



CONSTITUTION

OF

MODIMOLLE CHRISTIAN ACADEMY

**"Come to me children,
let me teach you the fear of the Lord."**

Psalm 43:11

INTRODUCTION

The MODIMOLLE CHRISTIAN ACADEMY was established in 2015 by Pastor J.A. Viljoen BA.BD.(Pta) and Me L. Viljoen B.Ed.(Pta) for the purpose of excellent foundational education of the youth in the Waterberg community, ensuring that Christian principles are taught, understood and practiced, trusting that they will have a love for God and a love for learning.

VISION

The vision of MODIMOLLE CHRISTIAN ACADEMY is to equip every child in spirit, soul, body, relationship and finances, by training and educating them to develop their leadership with a strong Christian character.

MISSION

Laying foundations – empowering nations.

The MODIMOLLE CHRISTIAN ACADEMY has a mission to develop GOD-fearing, responsible and loyal leaders for the next generation, by laying a proper foundation through Christian based education to impact the nations with the order of the kingdom of God.

PURPOSE AND OBJECTIVES

MODIMOLLE CHRISTIAN ACADEMY serves as a Christian School:

To assist parents to train up their children in obedience to the Commandments of GOD, according to the scriptures in the Word of GOD;

To endeavour to equip each child with sound Biblically based educational and life skills, as well as Godly wisdom, insight and character in order to become stable and productive leaders in society, effectively representing the kingdom of God;

To assist parents in defining each child's purpose and destiny in Jesus Christ based on the belief that every child has a unique calling and gifting;

To help children to reach their full potential;

To protect and promote the interest, well-being and safety of every child;

To enable the children to develop their educational career in a Christian environment;

To ensure good physical health and development of many interests and skills of various kinds by means of experiential learning;

To operate on a non-profit basis.

1. DEFINITIONS

For the purpose of this Constitution, the following words, unless the context clearly indicates or it is clearly stated otherwise, shall mean:

1.1. The School - shall mean the MODIMOLLE CHRISTIAN ACADEMY, to be governed in accordance with this Constitution and the Statement of Faith. The name can also be MODICADEMY for short.

1.2. Managing Board – shall mean the members and personnel of the school who were nominated and democratically elected into office for the purpose of forming the Board, which consists of at least three (3) members. The School Principal will be one of the Members Ex Officio.

- 1.3. The Board** - shall mean any persons who were nominated and democratically elected into office for the purpose of forming the Managing Board, which consists of at least three (3) members.
- 1.4. Principal** – shall mean A Suitably Professionally Qualified Teacher, appointed by the Board as staff member, to head the scholastic and educational activities at the School.
- 1.5. Administrator** – shall mean a Suitably Qualified Person, appointed by the Board to head and perform the administrative functions of the school.
- 1.6. Teacher** – shall mean a suitably qualified person appointed by the Board, as staff member, to perform the functions of an educator in the school.
- 1.7. Student** - shall mean A Child, enrolled in the School between the ages of 6 and when finishing school.
- 1.8. Parent** – Shall mean The Parent, Adoptive Parent or Legal Guardian, of a child enrolled and attending the school.
- 1.9. Community member** – shall mean Any Natural Person living in the community, who is not a parent, but is involved with the school in any way.
- 1.10. Financial contributor** – shall mean Any Person, except a parent who contributes towards the care of his/her own child, who makes financial contributions to the school on a regular basis.
- 1.11. Board member** – Shall mean any person involved with the school, who was nominated by any member, committee member, parent or any other person involved with the school and democratically elected into office during any election.

1.12. Candidate - shall mean any person who was nominated by any person in a position to do so in terms of this constitution as a candidate in any election for any position on the board or any other committee.

1.13. Statement of Faith – shall mean a document containing the code of faith, which must be subscribed to and upheld by every member of the Board, the staff employed by the school and the parents with children attending the school. Statement of Faith attached in this document.

2. NAME AND AREA OF OPERATION

2.1. The School is known as MODIMOLLE CHRISTIAN ACADEMY and is shortened as MODICADEMY. The official street address of the school is:
10 Magazyn Street, Modimolle, 0510.

