



NIGERIAN COMMUNITY ASSOCIATION OF GREATER SUDBURY

**CONSTITUTION
OF
THE NIGERIAN COMMUNITY
ASSOCIATION
OF
GREATER SUDBURY**

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PREAMBLE

WE THE MEMBERS of the Nigerian Community Association of Greater Sudbury:

HAVING firmly and solemnly resolved:

The Nigerian Community Association of Greater Sudbury is an Association of Nigerians resident in the City of Greater Sudbury and its environs; The general Membership subscribes to and will work diligently to support all the legitimate aspirations of Nigerian Community Association of Greater Sudbury; The Nigerian Community Association of Greater Sudbury exists primarily to serve the interests of its Members; The Nigerian Community Association of Greater Sudbury shall operate as a non-profit Association.

DO HEREBY MAKE, ENACT AND GIVE TO OURSELVES the following Constitution:

PURPOSE

The Purpose of this Constitution is to create a constitutional framework that binds Members of the Nigerian Community Association of Greater Sudbury (hereinafter referred to as the "Nigerian Community Association of Greater Sudbury" or "NCAGS")

2.0. SUPREMACY

2.1. This Constitution is supreme, and its provisions shall have binding force on all authorities and persons in the Nigerian Community Association of Greater Sudbury.

2.2. The Nigerian Community Association of Greater Sudbury shall not be governed, nor shall any person or group of persons take control of the Corporate Governance of the Nigerian Community Association of Greater Sudbury or its Administration or any of its committees, except in accordance with the provisions of this Constitution.

2.3. If any other law is inconsistent with the provisions of this Constitution, this Constitution shall prevail unless the inconsistency can be justified by the laws of Ontario and Canada.

2.4. Unless the authority for any resolution, action, inaction, bylaw, regulation or otherwise can be traced to the provisions of this Constitution, such action shall be null and void unless it can be grounded in the laws of Ontario and Canada.

2.5. In the event of a conflict between the interests of its general Membership and the interest of any individual Member, person, Association or group, the interests of the Nigerian Community Association of Greater Sudbury shall prevail.

3.0. CITATION

3.1. This constitution may be cited as "Constitution of the Nigerian Community Association of Greater Sudbury".

EFFECTIVE DATE

4.1. This Constitution shall come into force on the 5th day of May 2024.

5.0. DEFINITIONS

Except where otherwise provided in this Constitution:

5.1. "ASSOCIATION" means, except otherwise stated, the Nigerian Community Association of Greater Sudbury.

5.2. "Trustees" means the Board of Trustees of the Nigerian Community Association of Greater Sudbury.

5.3. "By-Law" means regulations and policies that are made under this Constitution. In other words, any regulation or policy that is not founded in this constitution is unconstitutional. For clarity, committees and sub-Committees set up under this Constitution can make by-laws that govern their own activities.

5.4. "Trustee" means a Member of the Board of Trustees.

5.5. The Chief Administrative Officer may be a Volunteer, or an Employee to oversee the day-to-day operations of programs, staff, and physical facilities of the Nigerian Community Association of Greater Sudbury. For purposes of clarity the Chief Administrative Officer is not a Member of the Executive Council of the Nigerian Community Association of Greater Sudbury.

5.6. "Executive council" means the Executives of the Nigerian Community Association of Greater Sudbury.

5.7. "GS" means Greater Sudbury and its environs.

5.8. "They" or "Themselves" shall denote any gender.

5.9. "Congress" means the Nigerian Community Association of Greater Sudbury.

5.10. "Member" means any member of the Nigerian Community Association of Greater Sudbury, duly admitted under the terms of Section 9 of this Constitution.

5.11. "Member in Good Standing" means a Member who has paid their dues, fees, or levies for all previous years, if applicable, and the current year and shall have attended meetings as specified in the Constitution.

5.12. "NCAGS" or "Nigerian Community Association of Greater Sudbury" means the Nigerian Community Association of Greater Sudbury.

5.13. "Nigerian" means any person who is a Nigerian citizen and the spouse and children of such a person residing in the Greater Sudbury area and environs. If applicable, documentation verification will be required.

5.14. "Officer" means a Member of the Executive Council.

5.16. "Pledge" means voluntary commitment (material or financial) to the Nigerian Community Association of Greater Sudbury.

5.17. "Social Welfare" means the assistance rendered to members.

6.0. RECOGNITION OF EXISTING LEGAL OBLIGATIONS

6.1. The provisions outlined in this Constitution, along with its by-laws shall not diminish the inherent legal obligations of any member, individual, association, organization, or government towards the Nigerian Community Association of Greater Sudbury.

6.2. In case of conflict between this Constitution and any provision of previous NCAGS by-laws, this Constitution shall override.

7.0. NAME, HEAD OFFICE, CORPORATE SEAL AND FISCAL YEAR

7.1. NAME

The Name of the Association shall be the Nigerian Community Association of Greater Sudbury (hereinafter referred to as "NCAGS" or "Nigerian Community Association of Greater Sudbury")

7.2. HEAD OFFICE

The Association's Head Office shall be in the Greater Sudbury Area, in the Province of Ontario.

7.3. SEAL

The corporate seal impressed on the right (or left) margin of the Master copy of this constitution shall be the Corporate Seal of the Nigerian Community Association of Greater Sudbury. The corporate seal shall be in the custody of the General Secretary, and in their absence, the Assistance General Secretary.

7.4. FISCAL YEAR

The fiscal year of NCAGS shall be January 1st to December 31st.

8.0. AIMS & OBJECTIVES

8.1. NCAGS will function as a unified platform for Nigerians residing in the Greater Sudbury Area. Its objectives include fostering a sense of unity, promoting economic prosperity and welfare among its financial members, and collaborating to address challenges faced by Nigerians living in the Greater Sudbury Area when required.

