

1 **In the name of Allah, the most Gracious and most Merciful**

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6 **Masjid Fresno Constitution**

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8 **Adopted on October 23, 2011**



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1 **CONSTITUTION FOR MASJID FRESNO**

2 **Article I. NAME AND LOCATION**

3 **Section 1: Name:**

4 The name of the organization shall be “**MASJID FRESNO**” (hereinafter referred to as
5 “Masjid Fresno”). Masjid Fresno and its affiliated institutions shall be a religious, non-profit
6 organization and operate in compliance with Section 501(c) (3) of the United States Internal
7 Revenue Code as currently enforced and subsequently amended.

8 **Section 2: Location:**

9 Masjid Fresno is currently located at 2111 East Shaw Avenue, Fresno, California 93710.

10 **Article II: PRINCIPLE**

11 1. Masjid Fresno is organized exclusively for Islamic religious activities. All its
12 activities shall be in accordance with the Qur’an and authenticated (Sahih and Hassan not weak
13 or fabricated) Sunnah of the last Prophet Muhammad (Peace be upon him), as adopted and
14 practiced by Ahlis-Sunnah Wal-Jama’ah.

15 **Article III: PURPOSES**

16 Masjid Fresno shall focus on the following:

- 17 1. Promoting the five pillars of Islam.
- 18 2. Practicing Islam according to the teachings of the Qur’an and authenticated
19 (Sahih and Hassan not weak or fabricated) Sunnah of the last Prophet Muhammad (Peace be
20 upon him), as adopted and practiced by Ahlis-Sunnah Wal-Jama’ah.
- 21 3. Providing an environment conducive to Islamic Ideals and values.
- 22 4. Supporting Islamic Schools, Muslim community centers, Muslim libraries,
23 Muslim cemeteries, Muslim clinics, etc.
- 24 2. Providing assistance to needy people as determined by the Masjid Fresno Board
25 (hereinafter shall be referred to as “Board Members”) or its assignees.
- 26 3. Promoting outreach; and all other Islamic activities.
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Article IV: MEMBERSHIP

Membership shall consist of two types: general members and voting members.

Section 1: Criteria for General Members

(a) Any person whose beliefs are based on the Qur'an and authenticated (Sahih and Hassan not weak or fabricated) Sunnah of the Prophet Muhammad (Peace be upon him).

(c) Each member shall have good Islamic conduct.

(d) General member does not have to be registered.

(e) Membership shall be immediately suspended and revoked from any member if he/she does not comply with the criteria mentioned in this section.

Masjid Fresno board reserves the right to exclude any general member after finding a just cause for such action.

Section 2: Criteria for Voting Members

Any general member can be a voting member if he/she satisfies the criteria for general member and all of the following:

a. He / she should have good Islamic conduct.

b. Must fill out a membership application and, must pay his/her yearly membership dues (unless indigent as determined by Masjid Fresno board members). An annual documented donation amount that equals or exceeds the required amount of the annual membership dues will replace the membership dues.

c. Must be fifteen (15) years of age or older.

d. Must live within 50 miles radius of Masjid Fresno for at least one year prior to his admission as a voting member.

e. Has not committed an act of violence or any moral violation within Masjid Fresno's premises, or Masjid Fresno's sponsored functions, or within the community.

f. Must submit a membership application and pay the yearly membership dues.

g. The membership shall be immediately suspended or revoked from any member if he/she does not comply with the criteria mentioned in this section.



1 **h.** Masjid Fresno board reserves the right to reject any application for membership
2 after finding a just cause for such action. Such application can be discussed on the forthcoming
3 general body meeting

4 **Article V: GENERAL BODY**

5 **Section 1: Composition**

6 **a.** The "General Body" shall consist of all members as defined by Article IV Section 2. (4)

7 **b.** All members may observe meetings but only Voting members shall vote or express
8 their opinions (provided they would be reasonably respectful, and without Intimidation or
9 temptation to anyone or group).

10 **Section 2: Functions**

11 **a.** To participate in Masjid Fresno's activities and functions as described herein.

