

CONSTITUTION OF ARISE BLACK CHILD MOVEMENT



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CONSTITUTION OF THE ARISE BLACK CHILD MOVEMENT

PREAMBLE TO THE CONSTITUTION.

WHEREAS WE, members of Arise Black Child Movement, being: **AWARE** of the injustices of the past that still affect the black child such as lack of social capital & inferiority-complexity stemming from a long history of being marginalized.

AND FURTHER ACKNOWLEDGING the attempts by government to redress the inequalities of the colonial & apartheid era, we can't deny the fact that much more can and should be done to improve the lives of a black people. Arise Black Child Movement thus aspires to psychologically liberate the black child, to unshackle the mental chains that suffocate his dreams, ambition, self-pride and self-love.

Arise Black Child Movement is further committed towards inspiring and re-engineering the mind of a black child for a re-invented awareness.

DO HEREBY on this day, the 28th of April 2020 adopt this constitution of Arise Black Child Movement.

1. Definitions

1.1 "AGM" means Annual General Meeting.

1.2 "SGM" means Special General Meeting.

1.3 "EXCO" means Executive Committee.

1.4 "ABC" means Arise Black Child.

1.6 "ORDINARY MEETING" means the meeting held by the Executive Committee

2. Name

The name of the Movement shall be **ARISE BLACK CHILD**, hereinafter called the ABC. ABC shall be registered as a non-profit organization.

3. Situation and area of operation.

3.1 The head office of the ABC shall be situated at any place as may be determined by the EXCO of ABC from time to time.

3.2 ABC shall operate throughout the territory of the Republic of South Africa.

4. Legal Personality

ABC shall:

4.1 be a juristic person capable of suing and being sued in its own name

4.2 acquire rights and incur obligations;

4.3 have a perpetual life and succession;

4.4 acquire, hold and alienate property;

4.5 enter into agreements and do all things necessary to carry out its aims and objectives and defend its members, its property and reputation;

5. Aims and Objectives.

ABC shall:

5.1 foster, protect and uphold the rights and interest of its members

5.2 advocate for the unification of African people and address social ills that perpetuate division and destruction of black societies.

5.3 redeem the essence of black consciousness and combat inferiority complexes sustained by black people.

5.4 involve other institutions through strategic relationships which can assist by providing business grants, sponsorships and other resources to aid in the achievement of a black course.

5.5 support initiatives undertaken by black formations which intend to transform black communities and uplift township economies.

5.6 extinguish injustice & prejudicial practices which are intended to marginalize black persons.

6. Membership.

6.1 Membership of ABC shall be renewable annually and subject to such additional conditions as may be stipulated in regulations made in terms of this Constitution.

6.2 Any organization or Movement that subscribes to the aims and objectives of ABC shall be eligible to collaborate.

6.3 All members shall on acceptance into the positions of ABC declare their readiness and willingness to serve ABC and shall declare as follows:

“I solemnly declare that I will abide by the aims, objectives, mission and vision of ABC as set out in its Constitution. I further join ABC voluntarily, without expectation of material gain and I will participate in the life of the movement as a loyal, active and disciplined member”

7. Admissions and Termination of Membership.

7.1 Application for membership shall be made to one of the EXCO of ABC on such forms and in such manner as the EXCO may from time to time determine.

7.2 The EXCO shall have the power to accept or refuse admission of an applicant to ABC.

7.4 Termination of membership will occur under the following circumstances:

i) Misconduct;

ii) Insanity;

iii) Resignation;

- iv) Expulsion;
- v) Failure to renew membership sixty days after it expires;
- vi) And or any other violation of this constitution.

7.5 The EXCO shall have the power to expel any member who has been found guilty of having committed an act of serious misconduct or an offence as set out in this Constitution.

8. Rights and Obligations of Members:

8.1 Every member of ABC shall be entitled to one vote.

8.2 Members of ABC shall receive not less than five (5) days' notice, in writing of any meeting of the movement, except in emergency cases. Such notice shall be sent to the member either by short message service or email.

Every member of ABC shall have the right to:

8.3 take part in the formulation and discussion of the policy of the movement;

8.4 be elected to any committee of the movement;

8.5 submit proposals on any matter that affects the association and society in general;

AND

Every member of ABC shall:

8.6 be loyal to the movement;

8.7 carry out decisions, duties and directives with diligence and prudence;

8.8 desist from all forms of tribalism, regionalism, nepotism and/or any other forms of discrimination based on sex or any other ground prohibited by the law of the Republic.