2.2. The official postal address of the School is:
P.O. Box 20, Modimolle, 0510.

2.3. The School will operate in any area in South Africa or abroad.

2.4. The School allows children from six (6) years of age to school leaving age.

2.5. As a Non-Profitable Organisation the School functions as a separate legal entity, which is represented by the Board and the Principal.

2.5.1. The School shall:

- a. Exist in its own right separate from its members;
- b. Continue to exist during and after changes in Board membership, committees and/or office bearers of committees;
- c. Be able to own property and other possessions;
- d. Be able to sue and be sued in its' own name.

3. LIABILITY OF BOARD MEMBERS

No member of the Board shall personally, individually or collectively be held liable for any debt, damages or loss of any nature whatsoever of the School, unless the circumstances leading to the debt, damages or loss was due the actions of the member, in contravention of the terms and conditions of this constitution or any decision of the Board, or employment or any other contract, which were not duly authorised in writing by the Principal.

4. COMPOSITION AND SCOPE OF THE BOARD

4.1. The Board consists of minimum three (3) members or personnel of the school who were nominated by the members of the school and democratically elected into office for the purpose of forming the Board and each position in office carries the following powers and responsibilities:

4.1.1. The Chairperson

- a. Calls all meetings together with the secretary;
- b. Chair all meetings of the management board;
- c. Updates the Board together with the principal on the activities of the MODIMOLLE CHRISTIAN ACADEMY from time to time;
- d. Do annual reports and report to members as well as the Board.

4.1.2. The Secretary

- a. Taking down of all minutes at all meetings of the Board;
- b. Enacts with all members of the Board concerning any reports or feedback;
- c. Handles all necessary administrative tasks for the Board;
- d. Write/type the reports & documents needed for Board meetings etc;
- e. Together with chairperson calls meetings of the Board and send out invitations;

- f. Keep record of office related matters and documents.

4.1.3. The Treasurer

- a. Keep record of all transactions, money, withdrawals and donations concerning the School.
- b. Prepare and submit financial statements to Chairperson and the Board on a monthly basis.
- c. Prepare quarterly and annual financial reports to be submitted at quarterly and annual meetings.
- d. Prepare and submit all necessary documents to the chosen auditors for audit purposes at regular intervals.
- e. Open and maintain the bank account of the School and ensure the account is not in one member's name.
- f. Act as signatory together with the principal.
- g. Participate in fund-raising campaigns of the School and ensure funds collected are safeguard and deposited into the bank account.
- h. Managing the day to day finances of the School.
- i. The appointed school principal shall always be an appointed member of the Board and need not be elected into office. In the absence of the chairperson the Principal will fulfil all duties of the chairperson as described above.

5. ELECTING OF MANAGEMENT BOARD MEMBERS

All members of the Board must be nominated by the invited members to the annual general meeting and must be democratically elected into office, except for the school principal, who will automatically retain the position of office for as long as he/she is employed in the position by the school.

5.1. Nominating of Candidates

- 5.1.1.** Any member of the Management Committee, Community, school personnel, any Parent of a child attending the school and Financial

Contributor, may be nominated as a candidate for election for any position on the Board, except for the position of School Principal by:

- 5.1.2. Any member of the Board, Community, school personnel, any Parent of a child attending the school and Financial Contributor.
- 5.1.3. A petition signed by not less than fifty one percent (51%) of all persons directly or indirectly involved with any and all activities of the School.

5.2. Electing of Management Board Members

5.2.1. Board members shall be elected into office by all persons present at the meeting, in a Democratic style on an Annual General Meeting (AGM), by means of a secret ballot, which will be counted by the Election Officer, and the results of the election be made publically known before the end of the meeting.

5.2.2. In elections of members to fill positions on the management committee during an AGM, any person entitled to vote is entitled to:

- 5.2.2.1. Vote by secret ballot;
- 5.2.2.2. Vote during the meeting at the designated time;
- 5.2.2.3. Cast one vote per member to be elected;
- 5.2.2.4. Cast one vote in favour of any candidate.

