

# **BUFLA Constitution**

## **Second Amendment**

### **2013**

**This Second Amendment of the BUFLA Constitution was ratified by the EC, with over two-thirds majority of the full EC, at the GA meeting. This GA meeting was held on December 22, 2013, at the BUFLA Office at 1133 S. Vermont Ave, Suite 20, Los Angeles, CA 90006, USA.**

**The following EC members unanimously voted to ratify this Second Amendment of BUFLA Constitution:**

Nazrul Alam -- Osmani Smriti Shangsod  
Anisur Rahman -- MUNA  
Dr. M. A. Hashem -- Bikrampur Association  
Abul Kashem Toha -- Jalshaghar  
Col. (Retired) Omar Huda -- AC Chair  
Abul Hasnat Raayhan -- Bangladesh Association of Valley  
Anjuman Ara -- Uttoron  
Faruq Howlader -- BNP  
Enamul Hamid and Shiper Chowdhury -- Taranga of California  
Akhter Hossain -- Manikganj Samity  
Shahidul Islam -- Dhaka Club  
Alam Khandakar -- Dhaka University Alumni Association  
Ali Akbar -- Ideal School of California  
Ilias Sikder -- Greater Faridpur Association  
Shafiul Alam (Babu) -- Friends Club of California

The following two members agreed to sign:  
Mohammad Ali -- Boishakhi Mela  
Mohammad Harun Rashid -- Taxi Drivers' Association

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### **2013**

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# BUFLA Constitution

## Second Amendment

### **1: Definitions**

This Amendment will be termed as “Second Amendment”.

### **2: Bangladesh day Parade Date:**

For any special circumstances, the Bangladesh Day Parade, to celebrate the Bangladesh Independence Day, can be moved to a weekend in April of that year.

### **3: BUFLA Cabinet Officers:**

- a) **Positions:** President, Vice-President, General Secretary, Organizing Secretary, Public Relations Secretary, Finance Secretary, Cultural Secretary.
- b) **Term of Cabinet:** The term of the Cabinet is for two years.
- c) **Term Limit of Cabinet members:** The President has to wait for at least two terms (4 years) before running again for the office of the President. The lifetime term limit of the President is two terms, regardless of the length of terms, viz., one year term or two years term etc. The President cannot be elected from the same Organization for two consecutive terms. There is no term limit for the other Cabinet members.
- d) **Responsibilities (Organizing Secretary):** (i) Compile the lists of names and addresses of organizations not with BUFLA and after interaction with them, try to convince these organizations to become BUFLA member, (ii) Keep a record of all BUFLA activities, (iii) Supervise and help with all the initial arrangements of BUFLA events in consultation with the President, the GS and the Standing Committee members, (iv) The President and GS can assign additional tasks as needed and appropriate.
- e) **Time and Service Commitments:** In addition to the Nomination form, all Cabinet candidates will make time commitment and service commitment statements by signing a “Candidate's Promissory Note”, prepared by the Cabinet and approved by the EC. The “Candidate's Promissory Note” will be posted on the BUFLA-Website.

### **4: BUFLA Membership**

- a) New member application deadline is January 31. All new application will be reviewed by the Cabinet, and the recommendation will be presented to the EC for approval as Associate member on or before March 20. All new members of BUFLA will be Associate member for at least one year, regardless of the year of formation of that organization. The President and General Secretary will sign the approved applications.

- b) All EC member status and Associate member status of existing members will be reviewed and decided by the EC right after the parade only in this annual review meeting of EC within 30 days after the parade.
- c) The 4 organizational representatives of EC members cannot be family members, (as defined by US immigration law.)
- d) No organizational EC member can represent more than one organization in BUFLA Executive Committee.
- e) All BUFLA member organizations must follow the following requirements in order to maintain the EC membership status: (i) Member organization must participate in the annual Bangladesh Day Parade, (ii) Have at least 4 people participating in the Bangladesh Day Parade, (iii) Must have organizational banner/name plaque carried by any participating member, and (iv) Annual renewal fee to be paid by March 1. If any member organization fails to abide by these 4 requirements, that member organization will lose its status as Executive Committee (EC) member and will become an Associate member of BUFLA. However, EC can reconsider these 4 conditions under special circumstances as determined by the EC on a case by case basis.
- f) BUFLA can decline membership to any new applicant organization, or any individual representing any organization, for any concern as determined by simple majority of the full EC.
- g) The EC will determine the final voter list in an EC meeting just after the parade. The President and General Secretary will sign that EC-approved list and then send it to the Election Commission within 30 days after the parade. In case the President or GS or both decline to sign that list, then the BOT will accept the list signed by the simple majority of the full EC.