12 **b.** Only voting members may elect Masjid Fresno's board members.

13 **c.** Only voting members may adopt resolution(s) to promote the aims and purposes
14 of Masjid Fresno. Such resolution(s) are to be implemented by the Masjid Fresno's board
15 members.

16 **d.** Only voting members may approve or disapprove Masjid Fresno Proposed
17 Constitution and Bylaws amendments, by a two third (2/3) majority vote of those physically
18 present to vote.

19 **Section 3: Meetings**

20 **a.** The voting members shall meet at least once a year.

21 **b.** The meeting shall be called by a majority of Masjid Fresno board members or the
22 president of Masjid Fresno.

23 **c.** A special meeting shall be called within 30 days by the Board members if a
24 meeting is being formally requested by one third (1/3) of voting members.

25 **d.** The meeting shall be presided by the President of the board, or his appointee.

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1 e. The time, date, place of the meeting, and the purpose of the meeting shall be
2 announced twice and/or posted at Masjid Fresno. The first notice shall be at least 15 days before
3 the meeting. The second notice shall be at least 15 days in advance.

4 **Section 4: Quorum**

5 There must be 50% of voting members present in the meeting to meet the quorum. If 50%
6 members are not present then this meeting must be rescheduled to a subsequent date 15 days
7 later. If in the subsequent meeting quorum is not met, then members present will form the
8 quorum and conduct the business.

9 **Section 5: Responsibilities**

10 Responsibilities of voting members shall be as follows:

11 a. Attend meetings.

12 b. To cast his/her vote on resolutions, amendments to the constitution and/or bylaws as
13 necessary, and in general, to exercise all powers necessary to promote the aims and objectives of
14 Masjid Fresno and its legal purpose.

15 c. To vote on major proposed projects in the community.

16 d. Violating these rules may lead to suspension or termination of voting membership as
17 determined by the board members.

18 **Article VI: ELECTIONS**

19 **Section 1: Date of Elections**

20 The election of the Board shall be held in the month of January. Announcements shall be
21 made and posted thirty (30) and fifteen (15) days in advance of the meeting. The time and date
22 shall be announced by Masjid Fresno board members.

23 **Section 2: Eligibility to Vote**

24 Refer to Article IV section 2.

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1 **Section 3: Election Committee**

2 An Election Committee shall be appointed, or nominated, by the Board members by the
3 beginning of October. The Election Committee shall consist of five (5) voting members; these
4 members shall not be among the current Board members or candidates for the upcoming
5 elections.

6 **Section 4: Responsibilities of Election Committee**

7 The Election Committee shall be responsible for the following:

- 8 **a.** Preparing all necessary forms and notifications for election meetings or for
9 election.
- 10 **b.** Collecting all nominations and examining the eligibility of the nominees
11 according to the Constitution and bylaws of Masjid Fresno. The names shall be announced on
12 bulletin boards.
- 13 **c.** Obtaining the consent of each nominee.
- 14 **d.** Confirming membership records and validating voter registration.
- 15 **f.** Collecting and tallying the ballots cast at the end of a specified time and day, and
16 to validate the election results.

17 **Section 5: Election Procedure**

18 The Election Committee shall conduct elections according to the following terms:

- 19 **a.** The deadline for receiving and withdrawing nominations shall be established by
20 the election committee.
- 21 **b.** Any voting member in a good standing is eligible to run for an elected position,
22 and must be nominated by the voting member
- 23 **c.** Members who are eligible to vote shall be provided a ballot containing the names
24 of all candidates who are qualified and willing to serve as members on Masjid Fresno Board.
- 25 **d.** Election committee will provide the detailed bio-data of all candidates to the
26 voting members. This information will be prepared by each candidate for the election committee.

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1 e. In the event by the deadline, a fewer number of nominations are received than
2 required, the board member shall nominate the remaining vacant seats within ten (10) days after
3 the deadline.

4 f. The Election Committee shall adopt the procedure and implement it by
5 distributing in person, or through mail the ballots two weeks before the election.

6 g. The Election Committee shall open a separate Post Office Box for the specific
7 election, and will be responsible to retrieve the mail from this PO BOX.