5.2.3. Elections for management committee members shall be held not later than thirty six (36) months after each preceding election.

6. TERMS OF OFFICE OF MANAGEMENT BOARD MEMBERS

6.1. Management Board members shall remain in office for a period of thirty six (36) months after the election which put them in office.

- 6.2.** Management Board Members may be elected into office again for consecutive periods of thirty six (36) months.
- 6.3.** The school principal shall remain in position on the Management Board for the indefinite period of appointment in the position and will not be eligible for any other position on the committee.
- 6.3.1.** Vacancies occurring in the position of school principal shall be filled by means of interviewing and appointing of a suitably qualified candidate by the management board.
- 6.4.** Any Management Board Member shall vacate his/her office as board member immediately after the member:
- 6.4.1.** Was suspended from the Management Board for any reason whatsoever;
- 6.4.2.** Was found guilty in any disciplinary/criminal/civil proceedings of any serious misconduct, criminal or civil behaviour involving any form of dishonesty or gross children's rights violations.
- 6.4.3.** Received notice of a petition, signed by at least the majority of people involved with the School, and who would be eligible to cast a vote on any AGM and/or any other general meeting, demanding his/her vacating of office. Except the office of the Principal, who may only be removed through the process of dismissal prescribed in Schedule 8 of the Labour Relations Act.
- 6.4.4.** Was notified of the results of an election during an AGM during which the member was replaced in office by another person, after democratic election. Except the office of the Principal, who may only be removed through the process of dismissal prescribed in Schedule 8 of the Labour Relations Act.

7. CIRCUMSTANCES IN WHICH MANAGEMENT BOARD MEMBERS MAY BE REMOVED FROM OFFICE

7.1. Management Board members may be removed from office in the following circumstances:-

7.1.1. Any of the circumstances contemplated in paragraph 6.4 above;

7.1.2. When the Management Board Member contravened any stipulation in the constitution;

7.1.3. When the board member is found guilty of a breach of confidentiality;

7.1.4. When a board member is, or becomes unfit, or disqualified for membership to the management board.

7.1.5. When a management board member failed or refused to attend three consecutive Management Board meetings of any kind, without having submitted the reason for absence, and failed or refused to apply in writing, for leave of such absence to and was granted by the Chairperson in writing before the board meeting.

8. MANNER IN WHICH MANAGEMENT BOARD MEMBERS MAY BE REMOVED FROM OFFICE

8.1. **In the event of serious misconduct or criminal or civil behaviour involving any form of dishonesty or gross children's rights violations.**

8.1.1. The secretary of the management board shall give the board member written notice to attend a formal Enquiry/Hearing .

8.1.2. The Chairperson of the Management Board shall act as chairperson during the hearing or appoint any legal practitioner or any other qualified person approved by the Board to act as chairperson in the hearing.

8.1.3. The tribunal shall be conducted in a fair manner and the ***Audi Alterem Partem*** principle shall be observed at all times.

8.1.4. In the event of the Board member being found guilty of the alleged misconduct, the chairperson of the hearing may impose a sanction of suspension, expulsion or summary vacating of office.

8.1.5. The accused will have the right to apply for leave to appeal against any finding and or sanction to the chairperson of the Board, or in the event where the Chairperson of the Board was the chairperson during the hearing, to the chairperson of the Board in writing, stating all grounds for appeal, within seven days of the hearing. The Decision of the chairperson will be final.

8.2. Representation of members notified to attend a Formal Enquiry/Hearing

8.2.1. Any member who was notified to attend any Enquiry/Hearing may be represented only by:

8.2.1.1. Any member of the Management Board;

8.2.1.2. Any legal practitioner.

8.3. In the event of less serious misconduct

8.3.1. The secretary of the management board may give notice to a board member to explain his/her conduct in writing, and may after receipt of the explanation issue a warning in writing to the board member.