## **5: GA Meeting and EC Meeting**

### (a) GA-Meeting

The General Assembly (GA) of BUFLA consists of the following categories. In the GA meeting, all categories of members can participate in discussion, except the Honorary members, but only the EC members have the right to vote.

- i) Cabinet Officers
- ii) Executive Committee members (EC)
- iii) Advisory Council members (AC)
- iv) Board of Trustee members (BOT)
- v) Associate members, and
- vi) Honorary members
- vii) Standing Committee members

(viii) Media personnel

(b) EC-Meeting:

In the EC meeting, the following categories of members can attend and participate in discussion, but only the EC members have the right to vote.

- i) Cabinet Officers
- ii) Executive Committee members (EC)
- iii) Advisory Council members (AC)
- iv) Board of Trustee members (BOT)
- v) Associate members
- vi) Standing Committee members, and
- vii) Media personnel

(c) Exclusive EC-Meeting:

In special circumstances, the President can call an Exclusive EC meeting, where the attendees are:

- i) Cabinet Officers
- ii) Executive Committee members (EC)

(d) Full EC

Full EC means the total number of EC members in BUFLA at any particular time. EC members in an EC meeting means the total number of EC members who are physically present in a particular EC meeting.

(e) Voting of absent EC members:

In an EC meeting or GA meeting, if some EC members are absent whose votes are needed to make a decision on a Motion, then they can be contacted from the meeting or after the meeting to collect their votes in order to make the decision. The absent EC members will be contacted in alphabetical order of the name of their organizations, until a decision can be made.

## **6: Advisory Council**

- a) The AC Chair has the right to vote in everything except in Cabinet election.
- b) The AC Chair will be elected by the EC for 3 years term, and are not renewable for consecutive terms. The Vice Chair will be elected by the AC.
- c) The AC Chair should attend at least two EC/GA meeting, organize the Advisory Council, hold the AC meetings at least twice a year, and advise BUFLA team on various important matters accordingly.

d) AC members have no term limit.

### **7: Cabinet-Plus:**

The Cabinet officers may invite some of the EC/AC/BOT members to their periodic Cabinet-Plus meetings and other activities, who can help the Cabinet members in their various activities. The Ex-Presidents of BUFLA will get the first preference to be included in the Cabinet-Plus team, but not mandatory.

### **8: BUFLA President's State of the Federation Address:**

**State of the Federation Address** by the President will take place during the term of the cabinet in the first GA meeting of BUFLA following the inauguration.

### **9: Standing Committees**

- a) The President is the Chief Coordinator and the Vice president is the Deputy Chief Coordinator for all the Standing Committees. The President and the Vice President will not hold any Coordinator position for any specific Standing Committee. The remaining 5 BUFLA Cabinet Officers will hold the Coordinator positions for the following 5 Standing Committees: Parade, Dignitaries, Fundraising, Cultural and Souvenir. All other Standing Committees will have Coordinators from the Cabinet or from outside of the Cabinet.
- b) All Standing committees should hold meetings periodically.
- c) The EC members and any Individuals interested to be in a Standing committee must be physically present in the EC meeting, and sign a Standing Committee Assignment Acceptance Form defined by EC.

### **10: BUFLA Programs:**

- a) Bangladesh Day Parade
- b) Local Charity: Examples: (i) Health-Clinic and Health-Fair, (ii) Job Fair (iii) Any other local charity programs as approved by EC.
- c) International Charity: (i) Blanket distribution in Bangladesh, (ii) Other countries, (iii) Any other International charity programs as approved by EC.
- d) Any other types of BUFLA Programs as approved by EC

### **11. BUFLA Charity**

- a) BUFLA Charity activities will be coordinated by a BUFLA Charity Committee.
- b) The BUFLA Charity Committee members will be selected by the EC, where Ex-Presidents will get first priority.