8 h. Ballots may be dropped in person to the designated ballot boxes secured within
9 the Masjid's premises, or can be mailed to the designated PO BOX prior to the deadline
10 announced by the election committee.

11 i. If any member does not receive the mail ballot, he/she is obligated to contact the
12 election committee before the dead line to obtain a ballot.

13 j. Candidates receiving the most votes shall make up the new board.

14 k. In case of a tie, the following tie breaker protocol shall be employed, in the
15 following order:

16 i) The candidates with equal votes shall meet with each other in private and decide if one
17 of them will concede to the other. A ten minute time limit will be set for this meeting; or

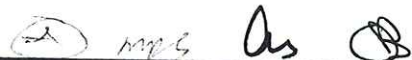
18 ii) With a toss of a coin by process of elimination.

19 l. A list of the board members elect shall be prepared. A list of no more than 5
20 runners-up shall be prepared for filling vacancies, if any, until the next elections.

21 m. The outgoing treasurer shall transfer accounts, books, and accounting within two
22 (2) weeks to the new treasurer. The former treasurer shall be available to assist the incoming
23 treasurer for a period not to exceed three (3) months.

24 **Article VII: BOARD**

25 There shall be one body of elected members and it shall be called the Masjid Fresno
26 Board, (hereinafter referred to as the "Board").

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Section 1: Eligibility for Board Membership

- a. Any voting member can be a candidate for board membership if he meets the criteria in article IV section 2.
- b. He practice Islam in accordance with the Qur'an and authenticated (Sahih and Hasan not weak or fabricated) Sunnah of the last Prophet Muhammad (Peace be upon him) as adopted and practiced by Ahlis-Sunnah Wal-Jama'ah.
- c. Has been at least 5 years out after he completed a sentence or probation period for a felony or a misdemeanor.
- d. Must be a resident of Fresno County for past 5 years.

Section 2: Composition

The Board shall consist of six (6) elected voting members who have been duly elected by the voting members of Masjid Fresno. The term of office for elected Board shall be two (2) years. There shall be no compensation for services rendered by the elected Board members.

Any vote that relates to any of the Board members (interested board members) or the Imam shall be obtained in the absence of interested board member or Imam.

In addition to the six elected Board members, there will also be one (1) non-elected member, which will be the Imam.

Section 3: Function

In general, the Board shall tend to the religious, educational, social, and cultural needs of Masjid Fresno Community.

Section 4: Meeting

The board shall meet at least once a month to discuss and plan the various community affairs, as well as the financial-status of Masjid Fresno.

Section 4: Officers

The six elected Masjid Fresno Board members shall hold an election amongst themselves to elect the following positions.

- 1. President

(Handwritten signatures)

- 1 2. Vice-President
- 2 3. Secretary
- 3 4. Treasurer
- 4 5. Youth affairs
- 5 6. Property and maintenance affairs

6 a) The officers shall be responsible for the execution of the policies of Masjid
7 Fresno as formulated by the Board members.

8 b) No Board member will act on his own authority or represent or bind Masjid in
9 any agreement without the consent of a majority of the Board members.

10 **Section 5: Officers Duties**

11 **1. PRESIDENT:**

12 Duties: The President's duties and responsibilities shall be as follows:

13 a) To coordinate common activities and interests with other communities;

14 b) To act, or designate a board member(s) to act, as the representative(s) of Masjid

15 Fresno Board members at all meetings, public functions, and ceremonies when appropriate. The
16 President may not obligate the board member(s) to any agreement without prior authorization by
17 the board members.

18 c) To propose formation and membership of all committees for approval by the board
19 members;

20 d) To review and adopt, in consultation with board members, the agenda for all Board
21 meetings.

22 e) To execute, ratify and countersign such instruments and documents as prescribed by
23 the Board Members and necessary to advance Masjid Fresno; (i.e., to be familiar with all the
24 issues related to Masjid Fresno.

25 f) To perform other duties and responsibilities based on Board majority votes; and as
26 necessary from time to time.

