
RESEARCH TRIANGLE PARK MAHARASHTRA MANDAL (RTPMM) CONSTITUTION

By-Laws for RTPMM non-profit organization that governs the action of its
Executive Committee and Advisory Council



December 12, 2020

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PREAMBLE

Maharashtra is one of the western states of India, where Marathi is the predominant and official language. Over the past several decades, Marathi speaking people (hereafter referred to as Maharashtrians) have settled in the United States of America in increasing numbers. As the number of Maharashtrians increased, primarily in large cities, there was a need to cater for their social, cultural, religious and other needs.

With growing number of Maharashtrians in North Carolina's Greater Triangle Area, a need was felt to bring together all these Maharashtrians so they can celebrate their culture and tradition. With this objective in mind, the Research Triangle Park Maharashtra Mandal (hereafter referred to as RTPMM in this document) was established in the North Carolina's Triangle Area in 1986. RTPMM organization has an active membership of families residing in and around Greater Triangle Area comprising of Raleigh, Cary, Durham, Chapel Hill, Morrisville and surrounding areas.

RTPMM operates on non-profit basis and the goal of the organization is to serve the cultural and social needs of the local Maharashtrian community. Our mission is to promote, preserve, and cherish the culture, beliefs and traditions of the state of Maharashtra. Every year we organize religious, and social programs and events. Majority of our member families are based around Cary, Raleigh, Durham & Chapel Hill area.

As years have passed, a need is felt to formalize the organizational structure and to define objectives of the RTPMM, and hence to create a constitution. The RTPMM Executive Committee decided to write formal constitution and the bylaws, and to register the RTPMM as non-profit organization with the state of North Carolina. The members of the general body of the RTPMM approved the constitution and bylaws.

ARTICLE I – NAME AND PURPOSE

- I.* The official name of this Organization is **“Research Triangle Park Maharashtra Mandal”**.
- II.* This organization shall use the official name or its acronym, RTPMM, in all publicity materials and correspondence.
- III.* RTPMM shall be a nonprofit organization registered in the state of North Carolina, U.S.A. and shall have the following mission:
 - i.* Initiate literary, educational and charitable activities, which without limiting the performances thereof include promotion of various activities, such as music, dance and theatre, related to the art, culture, traditions and the language of the state of Maharashtra, India
 - ii.* Help the members of the Maharashtrian community to get to know one another better and provide platform for social networking for local Maharashtrians residing in Greater Triangle Area.
 - iii.* Represent Maharashtrian community needs and wants in regards to cultural and social activities
 - iv.* Facilitate instilling Maharashtrian culture, tradition and Marathi language into the younger generation
 - v.* Integrate Maharashtrian community with the North Carolina culture and people and to communicate with other local social / government organizations, in a constructive way
 - vi.* Acquaint students, artists, business persons and other visitors from and around Maharashtra with the way of life in North Carolina / America.
 - vii.* Represent local Maharashtrian community at Government organizations if required.
 - viii.* RTPMM shall not engage in any activities that are contrary to the broader national interests of both USA and India

ARTICLE II – DEFINITION OF TERMS

BMM - Brihan Maharashtra RTPMM

Non-profit parent body and organization that is currently conducting business operations in the interest of the Maharashtrian Community residing in North America, Canada. RTPMM is member and is affiliated to BMM

RTPMM Executive Committee (EC)

Seven (7) Members elected by members of the RTPMM organization as office bearers to conduct business of the organization in accordance with the RTPMM Constitution.

RTPMM Advisory Council (AC)

Three (3) Members elected by members of the RTPMM organization to provide guidance to the Executive Committee and ensure that Executive committee is conducting business of the organization as defined in the RTPMM Constitution.

RTPMM Election Officers (EO)

Three (3) Members of RTPMM organization in good standing appointed by the Advisory Council to conduct RTPMM election. These Election Officers will be responsible for forming the next year's RTPMM EC and AC as per the Election process defined. These Election Officers can neither be part of existing AC or EC nor contesting for AC or EC for next year. The Election Officers will preside over the RTPMM organization elections to elect members of the Advisory Council and Executive Committee.

RTPMM Operational Year (OY) or Fiscal Year (FY)

Twelve (12) month period when the RTPMM EC will hold office and when the RTPMM will use that as the membership year. This period will be from January to December.

ARTICLE III – AFFILIATIONS & ACTIVITIES

SECTION A: BMM AFFILIATION

- I. RTPMM may take active interest in promoting and organizing cultural activities coordinated by Brihan Maharashtra RTPMM (BMM) of North America
- II. RTPMM is a member of Brihan Maharashtra RTPMM (hereinafter referred to as BMM) of North America.

SECTION B: OTHER AFFILIATIONS

- I. RTPMM is a standalone non-profit organization in North Carolina and is not affiliated to any local, state, national political or international organizations. No substantial part of the activities of this organization shall be the carrying on of propaganda, or otherwise attempting to influence US legislation (except as otherwise provided by Section 501(h) of the Internal Revenue Code), and this organization shall not participate in, or intervene in (including the publishing or distribution of statements), any political campaign on behalf of, or in opposition to, any candidate for public office. Notwithstanding any other provisions of these bylaws, this organization shall not carry on any activities not permitted to be carried on (a) by an organization exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code, or (b) by an organization, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code
- II. RTPMM shall accept full financial and production responsibility for all activities where RTPMM is the sole sponsored of the activity/program/event

