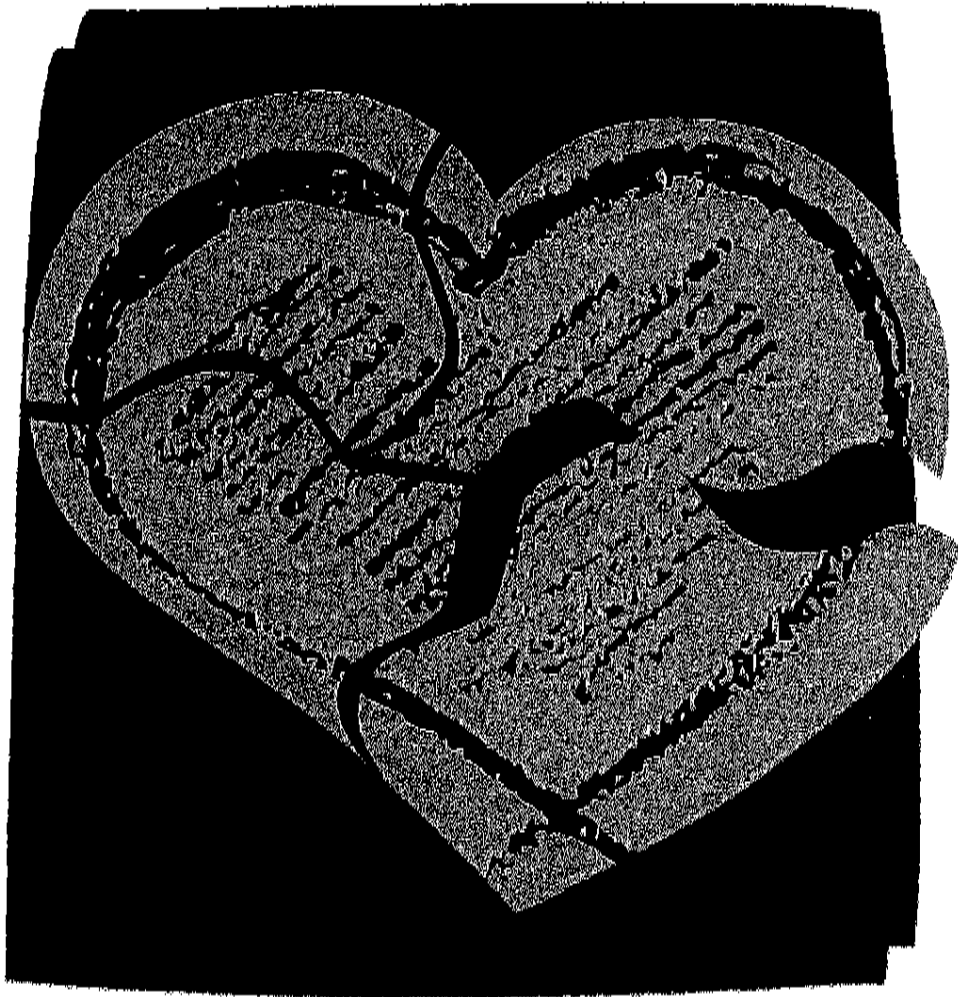


# CONSTITUTION

## RAPE CRISIS



HELDERBERG

*Putting back the pieces.*

## **Constitution**

### **1. Name**

The organisation will be called Rape Crisis Helderberg. Its shortened name will be RCH.

### **2. Our mission**

It is our mission to help survivors overcome their trauma through our ever caring counselling amongst all the people in the Helderberg basin and surroundings.

### **3. a. Our main objectives are:**

1. Rape Crisis Intervention
2. To provide short and long term counselling for survivors of rape and abuse.
3. Providing counselling for adult survivors of child sexual abuse.
4. Telephone counselling as well as group counselling
5. Working towards establishing a safe house.

### **b. RCH secondary objectives will be to:**

1. Awareness and education at schools, churches and community organisations.
2. Court preparation and assistance with restraining orders (interdicts).
3. Training of new volunteers.
4. HIV counselling (pre- and -post).
5. Termination of pregnancy counselling (pre- and -post).