8.3.2. In the event of a board member repeatedly misconducting him-/herself, the procedure as contemplated in 8.1. above shall be followed.

8.4. No Management Board Member shall be suspended, expelled, or vacated from office for any reason, unless he/she has been afforded an opportunity to state his/her case personally during formal enquiry/hearing of which he/she has received notice of not less than three (3) days in writing from the secretary. The matter with which the member is charged shall be set out in such notice.

9. DISQUALIFICATION OF MEMBERS OF THE BOARD

9.1. A person shall not be fit, or cease to be fit for membership to the management board if:

9.1.1. The person demonstrates questionable or criminal character and/or behaviour;

9.1.2. The person is convicted in any Court of Law of any criminal offence and sentenced to imprisonment without the option of a fine;

9.1.3. The person is or was convicted in any Court of Law of any criminal offence whether imprisonment or the option to pay a fine involving dishonesty, any sexual offence or any offence/s involving violating any children's rights or any other offences committed against children.

9.1.4. The person is or has been in the past declared insane or is or has been in the past diagnosed as suffering from any form of mental illness which affects the person's ability to make logical decisions.

9.1.5. The person is declared insolvent, whether provisionally or finally;

9.1.6. The person does not or ceases to subscribe to the principles as set out in the statement of faith.

10. VACANCIES ON THE MANAGEMENT BOARD

10.1. In the event of vacancies occurring during the term of office, new members may be elected by applying the procedure as set out in Section 5 of this Constitution.

10.2. Except in the case of the school principal, in which case the procedure as set out in 6.3.1 shall be applied.

11. POWERS, DUTIES AND FUNCTIONS OF THE MANAGEMENT BOARD AND MEMBERS.

11.1. Management Board

11.1.1. To be the official voice of the school, inclusive of the parent body;

11.1.2. To ensure adherence to the terms and conditions contained in the Constitution, by the board members, the school and everyone concerned with the administration and running of the school.

11.1.3. To recommend, interview and appoint personnel for the school;

11.1.4. To ensure that the school in its practice and belief stays true to the Vision, The Mission, The Purpose and Objectives and the Statement of Faith.

11.1.5. To appoint committees deemed necessary from time to time and co-opt any persons recommended by the Management Board, or School Personnel for specific purposes, and to review, approve, alter or disregard any such committee's recommendations or findings.

11.1.6. To sanction probation or permanent removal of any learner who violates the rules or demonstrate behaviour that calls for permanent expulsion;

11.1.7. To set school terms, hours and dress code of the school.

11.1.8. To take responsibility for the management and steering of the financial matters of the school, and for seeing to it that all necessary steps are taken to ensure that healthy financial practices and policies are maintained. In fulfilling this it will, in particular, have the following responsibilities:

11.1.8.1. To draft and submit an annual budget for the school as well as to ensure annual financial statements;

11.1.8.2. To review, recommend and submit the setting of school fees annually as and when deemed necessary;

11.1.8.3. To receive and promote donations, requests, gifts and fundraising activities for the school;

11.1.8.4. To ensure funds available for investing are only after approval of the board invested with registered financial institutions as defined in Section 1 (Investment of Funds) of the Financial Institutions Act, 1994 as amended.

11.1.9. In order to fulfil its duties and functions it is specifically recorded that the Management Board has the power to:

11.1.9.1. Purchase or acquire to use, in any way, land, buildings and any moveable and immoveable property;

11.1.9.2. Manage, insure, sell, lease, mortgage, dispose of, give in exchange, work, develop, build on, improve, turn to account or in any way otherwise deal with all or any part of its property or assets;

11.1.9.3. Borrow money on such legal terms as it may decide, but never to fund running expenses;

11.1.9.4. Secure the repayment of borrowed monies in any legal manner, including the mortgaging and/or pledging the property;

11.1.9.5. Lend money on legal terms to any person;

11.1.9.6. Invest money with registered financial institutions;

11.1.9.7. Open and operate bank accounts with registered banks;

11.1.9.8. Make, draw, issue, execute, accept, endorse and discount promissory notes, bills of exchange and any other kind of legally negotiable and transferable instrument;

11.1.9.9. Enter into indemnities, guarantees and surety ships or to secure payment in any legal way;

11.1.9.10. Make donations.

11.2. School Principal

11.2.1. To ensure that discipline is maintained in the school at all times;

11.2.2. To ensure all personnel and students adhere to all rules and regulations set by the management board to maintain good order;

11.2.3. To ensure that all personnel and students who are guilty of any behaviour or practice contrary to the school policies are disciplined and where necessary request the management board to sanction suspension or permanent removal.