8.2. NCAGS shall strive to be the representative of Nigerians living in the Greater Sudbury Area.

8.3. NCAGS shall act as liaison when required between its Members and the Nigerian High Commission in Ottawa and any representative of the Nigerian Government making an official visit to Canada.

8.4. NCAGS shall develop and implement family enrichment programs for the Nigerian community in the Greater Sudbury Area, which shall include, but shall not be limited to, settlement and/or resettlement, youth awareness programs and resource programs when required.

8.5. NCAGS shall promote, educate, and represent the cultural activities of Nigerians in the Greater Sudbury Area.

8.6. NCAGS shall liaise and co-operate with other Associations in Canada in promoting the interests of all cultural groups within the Canadian multi-cultural mosaic.

8.7. NCAGS shall promote and engage in enterprises of a charitable nature, provided that an ad-hoc committee is set up by the Executive Council and required to report back to the Executive Council prior to the participation of the Association in such enterprises.

8.8. NCAGS shall organize programs that aim to educate and inform its Members of pertinent issues, current realities as well as development trends in the Canadian and Nigerian Societies.

9.0. MEMBERSHIP

There shall be three categories of membership: Regular, Associate, Honorary.

9.1. REGULAR MEMBERSHIP

9.1.1. Regular Membership in NCAGS shall be open to all persons who meet the definition of a Nigerian in Section 5.13 of this Constitution and is at least 18 years old.

9.1.2. The requirements for Regular Membership shall be as follows:

9.1.3. Every new Member shall fill an Application form, which shall include, but shall not be limited to:

- (a) Full legal name
- (b) Contact address
- (c) Telephone number
- (d) Name and telephone number of contact person or next of kin

9.1.4. Every new Member shall be required to pay a one-time registration fee for family and individual, which shall be reviewed from time to time by the Executive Council and subject to ratification by the Congress.

9.1.5. A Regular Member shall be required to pay annual dues and any levy imposed by the Association. No new Member shall be required to pay any levy imposed prior to their registration. The dues payable by Regular Members shall be reviewed by the Executive Council, which shall make recommendations to the Congress for ratification.

9.1.6. A Regular Member may hold any position on the Board of Trustees and the Executive Council if the member meets the position's requirements.

9.2: HONORARY MEMBERSHIP

9.2.1. The requirements for Honorary Membership shall be as follows:

9.2.2. Honorary Membership shall be conferred to an individual who is not a Nigerian, or a Nigerian who has demonstrated genuine interest in the affairs and objectives of NCAGS.

9.2.3. NCAGS Members may forward Nominations for Honorary Membership to the Secretariat by May of each year. The Executive Council, with the Board of Trustees, shall review the nominations and select suitable candidates for Honorary Membership.

9.2.4. Conferment of Honorary Membership shall take place at the annual Nigerian Independence Day celebration. Such conferment shall include a certificate or a plaque.

9.2.5. Honorary Membership does not confer the right to vote or to hold office in NCAGS.

9.2.6. The Board of Trustees with the recommendation of the Executive Council, may revoke an Honorary Membership, should their activities become at variance with those of NCAGS.

9.3: ASSOCIATE MEMBERSHIP

9.3.1. The requirements for Associate Membership shall be as follows:

9.3.2. Associate membership may be extended to an individual (international students & individuals residing outside of Greater Sudbury Area) who is a Nigerian and has demonstrated an interest in the affairs and objectives of NCAGS, and whose objectives are not at variance with those of NCAGS.

9.3.3. An application for Associate Membership shall be in writing to the Executive Council.

9.3.4. An Associate Member shall be required to pay annual dues.

9.3.5. An Associate Member shall have no right to hold office in NCAGS.

9.3.6. The Board of Trustees with the recommendation of the Executive Council, and the approval of the Congress, may revoke an Associate Membership, should their activities become at variance with those of NCAGS.

10.0. DUES

10.1 All dues, fees and levies provided for in this Constitution shall be due and payable not later than March 31st of each year to the NCAGS designated bank account. Any member whose dues, fees and or levies are not paid by the last day of March of each year shall forfeit the right to vote and be voted for, as well as the right to move a motion and/or counter motion. The consequence of late payment after the last day of March shall attract a late fee of 25% of the outstanding dues.

10.2. All pledges made by Members as provided for in this Constitution are payable to the NCAGS designated bank account.

10.3. If dues, fees, levies and/or penalties are unpaid by the last day of March, the Secretary shall give the defaulting member(s) notice in March of the current year and they shall become a member not in good standing on the last day of April of the same year, after which they may be removed from the Association's media platforms.

11.0. BOARD OF TRUSTEES

11.1. COMPOSITION AND OBJECTIVES

11.1.1. There shall be a Board of Trustees.

11.1.2. The Board of Trustees shall consist of Five (5) members, three (3) of whom shall be elected by the Congress based on their individual merit and Two (2) nominated by the Executive Council who may be a non-member of the Association.

11.1.3. The Board of Trustees shall be led by a Chairperson, Vice-Chairperson and a Secretary to be elected by the Board Members.

11.1.4. The objective of the Board of Trustees shall be to strengthen and maintain the unity of Nigerians that are residents of the City of Greater Sudbury and members of NCAGS.

11.1.5. The objective of the Board of Trustees shall be to ensure that no Member and/or group places their interests over those of NCAGS.

11.1.6. The Board of Trustees shall also function as the Disciplinary Committee of NCAGS in cases of gross misconduct and shall determine the verdict and sanctions as deemed appropriate for offence(s) committed.

11.2: ELIGIBILITY

11.2.1. Election to the Board by the Congress shall be based on individual merit.

11.2.2. Members can nominate or elect any Member to the Board of Trustees; the Members participating in the nomination and/or election shall be Members in good standing.

11.2.3. The nominee shall submit a profile and convince the Congress of the reasons why they will be an asset to the Board.

11.2.4. To be elected to the Board by the Congress, a member must meet the following criteria:

11.2.4.1. The nominee must be a member in good standing.

11.2.4.2. The nominee must have been a Member of NCAGS for a period not less than two years, which should be verifiable from the records of NCAGS, except for non-member nominations by the Executive Council.