ARTICLE IV – MEMBERSHIPS

SECTION A: ELIGIBILITY & REQUIREMENTS

- I. Any person interested in Maharashtrian cultural programs and in agreement with the objectives of the RTPMM is entitled to become a member of the RTPMM on payment of the membership fee.
- II. A person shall pay annual membership fee to the RTPMM organization along with the application form to become RTPMM member.
- III. Application form can be filled online using the RTPMM website (www.rtpmm.org) or by any other means as determined by the RTPMM EC.
- IV. A person must be minimum 18 years of age to be eligible to become an individual member of RTPMM.
- V. The membership period and dues will be for that calendar year from January 1 of each year to December 31 of that calendar year.
- VI. The application shall be approved by a majority of the RTPMM Executive Committee.
- VII. RTPMM Executive Committee reserves the right to reject a membership application. In the event that a membership application is rejected by the RTPMM Executive committee, the dues paid by the applicant shall be refunded along with an explanation for such action.
- VIII. Any individual whose application is rejected can appeal to the RTP MM Advisory Council. RTPMM AC will perform due investigation and provide its final decision on the appeal. In case of unfavorable decision to any party, appeal can be made at the RTPMM Annual General Body Meeting (AGM). The decision taken at the AGM will be binding and final.
- IX. RTPMM shall have three membership categories at minimum. They will be Annual Family Membership, Single Membership and Student Membership.
 - a. Family Membership – Will include Individual and immediate family members (Spouse, Children, Parents)
 - b. Single Membership – Will include only single Individual
 - c. Student Membership – Will include non-working students attending University Programs in North America.
- X. RTPMM EC reserve the right to define the qualifications and annual membership dues applicable for each membership types.
- XI. RTPMM EC cannot offer any lifetime memberships without getting approval from the RTPMM members at the Annual General Body Meeting

- XII. RTPMM Executive Committee shall determine the amount of dues or subscription for each type of membership.
- XIII. Any change of membership categories or dues will need to be approved by the Advisory Council and RTPMM members during the General Body meeting
- XIV. The membership is not transferable.
- XV. Membership decisions will not discriminate on the basis of age, race, religion or creed, national origin, ethnicity, gender, disability, or sexual orientation.

SECTION B: MEMBER RIGHTS

- I. All RTPMM members are eligible to vote in deciding the RTPMM Executive Committee and Advisory Council.
- II. A RTPMM member shall have the right to withdraw his/her membership at any given time. However, a member who wishes to terminate his/her membership will not be entitled to any refund of membership subscription or dues.
- III. RTPMM members shall have the rights to assess the meeting minutes published and attend the Executive Committee meetings.
- IV. RTPMM members will have the right to attend as participants in the Executive Committee meetings and express their views with due permission of the chair.
- V. Any RTPMM member interested in attending the RTPMM EC meeting will send a formal request to the EC at least 7 days in advance.
- VI. RTPMM member is not, as such, personally liable for the debts, liabilities, or obligations of the organization.
- VII. Any RTPMM member can file a grievance on matters associated with RTPMM organization. The following process must be followed to address any complaints:
 - i. Step 1: RTPMM member can appeal to the RTPMM Executive Committee regarding his problems and issues associated to RTPMM organization. RTPMM EC must make a good faith effort to seek informal resolution of problems and issues brought to their attention by the RTPMM member. RTPMM EC must discuss and provide prompt responses to complaints raised by the RTPMM member. If the complaint is not resolved as result of discussion within 30 days, the RTPMM member can proceed to Step 2.
 - ii. Step 2: RTPMM member can make a second appeal to the RTPMM Advisory Council for his grievances. RTPMM AC will perform due investigation to address the problems raised by the RTPMM member and provide its decision on the appeal within 15 days. If the RTPMM member is not satisfied with the resolution, he or she can proceed to Step 3

- iii. Step 3: RTPMM member can appeal at the RTPMM Annual General Body Meeting (AGM) to resolve the issue. If the AGM is more than 6 month away, the RTPMM member can request the RTPMM EC to call for a Special General Body Meeting in June (6 months before the AGM) to resolve the issue. The following conditions must be satisfied for the Special General Body Meeting:
 - a. RTPMM member must start a petition requesting for a Special General Body Meeting and that petition must be signed by at least 1/3rd of the then current RTPMM member bodies
 - b. 0% of the members who signed and requested for the Special General Body meeting must be present at the meeting. The meeting will be adjourned in absence of those members.
 - c. Any decision taken at such Special Annual General Body meeting regarding the issue will be final and binding to all parties.

SECTION C: MEMBERSHIP TERMINATION

- I. The membership of a member shall terminate upon the occurrence of any of the following events:
 - i. Upon his or her notice of such termination delivered to the president or secretary of the organization personally, electronically or by mail, such membership to terminate upon the date of delivery of the notice or date of deposit in the mail.
 - ii. If this organization has provided for the payment of dues by members, upon a failure to renew his or her membership by paying dues on or before their due date, such termination to be effective thirty (30) days after a written notification of delinquency is given personally or mailed to such member by the secretary of the organization. A member may avoid such termination by paying the amount of delinquent dues within a thirty (30) day period following the member's receipt of the written notification of delinquency.
 - iii. After providing the member with reasonable written notice and an opportunity to be heard either orally or in writing, upon a determination by the board of directors that the member has engaged in conduct materially and seriously prejudicial to the interests or purposes of the organization. Any person expelled from the organization shall receive a refund of dues already paid for the current dues period
- II. All rights of a member in the organization shall cease on termination of membership as herein provided.

ARTICLE V – EXECUTIVE COMMITTEE

SECTION A: NUMBER & POSITIONS

- I. There shall be seven (7) members on RTPMM Executive Committee
- II. The members of Executive Committee shall comprise of
 - i. President,
 - ii. Vice-President
 - iii. Secretary
 - iv. Treasurer
 - v. Three (3) Committee members
- III. Elections will be held for the posts of President, Vice-President, Secretary, Treasurer and three Executive members every (2) years.

