

# **IConstitution of the New York Tamil Development Council**

## **Rev 05 06.18.2025**

### **Article 1: Name**

#### **Article 1A: Name of the Organization**

- The organization shall be known as “New York Tamil Development Council: herein after referred to as the NYTDC.
- The organization shall operate as a nonprofit, New York State community-based entity.
- The name and logo of the organization shall not be altered without the approval of the General Body.

#### **Article 1B: Head office**

- Until changed in accordance with the constitution, the head office of the Tamil Development Council shall be in the borough of Staten Island, in the State of New York. The head office of the Corporation shall be decided by the executive committee members.  
Current head office address: 57 Andes Place, Staten Island, NY 10314.

#### **Article 1C: Seal and Records**

- General Secretary shall be the custodian of the seal of the NYTDC and for its properties, and of all books, papers, records, correspondence, contracts, and other documents belonging to the TDC. The Executive Committee members will always be able to have access to the seal, properties, books, papers, records, correspondence, contracts and other documents belonging to the TDC upon request.
- Deeds, transfers, licenses, contracts, and engagements, with or upon board approval, on behalf of the TDC will be signed by any two of the President, Vice President, Secretary, or Treasurer and, where required, will have the seal of the NYTDC affixed.
- The Executive Committee is responsible for ensuring that all books and records required by law, or by this Constitution and its By-Laws, are regularly kept and properly kept.

### **Article 2: Purpose and Objectives**

- To unite all Tamils in Staten Island and promote Tamil heritage, language, sport, art, and culture.
- To establish a Tamil community center for educational, cultural, and social activities.
- To support Tamil language education, Bharatanatyam, Carnatic music, and Tamil arts programs.
- To engage in charitable activities, including assisting Tamil immigrants and organizing social service initiatives.

## **Article 3: Membership**

### **Article 3A: Basic Qualifications for Membership**

- Every member shall be 18 or more years of age, shall reside in or have ties to Staten Island, NY.
- Membership is open to any individual or family of Tamil origin or those interested in Tamil culture.
- Every member shall recognize the Eelam Tamils with a unique culture, socio-economical way of life, language, heritage and have traditionally inhabited a distinct geographical area that comprises their homeland, North and East of the current island of Sri Lanka.
- No EC member shall have served as a director, President or an Executive Committee member (active member?) of any nonprofit organization, or registered charity, unless they obtain written concurrence from the Executive Committee members.

### **Article 3B: Membership Categories**

- Lifetime Member - Those who pay a one-time fee to become a member
- General Member – Those who pay an annual fee.
- Youth Member – Children of General member who are less than 18 years of age.
- General and Lifetime Members shall have the right to vote and participate in all organization activities.
- Membership can be revoked due to misconduct, subject to the decision of the Executive Committee.

## **Article 4: General Body**

- The General Body consists of all registered members.
- It shall meet at least once a year to review progress and approve major decisions.
- A quorum for the meeting shall be one-third of the total membership.
- Decisions shall be made based on majority votes, unless specified otherwise.
- General Body members must be active members for at least one year before contesting elections for executive committee positions.

## **Article 5: Committees**

### **Article 5A: Executive Committee (EC)**

- The Executive Committee (EC) shall manage the organization's day-to-day operations and managing accounts.

- There should be at least seven and no more than fifteen members in the executive committee.
- The Executive Committee shall consist of key leadership positions. President (1), Vice President (1), General Secretary (1), Joint Secretary (1), Treasurer (1), Board Members (6-10)
- The term for all Executive Committee members shall be two years.  
Exception: The inaugural committee shall serve for three years, starting from the day of official registration.
- Audits: The EC members shall have the power to inspect and audit any activity sponsored by the NYTDC.
- **EC Members shall sign the NYTDC non-disclosure agreement**
- Expectations of the Executive Committee Members:
  - Be a good standing member of the NYTDC
  - To advance the purpose and objectives of the Corporation
  - Act with diligence, honesty, good faith, and in the best interests of the Corporation.
  - Regularly attend meetings of the Board and the meetings of any Board committees to which they have been appointed;
  - Engage the Tamil community and other stakeholders in Staten Island
  - Liaison with stakeholders that align with the Purpose and Objectives of the NYTDC and values found under the Basic Qualifications for Membership.