11.2.4.3. The nominee must be present at the General Meeting. A nominee shall not be voted for in absentia.

11.2.4.4. The nominee shall have genuine interest in the affairs of NCAGS.

11.2.5. Every nominee to the Board shall have a good working knowledge of this Constitution.

11.2.6. Every nominee to the Board shall answer any constitutional questions posed by the House, bearing in mind that the Congress has the right to ask any questions to test the nominee's knowledge of this Constitution.

11.3: DUTIES OF THE BOARD

11.3.1. The Board of Trustees shall be the regulatory, overseeing, and advisory body of NCAGS.

11.3.2. The Board shall elect its own Chair, Vice-Chair and Secretary from its members.

11.3.3. The Chair of the Board shall be responsible for deciding when the Board's meetings are to be held.

11.3.4. The Board of Trustees shall meet once every 3 months and hold emergency meetings when needed.

11.3.5. The Chairman of the Board shall not exercise their voting rights in Board meetings except in a case of a deadlock or tie.

11.3.6. The Secretary of the Board shall notify Members of proposed meetings.

11.3.7. The Secretary of the Board shall keep proper records of all the proceedings of the Board's meetings. Quarterly reports shall be made available to the Executive Council.

11.3.8. The Board shall advise the Executive Council of the upcoming general election at least three months before the election.

11.3.9. The Board, after advising the Executive of the upcoming general election, shall call for general elections in accordance with the provisions of this Constitution.

11.3.10. Every Member of the Board must attend all Board meetings. Lateness to two meetings without prior credible notice communicated to the board chairman constitutes one absence.

11.3.11. Every Member of the Board shall attend at least 75% of the Board meetings. Absence from meetings for more than 25% constitutes a ground for warning and subsequent removal.

11.3.12. With a 75% majority, the Board can override the Executive Council and call a general meeting of NCAGS where the Executive Council has failed to perform its constitutional duties.

11.3.13. The Board may generate its own ideas and recommend such ideas to the Executive Council for consideration.

11.3.14. The Board shall approve the budget of the Executive Council after ratification by the Congress.

11.3.15. Every Board Member shall abide by all the provisions of this constitution and always uphold its integrity.

11.3.16. The Board shall ensure that the Executive Council and the Congress comply with the provisions of this Constitution.

11.4: FILLING MID-TERM VACANCIES

11.4.1. Vacancies occurring in the Board of Trustees by reason of death, resignation, removal, among others, shall be filled by appointment /election as applicable to the vacant seat.

11.5: TERM OF OFFICE

11.5.1 The tenure of office of every Board Member shall expire after three years of appointment /election.

11.5.2 A Board Member who has served two terms or two consecutive terms shall not be eligible to serve again on the Board.

11.5.3. Members of the Board of Trustees shall be assessed for good standing yearly to remain in office; attendance at meetings of the Board, the General Assembly, and Financial Commitment.

12.0. THE EXECUTIVE COUNCIL

12.1. COMPOSITION, ALLEGIANCE AND POWERS

12.1.1. There shall be an Executive Council.

12.1.2. The Executive Council shall comprise of the following:

President

Vice President

General Secretary

Assistant General Secretary

Financial Secretary

Treasurer

Social Welfare Secretary

Social Welfare Secretary 2

Public Relations Officer

12.1.3. The Executive Council shall have the power to spend an amount not exceeding CAD\$2,000.00 (per event) without the approval of the Board of Trustee.

12.1.4. Every Member of the Executive Council shall be bound by an oath of confidentiality and shall not publish or disseminate any information received in their capacity as a Member of the Executive Council, except with the authorization of the President or the Executive Council.

12.2: PRESIDENT

12.2.1. The President shall be the Chief Executive Officer of NCAGS and shall preside over all the meetings of NCAGS and the Executive Council.

12.2.2. The President shall oversee all the Officers and their activities. For the purpose of clarity, all Officers shall report to the President directly before reporting to the Congress.

12.2.3. The President shall exercise their voting rights in the Executive Council and in all NCAGS Meetings in a case of a deadlock or tie.

12.2.4. The President shall be a signatory to all NCAGS accounts and financial instruments.

12.2.5. The President shall have the power to spend an amount not exceeding five hundred Dollars (CAD\$500.00) for any single project in an emergency.

12.2.6 The President, upon receiving final reports and/or recommendations of a committee from the Vice President, shall present those reports and/or recommendations to the Congress for ratification.

12.2.7 The President shall supervise the affairs of NCAGS and shall keep the Board fully informed of the activities of NCAGS.

12.2.8 The President shall abide by all the provisions of this Constitution and shall always uphold its integrity.

12.3: VICE-PRESIDENT

12.3.1. The Vice President shall be an assistant to the President.

12.3.2. The Vice President shall assume the duties of the President in their absence.

12.3.3. The Vice President shall assume the position of President if the President is unwilling and/or unable to complete their tenure or is impeached. Such succession shall be automatic.

12.3.4. The Vice President shall abide by all the provisions of this Constitution and shall always uphold its integrity.

12.3.5. The Vice President shall oversee the activities of Committees.

12.4: GENERAL SECRETARY

12.4.1. The General Secretary shall preside over the secretariat of NCAGS and shall ensure that all administrative duties of NCAGS are properly and timely carried out.

12.4.2. The General Secretary shall record the minutes of all Executive Council meetings and all general meetings of NCAGS.

12.4.3. The General Secretary shall keep all records of NCAGS meetings, Executive Council meetings and all other activities of NCAGS, except for financial records.

12.4.4. The General Secretary shall convene all Executive Council meetings and general meetings of NCAGS at the direction of the President.

12.4.5. The General Secretary shall notify all Members of the date of upcoming meetings not later than two weeks before the meeting and may send a reminder at any time prior to the meeting.