SECTION B: QUALIFICATIONS

- I. A nomination for election to the post of member on the Executive Committee can be made only by RTPMM member by duly filing the nomination form. The nomination form must be received by the designated Election officers on or before the date defined in the Election process of that year..
- II. The person applying for the EC position
 - i. Must be at least Eighteen (18) years of age
 - ii. Must be RTPMM member for a period of at least two full years.
- III. In circumstance where required qualification criteria stated above in II.ii above cannot be met, Election officers reserves the right to relax the two year minimum requirements for EC application completely. The person applying for EC must continue his RTPMM membership for the duration of her/his term
- IV. To eliminate any potential conflict of interest between the roles/powers of Executive Committee and Advisory Council, any RTPMM member and their family members can contest elections only for one position on the Executive Committee or Advisory Committee
- V. To create/preserve optimum diversity of thought and to maximize contributions across the members of the community as well as most importantly to make absolutely sure that all decisions taken by the RTPMM Executive Committee members are unbiased in all respects, only one member per family can contest election for any post on the RTPMM Executive Committee or Advisory Council

SECTION C: TERM OF EXECUTIVE COMMITTEE

- I. A person to be elected as member of the Executive Committee must continue to be a member of the RTPMM organization during his/her entire term.
- II. A single full term of each EC member shall be for two (2) years.
- III. At Annual General Body Meeting of RTPMM members, Executive Committee must be announced. In circumstances where new EC cannot be formed and announced, RTPMM AC reserves the right to appoint the required EC members for one full term.
- IV. A member may be re-elected for one additional 2 year EC term through the normal election process as stated in Article VIII of this constitution. Once any member of the family serves the EC for 2 full terms (this includes two terms of member or one term of member and one term of the spouse), the member cannot be re-elected to the Executive Committee for a minimum period of 6 years.
- V. If new members cannot be elected to RTPMM Executive Committee, the six year restriction will no longer be applicable to any member or spouse who has served the RTPMM EC before and they can be elected to serve the RTPMM EC.

SECTION D: RESIGNATION OF EC MEMBER

- I. An Executive Committee member may resign at any time by a notice in writing to the Executive Committee providing that no such resignation shall discharge any accrued obligation of the Executive Committee member.
- II. Unless otherwise specified in the notice, the resignation shall take effect upon receipt thereof by the Executive Committee, and the acceptance of the resignation shall not be necessary to make it effective.

SECTION E: REMOVAL OF EC MEMBER

- I. An Executive Committee member may be removed from his/her office with or without causes by vote of the members at a General Body meeting.
- II. An Executive Committee member may be suspended for misappropriation of RTP MM funds by minimum of 5 out of 7 votes of Executive Committee. The EC must report this suspension to AC. RTPMM AC will perform due investigation within 30 days and provide its final decision on the suspension. In case of unfavorable decision to any party, appeal can be made at the RTPMM Annual General Body Meeting (AGM). The decision taken at the AGM will be binding and final.
- III. An Executive Committee member failing to participate in person or remotely for four (4) consecutive scheduled EC meetings or any EC meetings held over a period of 3 months,

whichever is greater, may be removed from his/her office by minimum of 5 out of 7 votes of Executive Committee and subject to approval by Advisory Council.

SECTION F: VACANCIES IN EC

- I. A vacancy on the Executive Committee in the middle of RTP MM EC term as a result of resignation or removal may be filled by nominating and accepting majority vote of other Executive Committee members and Advisory Council. RTPMM EC and AC must ensure that such an appointee satisfies the minimum qualifications needed to become a RTPMM EC member
- II. Such an appointee shall hold office until the remainder term of the RTP MM Fiscal year.

SECTION G COMPENSATION FOR EC

- I. No compensation shall be paid to any of the Executive Committee Members for their services.
- II. The members of the Executive Committee may be reimbursed for the out of pocket expenses incurred in the conduct of business for the organization by submitting proof of expenses. All expenses have to be ratified by the Treasurer by and approved by Executive Committee.

SECTION H: LIABILITIES OF EC MEMBER

- I. RTPMM EC shall be financially liable jointly and/or individually, for all the transactions conducted by them on behalf of the organization
- II. The Executive Committee will be liable for, legal suites due to negligence, deliberate error, and misuse of property or funds.
- III. In event of any fraud committed by Executive committee members, the said member would be liable to Financial, Legal and Criminal prosecution as the case maybe.
- IV. RTPMM is financially liable for any legal proceedings filed against the RTPMM EC or any member that RTPMM EC has appointed to serve on its behalf, which included members appointed on RTPMM sub-committees. This does not cover any personal legal proceedings not related to RTPMM.
- V. RTPMM Executive Committee must provide quarterly financial summary report to RTP MM AC, if requested.
- VI. RTPMM Executive Committee must share tentative RTPMM budget for the RTPMM Fiscal year with the RTPMM AC, if requested
- VII. The Executive committee will not be financially liable for any transactions conducted by third party on behalf of the organization without prior approval from the Executive Committee.

- VIII. The Executive Committee is responsible for annual tax filing to the IRS. The executive committee will work with the treasurer to complete the formalities for tax filing.
- IX. The Executive Committee or any member that RTPMM EC has appointed to serve on its behalf is not personally liable for the debts, liabilities, or other obligations of the organization.