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1 **2. VICE-PRESIDENT**

2 Duties: The Vice-President’s duties and responsibilities shall be as follows:

- 3 **a)** To officiate as President when for any reason the incumbent President is unable to
- 4 perform his duties and responsibilities;
- 5 **b)** To receive and review all requests for financial support from within the community;
- 6 **c)** To perform other duties and responsibilities based on Board majority votes; and as
- 7 necessary from time to time.

8 **3. SECRETARY**

9 Duties: The Secretary’s duties and responsibilities shall be as follows:

- 10 **a)** To record the minutes of all General Body meetings as well as the minutes of the
- 11 board meetings. To maintain and distribute copies thereof as required by the board members, and
- 12 particularly the documents that need to be disclosed and posted to the public;
- 13 **b)** To prepare and distribute the prescribed notice of all meetings.
- 14 **c)** To maintain an updated list of current Masjid Fresno voting members.
- 15 **d)** To keep and maintain records and documents of Masjid Fresno.
- 16 **e)** To issue with Board’s approval, the annual report of the Masjid Fresno and such other
- 17 reports as it may be required by the board members.
- 18 **f)** To perform other duties and responsibilities based on Board majority votes; and as
- 19 necessary from time to time.

20 **4. TREASURER**

21 Duties: The Treasurer’s duties and responsibilities shall be as follows:

- 22 **a)** To maintain the funds of Masjid Fresno;
- 23 **b)** To keep or cause to be kept proper books of all accounts of Masjid Fresno funds and
- 24 issue receipts for collection of such monies; an internal finance committee shall be appointed by
- 25 the board to review the accounting records and financial reports every year.

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1 c) To pay Masjid Fresno accounts payable specified by the board members on a proper
2 order signed by the president of the board members. The disbursement of funds shall require two
3 signatures, the treasurer and any other elected Masjid Board member's signatures;

4 d) To deposit funds that is collected by Masjid Fresno in a financial institution selected
5 by the board members. Such deposits will be made in the name of Masjid Fresno;

6 e) To annually, or more frequently, submit to the board members, if the board members
7 so require, a financial report of Masjid Fresno.

8 f) To prepare the annual budget for the following fiscal year.

9 g) To explore and propose various means of developing financial basis of Masjid Fresno
10 in accordance with Islamic law and guidance;

11 h) To perform other duties and responsibilities based on Board majority votes; and as
12 necessary from time to time.

13 i) As an elected official, the Treasurer bears a special responsibility to the Muslim
14 community for the expenditure and accounting of Masjid Fresno's funds. Every quarter, a
15 financial statement shall be posted at the entrance of Masjid Fresno.

16 j) To act as the Chair of Zakat committee.

17 k) At the end of treasurer's term, the outgoing treasurer shall transfer accounts, books,
18 and accounting within two (2) weeks to the new treasurer. The former treasurer shall be available
19 to assist the incoming treasurer for a period not to exceed three (3) months.

20 **5. Youth Affairs Officer ("YAO"):**

21 Duties: The YAO duties and responsibilities shall be as follows:

22 a) To arrange activities outdoor and indoor.

23 b) Organize lectures for the youth.

24 c) Address problems faced by youth.

25 **6. Property and Maintenance Affairs Officer ("PMA"):**

26 Duties: The PMA duties and responsibilities shall be as follows:

27 a) To take care of the Masjid Fresno's property.

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1 b) See the taxes are paid.

2 c) Collect rent.

3 **Section 7: Meetings:**

4 A Board meeting is a convening of the board members where a quorum is present for the
5 purpose of conducting business on behalf of Masjid Fresno.

6 Any meeting by the Board members shall be open to all “voting members” of Masjid
7 Fresno, and invitees, as observers only. Voting members and invitees may address the board only
8 with the consent of the Board. All meetings where moral and/or ethical issues of any individual
9 are discussed shall be closed meetings wherein no one other than the Board members are
10 admitted.

11 a) Every year in the month of December the Secretary shall post a schedule of Board
12 meetings for the following year. The notice will include the dates, times, and places of the
13 meetings.