12.4.6. The General Secretary shall make records of minutes of the last meeting available to members in the Members' Forum of the NCAGS website /social media platform not later than one week before the commencement of the next General Meeting. They shall also maintain the NCAGS email communications.

12.4.7. The General Secretary shall be responsible for all correspondence of NCAGS, including incoming and outgoing correspondence.

12.4.8. The General Secretary shall regularly update the Membership list of NCAGS, including contact addresses, telephone numbers and email addresses.

12.4.9. The General Secretary, upon completion of their tenure of office and/or removal from office and/or inability or unwillingness to discharge the duties of their office, shall return all records and/or documents of NCAGS in their possession.

12.4.10. The General Secretary shall be a signatory to all NCAGS bank accounts.

12.4.11. The General Secretary shall abide by all the provisions of this Constitution and shall always uphold its integrity.

12.4.12. In the absence of both the President and the Vice President, the General Secretary shall act as the President.

12.5. FINANCIAL SECRETARY

12.5.1. The Financial Secretary shall keep all the financial records of NCAGS.

12.5.2. The Financial Secretary shall be responsible for the collection of all annual dues, fines, levies, donations, pledges, etc., due to NCAGS, and shall issue receipts for such collections.

12.5.3. The Financial Secretary shall maintain numbered receipt booklets of NCAGS, which shall be issued in triplicates for all monies collected. For clarity, the triplicates shall be distributed as follows: the first copy shall go to the Member or person making the payment, the second to the Treasurer, and the last shall remain with the Financial Secretary.

12.5.4. The Financial Secretary shall keep records of all monies collected and shall hand over all monies collected to the Treasurer, who shall deposit such monies into NCAGS account within 48 hours of the receipt of the money. The Financial Secretary, upon handing over such monies, shall obtain receipt from the Treasurer.

12.5.5. The Financial Secretary shall draft a requisition form in which all disbursement made on behalf of NCAGS are recorded and receipts attached thereto. The requisition shall include, among others, the date, name, and signature of the person making the claim and that of the Financial Secretary. For clarity, any requisition not properly endorsed and dated is invalid.

12.5.6. The Financial Secretary shall submit all necessary documents for audit to the Finance/Audit Committee if, and when requested.

12.5.7. The Financial Secretary shall prepare a comprehensive year-round financial statement of NCAGS accounts at the end of every fiscal year.

12.5.8. The Financial Secretary shall regularly update the list of all financial Members.

12.5.9. The Financial Secretary shall be responsible for sending notices to Members who are not in good standing.

12.5.10. The Financial Secretary, in conjunction with the President, the Treasurer and the General Secretary, shall have the authority to sign on all NCAGS accounts and financial instruments. The President will serve as an "A" signatory, while the Treasurer and Financial Secretary will be designated as "B" signatories, with the Treasurer assuming the role of the principal "B" signatory. In the event that the President is absent and or indisposed, the General Secretary shall take on the responsibilities of the "A" signatory. The mandate shall be A and B must sign.

12.5.11. The Financial Secretary shall update the Finance/Audit Committee of NCAGS's financial report every three months.

12.5.12. The Financial Secretary, upon completion of their tenure of office and/or removal from office and/or inability or unwillingness to discharge the duties of their office, shall return all records and/or documents of NCAGS in their possession to the Secretariat.

12.5.13. The Financial Secretary shall practice generally accepted accounting principles and shall prepare and render a comprehensive income/expenditure statement to the Congress quarterly and to the Executive Council when required.

12.5.14. The Financial Secretary shall prepare and render a comprehensive income/expenditure statement to Congress at the end of their term of office.

12.5.15. The Financial Secretary shall present to the Congress a detailed financial report at the end of each fiscal year in accordance with the budgetary proposal presented at the beginning of the Executive council's term of office. Such a financial report shall be presented at a general meeting marking the end of each fiscal year.

12.5.16. The Financial Secretary shall abide by all the provisions of this Constitution and shall always uphold its integrity.

12.6. TREASURER

12.6.1. The Treasurer shall be responsible for all NCAGS accounts, financial instruments, and the overall funds of NCAGS.

12.6.2. The Treasurer shall be the only custodian of NCAGS cheque books.

12.6.3. The Treasurer, together with the President or the General Secretary and the Financial Secretary, shall be a signatory to all NCAGS accounts.

12.6.4. The Treasurer shall keep a complete and accurate account of all income and expenditures of NCAGS.

12.6.5. The Treasurer shall take charge of all monies collected by the Financial Secretary within 48 hours of such collection and shall issue a receipt to the Financial Secretary acknowledging receipt of payment.

12.6.6. The Treasurer shall be responsible for depositing all monies and other financial instruments of NCAGS in the name of NCAGS and in a financial institution approved by Congress. Monies and financial instruments such as these shall be deposited not later than 48 hours after they are collected.

12.6.7. The Treasurer shall keep a copy of all NCAGS bank statements.

12.6.8. The Treasurer shall abide by all the provisions of this Constitution and shall always uphold its integrity.

12.7: SOCIAL-WELFARE SECRETARY

12.7.1. The Social-Welfare Secretary shall be responsible for organizing all social and cultural activities of NCAGS, including arrangement for venues and entertainments.

12.7.2. The Social-Welfare Secretary shall be responsible for all social functions of NCAGS.

12.7.3. The Social-Welfare Secretary shall prepare a summary report of each social event at the end of the event. The Social-Welfare Secretary shall present the summary report to the Congress and shall submit the report to the General Secretary at the end of the meeting for record keeping.

12.7.4. The Social-Welfare Secretary shall abide by all the provisions of this Constitution and always uphold its integrity.

12.8: PUBLIC RELATIONS OFFICER

12.8.1. The Public Relations Officer, in consultation with the Executive Council, shall be responsible for promoting the interests of NCAGS through the media, provided that the President is aware of the content of all press releases and information that are disseminated to the public.