SECTION I: DUTIES OF RTPMM EXECUTIVE COMMITTEE MEMBERS

I. President

- i.* The President shall be the Chief Executive officer of the Organization. He/she shall preside at all meetings of the members and the Executive Committee, oversee the general and proper conduct of the business of the Organization and shall see that all orders and resolutions of the Executive Committee and the General Body of members are carried into effect.
- ii.* The President shall render a report on the state of RTPMM at the Annual General Body meeting.
- iii.* The President must ensure that organization activities are consistent with organization's constitution and reflect expectations of the majority of the members.
- iv.* The President shall plan organization's activities throughout the year ensuring that the programs have enough variety, are spread across the year, are consistent with past years activities and meet overall members expectations.
- v.* The President will appoint special sub-committees at any time in consultation with the EC, depending upon the needs of the organization
- vi.* The President, together with the Secretary shall sign all official documents or, contracts made with other organization or individuals
- vii.* The President must ensure all internal and external communications are constructive and presented in a positive and professional manner.

II. Vice-President

- i.* The Vice President shall preside at all meetings of the members and the Executive Committee in absence of the President and will assume all the roles and responsibilities of President in his absence.

III. Secretary

- i.* The Secretary must record the minutes of all meetings of the Executive Committee and of the RTPMM members and disseminate appropriately in a timely manner

- ii.* The Secretary must maintain & store all minutes of the meetings in accordance with the law in RTPMM's shared database
- iii.* The Secretary must ensure that all communications and notices regarding meetings or organization's business are duly given in accordance with the provisions of these by-laws
- iv.* The Secretary must send out newsletters and email reminders prior to each upcoming event to the members of the Organization.
- v.* The Secretary must maintain the list of organization's members with the relevant contact details and other information as required by the Executive Committee and maintain the integrity and security of such information
- vi.* The Secretary must perform such other duties as may be prescribed by the Executive Committee.
- vii.* The Secretary must ensure all internal and external communications are constructive and presented in a positive and professional manner.

IV. Treasurer

- i.* The Treasurer will be responsible for maintaining RTPMM accounts, all financial transactions and disbursement of funds on behalf of RTPMM.
- ii.* The Treasurer shall keep custody of the organization funds and securities.
- iii.* The Treasurer shall keep full and accurate account of receipts and distributions in RTPMM account books.
- iv.* The Treasurer shall collect, track, and manage funds for, and at, each RTPMM program, and present/submit a full financial Balance sheet and Profit & Loss report to the Executive Committee and to the members of the RTPMM during the Annual General Meeting held annually.
- v.* The Treasurer shall deposit all money and other valuables in the name and credit of RTPMM Organization in such depositories as may be designated by the Executive Committee in a timely manner.
- vi.* The Treasurer shall disburse the funds of the Organization as may be authorized by the Executive Committee and preserve proper vouchers for such disbursements.
- vii.* The Treasurer, along with Executive Committee, is responsible to file and maintain tax returns for each year and submit records to IRS, if any, relevant to tax returns. The Treasurer must keep all the documents and records of the Organization as required by law or otherwise in a proper and safe manner. This will need to be presented to the Executive Committee before filing
- viii.* The Treasurer must follow the payment process for disbursement of RTPMM funds

V. Executive Committee members

- i.* EC members must perform their duties in accordance with the terms stated in RTPMM constitution
- ii.* EC members must regularly participate in committee meetings and decision making processes along with other committee members.
- iii.* EC members must take an active role in organizing and executing RTPMM activities and programs along with other committee members
- iv.* EC members shall back-fill any voids for roles and responsibilities that may occur due to occasional absence of President, Vice-President or Secretary

SECTION J: BUDGET APPROVAL FOR RTPMM PROGRAMS AND EVENTS

- I.* Every RTPMM event budget (complete income and expense) must be approved by the RTPMM EC
- II.* RTPMM Event expense above \$10,000 or 50% of RTPMM available funds in the bank, whichever is lesser, must be approved by RTPMM AC
- III.* RTPMM Event expense is defined as expenditure for following listed items, but not limited to:
 - i.* Program (musical, drama, stand-up show etc.)
 - ii.* Travel cost for artists or professional
 - iii.* Food cost for artists or professional
 - iv.* Accommodation cost for artists or professional
 - v.* Lectures
 - vi.* Facility rental including Audio, Video and setup charges
 - vii.* Food for event
 - viii.* Hired help, if any
- IV.* RTPMM EC should enter into a contract with the Program providers for any Program expense greater than \$3,000 and the contract needs to be approved by majority of the RTPMM EC

ARTICLE VI – ADVISORY COUNCIL

SECTION A: NUMBER

- I. There shall be three (3) members on RTPMM Advisory Council.

SECTION B: QUALIFICATIONS

- I. A nomination for election to the post of member on the Advisory Council can be made only by RTPMM member by duly filing the nomination form. The nomination form must be received by the designated Election officers on or before the date defined in the Election process of that year.
- II. The person applying for the AC position
 - i. Must be at least 18 years of age
 - ii. Must have served as a member of the Executive Committee for at least one full term of two years.
 - iii. In circumstance where minimum qualifying criteria cannot be met, person applying for Advisory Council must be a member of the RTPMM organization for previous 5 consecutive years preceding the current Fiscal year
- III. The person applying for AC must continue his membership for the duration of her/his term

SECTION C: TERM OF ADVISORY COUNCIL

- I. Elections will be held annually for open positions on the Advisory Council
- II. A full term of AC member will be for two (2) years.
- III. At **Annual General Body Meeting of RTPMM members**, Advisory Council must be announced. In circumstances where new AC cannot be formed and announced, the outgoing President or Vice-President or Secretary may be appointed as AC for one full term to fill in the required number of positions.
- IV. Once the member serves the AC for 1 full terms, the member cannot be re-elected to the Advisory Council.
- V. If new members cannot be elected to RTPMM Advisory Council, the six year restriction will no longer be applicable to any member who has served the RTPMM AC before and she/he may be elected to serve the AC.