11.2.4. To ensure that the school opens each morning with scripture reading and prayer;

11.2.5. To ensure that the school premises, buildings, facilities and equipment are properly maintained.

12. MEETINGS OF THE MANAGEMENT BOARD

12.1. All meetings will take place in accordance with accepted procedure of meetings, as amended from time to time and as modified or adapted by the board;

12.2. A quorum shall consist of the Chairperson, the Secretary, the Principal, the Treasurer and at least two (2) other members of the Management Board;

12.3. The chairperson shall have a second or veto vote in the event of a resolution being put to the vote and an equal number of votes for and against are being recorded;

12.4. The Management Board shall meet as often as possible as the need arises but at least:

12.4.1. Once every second month as indicated on the year calendar;

12.4.2. The principal shall attend all meetings of the management board and will in this represent the personnel of the school;

13. OTHER MEETINGS OF THE SCHOOL

13.1. Annual General Meeting

13.1.1. The Management Board will arrange an Annual General Meeting at the end of financial year end;

13.1.2. The Secretary will invite all Management Board Members, as well as all other persons who have an interest in the school in writing at least one month ahead of the scheduled meeting. The Secretary will also ensure everything reported on and discussed during the meeting is minuted;

13.1.3. The Treasurer will draft all necessary financial and other statements to be submitted to the Management Board before the meeting and reported on during the meeting;

13.1.4. The Chairperson will report back to everyone attending the meeting about everything which happened and what was achieved during the financial year.

13.2. School Staff Meetings

13.2.1. The principal will call and chair all staff meetings in the school, he/she will report back on matters discussed with the Management Board at least twice a month.

13.2.2. One of the staff members will act as secretary and minute all issues discussed and resolved during the meeting.

13.2.3. Staff will report on matters such as performance, discipline, needs, complaints etc.

13.3. Special or Urgent Meetings

13.3.1. Any member of the Management Board or the School Staff may arrange with the Chairperson or Secretary for a special or urgent meeting for any urgent or special matter to be discussed without delay.

14. FINANCIAL MATTERS

14.1. Banking

14.1.1. The Principal opened a bank account in the name of Modicademy at Capitec Bank: Account number 1442995872.

14.1.2. The account opened is a savings or current account, which offers the lowest monthly and transactional rates;

14.1.3. The signatories on the account shall always be the Principal, and the Treasurer of the Management Board.

14.2. Financial Year End Auditing

14.2.1. The financial year-end of the school is the last day (28/29) of February every year;

14.2.2. Proper records and books shall be kept truly and correctly reflecting the administration of the school by the Treasurer of the Management Board;

14.2.3. The Management Board shall ensure that an annual budget is compiled for the school and all variances against it monitored on a monthly basis is approved.

14.2.4. The Management Board shall ensure that a balance sheet of the assets and liabilities of the school as well as an income and distribution account

are prepared, approved and audited annually in respect of each financial year-end;

14.2.5. Financial statements shall be made available annually to all members of the Management Board as well as parents and other members of the school, if so requested.

14.3. Fundraising

14.3.1. Funds for the care of the children, improvements of buildings, field trips of the students and/or personnel etc., may be raised by:

- a. Annual/ monthly contributions by parents for attending the school;
- b. Requesting donations from various bodies and/or persons;
- c. Selling raffle and/or lucky draw tickets;
- d. Special fun days at the school or other venue etc.
- e. Any other creative way of raising funds in a legal way.