12.8.2. The Public Relations Officer, in consultation with the President, shall establish liaisons between NCAGS and other cultural and social Associations for the purpose of promoting social and cultural exchanges.

12.8.3. The Public Relations Officer shall document and report to the Congress at the next general meeting such liaisons as mentioned in subsection 12.8.2 above.

12.8.4. The Public Relations Officer shall prepare a summary report of each liaison at the end of the event. The Public Relations Officer shall present the summary report to Congress and shall submit the report to the General Secretary at the end of the meeting for record keeping.

12.8.5. The Public Relations Officer shall inform themselves of the relevant laws and policies respecting privacy, electronic communications, discrimination, harassment, and cyber bullying.

12.8.6. The Public Relations Officer shall be responsible for generating a user agreement and privacy policy for subscribers on NCAGS electronic mailing list, which shall uphold the privacy of users, identify users, prohibit discrimination, harassment, and cyber bullying, and promote communications, among others, that are of general interest to Nigerians.

12.8.7. The Public Relations Officer shall abide by all the provisions of this Constitution and shall always uphold its integrity.

12.9: ASSISTANT GENERAL SECRETARY

12.9.1. The Assistant General Secretary shall assist the General Secretary in the discharge of all their official duties.

12.9.2. The Assistant General Secretary shall cooperate with the General Secretary in the discharge of the secretarial and administrative duties.

12.9.3. The Assistant General Secretary shall assume the position of General Secretary if the General Secretary is unwilling and/or unable to complete their tenure or is removed from office. Such succession shall be automatic.

12.9.4. The Assistant General Secretary shall act for the General Secretary in their absence.

12.9.5. The Assistant General Secretary shall abide by all the provisions of this Constitution and shall always uphold its integrity.

12.10. SOCIAL-WELFARE SECRETARY 2

12.10.1. The Social-Welfare Secretary 2 shall succeed the Social-Welfare Secretary if they are unwilling and/or unable to complete their term of office and/or removed from office. Such succession shall be automatic.

12.10.2. The Social-Welfare Secretary 2 shall oversee the youth forum and shall act as liaison between NCAGS and the Nigerian youth.

12.10.3. The Social-Welfare Secretary 2 shall be responsible for overseeing the social welfare of Members. In such situations, they shall initiate appropriate action including visitation, presentation of condolence cards and/or flowers and/or gifts.

12.10.4. The Social-Welfare Secretary 2 shall create and implement programs that address the needs of the Nigerian youth.

12.10.5. The Social-Welfare Secretary 2 shall abide by all the provisions of this Constitution and shall always uphold its integrity.

12.12 TERM OF OFFICE

12.12.1. The tenure of office of the Executive Council shall expire after two years.

12.12.2. A Member who has served two consecutive terms in a particular position shall not be eligible to serve again in that same position.

13.0. IMPEACHMENT AND REMOVAL

13.1. Members of the Board of Trustees.

13.1.1. Any Member of the Board shall be removed for any of the following reasons:

- a) Failure to perform any of the duties of their office as provided in this Constitution.
- b) Failure to adhere to the provisions of this Constitution or any of the by-laws or regulations made pursuant to it.
- c) Absences of 25% or more from Board meetings.
- d) Every Member of the Board must attend all Board meetings. Lateness to two meetings without prior credible notice communicated to the board chairman constitutes one absence.
- e) Conduct deemed to be unbecoming to the aims and objectives of NCAGS. For clarity, unbecoming conduct means acts or omissions which are inimical, injurious, shameful, and detrimental to NCAGS.
- f) Projecting their personal interests and/or group or ethnic interests ahead of the interests of NCAGS.
- g) Failure to disclose and acting in a conflict-of-interest situation which they knew of, or ought to have known at the time they acted.
- h) Decision making which leads to the misappropriation of NCAGS funds.
- i) A motion for their removal is approved by two-thirds (2/3) majority of Board Members in good standing present and voting at a duly constituted Board meeting of NCAGS.

13.1.2. For the purposes of this Section, a Board of Trustee Member shall be removed or impeached on grounds of lateness or absence and/or a combination of both as provided in this Section.

13.1.3. Any Board Member removed from office may be notified by NCAGS Secretariat of such decision.

13.2 MEMBERS OF THE EXECUTIVE COUNCIL

13.2.1. Any member of the Executive Council shall be removed for any of the following reasons:

- A) Failure to perform any of their office duties as provided in this constitution.
- b) Failure to adhere to the provisions of this Constitution or any of the by-laws or regulations made pursuant to it.
- c) Absences of 25% or more from Executive Council meetings.
- d) Absences of 25% or more from general meetings of the House.

e) Lateness to meetings of the Executive Council and/or the Congress for over fifteen minutes (15) after the meeting begins. To this subsection, two latenesses without a valid reason will be equivalent to one absence.

f) Conduct deemed to be unbecoming to the aims and objectives of NCAGS. For clarity, unbecoming conduct means acts or omissions which are inimical, injurious, shameful, and detrimental to NCAGS.

g) Insubordination to a Senior Officer. For purposes of clarity, the President is the most superior Officer in the Executive Council, followed by the Vice President; the General Secretary is superior to the Assistant General Secretary; the Social-Welfare Secretary is superior to the Social-Welfare Secretary 2. Except otherwise stated all other officers are equal.

h) Decision making which leads to the misappropriation of NCAGS funds.

i) A motion for their removal is approved by two-thirds (2/3) majority of Members in good standing present and voting at a duly constituted meeting of NCAGS.

13.2.2. For the purpose subsection 13.2.1 (i), all allegations or complaints of insubordination shall be directed to the President, who shall investigate and channel such complaints or allegations to the Board, where necessary.

13.2.3. For the purposes of this Section, an Executive Member shall be removed or impeached on grounds of lateness or absence and/or a combination of both as provided in this Section and/or failure to perform Constitutional duties.