SECTION D: RESIGNATION OF ADVISORY COUNCIL MEMBERS

- I. A member of Advisory Council may resign at any time by a notice in writing to the President of the Executive Committee providing that no such resignation shall discharge any accrued obligation of the Advisory Council member.
- II. Unless otherwise specified in the notice, the resignation shall take effect upon receipt thereof by the Executive Committee, and the acceptance of the resignation shall not be necessary to make it effective

SECTION E: VACANCIES IN ADVISORY COUNCIL

- I. A vacancy on the Advisory Council in the middle of RTP MM AC term as a result of resignation may be filled by nominating and accepting majority vote of other Executive Committee members and Advisory Council. Such an appointee must pass the minimum qualification required for the position.
- II. Such an appointee shall hold office until the remainder term of the RTP MM Fiscal year.

SECTION F: COMPENSATION & LIABILITIES OF ADVISORY COUNCIL

- I. No compensation shall be paid to any of the Advisory Council Members for their services.
- II. The members of the Advisory Council may be reimbursed for the out of pocket expenses incurred in the conduct of business for the organization. These expenses will need to be approved by the Treasurer.
- III. The members of the Advisory Council shall not be held financially liable jointly and/or severally, for the transactions conducted on behalf of the Organization.
- IV. The members of Advisory Council are not personally liable for the debts, liabilities, or other obligations of the organization. This does not cover an personal legal proceeding not related to RTPMM

SECTION G: DUTIES OF ADVISORY COUNCIL MEMBERS

- I. The Advisory Council shall report to the General Body of membership of the RTPMM organization.
- II. The Advisory Council shall monitor the conduct and actions taken by the Executive Committee in the process of discharging its organizational duties.

- III.* The Advisory Council shall have the authority to attend any and all meetings of the Executive Committee.
- IV.* The Advisory Council shall have the authority to dissolve the Executive Committee and Annual General Meeting. The Advisory council will need to provide reasons in writing to all members for such action.
- V.* Each Advisory Council member shall attend a minimum of two scheduled meetings of the Executive Committee each year and a minimum of one meeting of the General Body of membership every two years
- VI.* Advisory Council shall submit a report of its activities and opinion on the state of the Organization at the annual General Body meeting of the members.

ARTICLE VII – DISBURSMENT OF RTPMM FUNDS

SECTION A: DISBURSEMENT OF RTPMM FUNDS FOR RTPMM EVENTS

- I. RTPMM can disburse funds to other organizations or individuals only if they are part of the RTPMM event expenses
- II. RTPMM EC must define and follow the payment policy and process for disbursing RTPMM funds for RTPMM events. All expenditure/s submitted to RTPMM must be supported with an invoice or receipts and must be submitted on RTPMM payment voucher form
- III. All vouchers must be reviewed for completeness by the Treasurer

SECTION B: DISBURSEMENT OF RTPMM FUNDS TO OTHER ORGANIZATIONS

- I. RTPMM cannot disburse funds to any other organizations or individuals if they are not part of the RTPMM event expenses
- II. Disbursement of RTPMM funds/money to other registered non-profit (501c3) organization may be allowed as exception and must follow the following rules & regulations:
 - i. RTPMM can only disburse funds to other registered non-profit (501c3) organization only when such funds are raised specifically for that non-profit organization.
 - ii. Disbursement of funds to non-profit organizations must be informed in advance to RTPMM AC.
 - iii. Funds for such non-profit organization must be specifically raised through donations, special events and sponsorships clearly mentioning the purpose for which they are being raised.
 - iv. Any expenses incurred by RTPMM for raising funds must be deducted before final disbursement of funds to such non-profit organization
 - v. Any event or appeal for raising funds for such non-profit organizations must be clearly advertised and communicated to RTPMM members
 - vi. Any RTPMM funds not collected as part of the solicited purpose cannot be used for donations to other non-profit organization. Only the funds collected as part of direct solicitation can be used for donations to other registered non-profit organizations
 - vii. RTPMM may provide marketing assistance to the 501(c)(3) organization by using any of the RTPMM communication channels, per the pre-determined advertising policy

ARTICLE VIII – ELECTIONS

SECTION A: APPOINTMENT OF ELECTION OFFICERS

- I. The Advisory Council shall appoint three (3) independent Election officers to preside over the Election process. The appointed Election Officers or their family members can neither contest for any of the post of Executive Committee or Advisory Committee for that year nor be holding any position in the Executive committee or Advisory Committee
- II. The Election officers will follow the Election voting process, scan nominations received from members to verify compliance with RTPMM constitution and will also own responsibility of sending ballots, counting votes and announcing the results to members

SECTION B: ELECTION PROCESS

- I. RTPMM AC shall select and appoint 3 independent Election officers 3 months before the next fiscal year (September 30 or as applicable).
- II. RTPMM EC and AC will provide a list of existing RTPMM EC and AC members whose terms is expiring and positions available for election to the Election officers
- III. Election officer must follow the nomination process described below
 - i. Election officers will publish RTPMM Committee Nomination Form along with vacant positions to all RTPMM members through email distribution, social media and RTPMM website.
 - ii. Candidates applying for the post of RTPMM EC or AC must submit their nomination along with the information requested as indicated in the RTPMM Committee Nomination Form.
 - iii. Election officers must verify the Candidate's applicability and the Nomination Form for its completeness
 - iv. If applications received by the Election officers, exceeds the number of open positions for AC or EC, Election officers must announce the need for election and initiate the steps needed to conduct the election. Otherwise, the Election officers will announce the candidates to the existing RTP AC and EC
 - v. Election officers must send an email to all candidates informing them of the Election and must give a minimum of seven (7) days to confirm or withdraw their candidacy from the RTPMM Election
- IV. Election officers must clearly document the election process if there is a need to conduct the election.
- V. Election officers may decide to conduct the election process via regular mail or electronically.
- VI. Election officers must request the required funds from the RTPMM EC to run the elections.