## **4. Income and property**

4.1 RCH will write down and keep a record of everything it owns.

4.2 RCH may not give of its money or property to its members or office bearers. The only time it can do this is when it pays for work that a member or office bearer has done for the organisation. The payment must be a reasonable amount for the work that has been done.

4.3 A member of RCH can only get money back from the organisation for expenses that she or he has paid for on behalf of the organisation.

4.4 Members or office bearers of RCH do not have rights over things that belong to the organisation.

4.5 If RCH has funds that can be invested, the funds may only be invested with registered financial institutions. These institutions are explained in Section 1 of the Financial Institutions (Investment of Funds) Act, 1984. Or RCH can get securities that are listed on a licensed stock exchange as set out in the Stock Exchange Control Act, 1985. RCH can go to different banks to seek advice on the best way to look after their funds.

## 5. Membership

If a person wants to become a member of RCH, she or he will have to ask the organisation's management committee. The management committee has the right to say no.

Members of RCH must attend its annual general meetings. At the AGM:

- Members will elect the management committee for the next term of office. Those elected then become the organisation's office bearers.
- The financial statements and the chairperson's annual report will be discussed.
- The budget for the next year will be approved.

All members of RCH who are over eighteen (18) years of age will be allowed to vote at the annual general meeting.

RCH shall:

- 5.1 Exist in its own right, separately from its members.
- 5.2 RCH will still continue to exist even when its membership changes and there are different office bearers.
- 5.3 Be able to sign contracts and enter into other relationships. It can sue and be sued in its own name.
- 5.4 Be able to own property and other possessions.

## 6. Management

- 6.1 A management committee will manage the organisation. The management committee will be made up of not less than six members. They are the office bearers of RCH.
- 6.2 Office bearers will serve for one year. But they can stand for re-election for another term in the office after that. Depending on what kind of services they give to RCH, they can stand for re-election into office again and again. This is so long as their services are needed and they are ready to give their services.
- 6.3 If a member of the management committee does not attend three management committee meetings in a row, the management committee will find a new office bearer to take that person's place.
- 6.4 The management committee will meet at least once a month. More than a certain number of members need to be at the meeting to make decisions that are allowed to be carried forward. This number is called the "quorum" and the decisions that are made by a quorum are called quorate decisions. If the management committee is made up of six members, at least four management committee members have to be there for decisions they make to be allowed to be carried forward. If there are more than six members on the management committee, the majority of its members must be there to take quorate decisions.
- 6.5 Minutes will be taken at every meeting to record the management committee's decisions. The minutes of each meeting will be given to management committee members two weeks before the next meeting.
- 6.6 The management committee may take on the power and authority that it believes it needs to be able to achieve the objectives that are stated in point number 2 of

this constitution. For example, it needs the power and authority to raise funds. It needs to be able to invite and receive contributions. But in raising funds, it may not start doing any big ongoing trading activities that would change RCH from being non-profit in its work. Its activities must abide by the law. The management committee does, however, have the power to buy, hire or exchange for any property that it needs to achieve its objectives.

- 6.7 Members or office bearers do not become liable for any of the obligations and liabilities of RCH solely by virtue of their status as members or office-bearers of RCH.
- 6.8 Office-bearers are not personally liable for any loss suffered by any person as a result of an act or omission, which occurs in good faith while the office bearer is performing functions for or on behalf of RCH.

RCH has the right to form sub-committees. The decisions that sub-committees take must be given to the management committee. The management committee must decide whether to agree to them or not at its next meeting. This meeting should take place soon after the sub-committee's meeting. By agreeing to decisions the management committee ratifies them. All members of RCH have to abide by decisions that are taken by the management committee.