- c) BUFLA Charity Committee will maintain a separate Bank Account. This Bank Account will be maintained by three members of this Charity committee, who must be the Ex-Presidents of BUFLA, and they will be selected by the EC.
- d) All Charity plans must be pre-approved by the President in writing. The President will keep the EC informed about the Charity activities.

## **12. BUFLA Audit and Tax Returns**

- a) BUFLA will maintain an Audit and Tax Returns Committee as a Standing Committee. The members of this committee will be selected by the EC. There will be 3 members in this committee, one from EC, one from AC, and one from BOT.
- b) The Audit and Tax Returns committee will perform the following tasks: (i) Audit the finances of BUFLA from the Cabinet several times a year, (ii) Collect all the financial documents from the Cabinet right after the Parade for Tax Return purposes, (iii) Identify a professional CPA and make arrangements to submit the Tax Returns on time. (iv) Give an annual written Audit report to the President and the EC, (v) Give a written annual confirmation report to the President and the EC that the Tax Returns have been filed on time, (vi) Work with the Website Maintenance Committee to post the detail financial report and copies of the Tax Returns onto the BUFLA Website.

## **13: Emergency EC meeting or GA Meeting:**

- a) In an emergency situation, 40% of the full EC can request the President in writing to call an Emergency EC meeting or GA meeting. If the President declines, then the Vice President can be requested to call that meeting. If the Vice President also declines, then the General Secretary can be requested to send out that meeting notice. If the General Secretary also declines, then 40% of the full EC can select an EC member to call that emergency meeting.
- b) Emergency EC Meeting or GA meeting can be called with a 24 hours notice by email or other appropriate means.

## **14: Disciplinary Action:**

- a) For any violation by any Cabinet member or BUFLA team member, efforts will be undertaken by the Cabinet, in consultation with the Cabinet-Plus team members, to resolve the matter confidentially. If that effort fails, then the President will issue 30 days Explanation Notice, inform the EC and refer the case to EC for decision.
- b) For any significant violations by some or all of the cabinet members, leading to a crisis situation, efforts will be undertaken by the Cabinet-Plus team members to resolve the crisis. If that effort fails, then an emergency EC meeting can be called, by following the proper procedure, to take appropriate actions.

- c) For any significant violence or disruption in a BUFLA meeting or event, the President or the Presiding officer will do the following: (i) Ask the person to leave the meeting or event immediately, (ii) Issue 30 days Explanation Notice within 24 hours, and (iii) Refer the case to the EC for further actions.
- d) A simple majority of the full EC is required to suspend someone for up to 3 months. A two-thirds majority of the full EC is required for the following actions: (i) Suspend for more than 3 months, (ii) Expel (iii) Impeach, and (iv) Dissolve the Cabinet.
- e) During the Explanation Notice process period, the person on notice cannot participate in BUFLA meetings, events and activities, until the EC has a chance to make a decision.
- f) For any suspended person, the following procedure will be followed: (i) At the beginning of the suspension period, the President will inform the person in writing about the suspension in details, right after the EC decision. After the suspension period ends, the Cabinet will review the activities of the suspended person during the suspension period. At that point (ii-a) if it looks ok for the person to come back to BUFLA, then the President will write a letter of invitation to the person to come back to BUFLA. (ii-b) However, if the Cabinet has any concern about the return of this person, then the Cabinet will refer the case to the EC for review and decision by simple majority of the full EC. The President will then write a letter to the person as per the decision of the EC.
- g) For someone receiving Explanation Notice twice or more, or for any other violations and circumstances that are not clearly stated in the BUFLA Constitution or in any of the Amendments, the President will issue an Explanation Notice immediately with a decision of the Cabinet and in consultation with the Cabinet-Plus. The President will keep the EC informed about the Explanation Notice. The penalty for such cases will be higher as decided by the EC.

### **15: Constitutional Amendment Process**

- a) 25% of the full EC is required to request the President to activate the Standing Committee for the Constitutional Amendment.
- b) This Amendment Committee consists of 7 members, and is recommended as follows: 5 EC members, 1 BOT member and 1 AC member. The Cabinet will present their recommendation of 7 members to the EC for approval.

