

*Constitution for 'Shishu Bharati School'  
Amended and Adopted on 06/1/15*

**Article I - Name**

*The name of the association shall be "Shishu Bharati School, Inc.", hereinafter referred to as the Association.*

**Article II - Purpose and Powers**

*A. The Association:*

- 1. Runs cultural schools and other culturally related programs for young people.*
- 2. Serves educational purposes by providing for academic, cultural and intellectual interchanges between the people of India and the United States;*
- 3. Serves charitable purposes by making contributions to organizations which are described in Section 501 (c) (3) of the Internal Revenue code of 1954 and are exempt from taxation under Section 501 (a) thereof;*

*B. The Association shall have all the powers necessary and/or incidental to carrying out its purposes.*

**Article III - Members**

*Section 1 - The power of the Association, unless otherwise delegated by voting members, rests with the General Body of voting members. Both parents of any child under 18 years of age enrolled in any cultural school or other programs, any person 18 years or older enrolled in association's programs, the teachers and current Executive Committee members will be voting members of the Association, in accordance with Article V, Section 5. Voting members shall be entitled to all privileges and subject to all obligations of membership.*

*In addition, any past member of the association, who has been voting member for five contiguous years, can become current voting member of the association by volunteering for the association for one year. He becomes voting member at the end of the volunteering period of 1 year.*

*Section 2 - Any person who has distinguished himself by his contribution to any field of human endeavors may be nominated to honorary membership by a two-thirds vote of the Executive*

*Committee and elected by a majority of the general body. Honorary members shall be entitled to all of the privileges of membership except that they may not hold office or vote.*

*Section 3 - The term for general membership of the Association shall be from September 1 to August 31. Members joining the Association during any year of membership remain members up to August 31 of that year.*

#### **Article IV - Officers and Directors**

*Section 1 - The officers of the Association shall consist of a President, a Secretary, and a Treasurer. Each of these must have been a member of the Association's Executive Committee for at least 2 years prior to his/her election.*

*Section 2 - Each officer shall be elected by ballot at the annual meeting for a term of 2 years. He shall hold office until adjournment of the annual meeting of the 2<sup>nd</sup> year or until his successor has been elected and qualified.*

*Section 3 - The number of Directors of the Association shall be a minimum of sixteen but may be increased on the recommendation by the Executive Committee with the approval of the General Body. Each of these Directors shall have been a voting member of the Association for at least one year prior to his/her election.*

*Section 4 - Except in the case of a contest, election may be by ballot cast by the Secretary upon the vote of a majority of the voting members.*

*Section 5 - Each of the Directors shall be elected by ballot at the Annual meeting. The Directors shall serve a term of two years. The Directors shall hold office until their successors have been elected and qualified.*

*Section 6 - The officers and Directors shall constitute the Executive Committee of the Association.*

*Section 7 - The Executive Committee shall recommend the creation of trusteeship when the assets of the Association reach 250 thousand dollars at the end of any fiscal year. The number of Trustees will be five and be elected by the General Body at the Annual Meeting. The Trustees shall serve a staggered term of 3 years each. Two of the Trustees are to be elected for two-year terms and remaining for the three years, at the first Annual Meeting following the adoption of this section. Their powers will be defined by*

*the Executive Committee at the time of creation of the trusteeship.*

### **Article V- Meetings**

*Section 1 - The Annual Meeting of the Association shall be held in the last week of May, or before the end of the school year, as the Executive Committee may designate. The Executive Committee will be elected at this meeting as per the Article VII.*

*Section 2 - A Special Meeting (except the Annual Meeting) of the Association may be called by the majority of the Executive Committee. The Special Meeting may also be called by the written request of a minimum of twenty percent of the voting members to the Executive Committee. The Executive Committee shall call a special meeting within four weeks from the date of receipt of the request.*

*Section 3 - One third of the voting members of the Association shall constitute a quorum. Any action taken at the Annual or Special Meeting shall be decided by the majority of the vote cast.*

*Section 4 - A notice of the place, date, time and agenda of the Annual or any Special Meeting shall be sent by email, announcement at the association's assembly, on the Web or first-class mail by the Secretary to each member at the last address submitted by the member in writing to the Secretary, at least ten days prior to the date of the meeting.*

*Section 5 - Only those persons who are members of the Association for at least one year shall be entitled to vote at any meeting.*

### **Article VI- Members of the Executive Committee**

*Section 1 - The meeting of the Executive Committee may be called by the President, Secretary, or by any two Executive Committee members by notice given to all Executive members either by email, telephone or by first-class mail at least 48 hours or 96 hours, respectively, prior to the time of the meeting.*

*Section 2 - A majority of the Executive Committee shall constitute a quorum. Any action taken by the Executive Committee shall be decided by the majority of the Executive Committee voting.*

*Section 3 - The Executive Committee shall meet at least once every eight weeks.*

Section 4 - *The Secretary shall keep a full and complete record of all the meetings of the Association and of the Executive Committee. Upon the completion of his term, he shall hand over all the records of the Association, including those of previous years, to the incoming Secretary, or the Executive Committee within two weeks after the completion of his term.*