13.2.4. Any member suspended/ or removed from the office may be notified by NCAGS Secretariat of such removal.

13.3. FILLING MID-TERM VACANCIES FOR MEMBERS OF THE BOARD OF TRUSTEES AND THE EXECUTIVE COUNCIL

13.3. Vacancies occurring in the Executive Council or the Board of Trustees by reason of death, resignation, or removal, among others, shall be filled in the following manner:

13.3.1. The President of NCAGS shall inform the Board of the vacancy in the Executive Council

13.3.2. The Chair of the Board shall notify the President of NCAGS within fourteen days (14) of a vacancy on the Board of Trustees. The President shall in turn notify the Congress of such vacancy at the next General Meeting of the Congress.

13.3.3. The electoral committee, once constituted, shall be required to send out a notice to the Congress declaring nominations open. Such notice must contain the names and contact information of the electoral committee members to whom the nominations shall be forwarded, the deadline for such nominations, and the confirmed date and venue for the election, among others.

13.3.4. The electoral committee, in consultation with the Financial Secretary, shall screen the nominees for good standing.

13.3.5. The electoral committee shall present the qualified candidates to the Congress at least one month before the election date.

13.3.6. The Congress shall then fill the vacancy by election, using a secret ballot system.

COMMITTEES

14.1.1. There shall be two Standing Committees:

- Finance and Audit Committee
- Youth/Children Committee

14.1.2. There shall be ad-hoc committees which shall be constituted based on necessity.

14.1.3. A Committee's primary priority is to carry out the duties and responsibilities outlined in its terms of reference. For purposes of clarity, a committee may go outside its terms of reference only where it is necessary for it to achieve its objectives as outlined in its terms of reference, provided that such additional activities are approved by the Executive Council.

14.2. Finance and Audit Committee

14.2.1. There shall be a Finance/Audit Committee. The Finance and Audit Committee shall be chaired by a Member not of the Executive Council or the Board of Trustees.

14.2.2. The Finance and Audit Committee shall be responsible for the following:

14.2.3. Ensuring that NCAGS has systems in place to provide the appropriate information needed by the Board of Trustees, Executive council, and Members to make sound financial decisions and to comply with the requirements of Canadian Financial Regulations.

14.2.4. Scrutinizing and overseeing the financial systems of NCAGS to ensure that the Financial Secretary and/or the Treasurer comply with the financial procedures.

14.2.5. Review and monitor the actual income and expenditure against the budget presented by the Executive Council and make necessary recommendation that it deems necessary.

14.2.6. Ensure that the actual revenue and expenses align with the budget forecast and if not, a recommendation be made for necessary adjustment it requires.

14.2.7. Review annual financial statements and the annual audited financial report with the auditor if applicable before presentation to Congress.

14.2.8. Developing and maintaining strong internal controls to mitigate risk, protect the association's assets, and improve financial reporting.

14.2.9. To produce and oversee a procurement policy for NCAGS and ratified by the Congress.

14.3. YOUTH/CHILDREN COMMITTEE

14.3.1. There shall be a Youth/Children Committee.

14.3.2. The Youth/Children Committee shall oversee the general activities of the Nigerians Youth/Child.

14.3.4. The Youth/Children Committee shall be headed by the Social-Welfare Secretary 2.

14.3.5. The Youth/Children Committee shall be responsible for creating and implementing programs that address the needs of the Nigerian Youth/Child and all ancillary duties related thereto.

OFFENCES

15.1. Any Member/Group who violates the provisions of this Constitution or by laws or regulations made pursuant to it shall be guilty of an offence against NCAGS.

15.2. Any Member/Group who exhibits disruptive behavior in any meeting of NCAGS, the Executive Council or the Board and/or harasses any other Member during such meeting shall be guilty of an offence against NCAGS.

15.3. Any Member/Group who publishes or disseminates disapproving information either verbally, in writing or otherwise against one or all Members of NCAGS shall be guilty of an offence against NCAGS.

15.4. Any Member/Group who seeks through fraudulent means to secure in official capacity the Trusteeship or leadership of NCAGS outside the Constitutional provisions shall be guilty of an offence against NCAGS.

15.5. Any Member/Group who fraudulently receives, accepts, or causes to receive and/or accept or misappropriates any property of NCAGS shall be guilty of an offence against NCAGS.

15.6. Any Member/Group who uses the name of NCAGS or the list of its Members for personal benefits shall be guilty of an offence against NCAGS. For clarity, the Executive Council and Board of Trustees are not exempt from this subsection.

15.7. Any Member/Group who, without authorization, uses the name, symbol, or property of NCAGS to solicit for funds, grants or donations from any person, group, agency, government, among others, shall be guilty of an offence against NCAGS.

15.8. Any Member/Group who interferes or colludes with an Officer or Member to deprive NCAGS from receiving funds, grants (property or otherwise) and donations, among others shall be guilty of an offence against NCAGS.

15.9. Any Member/Group who misrepresents themselves as an Officer or Board Member or impersonates an Officer or Board Member to gain monetary or non-monetary benefits directly or indirectly shall be guilty of an offence against NCAGS.

15.10. Any Member/Group found guilty of any of the above offences shall be allotted a fine, suspension or expulsion at the discretion of the Board of Trustees.

ELECTIONS

16.1. Election of Board of Trustees:

16.1.1. There shall be elections to the Board every three years.

16.1.2. Elections shall be held at a General Meeting, which shall be held 3 months before the end of the incumbent Board of Trustees tenure.

16.1.3. The Executive Council, after advising the Board of Trustees of the upcoming Board of Trustees election, shall call for election 3-months before the end of the incumbent Board of Trustees tenure.

16.1.4. Nominations and campaigns shall be done in accordance with the provisions of this Constitution.

16.1.5. A Member shall not be eligible to run for election to the Board of Trustees unless such a member has been in good standing and has been a member of NCAGS for at least two years, except for non-members nominated by the Executive Council.