14 b) If there is a change in the schedule of the meetings, the change shall be posted on
15 Masjid Fresno’s bulletin board and the Board members shall be informed in writing, at least,
16 fifteen days prior to the new scheduled meeting.

17 c) Any meeting of the Board members may be adjourned or recessed by the Board to
18 another time or place by a majority vote of those Board members who are present.

19 d) Emergency meetings may be called any, time if so required.

20 e) The Board members shall meet a minimum of once per month.

21 **Section 8: Termination of a Board member**

22 If any Board member misses three consecutive meetings without giving notice to the
23 President or Secretary, the rest of the board members will consider this action as a resignation
24 from the elected Board. That vacant position shall be filled as set forth in Article VI/ Section
25 5/item 1.

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1 **Section 9: Agenda**

2 An agenda for regular Board members meetings shall be distributed to Board members
3 prior to posting the agenda in Masjid Fresno for public review. In the event of an emergency an
4 agenda shall be distributed and posted as soon as practicable.

5 **Section 10: Voting**

6 **a.** A Board member may vote affirmatively by saying “yes,” negatively by saying
7 “no”, or may abstain from voting.

8 **b.** The “yes,” “no,” and abstention votes shall be recorded. The record of voting
9 shall be entered into the minutes by the Secretary.

10 **i)** Any member absent may cast his/her vote in writing provided that the proposal
11 being voted on is drafted in advance and is clearly understood by the absent member.

12 **c.** A Board member shall abstain from voting on any matter in which his personal or
13 professional interest is in conflict with the best interest of Masjid Fresno, or on any question
14 involving the conduct of that member. A conflict of interest shall include but not limited to,
15 financial matters.

16 **i)** The eligibility of any Board member to vote on any conflict of interest issue shall
17 be finally determined by a majority of the Board members present, including the vote of the
18 Board member involved.

19 **d.** Any proposal or resolution put to the Board members for a vote shall be
20 considered approved only if voted “yes” by a majority of Board members present.

21 **e.** If a member objects to any adopted resolution by the Board members, that
22 objection shall be recorded in the minutes, shall be made in writing, and shall be delivered to the
23 Secretary of Masjid Fresno and one other board member.

24 **Section 11: Quorum for Board meeting:**

25 The presence of 2/3 of the Board members shall constitute a quorum for the purpose of
26 transacting business. In the event that a quorum is not met, the meeting shall be rescheduled by
27 the President or his appointee.

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1 **Section 12: Minutes:**

2 **a.** The Secretary shall maintain official minutes of all Board's meetings. These
3 minutes shall indicate the date, time, place, members present, members absent, and all decisions
4 made at the meeting. The minutes shall include a record of all action taken by the Board
5 members and a record of all votes taken at the meeting.

6 **b.** The minutes shall be prepared and circulated amongst Board members for
7 approval before the start of the next meeting; and should be kept on file for four years.

8 **c.** Approved Minutes of the meeting shall be considered as community records and
9 will be open to any general member's inspection; and it shall be posted for public review in
10 Masjid Fresno. Any minutes regarding conduct or ethics of an individual shall be sealed and not
11 made part of the community records.

12 **Article VIII: IMAM**

13 The nomination and hiring of an imam shall be the responsibility of the elected Board
14 members. Confirmation of the nomination or the hiring shall be confirmed by the voting
15 members, thirty (30) days after the nomination.

16 **Section 1: Qualifications of the Imam**

17 **a)** Must be knowledgeable about Islam and have sound understanding of the Holy
18 Qur'an and the Hadith.

19 **b)** Must have the Holy Qur'an memorized in Arabic and well versed in English
20 translation.


21 **c)** Must be a role model to all members of the community.

22 **d)** Must have great fear of Allah as manifested in his Islamic behavior and manners
23 in his personal and public life.

24 **e)** Must be committed to the constitution of Masjid Fresno and to the terms and
25 condition of his employment agreement.

26 **Section 2: Duties and Functions of the Imam**

27 In addition the Imam shall have the following duties and responsibilities:

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1 a) He shall be responsible of organizing and establishing all prayers (salat) in Masjid
2 Fresno including but not limited to Jummah and Janazah prayers.