## **7. Finances.**

- 7.1 An accounting officer shall be appointed at the annual general meeting. His or her duty is to check on the finances of the RCH.
- 7.2 The treasurer's job is to control the finances of RCH, along with two other people from RCH. They have to arrange for all funds to be put into a bank account in the name of RCH.
- 7.3 Whenever funds are taken out of the bank account, the chairperson and at least two other members of the organisation must sign the withdrawal.
- 7.4 The financial year of RCH starts on:  
**Date: 1 Month: June Year: 2000, and ends on:  
Date: 31 Month: May Year: 2001**

RCH's accounting records and reports must be ready and handed to the Director of Non-profit Organisations within six months after the end of the financial year.

## **8. Changes to the constitution**

- 8.1 The constitution can be changed by a resolution. The resolution has to be agreed upon and passed by not less than two thirds of the members who are at the meeting. Members must vote at an AGM, or at a specially called general meeting to do this.
- 8.2 The change in the constitution can only be accepted if at least 75% of the members at the meeting vote for change. Members who vote for change must be people who have been active in the life of RCH.
- 8.3 A written notice must go out not less than twenty-eight (28) days before the meeting at which changes to the constitution are going to be proposed. The notice must say that proposed changes to the constitution will be discussed at the meeting.

## 9. Closing down the organisation

When RCH closes down it has to pay off all its debts. After doing this, if there is property or money left over it should not be paid or given to members of the organisation. It should be given in some way to another organisation that has the same or nearly the same objectives. RCH's general meeting can decide what organisation this should be. If it cannot reach a decision then the Department of Welfare's Directorate for Non-profit Organisations will decide.

## 10. Membership

- People who are over eighteen (18) years of age and who want to help the organisation achieve its objectives can join. If members have to pay membership fees, they should be allowed to pay once a year to keep their membership up.
- RCH can decide whether to allow other organisations or institutions that are interested in helping achieve its objectives to become members. RCH decides whether outside organisations or institutions have to pay membership fees.
- Every member has one vote.
- Each member organisation must appoint someone to represent it. That person will vote on its behalf at meetings of the organisation. It may send someone else, called an alternate, to replace its appointed representative at any meeting if the appointed representative cannot attend.
- Each member organisation must tell the organisation's secretary who its representative and alternative will be. If the representative or alternative resigns from or leaves the member organisation, he or she cannot carry on as the member organisation's representative.

## 11. Ending membership

- If a member has not been active in the organisation for six months, or for three meetings in a row without giving a good reason, the organisation can end that person's membership.
- If the management committee has a good reason to do so, and if all of the management committee members agree, it can end any individual or member organisation's membership. But the individual, or the appointed representative of the member organisation, has the right to be heard by the committee. When the hearing takes place, the person or member organisation's representative can bring an outside person along if she or he wants to. The hearing must take place before the organisation makes a final decision.
- A member may tell the management committee if she or he wants to resign. But she or he can only do this if there will still be at least three members of the management committee left behind once the member has left.

- A member may resign if she or he can no longer carry on serving properly because of having mental disorder, illness or if, by being active in the organisation, she or he can no longer properly run her or his own affairs at home or work.

## **12. Office bearers**

The office bearers of the organisation shall include:

Chairperson

Vice-chairperson

Treasurer

Secretary

Assistant-secretary

All office bearers shall be elected at an annual general meeting of the organisation. They shall hold office until the next annual general meeting. At it they can stand for re-election.

## **13. Duties of office bearers**

### **a. Chairperson**

The chairperson, as leader of the organisation, chairs all the organisation's meetings that she or he attends. She or he must:

- See that members stick to the rules and guidelines that are in their constitution.
- Chair meetings in such a way as to keep good order.
- Sign minutes of meetings after members have agreed that the minutes are accurate.
- Check that accounts show correct spending of RCH's money, and agree to the accounts being paid.
- Sign cheques on RCH's banking account or accounts.
- Sign all funding agreements.
- Generally supervise and keep a check on the organisation's affairs.
- Do other duties that the organisation expects of its chairperson.
- Make sure that all officials and committees complete what tasks they have agreed to, and within the time that was agreed to.
- Make sure that meetings take place regularly, as set down in the constitution.
- Use his or her power to ask other officials and members of the organisation and its committees to do certain duties and tasks if needs be.
- Work in a team spirit with other members of the organisation.
- Serve as an ex-officio on all sub-committees. Being ex-officio means he or she can attend all of the organisation's meetings and take part in the discussions. But when it comes to voting on issues in the sub-committees, she or he may not vote.
- Run the annual general meeting.
- See that the annual report is written.