16.1.6. A Member shall not be eligible to run for election to the Board of Trustees if such a Member has been convicted of any criminal offence in Nigeria and Canada for which a pardon has not been granted (proof required).

16.1.7. Voting at any election shall be by secret ballot regardless of the election location and the number of voters.

16.1.8. The Executive Council shall nominate Five (5) members to constitute the Electoral Committee, ratified by Congress for all NCAGS elections.

16.1.9. Nominated Members must confirm acceptance before their name shall be entered into the list of candidates.

16.1.10. Nomination of Candidates shall cease one month prior to the elections.

16.1.11. Each candidate so nominated shall present their profile and manifesto to the Congress at the General Meeting. Each candidate shall be allowed Five (5) minutes to address the Congress and Five (5) minutes to respond to questions.

16.1.12. Candidates running for the Board of Trustees must be present on the day of the election.

16.1.13. There shall be no voting by proxy or absentee balloting.

16.1.14. Counting of votes shall commence immediately after the election and shall continue until all the votes are counted.

16.1.15. In a tie, there shall be a runoff election for those concerned immediately.

16.1.16. The announcement of the result of the elections shall be done immediately after the counting of the votes.

16.1.17. Every candidate may appoint a representative as an observer during the election and the counting of votes. Such a representative shall only observe the process and the counting of the votes and not participate in it.

16.2. Election of Executive Council

16.2.1. There shall be elections to the Executive Council every two years.

16.2.2. There shall be no party-like (no hate speeches) for purposes of seeking election into the Executive Council. For purposes of clarity, every candidate for the Executive Council shall contest on their own individual merit.

16.2.3. Elections shall be held at the last general meeting preceding 3 months before the present tenure expires.

16.2.4. The Executive Council shall notify the Board of trustees and shall call for general elections in accordance with the provisions of this Constitution.

16.2.5. Nominations and campaigns shall be done in accordance with the provisions of this Constitution.

16.2.6. An incumbent Member of the Executive Council who qualifies and wishes to run for the same or another position during the elections shall resign their position not later than one (1) month before the election.

16.2.7. A member shall not be eligible to run for election to the Executive council, unless they have been a Member of NCAGS for at least one year and have been in good standing during this period.

16.2.8. A member shall not be eligible to run for election into the office of the President unless such a member has been a member of NCAGS for at least two years and has been in good standing during this period.

16.2.9. A new Member shall not be eligible to vote in an election unless they have been duly registered, paid all required fees and attended at least six (6) meetings before the election.

16.2.10. A Member shall not be eligible to run for election if such a Member has been convicted of any criminal offense for which a pardon has not been granted (proof to be provided).

16.2.11. Voting at any election shall be by way of secret ballot irrespective of the location of the election and the number of voters.

16.2.12. Nomination of Candidates shall cease one month prior to the elections.

16.2.13. Nominations can be made by members and/or a member interested in vying for a particular position may nominate themselves. To this subsection, any Member nominated must confirm acceptance before their name shall be entered into the list of candidates.

16.2.14. Each candidate so nominated shall present their profile and manifesto to the Congress at a general meeting. Each candidate, except for the Presidential candidates, shall be allowed Ten (10) minutes to address the House and (10) ten minutes to respond to questions. The Presidential candidates shall be allowed Twenty (20) minutes to address the House and Twenty (20) minutes to respond to questions.

16.2.15. Candidates so nominated may start campaigning after the electoral committee has officially announced their candidacy.

16.2.16. A candidate running for a position must be present on the day of the election.

16.2.17. There shall be no voting by proxy or absentee balloting.

16.2.18. Counting of votes shall commence immediately after the election and shall continue until all the votes are counted.

16.2.19. In the event of a tie, there shall be a runoff election immediately.

16.2.20. The announcement of the result of the elections shall be done immediately after the counting of the votes.

16.2.21. The Electoral Committee shall be required to release its official statement in respect of the electoral process and conditions at least one month prior to the election, provided that such electoral process and conditions are not contrary to the provisions of this Constitution.

16.2.22. Every candidate may appoint a representative as an observer during the election and the counting of votes. Such a representative shall only observe the process and the counting of the votes and not participate in it.

16.2.23. If only one candidate is nominated for office, the candidate must secure the votes of a minimum of 50% of the numbers of voters present and voting at an election to be elected. Where the candidate does not receive the required number of votes they would be declared unelected, and the position remains vacant for a by-election.

16.3. ELECTION DISPUTE

16.3.1. Any candidate disputing the results of an election must submit a Notice of Intent to Dispute Election Results to the Chairman of the Elections Committee not later than three (3) days after the results of the elections are announced.

16.3.2. A completed Notice of Dispute shall be submitted to the NCAGS Secretariat not later than fourteen (14) days after the results are announced. The completed Notice of Dispute must contain, among other things, the name of the candidate, the election being challenged, the facts supporting the allegations, aspects of this Constitution that have been violated and any other facts, documents or evidence that will assist the Dispute committee in reaching a just and speedy resolution of the matter.

16.3.3. The President shall notify the Board of Trustees of such an election dispute. The Board of Trustees shall constitute a committee of three Members to consider any dispute arising from the elections.

16.3.4. The Committee shall discharge their duties without fear or favor and with the combined goal of upholding the provisions of this Constitution and doing justice to all.

16.3.5. The Committee shall set a date for the hearing of the dispute not later than two weeks after receiving the completed Notice of Dispute.

16.3.6. The Elections Dispute Committee shall determine who to call at its hearing, the manner of the hearing and the order of taking of evidence.

16.3.7. The decision of the Elections Dispute Committee shall be final and binding on all parties and not subject to further litigation.

16.3.8. All candidates must avail themselves of and exhaust this internal dispute process as a condition precedent. Any candidate who fails to comply with this provision shall be deemed to have resigned their NCAGS Membership.