VII. If the election is being conducted manually (using paper ballots and USPS mail service), the following safeguards must be in place at all times during the entire process:

- i. The process must ensure transparency, voter list integrity, voting anonymity, and integrity of results at all times.
- ii. The Election Officers will be responsible for developing the process details such as ballot form design, requirements for a completed ballot to be valid and eligible for counting, number of ballot forms to be printed (based on the list of RTPMM members eligible for voting), envelopes to be used (these should have security markings/tinting so that the ballot form cannot be read while the envelope is still sealed), proper postage requirements, monitoring and documenting mail returned by USPS to RTPMM for any reason, communication with RTPMM members regarding the voting process, etc. All pertinent details must be documented for future reference and be made available to any RTPMM member upon request.
- iii. The Election Officers will be responsible for actively monitoring the election process at all times. They will verify that the number of completed ballots received (eligible/valid and ineligible/invalid) does not exceed the number of ballots that were mailed out. They will also monitor ballots returned by USPS due to mailing address errors while the voting is in progress and validate/document/rectify such errors.
- iv. While the voting is in progress and ballots mailed back to RTPMM are being received., the Election Officers will verify that the received envelopes have not been tampered with (opened partially or fully). Tampered envelopes will be marked as invalid/ineligible with the receipt date/time along with a note about the tampering observed and stored in a secure location.
- v. While the voting is in progress, no RTPMM member, including AC, EC, Election Officers should have access to information that could reveal the identity of the member who completed any particular ballot, information regarding who has or has not voted at any given time, summary results/tally showing which candidate is leading/trailing in the vote count, etc. They can only have access to the count (total) and percentage of members who have cast their vote at any given time, and this information may be used to send reminders to the members to cast their vote before the voting process is closed.
- vi. Counting of the votes received by each candidate will be done by the Election officers only after the deadline (date/time) to receive completed ballots is reached. Any ballot envelopes received after the deadline will not be opened and will be marked as "Ineligible due to late receipt" with the receipt date and time marked on the envelope. All such envelopes will be tallied, documented and preserved. Counting of ballots will be done in a restricted and secure environment with access allowed only to the Election Officers. Election candidates (or their representatives - see sub-clause VII below) will be allowed to observe the counting process.

VIII. If election is being conducted electronically, the following safeguards must be in place at all times during the entire process:

- i. The software platform used must be selected jointly by the AC, EC and Election Officers based on its ability to ensure process transparency, voter list integrity, voting anonymity, integrity of results, detailed change audit log/report that automatically logs all changes to the election settings (change details, person who made the changes, date and time when the change was made, etc.) and a detailed but anonymous results report after the voting has closed. The

selection criteria/process must be documented in detail and archived for future reference and also to be made available to any RTPMM member upon request.

- ii. The system administrator role may be assumed by any of the Election Officers, AC/EC member, any RTPMM member or a third party, however this role will not have any unilateral decision making responsibility on how to setup the software and run the election. The Election Officers, supported by the AC/EC members as needed, will be responsible for determining the best software settings to meet the criteria in subsection (VIII-I) above and will instruct the system administrator accordingly and actively monitor all settings and the change audit log during the entire voting process. They will ensure that a one-to-one relationship exists at all times between the eligible voting member's name, email ID, and the ballot assigned to that voter by the system. They will also monitor and control any changes to member email IDs and such changes will only be allowed to rectify email errors and/or to update member email addresses while the voting is in progress.
- iii. The electronic platform being used must be setup such that while the voting is in progress, no RTPMM member, including AC, EC, Election Officers and the system administrator have access to information such as which candidate they have cast their vote for, results of which candidate is leading/trailing in the vote count, etc. They can only have access to the names/email IDs, count and percentage of members who have cast their vote at any given time, and this information may be used to send reminders to the members to cast their vote before the voting process is closed. After the voting is closed, a detailed but anonymous results report must be generated by the Election Officers from the platform and must be shared with all RTPMM members.

IX. Access to observe election process

- i. Candidates standing for election will be allowed to observe the election process at every step, and will be allowed to nominate up to two other RTPMM members as their representatives to help them in this observation or to observe the process in their absence. However candidates and their representatives will not be allowed to interfere with the work of the Election Officers. If they have any concerns or observe any issues during the process, they will be required to escalate these to the Election Officers and RTPMM EC and AC members in writing. The Election Officers and RTPMM EC and AC members will have up to 24 hours to provide a detailed written response that lays out the steps that will be taken to address the issue or concern.
- ii. Any RTPMM member may request to observe and understand in detail how the process is setup (whether manual/mail or electronic), the safeguards put in place to ensure process transparency and fairness, vote anonymity, alignment of the voter list (if manual/mail) or email addresses (if electronic) with the RTPMM member list, and integrity of the results at all times during the process. If the election is being conducted electronically, this includes the ability to (upon request) observe to the admin settings of the electronic platform being used and access to a detailed change audit log/report.

X. Once the election is conducted, Election officers must maintain a record of all votes for all candidates.

XI. Election officers will inform the election results to RTPMM EC, AC and the candidates and will announce the winner based on the maximum votes received.

- i. If two or more candidates contesting for the same position receive the same number of votes, then the decision will be based on the majority votes of RTPMM AC and EC

XII. Election officers will announce the election results at the RTPMM Annual General Body Meeting

ARTICLE IX – MEETINGS

SECTION A: MEETINGS OF EXECUTIVE COMMITTEE

I. Quorum

- i.* Minimum four (4) members of the entire Executive Committee shall constitute a quorum for conducting the transactions of business.