## Article 5B: Advisory Committee (AC)

- AC shall consist of five members.
- The term for all AC members shall be two years.
- Eligibility to become an AC member:
  - The EC determines the eligibility of the application for AC. The EC will use the following criteria in the selection process:
    - AC members shall be individuals recognized as experts in their respective fields, forming a diverse group that represents a broad range of backgrounds and perspectives. They shall act independently and free from any external influence, maintaining the highest standards of integrity. In all their actions and decisions, AC members shall serve solely in the best interests of the NYTDC.
    - Good standing member of Tamil Community
    - Proven Track record of acting with diligence, honesty, good faith, and in the best interests of the NYTDC
- Provide expert advice and guidance to the board and executive team.
- Support strategic planning and organizational growth.
- Help with networking and building community relationships.
- Function as an independent election committee.
- AC Members shall sign the NYTDC non-disclosure agreement

## Article 6: Duties and Responsibilities of Office Bearers

- President - Provides leadership, presides over meetings, and represents the organization publicly.
- Vice President - Assists the President and assumes responsibilities in their absence.
- General Secretary - Maintains records, oversees communication, and prepares reports.
- Treasurer- Manages financial records, prepares budgets, and oversees fundraising efforts.
- Board Members - Assist with decision-making, providing strategic guidance and oversight.

## Article 6A: Removal of EC Members

The EC Membership shall be automatically vacated upon the occurrence of any of the following events:

- If the Members vote to remove the President by Special Resolution
- If a President dies, is incapacitated or is no longer deemed to be qualified to serve as a EC member in accordance with the Basic Qualifications for Membership and Expectations of the EC; or
- if by notice in writing to the NYTDC such EC member resigns their office.

## Article 7: Election of Office Bearers

- Elections shall be held every two years through an anonymous electronic or in-person ballot
- An independent Election Committee shall oversee the election process.
- A candidate must be nominated by at least two members and seconded by another.
- The EC members shall determine the eligibility of the candidate to run in the election.
- **Members must have either paid their membership dues or formally joined the organization at least 90 days prior to the election date**
- In case of a tie, the President shall have the casting vote.
- In the event of a vacancy in the president's position, the vice president shall assume the responsibilities of the president. A new election shall be conducted within 90 days, and the president shall be elected through a voting process.
- An individual elected to any position in the Executive Committee may serve a maximum of two consecutive terms (four years). After completing two terms, they will no longer be eligible to serve in the Executive Committee.

## Article 7A: Eligibility Criteria to become President/Vice President

- Eligibility to Become the President / Vice President: The EC and AC will determine the eligibility of the application for President. The EC and AC will use the following criteria in the selection process:
  - Good standing member of the Corporation

- Proven track record in advancing the interests, Purpose and Objectives of the NYTDC as a member
- Proven Track record of acting with diligence, honesty, good faith, and in the best interests of the NYTDC
- Proven track record of advancing the standing of the Tamil community in Staten Island.

## Article 8: Subcommittees

- The Executive Committee may form subcommittees for specific tasks such as Tamil language education, Sports and cultural events, and community welfare.
  - Tamil Language Education Committee
  - Cultural Events and Festivals Committee
  - Sports Events Committee
  - Accounts and Grants Committee
  - Community Support Services Committee
- Each subcommittee shall be led by a coordinator and report to the Executive Committee.

## Article 9: Meetings and Decision-Making Process

- The Executive Committee shall meet at least once every three months.
- Special meetings can be called by the President or upon request by at least 30% of members.
- Quorum for EC meetings shall be more than half of the committee members.
- Decisions shall be made by a simple majority, except for constitutional amendments, which require a two-thirds majority.

## Article 10: Code of Conduct

- Members and office bearers shall uphold ethical behavior and promote the primary mission of the organization.
- Any misconduct, discrimination, or misuse of funds shall be subject to disciplinary action.
- A conflict resolution mechanism shall be in place to address disputes amicably.

## Article 11: Financial Management

- The organization shall maintain transparent financial records.
- All expenses should be transparent and any expenses above \$100 should be approved by the EC.
- Donations to outside organizations/charities can be made at the approval of the EC.
- An independent auditor shall review the accounts annually.

- Fundraising activities shall align with the organization's mission and comply with legal requirements.

## Article 12: Bank Account and Fund Utilization

- A bank account shall be maintained in the name of the organization.
- The Treasurer and President (or Vice President) shall be joint signatories for financial transactions.
- Funds shall only be used for activities approved by the EC.
- Any misuse of funds shall result in disciplinary action and legal consequences.

