair shall set up a meeting to make themselves familiar with the bylaws and the constitution.

ARTICLE XXII: DISSOLUTION

1. This Association shall not be dissolved without the vote of consent of three fourth (3/4) of the total membership at a special General Body Meeting called only for the purpose of dissolution.
2. Upon dissolution, the funds of LOMA shall be distributed among registered charities in the City of London identified by the general body.

3. In the event of an unresolved dispute about the distribution; the assets of the Association shall be transferred to the Province of Ontario for further adjudication.

ARTICLE XXIII: ENFORCEMENT

1. The by-laws of the constitution was discussed and approved by the General Body of the London Ontario Malayalee Association on XXXX XXX XX and came into force as of XXXX XXX XX

Signed by

Bord of Directors

Thomas P Joseph

Mariamma Mathai

Yashodaran Govindan

Executive Committee

Joji Thomas
(President)

Rajesh Jose
(Secretary)

Declaration:
This is a draft version of the constitution of LOMA. **This is NOT yet approved by the General Body** and released for the review by its members only.

Rajesh Jose
(Secretary)