17. HAND OVER PROCEDURE FOR THE EXECUTIVE COUNCIL

17.1. Immediately after a general election, the Executive Council with the supervision of the Board of Trustees shall begin the arrangement of a smooth handover of power, physical property, information, policies and procedures, offline and online accounts, bank accounts, including audited financial statement of the association which must be up to date to the end of the fiscal year, and all necessary records of NCAGS to the new Executive Council.

17.2. The Finance and Audit Committee shall audit all the books and records of the Executive Council before being given to the new Executive Council.

17.3. The Board of Trustees shall receive and verify the list of documents handed over to the incoming Executive Council.

17.4. Such handover shall be concluded within days but not later than January 15 of the next fiscal year.

17.5. The newly elected Executive Council shall be inaugurated by the Board of Trustees and the outgoing Executive Council not later than December 31st of the election year.

17.6. There shall be a swearing-in ceremony as part of the inauguration.

18. MEETINGS

18.1. There shall be a monthly General Meeting of NCAGS on the first Sunday of every month or any other day as advised by the Executive Council.

18.2. The Executive Council shall meet as a group on its own once prior to each general meeting, provided that an emergency Executive Council meeting may be called by the President at any time, if the need arises.

18.3.1. The Board of Trustees shall be required to meet at least once every 3 months, provided that an emergency Board of Trustees meeting can be called by the Chairman at any time if the need arises.

18.3.2. Attendance and minutes of the meetings of the Board of Trustees shall be forwarded to the NCAGS General Secretary within seven (7) days of the meeting.

18.4. The Executive Council and the Board of Trustees shall meet at least once every 180 days. The Chairman of the Board of Trustees is required to convene such a meeting.

18.5. Decisions at all meetings of NCAGS shall be by simple majority vote of those present and voting, except in case of constitutional amendment.

18.6. Emergency Meetings shall be called in the following manner:

a) Emergency or special meetings shall be called by the President on their initiative, or as required by most Members present at any duly constituted meeting of the Executive Council or the Congress.

b) When required by the majority of the Members of the Executive Council or the Congress, the President shall convene an emergency meeting within Fourteen (14) days of being notified.

c) The usual quorum and notice of meetings as provided in this Constitution shall be observed in all emergency meetings.

18.9. Notice of Executive Council meetings shall be given at least Seven (7) days in advance, provided that the time of the meeting is approved by most of the Executive Council.

18.10. Notice of the general meeting shall be given not later than seven (7) days before the day.

18.11. For motions, only Members in good standing are eligible to move for motions. Such motions shall be supported by a member who is also in good standing before they can be approved for discussion.

19. QUORUM

19.1 The quorum for meetings of NCAGS shall be as follows:

a) For Monthly General Meetings, fifteen (15) Members in good standing present.

b) For Board of Trustees meetings, four (4) Members present.

c) For the Executive Council, five (5) Members present.

20. FINANCE

20.1. NCAGS shall raise funds from all legal avenues it deems necessary, including membership dues, donations, proceeds from cultural and social activities, and grants from institutions, agencies, or governments, among others.

20.2. Every new Member shall be required to pay a one-time registration fee for family and individual, which shall be reviewed from time to time by the Executive Council and subject to ratification by the Congress.

20.3. Every Member shall be required to pay annual dues as communicated by the Executive Council, which may be reviewed as applicable.

20.4. NCAGS shall not acquire or use any instant banking cards for automatic withdrawals.

21. SENIOR MEMBERS

21.1. There shall be Senior Members comprising of all Members who are 65 years and older.

21.2. Senior Members shall be required to meet all NCAGS membership requirements.

21.3. Notwithstanding the provision of S21.2, Senior Members shall be exempted from NCAGS annual membership dues but can make free will donations to the NCAGS.

21.4. Senior Members shall be entitled to all the rights and privileges of members of the NCAGS.

22. AMENDMENT OF THE CONSTITUTION

22.1. This Constitution and by-laws made pursuant to it may be amended only at a duly constituted General Meeting by two-third (2/3) majority of Members present who are in good standing, provided that at least sixty days (60) prior notice of proposed amendment(s) had been given to all Members.

22.2. Notice of such proposed amendment shall be in writing, signed by 50% of Members in good standing.

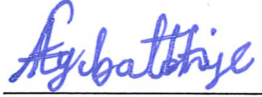
22.3. The General Secretary shall notify Members of such proposed amendment at least sixty days (60) prior to the general meeting where the amendment shall be made.

BY SIGNING BELOW, WE, THE MEMBERS OF THE NIGERIAN ASSOCIATION OF GREATER SUDBURY (NCAGS), AFFIRM OUR COMMITMENT TO THE PRINCIPLES AND PROVISIONS OUTLINED IN THIS CONSTITUTION. WE PLEDGE TO UPHOLD AND PROTECT THE RIGHTS, LIBERTIES, AND RESPONSIBILITIES ENSHRINED HEREIN FOR ALL INDIVIDUALS, WITHOUT DISCRIMINATION.

APPROVED BY MEMBERS AT A DULY CONVENED GENERAL MEETING HELD VIRTUALLY ON 5TH DAY OF MAY 2024.


CHIKA DIKE
GENERAL SECRETARY


OFAMEA OHIMAI
CHAIRMAN, NCAGS CONSTITUTION COMMITTEE


TONYE ORIAKHI
PRESIDENT

CONSTITUTION COMMITTEE MEMBERS

1. OHIMAI OFAMEA – CHAIRMAN
2. OSINACHI NWANGANGA – VICE-CHAIRMAN
3. ADETUNJI AKINTONDE – SECRETARY
4. CHIEMEKA NOCHIRIONYE
5. SAMUEL EMERIBE
6. TUNJI BUSARI
7. MICHAEL ALUMONA
8. JOY NWANKWO
9. FUNMI TAIWO
10. ANNE OSSAI
11. YOMI OGUNLEYE
12. DORCAS OGUNTUASHE
13. SOLA OSUNDIYA
14. TOMILOLA ADENIJI
15. OLANIYI ALO