3 b) He must be present and take an active role in Board meetings and General Body
4 meetings unless excused by the Board members.

5 c) He must be approachable and available to the Muslim Community.

6 d) He shall be responsible for providing Islamic services to the community,
7 including but not limited to conducting marriage ceremonies, providing religious knowledge and
8 information, and advising and consulting on problems and concerns of Muslims.

9 e) In case of disturbance or disorder, he has the authority to handle the matter in any
10 appropriate manner and inform the Board members as soon as possible.

11 f) He shall be responsible for establishing the bureau of dawah among Muslims, to
12 plan, organize, train, and carry out comprehensive dawah activities under his supervision.

13 g) He shall be responsible for contacting other Islamic centers and Masjids that have
14 the same objectives, with the aim of serving and unifying the Muslims and spreading Islam.

15 h) He shall attend all Board meetings unless excused by the Board Members.

16 i) He shall propose to the Board ideas that are related to the youth teaching, and
17 other similar activities.

18 j) He shall support Fresno/Clovis area Muslim schools by reaching out to other
19 communities.


20 k) He shall advise the Board on all issues prior to the Board member's vote.

21 l) The Imam will vote only in the event of a tie among the Board members.

22 **Section 3: Evaluation of the Imam**

23 i) Annual written performance evaluation of the Imam shall be conducted by the
24 Board members within two weeks after Eid El Adha.

25 ii) Dependent upon the offense, if discipline of the Imam becomes necessary, the
26 Board may use any of the following, as deemed appropriate: Oral Counseling, written

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1 counseling, and written reprimand. Suspension and termination of the Imam is determined by the
2 2/3 majority of the board and subsequently simple majority vote of General Body.

3 **Article IX: COMMITTEES**

4 The Board members should form various committees as necessary, and announce during
5 the Friday prayers and through emails, and request for volunteers for the committees from all the
6 members. Committees may include, but not limited to:

- 7 a) Constitution Committee.
- 8 b) Dawah Committee.
- 9 c) Education Committee.
- 10 d) Election Committee as described in Article IV; section 3.
- 11 e) Family dispute or crisis Committee.
- 12 f) Financial Committee.
- 13 g) Fund Raising Committee.
- 14 h) Masjid expansion/Construction Committee.
- 15 i) Real Estate committee.
- 16 j) Religious activity Committee.
- 17 k) Women's Activity Committee.
- 18 l) Youth Activity Committee.
- 19 m) Zakat Committee.

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21 **Article X- FINANCE**

22 **Section 1: Donations**

23 All donations granted to Masjid Fresno will be a perpetual tribute to Allah. It is
24 understood by all the general members, voting members, and Board members that the money
25 which would be donated to Masjid Fresno and its legally affiliated institutions shall be used
26 exclusively for the betterment of the Masjid's transaction of its affairs and performance of its
27 services, and for the specific reasons for which the donations were provided. All the collected

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1 monies shall be deposited into separate accounts according to the purpose for which the money
2 was donated.

3 **Section 2: Deposits**

4 All funds that are collected by Masjid Fresno shall be deposited as soon as practicable in
5 one or more bank accounts, which are established and maintained by Masjid Fresno, according to
6 the purpose for which the money was donated. The period to deposit money shall not exceed five
7 working days from the time the money is collected/donated to the time deposited.

8 **Section 3: Non-interest bearing transaction**

9 All transactions and investments, including capital investments that are made by Masjid
10 Fresno may not have any interest income. Interest is defined by the Islamic Sharia
11 (Jurisprudence) as Riba.

12 **Section 4: Remuneration, Compensation, and Wages**

13 A member of the Board shall neither bid nor perform services for Masjid Fresno for
14 compensation or remuneration. The only paid position on the Board shall be limited to the Imam
15 and no compensation will be paid to any other Board member.

16 **Section 5: Financial Records, Reports, and Fiscal Year**


17 *Books and Records:* Masjid Fresno shall maintain up-to-date records for all financial
18 transactions conducted by Masjid Fresno.