### **16: BUFLA Co-Sponsorship with other Federations or Non-Bangladeshi Organizations:**

For any request for BUFLA co-sponsorship or participation with any other Federations or Non-Bangladeshi Organizations, the President will notify the EC about 30 days in advance for review and discussion. Two-third majority of EC is required for approval in an EC meeting.

## **17: BUFLA Awards:**

The nominations for BUFLA awards can be submitted to the President and GS by any of the BUFLA GA team members at least 30 days before the Parade.

The winners of all categories of Awards will be selected by a Standing Committee, which consists of the following: Cabinet, AC Chair, BOT Chair and 4 EC members.

The Awards categories are as follows:

- a) BUFLA Podok (BUFLA Distinguished Award) for personalities of distinguished and outstanding accomplishments.
- b) BUFLA Award for Outstanding community service & professional service
- c) BUFLA Award for Distinguished Friend of Bangladesh community (for Dignitaries)
- d) BUFLA Youth Award for outstanding academic achievement and talent.

## **18: PROVISIONS:**

- a) **Provision-I:** BUFLA recognizes Dr. Mahbub Khan as the Founder of BUFLA, for introducing the concept of the Unity Federation, and for working hard with the team members very diligently over several years to establish BUFLA. He can attend the BUFLA meetings and events, can participate in discussion, and can serve in Standing Committees.
- b) **Provision-II:** The BUFLA Anthem, which starts as “Tomar Moter Shathe Amar Moter Be-Meel Thakte Parey....” is the official Anthem of Bangladesh Unity Federation of Los Angeles, BUFLA.
- c) **Provision-III:** The BUFLA Logo, which includes “the flags of USA and Bangladesh, and the National flower of Bangladesh, Shapla” is the official Logo of Bangladesh Unity Federation of Los Angeles, BUFLA.
- d) **Provision-IV:** The BUFLA Flag, which includes the BUFLA Logo on a purple background” is the official Flag of Bangladesh Unity Federation of Los Angeles, BUFLA.
- e) **Provision-V:** The annual Souvenir of BUFLA during the Bangladesh Day Parade is named as Aparajeyo.

## **19: Transfer of BUFLA Records and Properties:**

Outgoing officers of BUFLA must hand over all assets, records, Bank Account transfer, Keys for permanent PO Box in LA, Cabinet Position-Specific Binders with hard copies and soft copies in flash drives or other means for all relevant documents, mailing lists and labels of organizations & individuals, email addresses, List of Donors, list of Patrons, List of booth vendors and other vendors, List of Souvenir Advertise contacts, List of Dignitaries invited with sample invitation letters, all different types of Forms including the membership forms, donation forms, sponsorship forms etc, seals, stamps, banners, copies of Flyers of all events, and any other items belonging or relating to BUFLA in their possession to the newly elected officers of respective positions. This transfer must take place within 30 days after the BUFLA-Cabinet election, at a joint meeting between the outgoing cabinet and the incoming cabinet, or at an EC meeting, regardless of the Inauguration ceremony date. Non-compliance may be a cause for disciplinary action.

**20: Parade Participants:**

The following entities can participate in the Bangladesh Day Parade.

- (i) EC Member Organizations and Associate member organizations
- (ii) All Bangladeshi Organizations can participate with their banners.
- (iii) All Bangladesh community members as individuals and as groups can participate.
- (iv) All other ethnic group Organizations and individuals can participate.
- (v) Media personnel
- (vi) Dignitaries and special guests.

**21: BUFLA Election Procedure:**

Election Procedure is annexed as “Annexure A”, which may be changed from time to time by the EC with a simple majority vote in an EC meeting, depending on the need. This document will have legal force as bylaws and will be obligatory on the part of the BOT/Election Commission to follow.

**22: Language and Text:**

In case of any conflict among the Constitution, the First Amendment, and the Second Amendment, in terms of language or text, the Second Amendment will be considered as the guiding document followed by the First Amendment and then the Constitution.

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**Annexure A**  
**(Re: Item – 21)**

**Election Procedure**

- 1) Election will be conducted by the BOT, acting as the Election Commission. The BOT Chair will act as the Chief Election Commissioner.