II. Place and Time of Meetings

- i.* RTPMM Executive committee will hold regular periodic meetings.
- ii.* Communications related to meeting schedule and venue will be informed to RTPMM EC and RTPMM AC
- iii.* Any RTPMM member can join the EC meeting, if interested, provided she/he notifies the EC at least 7 days in advance The Executive Committee may hold its meetings within or outside the State of North Carolina at and for as many times as it may determine to be necessary to conduct the business of the Organization.

III. Process at the Meetings

- i.* The meetings shall be conducted in accordance with the Robert’s Rule of orders (<http://www.robertsrules.org/>)
- ii.* The President, or in his/her absence the Vice-President or Secretary shall preside at the Executive Committee meetings, and in their absence the Executive Committee may elect any other member of Executive Committee to chair the meeting.
- iii.* Minutes of all EC meetings will be documented by the Secretary and shared with the EC team members.
- iv.* Minutes of the meetings can be requested by any RTPMM member and secretary will be responsible to fulfill all such requests.

SECTION B: ADVISORY COUNCIL AND EXECUTIVE COMMITTEE MEETINGS

I. Quorum

- i.* The President, Secretary, Treasurer and Minimum 2 members of the Advisory Committee shall constitute a quorum for conducting the transactions of business.

II. Place and Time of Meetings

- i.* RTPMM Executive Committee will hold quarterly meetings with Advisory Committee.
- ii.* Communications related to meeting schedule and venue will be informed to RTPMM EC and AC.

III. Process at the Meetings

- i.* The meeting shall be chaired by any member of the Advisory Committee.
- ii.* Agenda at the Quarterly Meeting will be as follows:
 - i.* Review of Quarterly Financial Summary and Bank Accounts.
 - ii.* Update on past and upcoming events.
 - iii.* Any other business with the permission of the Chair

SECTION C: ANNUAL GENERAL BODY MEETING OF MEMBERS

I. Quorum

- i.* One third of the total members eligible to vote or 25 eligible voting members, whichever is lesser of the two numbers, shall constitute a quorum for the transactions of business.
- ii.* Proxy members will be allowed to vote
- iii.* In absence of the required quorum, the chairperson of such meeting may adjourn the meeting for a period of time for not less than 30 minutes or that specified in the original notice of the meeting, and hold the meeting of the members in attendance after that period.
- iv.* The chairperson may alternatively adjourn such a meeting, with the consensus of the attending members, to any other day, should they resolve to do so.

II. Place and Time of Meetings

- i.* An Annual General Body Meeting of RTPMM members must be held, every year on a day and at a time deemed by the Executive Committee that is convenient to the General Body of membership
- ii.* Annual meetings and other meetings of members shall be held at any suitable place in Greater Triangle Area or in its immediate vicinity deemed by the Executive Committee as the most suitable for members.

- iii.* If the Annual General Body Meeting is a part of the program/event, it should not be a ticketed event.

III. Notice

- i.* A notice of the Annual General Meeting and the meeting agenda must be given by email to each members not less than thirty (30) days before the scheduled day of the meeting. The notice will also be posted on the RTPMM website.
- ii.* For receiving hard paper copy of the Annual General Meeting through postal mail, members will need to send a request at least 60 days in advance in writing to the Secretary of the Executive committee. This request will need to be done each year.
- iii.* Members can propose agenda item within two (2) weeks of General Body meeting announcement.
- iv.* RTPMM EC will publish the agenda 1 week before the General Body meeting.

IV. Process at the Meetings

- iii.* The meeting shall be chaired by the President or in his/her absence by the Vice-President or Secretary of RTPMM organization or in their absence by any Executive Committee member appointed by the Executive Committee.
- iv.* Agenda at the Annual Meeting
 - i.* Approval of the Annual Accounts
 - ii.* Reports of the Executive Committee and Treasurer. All financial reports, books of accounts, minutes of the meetings for that year will be available to all members during the Annual General meeting.
 - iii.* Any other business with the permission of the Chair

V. Adjourned and Re-convened Meetings

- i.* A notice of the adjourned annual meeting shall be given by email or by mail to each member.
- ii.* The quorum requirement may be dispensed with at the reconvened meetings.
- iii.* Executive Committee has accountability to host a minimum of one Annual General Body meeting in a calendar year.

ARTICLE X – CONFLICT OF INTEREST

SECTION A: PURPOSE OF CONFLICT OF INTEREST POLICY

- I. The purpose of this conflict of interest policy is to protect RTPMM organization’s interest when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an EC or AC member of the organization or any “disqualified person” as defined in Section 4958(f)(1) of the Internal Revenue Code and as amplified by Section 53.4958-3 of the IRS Regulations and which might result in a possible “excess benefit transaction” as defined in Section 4958(c)(1)(A) of the Internal Revenue Code and as amplified by Section 53.4958 of the IRS Regulations. This policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest applicable to nonprofit and charitable organizations.

SECTION B: DEFINITIONS

- I. Interested Person: Any director, principal officer, member of a committee with governing board delegated powers, or any other person who is a “disqualified person” as defined in Section 4958(f)(1) of the Internal Revenue Code and as amplified by Section 53.4958-3 of the IRS Regulations, who has a direct or indirect financial interest, as defined below, is an interested person.
- II. Financial Interest: A person has a financial interest if the person has, directly or indirectly, through business, investment, or family:
 - i. An ownership or investment interest in any entity with which the organization has a transaction or arrangement;
 - ii. A compensation arrangement with the organization or with any entity or individual with which the organization has a transaction or arrangement; or
 - iii. A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the organization is negotiating a transaction or arrangement.
- III. Compensation: This includes direct and indirect remuneration as well as gifts or favors that are not insubstantial

SECTION C: CONFLICT OF INTEREST AVOIDANCE PROCEDURES

- I. Duty to Disclose: In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given the opportunity to

disclose all material facts to the directors and members of committees with governing board delegated powers considering the proposed transaction or arrangement.