19 *Financial reports:* The financial reports shall be audited every two years by an
20 independent auditor appointed by the Board members and approved by a General Body meeting.

21 *Fiscal Year:* The Fiscal year of Masjid Fresno shall be the Gregorian calendar year
22 starting with 1st of January and ending with the 31st of December.

23 **Section 6: Contracts:**

24 Masjid Fresno may enter into any contract for a legal purpose or execute and deliver legal
25 instrument in the name of and/or on behalf of Masjid Fresno and only the Board members will be
26 authorized to execute such contract.

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1 **Article XI: PROPERTY AND REAL ESTATE**

2 **a)** At this time, Masjid Fresno’s building and estate are the property of North
3 American Islamic Trust (“NAIT”). All the assets of Masjid Fresno are to be transferred to NAIT
4 in case the Islamic presence in this area comes to an end (May Allah (SWT) forbid).

5 **b)** Any new building and estate acquired by Masjid Fresno will be transferred to
6 NAIT only with the approval of the majority of the voting body members through a general body
7 meeting.

8 **Section 1:**

9 NAIT Incorporation will not have any authority to interfere, enforce compliance, or
10 change the Laws of or the constitution of Masjid Fresno.

11 **Article XII: AMENDMENTS**

12 **a)** Any proposed amendment to Masjid Fresno’s Constitution and/or Bylaws shall be
13 in writing and shall be made available to the voting members at least thirty (30) days prior to the
14 physical meeting to vote upon the proposed amendments.

15 **b)** Proposed amendments from any voting member of the General Body shall be
16 submitted in writing to the Board members a least two (2) months before the general body
17 meeting in which they are to be presented.

18 **c)** Amendments to Masjid Fresno’s Constitution shall require the approval of a two-
19 third (2/3) majority of the physically present voting Body members.

20 **d)** Proposed amendments are to be maintained by the Secretary for at least three (3)
21 years.

22 **Article XIII: ARBITRATION**

23 **Section 1: The Optional Islamic Arbitration Panel of Masjid Fresno**

24 There will be an Optional Islamic Arbitration Panel for Masjid Fresno (hereinafter
25 referred to as "Arbitration Panel"), and it will be composed of three (3) members.

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1 **Section 2: Appointment**

2 The members of the Arbitration Panel will be nominated by the general body and
3 elected by the voting members.

4 The Board members will take into consideration the knowledge of the Shariah rules,
5 Quran, Sunnah, Islamic Jurisprudence, legal background, integrity, character, and maturity.
6 Members of the Panel will not concurrently occupy any other elected or non-elected role in
7 Masjid Fresno.

8 **Section 3: Terms**

9 Each arbitrator will be elected for a term of three (3) years. Any vacancies arising in the
10 Arbitration Panel will be filled by the remaining members of the Arbitration Panel for the
11 unexpired term thereof.

12 **Section 4: Chairperson**

13 The members of the Arbitration Panel will elect a Chairperson within thirty (30) days of
14 the election from among themselves. The Arbitration Panel will develop rules and regulations for
15 their operations. The rules and regulations employed by the Arbitration Panel must be in
16 accordance with the Islamic Shariah Law and must not conflict with the Law and Regulations of
17 the State of California.

18 **Section 5: Matters to be submitted to the Islamic Arbitration**

19 Matters concerning any religious, social, occupational, educational, business, demands,
20 disputes, controversies, and differences other than criminal and governmental related cases
21 arising out of, or related to, Masjid Fresno Community; Other disputes arising between any
22 member (in any category) and including but not limited to an officer, employee, Board
23 Member(s), or member of a committee of Masjid Fresno. Matters of these disputes are to be
24 resolved among the parties involved in an amicable spirit of Islamic brotherhood.

25 **Section 6: Procedures**

26 Any controversy or issue(s), other than criminal acts or Governmental related violations,
27 shall be determined by Islamic arbitration in the following manner:

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1 a) Either party willingly accepting the elected arbitrators may, upon written notice to the
2 Chairperson of the Arbitration Panel, and within 45 days after a controversy has arisen that is
3 subject to arbitration may request the appointment of arbitration.