- 2) Election will take place biennially by May 31. In case of special circumstances, the election date can be extended by up to a maximum of another 4 weeks.
- 3) Final list of voting organizations, as approved by EC, along with the names of 4 representatives of all the EC organizations, along with the lead representative voter and contact information, shall be given by the BUFLA Cabinet to the Election Commission within 30 days after the parade of the respective year.
- 4) Voter list approved by the EC and sent by the Cabinet to the Election Commission is final. Election Commission has nothing to do about the list of voters supplied by the Cabinet. Election Commission will not entertain any complaints or any dispute about voter list. For any questions or disputes about the membership status, Election Commission will refer that to the Cabinet for proper action.
- 5) Any of the 4 representatives of the individual organizations can be a candidate.
- 6) (a) One Organization one Candidate, (b) One organization one vote, and (c) One person one vote.
- 7) To fill out the Nomination Form is mandatory. The election commission will supply the printed Nomination Forms to the candidates. All candidates must fill out those Nomination Forms and submit those to the Election Commission on time.
- 8) In addition to the Nomination form, all Cabinet candidates will make time commitment and service commitment statements by signing a “Candidate's Promissory Note”, and submit it to the Election Commission along with the Nomination Form.
- 9) Nomination of each candidate must be proposed by one of the 4 representatives of the respective organization and seconded by another representative. Otherwise the nomination form will not be valid.
- 10) EC can set a nomination fee for the candidacy. Candidates will submit the nomination form to the Election Commission along with check or money order payable to BUFLA.
- 11) Election Commission will publish the names of candidates for the posts, deadline of submission and withdrawal of nomination paper and eventually circulate the final list of candidates to the EC supplied by the Cabinet.
- 12) The Cabinet, in consultation with the Election Commission, will call a special GA meeting with only one agenda item as Candidates’ Forum, for mission statements by the candidates, debates among the candidates, and Q-&-A session. This special GA meeting will take place after the announcement of final list of candidates by the Election Commission, but before the election.

- 13) After the announcement of the final list of candidates, the Election Commission can declare the uncontested candidates as elected.
- 14) Ballot paper should be published by the last name of candidates alphabetically to each position in rows, not by columns.
- 15) Election will be done by in person vote only. In case of any emergency, if the lead person cannot come to cast the vote, then he/she must inform the Chief Election Commissioner via email or in person and authorize his alternative, by a written letter, at least 24 hours in advance.
- 16) Ballot papers must be printed with the BUFLA name and the BUFLA Logo.
- 17) Vote counting will be done at the polling station, in presence of all the voters.
- 18) In case of tie for the same position, there will be lottery.
- 19) Election results will be announced at the polling station immediately after the vote counting.
- 20) Election Commission will publish the official results of the election by e-mail and other media channels and electronic means, within 3 days of completion of the election.
- 21) Election Commission will submit the election related expense report to the Finance Secretary for reimbursement after the election. The Election Commission can also submit an estimated expense to the Finance Secretary before the election, and the Cabinet can review and approve the appropriate amount to be disbursed by the Finance Secretary to Election Commission, before the election.
- 22) Election commission must preserve the cast-and-counted ballots for 30 days from the day of the election, in case a recounting becomes necessary. After that time, no candidate can request for re-counting of the ballots.
- 23) Any remaining important items of election process can be decided by the EC.

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The endorsement of at least 25% of EC member organizations are required before the Amendment proposals can be presented to the GA meeting for review and approval.

**These Amendment proposals were endorsed by:**

- 1) Denny Tayyib, Bangladesh Women’s Organization of California (BWOC)
- 2) Nazrul Alam, Osmani Smriti Sangsad
- 3) Dr. Shah Alam, Jalshaghar Entertainment

- 4) Major Hamid, Taranga of California
- 5) Shiper Chowdhury, Taranga of California
- 6) Dr. Hashem, Uttoron Los Angeles
- 7) Jashim Ashrafi Ahmed, Osmani Smriti Sangsad
- 8) Khandakar Alam, Dhaka University Alumni Association (DUAA)
- 9) Anis Rahman, Muslim Ummah of North America (MUNA)
- 10) Mohammad Ali Khan, Boishakhi Mela
- 11) Shafiul Alam, BabuFriends Club of California
- 12) Ilias Sikder, Greater Faridpur Association
- 13) Shadidul Islam, Dhaka Club
- 14) Mohammad Amzad Hossain, Manikgong Shahid Rafiq Samiti