- II.* Determining Whether a Conflict of Interest Exists: After disclosure of the financial interest and all material facts, and after any discussion with the interested person, he/she shall leave the governing board or committee meeting while the determination of a conflict of interest is discussed and voted upon. The remaining board or committee members shall decide if a conflict of interest exists.
- III.* Procedures for Addressing the Conflict of Interest: An interested person may make a presentation at the governing board or committee meeting, but after the presentation, he/she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest.
- IV.* The chairperson of the governing board or committee shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
- V.* After exercising due diligence, the governing board or committee shall determine whether the organization can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.
- VI.* If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the governing board or committee shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in the organization's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination, it shall make its decision as to whether to enter into the transaction or arrangement.
- VII.* Violations of the Conflicts of Interest Policy: If the governing board or committee has reasonable cause to believe a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.
- VIII.* If, after hearing the member's response and after making further investigation as warranted by the circumstances, the governing board or committee determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

ARTICLE XI – DISSOLUTION

SECTION A: PROHIBITION AGAINST PRIVATE INUREMENT

- I. No part of the net earnings of this organization shall inure to the benefit of, or be distributable to, its members, directors or trustees, officers, or other private persons, except that the organization shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes of this organization.

SECTION B: DISTRIBUTION OF ASSETS

- I. The property of this organization is irrevocably dedicated to the purpose of promoting Maharashtrian culture. Upon the dissolution or winding up of the organization, all its present assets remaining after payment, or provision of payment, of all debts and liabilities of this organization, shall be paid over to or transferred to any such organization as is then active and operating exclusively for charitable purposes and is described as approved in Section 501(c)(3) of the US Treasury, Internal Revenue Service code, contributions which are deductible for income tax purposes

ARTICLE XII – SUB COMMITTEES

SECTION A: TYPES OF SUB-COMMITTEES

- I. The RTPMM EC may appoint RTPMM member or members to form sub-committees to carry out its program activities and tasks that are consistent with the aims and objectives as provided in the Constitution.
- II. One member of the RTPMM EC must be part of this sub-committees as a RTPMM EC board liaison. All sub-committees shall submit their report to the RTPMM EC board periodically.
- III. RTPMM shall have the following sub committees
 - a. RTPMM Youth Group
 - b. RTPMM Senior Citizens (plan for future)

SECTION B: FINANCIAL SOURCES FOR SUB-COMMITTEES

- I. All the expense for sub-committees must be approved by RTPMM EC. The financial source for such sub-committee expenses must be clearly defined and budgeted in the RTPMM yearly budget.
- II. It is recommended that \$500 be allocated every calendar year for RTPMM Youth Group activities.
- III. The sub-committee shall work with RTPMM EC for managing the income and expenses for each activities conducted by the sub-committee

ARTICLE XIII – AMENDMENTS & RATIFICATIONS

- I.* Any RTPMM member including the AC or EC may submit a proposal for amendments to the RTPMM by-laws to AC and EC. The AC and EC must form a three (3) member Review Committee to review the proposal for the amendment.
- II.* Current or former EC and AC members shall act as the Review Committee and must provide its decision to accept or reject the proposal within 30 days.
- III.* If the Review Committee rejects the proposed amendment, the members will be informed in writing stating the justification for rejection.
- IV.* ALL amendment proposals received by the AC/EC and reviewed by the Review Committee must be presented and discussed at the Annual General Body meeting along with the Review Committee's accept/reject decision for each proposal and the justification for the decision.
- V.* ALL amendment proposals, along with the Review Committee's accept/reject decision and the justification for each decision, will need to be communicated to all RTPMM members 90 days in advance of the General Body Meeting. ALL amendment proposals (whether accepted or rejected by the Review Committee) will need to go through an opinion poll of all RTPMM members and final decision on each proposal will be based on the affirmation / decline results from the opinion poll. In such case where the opinion poll result is a tie, the proposed amendment will be rejected. The quorum required for the polling results to count is either 1/3rd of the total eligible member base or 50 eligible votes whichever is lower.
- VI.* Amendments may be incorporated in the General body meeting in line with the quorum requirements of the General Body Meeting.
- VII.* In such case, amendments incorporated in the ratified document will be carried into effect immediately and must be notified to the members via email.
- VIII.* If the opinion poll referenced in sub-section "V" above is being conducted electronically, the process used and safeguards put in place must follow the same requirements as outlined in Article VIII - Elections, Section B: Election Process, sub-sections XI and XII

APPENDIX – AMENDMENT LOG

This log lists all the constitutional amendments starting from 2019.

Note: This constitution underwent a major rewrite in 2018. RTPMM members used an online voting process to vote on thirty (30) amendments that impacted multiple existing articles, sections, clauses and sub-clauses and created some new ones. The changes were ratified during the AGM on December 15, 2018 (chaired by President Shiva Madje). For details, please refer to the RTPMM email communication to the members dated July 11, 2018, and the PDF document titled “Electionbuddy Rresults 6-23-18 - Detailed results” (maintained in RTPMM archives).

| Article/Section /Clause / Sub-clause # | Change Details | Rationale | Date Ratified | President |
|---|--|---|---------------|------------------|
| Article VIII Clauses VII, VIII, IX (with renumbering of some clauses) | Defines steps for electing EC/AC members using manual and electronic processes | Define the process in more detail and ensure fairness and transparency. | 12/12/2020 | Sandeep Kulkarni |
| Article XIII Clauses IV, V, VIII | Modify the process for amending the constitution and define the voting process for such amendments | Define the process in more detail and ensure transparency. | 12/12/2020 | Sandeep Kulkarni |
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