4 b) The Chairperson will, within fifteen days after receipt of said request for
5 arbitration, inform the parties to the dispute in writing, of the pending request and ask for their
6 selection of one member from among the members of the Arbitration Panel.

7 c) If all parties agree on one arbitrator, within fifteen (15) days of the request of
8 the Arbitrator, then the Chairperson will appoint him/her as an arbitrator for the controversy.

9 d) If the parties cannot agree on a single arbitrator, then the entire Arbitration Panel will
10 arbitrate the matter. If one of the litigating parties is not willing to accept the panel members
11 individually or collectively, the chairperson should refer the parties back to the Board Members
12 of Masjid Fresno for further deliberation. And possible assignment to an alternative agreed upon
13 arbitrator or given the option for a court appointed arbitrator.

14 e) Upon appointment and the parties' acceptance of the Arbitrator (s) as provided
15 above, such arbitrator(s) will hold an arbitration hearing at Masjid Fresno, or any other location
16 agreed by all parties, within fifteen (15) days.

17 f) Upon parties consenting to the Arbitrator(s), the Arbitrator(s) should issue a
18 binding arbitration agreement for the parties' signatures. If a signed agreement to binding
19 arbitration is not signed, no arbitration shall take place under Masjid Fresno.

20 g) Among other relevant issues, Arbitrator(s) should inform the parties that none of
21 them shall be allowed unilaterally to walk out from the process, before rendering the judgment.
22 Should one of the parties would walk out during the process the Arbitrator(s) shall continue the
23 process and render the judgment in absence of the party who walked out, which shall be binding
24 on both parties.

25 h) At the hearing, the single arbitrator or the panel of arbitrators, as the case may be,
26 will allow each party to present his/her case, evidence and witnesses, if any, in the presence of
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1 the other party and will render their decision , within fifteen (15) days. Each party shall have the
2 right to cross examine witnesses.

3 i) The decision of the arbitrator(s), and a judgment may be entered on such decision in
4 any court that obtains personal and subject matter jurisdiction.

5 j) With respect to any dispute or controversy that is made subject to arbitration
6 under the terms of this Article, no suit at law or in equity based on such dispute or
7 controversy will be instituted by either party, except to enforce the decision of the arbitrator or
8 only on of malicious, willful, and flagrant violation of law and intentional miscarriage and
9 miscarriage of justice by the arbitrator(s).

10 l) No party to the arbitration will have a right to sue any arbitrator.

11 m) All parties to the arbitration will take part in the arbitration proceedings in good faith
12 and will abide by the decision of the arbitrator. Arbitration shall be conducted with respect and
13 dignity.

14 **Article XIV: SPÉCIAL MANDATE**

15 After approval of this new constitution by the voting members at a legally held meeting
16 on October 23rd 2011 the present Board members will continue and finish their remaining term
17 and a new election will be held as proposed by this new constitution.


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Handwritten signatures and initials, including a circular stamp, 'MPS', 'As', and 'CR'.


Resolution


At the board meeting of Masjid Fresno Board of Directors, (The Shura Council) on November 16, 2011, it is resolved that the new Masjid Fresno constitution is adopted as the Constitution for Masjid Fresno effective immediately; moreover, upon the adoption of this constitution, all previously adopted constitutions are revoked and cancelled as approved by the General Body.


I, the undersigned, as Secretary of the Board of Masjid Fresno, hereby certify that the foregoing final version of constitution consisting of XIV Articles; were approved by the General Body on October 23rd, 2011, and adopted by the Masjid Board in this meeting.



Ahmed Bashqoy,
Masjid Fresno, Secretary

In witness whereof, the undersigned, the Board of Masjid Fresno have executed the above resolution on November 16, 2011.


Dr. Anwer Shaikh
Masjid Fresno, President


Omran Balker
Masjid Fresno, V. President


Dr. Mohammad Saeed
Masjid Fresno, Treasurer


Omar Mohammad
Masjid Fresno, Board Member