## Article 13: Amendments to the Constitution

- Except for Purposes and Objectives of the TDC, Membership and Basic Qualifications for Membership, and Expectations of EC, all other sections of the By-laws of the TDC may be repealed or amended by a bylaw enacted by a majority of the EC members at a meeting of the Board and sanctioned by an affirmative vote at least by two-thirds (2/3rd) of the members present in person or by proxy at a meeting duly called for that purpose. The required quorum for the said meeting shall be no less than fifty (50%) of the members present in person or by proxy. No less than sixty (60) days' notice in writing outline the proposed amendment is given to the members.
- The amendments of the bylaws of the TDC shall come into force at and be effective from the time of its passing by the members of the Corporation. These bylaws repeal and replace the present bylaws of the TDC.
- Amendments can be proposed by any member with support from at least five members.
- Proposed changes must be reviewed and approved by the Executive Committee.
- Final approval shall require a two-thirds majority vote in the General Body Meeting.
- Approved amendments shall take effect immediately unless stated otherwise.

## Article 14: Dissolution Clause

- A special General Body meeting shall be held to finalize the decision.
- The decision to dissolve the organization shall require approval from at least 75% of the General Body.
- In case of dissolution, all remaining assets and funds shall be transferred to another Tamil nonprofit organization selected by the EC.
- All legal and financial obligations shall be settled before dissolution.
- The final dissolution process shall be managed by the Executive Committee and General Body together.

## Article 15: Compliance with State and Federal Laws

- The organization shall adhere to New York State and federal nonprofit laws.

- The organization shall seek IRS 501C (3) tax-exempt status to facilitate fundraising and nonprofit activities.
- Necessary tax-exempt status and legal registrations shall be maintained.
- Annual reports shall be submitted as per regulatory requirements.
- The Executive Committee shall be responsible for ensuring all activities comply with legal and ethical standards.
- Legal counsel shall be sought for major compliance matters.

#### **Article 16: Non-Discrimination Policy**

- The organization shall not tolerate any form of discrimination based on caste, religion, gender, age, or disability.
- All individuals who respect and support Tamil culture and heritage shall be welcomed as part of the community.
- Participation in events, educational programs, and community services shall be open to all members without bias.
- Executive Committee members shall uphold the principles of inclusivity and equality in decision-making.

#### **Article 17: Affiliation and Collaboration**

- The organization may collaborate with other Tamil community groups and cultural organizations.
- Collaboration with New York State and U.S. government bodies shall be done in compliance with legal guidelines.
- Affiliations with external organizations shall be subject to General Body approval.
- Collaborations shall be pursued only if they align with the mission of promoting Tamil culture, education, and welfare.

#### **Article 18: Fundraising and Donations**

- The organization may raise funds through membership fees, donations, cultural events, fundraising campaigns, and grants.
- All donations shall be properly recorded and audited by the Treasurer.
- Funds shall only be used for activities that align with the organization's mission and approved by the EC.
- The organization shall not engage in fundraising for political or commercial purposes.

## Article 19: Community Engagement

- The organization shall conduct annual Tamil festivals, cultural programs, and heritage celebrations.
- Organize an annual gathering to honor and commemorate all victims and missing individuals associated with the Tamil Eelam struggle.
- New initiatives to strengthen the Tamil community shall be introduced with General Body approval.

## Article 20: Indemnification

- Any person made party to any action, suit, or proceeding by any reason of the fact that he or she, his or her testator or intestate, is or was an Executive Committee Member of the NYTDC shall be indemnified by the NYTDC against the reasonable expenses, including attorney's fees actually and necessarily incurred in connection with the defense of such action, suit, or proceeding shall further be indemnified by the NYTDC for any judgments or liabilities resulting there from. Such right of indemnification shall not be deemed exclusive of any other rights to which EC Member may be entitled under the provisions of the Corporation Law of the State to which the EC Member belongs.

## Article 21: Conflict Resolution

- Informal Resolution: Whenever possible, parties to a conflict shall first seek to resolve the issue informally through direct dialogue and mutual understanding. Members are encouraged to address concerns promptly and respectfully with the parties involved before seeking formal intervention.
- Mediation: If an informal resolution fails, the matter shall be brought to the attention of the Board Members, who shall appoint a neutral mediator or mediation panel within 14 days. The mediator(s) shall facilitate a structured dialogue between the parties in an effort to reach a voluntary, mutually agreeable solution. All discussions during mediation shall be confidential and non-binding unless an agreement is reached in writing.
- Formal Resolution: If mediation is unsuccessful, the dispute shall be reviewed by the President, excluding any board members directly involved in the conflict. A decision will be made by the president, and that decision shall be final and binding within the NYTDC.
- No member in the conflict resolution process shall be subject to retaliation, harassment, or adverse action for raising concern or participating in the resolution process in good faith.