8.9 subject himself or herself and adhere to organisational discipline and code of conduct;

8.10 organize, participate and contribute positively to the activities of ABC and contribute to the strengthening of its unity.

8.11 protect ABC and its property at all times by exercising maximum vigilance;

- 8.12 exercise discipline and exemplary behaviour at all times and maintain harmonious relations with all members of ABC and the community in general;

9 Administration of ABC:

The EXCO shall govern, control and administer ABC together with its property in a manner that does not defeat aims, objectives, mission and vision of ABC. Notably no member of the EXCO shall in his or her person have any right including that of ownership in relation to the property or any assets of the Movement.

The income and property of the movement shall be used solely for the promotion of its stated objectives and shall not be paid or distributed directly or indirectly to any person, or any office-bearer, except as reasonable compensation for services actually rendered to the movement or reimbursement of actual costs or expenses reasonably incurred on behalf of the movement

10. Election and composition of the Executive Committee:

- 10.1 At an Annual General Meeting of the movement, the members thereof shall by a majority of votes elect each member of the EXCO.
- 10.2 Voting shall be by show of hands.
- 10.3 Election of the Executive Committee shall be headed by an Independent person sought by the outgoing EXCO.
- 10.4 Members who wish to be elected into the EXCO may fill nomination forms as prescribed by the EXCO and each nomination shall be seconded by two members in good standing other than the nominee. A member may be nominated by another member in good standing at the AGM and be seconded by two members in good standing by a show of hands.
- 10.5 In the event that an Executive Committee position is contested by one nominee, such nominee shall be declared the winner of that position by the Electoral officer.
- 10.6 The newly elected EXCO shall assume office as soon as elected.

10.7 The EXCO shall consist of the following members at least forty percent (40%) of whom shall be women:

The President

Deputy President

Secretary General

Deputy Secretary

General

The Chief Financial

Officer

Media and Publicity officer

Project Manager

Community Management Officer

10.8 The EXCO shall have the power to co-opt members, to form and constitute sub committees.

10.9 The quorum of the EXCO shall be fifty plus one percent (50+1%) of its members.

10.10 The EXCO shall meet at least 10 times in a year and all decisions at such meetings shall be taken by a majority of fifty plus one percent (50+1%). If an agreement cannot be reached, the President of the movement has the powers to make the final ruling.

11. Duties and responsibilities of the Executive Committee members:

11.1 President of ABC

The President shall:

11.1.1 be the chief executive officer of the movement;

11.1.2 oversee the performance of all executive committee members;

11.1.3 be the chief spokesperson of the movement;

11.1.4 issue statements on behalf the movement;

11.1.5 chair the Executive Committee meetings, Annual General Meetings and the Special General Meeting;

11.1.6 foster unity in the Executive Committee and the movement in general;

11.1.7 together with the Chief Financial Officer or any member of the Executive Committee be signatory to financial transactions of the movement;

11.1.8 delegate duties incidental to pursuance of the objectives of ABC to any member of the EXCO.

11.2 Deputy President.

The President may delegate duties to the Deputy President which may include but not limited to the following:

11.2.1 deputizing the President;

11.2.2 in the absence of the President, assuming the duties and responsibilities of the President;

11.2.3 in the event that the President is incapacitated, the Deputy President shall take over the position of the President.

11.3 Secretary General.

The President may delegate duties and responsibilities to the Secretary General which may include but not limited to the following:

11.3.1 being the chief administrative officer of the movement;

11.3.2 safely keeping a register of attendance at the EXCO meetings for all members and minutes of all meetings;

11.3.3 being responsible for correspondence to and from the movement;

11.3.4 coordinating all Executive Committee meetings;

11.3.5 monitoring the performance of all executive members;

11.3.6 delivering the movement updates in the Annual General Meetings;

11.3.7 delivering the secretary's report at the Annual General Meeting;

11.3.8 the secretary shall take over the position of the deputy President should he or she be incapacitated;

11.3.9 the secretary shall take over the position of the President should both the President and the deputy President be incapacitated.

11.4 Deputy Secretary General.

The President may delegate duties and responsibilities to the Deputy Secretary General which may include but not limited to the following:

11.4.1 deputizing the secretary general;

11.4.2 assuming the duties of the secretary in his or her absence;

11.4.3 the Deputy Secretary general shall take over the position of the secretary general should he or she be incapacitated.

11.5 Chief Financial Officer.

The President may delegate duties and responsibilities to the Chief Financial Officer which include but not limited to the following:

11.5.1 Being responsible for the finances of the movement;

11.5.2 in consultation with the President open and operate the banking account of the movement;

11.5.3 keeping the financial records of the movement;

11.5.4 organizing and heading the fund-raising committee of the movement;

11.5.6 delivering the financial report of the movement at the Annual General Meeting.