Section 5 - *The Treasurer shall be responsible for the receipt, disbursement, recording and safekeeping of all funds belonging to the Association. He shall pay all bills which have been approved in the manner prescribed by the Executive Committee. On the incurring of expenses by the Association he shall accept proper vouchers with the receipt for such expenses. He shall submit an account of all transactions and the financial conditions of the Association to the Executive Committee at the end of each semester and more if the Executive Committee requires. Within two weeks after completion of his term, the Treasurer shall hand over all assets, bank statements, and financial records, supported by the credits and debit vouchers, bills and cancelled checks, including the final report approved at the Annual Meeting to the incoming Treasurer or the Executive Committee. He shall also hand over the previous years' financial records and books. He will also hand over a reconciled statement of the accounts signed by his Executive Committee. Proper vouchers shall be submitted for expenses. The Treasurer shall be held responsible for getting the account audited at every three months by a Committee appointed by the Executive Committee. The audited account shall be submitted to the General Body at the Annual Meeting. The Treasurer should keep in mind the financial health of the Association in carrying out his responsibilities. Should he see any possibility of potential losses, he should immediately bring such information to the attention of the Executive Committee.*

Section 6 - *The President is Chief Executive of the Association. The president shall conduct and preside over the Meeting of the General Body of the voting members and of the Executive Committee. It shall be his duty to see that all orders and resolution of the Executive Committee are carried into effect to the best of his ability. When the Executive Committee is not in session, the President shall have the general control and management of the activities of the Association, based on prior recommendations of the Executive Committee and subject to subsequent disapproval/approval by the Executive Committee The President, as soon as reasonably*

*possible, before the end of each fiscal year, shall submit a report approved by the Executive Committee to the General Body on the operation of the Association for that year.*

*The President, within his knowledge, from time to time shall report to the Executive Committee all matters of interest to the Association.*

*Section 7 - Any member of the Executive Committee absent from a meeting of the Executive Committee for two consecutive meetings shall automatically cease to hold the office to which he was elected, unless he has given a valid reason in writing to the President. In case of an officer, he shall hand over his charge as defined in Section 4 and 5 of this Article.*

### **Article VII- Election Procedure**

*Section 1 - During April-May, the Executive Committee shall appoint an Election Committee composed of five voting members other than the members of the Executive Committee. The Election Committee shall carry out the necessary functions of the election.*

*Section 2 - Election Committee members shall not be eligible for election to the Executive Committee.*

*Section 3 - Any voting member can contest the election for any office of the Executive committee provided he has filed in writing the intention of the contest with the Secretary two weeks prior to the Annual Meeting.*

*Section 4 - The Election Committee shall submit to the Secretary the final list of candidates at least 10 days prior to the election date.*

*Section 5 - If for any reason the President or the Secretary or the Treasurer shall resign, a general body meeting will be called within one month of such vacancy to elect the new office bearer, for the remainder of the term. Any other vacancy in the Executive Committee shall be filled by the Committee until the next Annual Meeting.*

### **Article VIII- Power of the Executive Committee**

*Section 1 - The Executive Committee shall manage the general affairs of the Association. The Committee will be responsible for appointing administrative staff (e.g. Principal, Assistant Principals, Director of Administration) to carry out the cultural & educa-*

tional activities. The committee shall establish and enforce entrance standards for educational programs, determine tuition and other charges for such activities.

Section 2 - The Executive Committee may, with prior approval of the General Body, acquire or dispose of the real estate property for the Association. However, the Executive Committee, with Prior approval of the majority of the Executive Committee members, can hire halls or meeting places and lease & operate the real estate property for the association without the approval of the General Body.

Section 3 - Any donation or performance for charitable purposes by the Association shall be agreed upon in advance by a majority of the members of the Executive Committee.

### **Article IX- Fiscal Year**

The Association's fiscal year shall be from Sept. 1 to Aug. 31.

### **Article X- Gender**

As used in this Constitution, words implying the masculine gender shall include the feminine, also.

### **Article XI- Termination of Membership**

The termination of a voting membership, however occurring, shall constitute an assignment and release to the Association of such voting member's rights, title and interest in the Association by reason of such membership.

### **Article XII- Dissolution**

In the event of dissolution, the assets of the Association remaining after the satisfaction of its creditors shall be disposed of as described in Section 501 (c) (3) of the Internal Revenue Code of 1954 and exempt from taxation under Section 501(a) thereof, as the General Body shall determine. The Executive Committee shall remain as the guardian of the Association until final dissolution. The dissolution of the Association may be carried out in accordance with the provision of Massachusetts General Law, Chapter 180, Section 11A.

### **Article XIII- Amendment**

Amendment to the Constitution may be initiated either by the action of the majority of the Executive Committee, or by a petition signed by

at least 20 percent of the voting members. The notice of any meeting at which the amendment will be considered shall include the full text of the proposed amendment. Amendment must be approved by a vote of at least two-thirds of the members at the Annual or Special Meeting at which a quorum is present.

#### **Article XIV- Checks, Drafts, Notes, and Other Instruments**

Section 1 - All funds of the Association shall be deposited in the name 'Shishu Bharati' in a bank or trust company designated by the Executive Committee.

Section 2 - Checks, drafts, notes, or other instruments for the payment of money drawn or endorsed in the name of the Association in the amount of \$2500 or above shall be signed by the President and the Treasurer or by the Secretary and Treasurer, or by the President and the Secretary. Those in the amount less than \$2500 shall be signed by either the President or Secretary or Treasurer. The president or Secretary or Treasurer cannot issue checks for any amount made out to self.

Section 3 - No member of the Executive committee of the Association shall receive, directly or indirectly, any salary, compensation or emolument from the Association in any capacity.

#### **Article XV- Code of Ethics**

Section 1 - All members of the Executive Committee are requested to sign and abide by the Code of Ethics.

Section 2 - Any office found violating the Code of Ethics is subject to expulsion when voted so by the majority of the Executive Committee members.