### **b. Vice-chairperson**

The vice-chairperson takes over the chairperson's tasks and duties when she or he is not there. The vice-chairperson should keep in close contact with the chairperson. The vice-chairperson must:

- Take on duties and functions that have been passed on to him or her.
- Serve as ex-officio on all sub-committees.

If both the chairperson and the vice-chairperson do not attend a meeting, then RCH's members must elect a chairperson from amongst themselves for that meeting.

**c. Treasurer**

The treasurer keeps a record of all the money that comes into RCH. This includes, for example, membership fees, donations and money raised from fundraising. The treasurer also keeps a record of all the money that is spent by RCH. The treasurer must:

- Keep proper records of what RCH receives, and of what it spends.
- Keep a proper list of the names of members and donors.
- Write out, sign, keep a copy of, and give receipts for all money that the organisation receives.
- Pay RCH's accounts.
- Be responsible for collecting the membership fees from all members.
- Make sure that the organisation does not spend more money than it has.
- Prepare RCH's annual financial statements to present to the annual general meeting.

**d. Secretary**

The secretary is responsible for making sure that RCH's administration runs smoothly. She or he must work closely with the chairperson and the vice-chairperson. The secretary must:

- Keep proper records and minutes of all meetings.
- Deal with letters and other correspondence that RCH receive and sends.
- Prepare and send out notices or all meetings of RCH.
- Do other duties that she or he may be asked to do from time to time.
- Prepare the venue for meetings.

**e. Vice-secretary**

Will be in charge of doing the secretary's duties when she or he is not available.

**14. Meetings and procedures of the committee**

15.1 The management committee must hold at least two ordinary meetings each year.

15.2 The chairperson, or two members of the committee, can call a special meeting if they want to. But they must let the other management committee members know the date of the proposed meeting not later than 21 days before it is due to take place. They must also tell the other members of the committee what issues will be discussed at the meeting. If, however, one of the matters to be discussed is appointing a new

management committee member, then those calling the meeting must give the other committee members not less than 30 days notice.

- 15.3 The chairperson shall act as the chairperson of the management committee. If the chairperson does not attend a meeting, then members of the committee who are there choose which one of them will chair that meeting. This must be done before the meeting starts.
- 15.4 There shall be a quorum whenever such a meeting is held.
- 15.5 When necessary, the management committee will vote on issues. If the votes are equal on an issue, then the chairperson has either a second or a deciding vote.
- 15.6 Minutes of all meetings must be kept safely and always be on hand for members to consult.
- 15.7 If the management committee thinks it is necessary, then it can decide to set up one or more sub-committees. It may decide to do this to get some work done quickly. Or it may want a sub-committee to do an inquiry, for example. There must be at least three people on a sub-committee. The sub-committee must report back to the management committee on its activities. It should do this regularly.

**16 Annual general meetings.**

The AGM must be held once every year, towards the end of RCH's financial year. RCH should deal with the following business, amongst other, at its annual general meeting:

- 16.1 Agree to the items to be discussed on the agenda.
- 16.2 Write down who is there and who has sent apologies because they cannot come.
- 16.3 Read and confirm the previous meeting's minutes with matters arising.
- 16.4 Chairperson's report.
- 16.5 Treasurer's report.
- 16.6 Changes to the constitution that members may want to make.
- 16.7 Elect new office bearers.
- 16.8 General.
- 16.9 Close the meeting.

**17 Adoption of constitution**

This constitution was adopted on:

Date 24<sup>th</sup> Month March  
Year 2001.

by the people who have signed at the bottom of this document.

Signed by  
Full name Reinette Evans.

Title Chairperson

Signature Reinette Evans



Full name Catharina Wilhelmina v.d. Hever

Title Vice - chair

Signature *C.v.d. Hever*

Full name Geertwob du Heer

Title Secretary

Signature *Geertwob*