11.6 Media and publicity officer.

The President may delegate duties and responsibilities to the Media and Publicity officer which include but not limited to the following:

11.6.1 being responsible for promoting the movement;

11.6.2 being responsible for keeping a good image of the movement;

11.6.3 being the spokesperson of the movement;

11.6.4 being responsible for advertising the programmes of the movement;

11.6.5 being responsible for ensuring that the executive members are profiled and familiarized with the members of the movement.

11.7 Projects Manager.

The President may delegate duties and responsibilities to the Project Manager which include but not limited to the following:

11.7.1 being responsible for the smooth- running of all projects

11.7.2 organizing and securing venues, sound and any other equipment needed for a project on time.

11.7.3 measure/Evaluate project performance against agreed objectives and provide means for improvement.

11.7.4 organize any other stakeholders or speakers that need to be at projects.

11.7.5 oversees the performing of tasks of other office-bearers or any stakeholders that they do so in time.

11.7.6 communicate projects progress, problems and solutions with the President.

12. Term of office of the EXCO members.

12.1 The term of office of the Executive Committee shall be 36 months.

13. Removal from office.

Any executive committee member or subcommittee member, must vacate his or her office if:

13.1 There is a vote of no confidence passed by a majority of the EXCO members of ABC in a general meeting, provided the EXCO members in attendance at the meeting meet quorum.

13.2 There is a petition signed by at least fifty plus one (50+1%) percent of the ABC members or the entire membership as the case may be, demanding the executive member to resign.

13.3 He or she fails to perform duties of his or her office as prescribed in the constitution, including those delegated to by the President.

13.4 He or she fails to uphold and defend the constitution of the ABS.

13.5 He or she fails to attend three (3) consecutive Executive Committee meetings.

13.6 The executive committee member may be notified in writing by the President or the Secretary General, of the removal from office.

14. Disciplinary procedure.

14.1 Any member who is alleged to have violated one or more of the provisions of the ABC Constitution may be subjected to disciplinary proceedings.

14.2 The Office of the President may suspend a member who is alleged to have violated one or more provisions of this constitution pending the outcome of disciplinary action.

14.3 The disciplinary committee shall be headed by an independent lawyer together with the President and any member delegated by the EXCO.

14.4 The member who is found guilty of violating the constitution shall be suspended or expelled from the movement for a period determined by the disciplinary committee.

14.5 The decision of the disciplinary committee shall be binding on the ABC unless it is overturned by a competent Court of law.

14.6 Any member who is found guilty of violating the constitution shall have a right to appeal this decision to the EXCO of the ABC within seven (7) days of being aware of such a decision, by providing grounds for appeal.

14.7 Right to appeal in 17.6 shall expire after seven (7) days and it shall not be condoned.

14.8 The appeal must be adjudicated over by an independent lawyer sought by the EXCO.

15. AGM and SGM.

15.1 An AGM and SGM shall be held at such time and place as may be determined By the Executive Committee.

15.2 A quorum at such meetings shall consist of twenty five percent (25%) of the members in good standing. If the quorum is not attained, the meeting shall be postponed for at least five (5) days, and reconvened. If on the reconvened date a quorum is still not attained, then those members present shall constitute a quorum.

15.3 All decisions at such meetings shall be by a majority vote.

16. Amendments

16.1 The Constitution may be amended at an EXCO meeting, special meeting or Annual General Meeting.

16.2 Notice of any such proposed amendment shall be given to the members at least twenty-one (14) calendar days before such meeting.

16.3 Any amendment shall be of no force or effect unless it is approved by two thirds (2/3) of the members present at a meeting of the ABC and entitled to vote.

17. Assets.

The income and assets of ABC shall be used solely for the promotion of its aims and objectives and it is recorded that the ABC has been formed not for profit.

18. Property and Income.

18.1 The income and property of ABC, from whatsoever source derived, shall be applied solely towards the promotion of the objects of ABC, and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus, profit or otherwise howsoever, to members of ABC.

18.2 Immovable property or mortgages shall be registered in the name of the ABC.

18.3 In the event of the acquisition or disposal of immovable property, all documents necessary for the acquisition or disposal of such immovable property or mortgage shall be signed by the President for the time being and at least one member of the Executive.

18. Interpretation.

In cases of doubt as to the meaning of any clause of this Constitution, the Executive Committee shall take a resolution to give a meaning to such clause

provided that the meaning shall not be inconsistent with the aims and objectives of ABC.