15. SCREENING, ENROLMENT AND PAYMENT POLICY

15.1. Financial screening of parents wishing to enrol their children in the school shall be carried out before acceptance;

15.2. All children shall have undergone all necessary immunizations and are free of communicable and contagious diseases;

15.3. Children must live within reasonable proximity of the school, for practical reasons;

15.4. All parents shall be required to attend a meeting with the school principal for orientation;

15.5. Annual School Fees shall be paid promptly within seven days of acceptance of a child, unless satisfactory monthly payments are agreed upon.

- 15.6.** In the event of a parent wishing to remove a child from the school the parent shall give the principal, after ensuring all payments are up to date, written notice of at least one calendar month of the intention to do so.
- 15.7.** The Management Board reserves the right to deny any child enrolment in the school for whatever reason provided the reason shall be conveyed to the parent/s of the child in writing, and the parent shall have the right to, within seven (7) days of receipt of such notice, appeal to the Managing Board.

16. AMENDMENT OF THE CONSTITUTION

- 16.1.** Amendments to the constitution shall only be made after a special meeting to amend the constitution was convened and voting on the changes was conducted.
- 16.2.** This meeting shall consist of all the members of the Management Board.
- 16.3.** Invitations for this meeting shall be sent by the Secretary of the Management Board at least fourteen (14) business days before the date set for the meeting, to all relevant members who shall attend the meeting. This invitation shall contain or have attached to it a notice indicating the proposed changes to the constitution.
- 16.4.** The meeting shall be chaired by the Chairperson of the Management Board or any board member appointed by the Chairperson.
- 16.5.** The constitution shall be amended by a resolution which shall be agreed upon and passed by no less than two thirds ($\frac{2}{3}$) of the members attending the meeting;
- 16.6.** To form a quorum at least the following members should be present:

- a. The Chairperson of the Management Board;
- b. The Principal;
- c. A minimum of one member of the Management Board.

17. DISSOLUTION OF THE SCHOOL.

17.1. The school may be dissolved for any reason by the Management Board by:

17.1.1. The Management Board convening a special meeting for this purpose;

17.1.2. Invitations sent to all members concerned, containing a notice, or have attached to it a notice setting out the reason for the meeting and the reason/s for winding up/dissolution at least fourteen (14) days before the date of the planned meeting;

17.1.3. At least two thirds ($\frac{2}{3}$) of the members attending the meeting vote in favour of the organisation be dissolved.

17.2. In the event of the school closing down the Management Board shall convene a meeting in which to decide on and ensure:

17.2.1. All outstanding debts of the organisation is paid up in full;

17.2.2. The auctioning and/or selling of all movable and immovable assets of the organisation;

17.2.3. No money is paid to any member for any reason whatsoever;

17.2.4. Donate all money and, if any furniture and other assets which were not sold at auction, to another Non-Profit Organisation with the same aim and objectives.

18. Statement of Faith:

Our constitution adopts the Evangelical Alliance Statement of Faith.

The one true God who lives eternally in three persons—the Father, the Son and the Holy Spirit.
The love, grace and sovereignty of God in creating, sustaining, ruling, redeeming and judging the world.
The divine inspiration and supreme authority of the Old and New Testament Scriptures, which are the written Word of God—fully trustworthy for faith and conduct.
The dignity of all people, made male and female in God's image to love, be holy and care for creation, yet corrupted by sin, which incurs divine wrath and judgement.
The incarnation of God's eternal Son, the Lord Jesus Christ—born of the virgin Mary; truly divine and truly human, yet without sin.
The atoning sacrifice of Christ on the cross: dying in our place, paying the price of sin and defeating evil, so reconciling us with God.
The bodily resurrection of Christ, the first fruits of our resurrection; His ascension to the Father, and his reign and mediation as the only Saviour of the world.
The justification of sinners solely by the grace of God through faith in Christ.
The ministry of God the Holy Spirit, who leads us to repentance, unites us with Christ through new birth, empowers our discipleship and enables our witness.
The Church, the body of Christ both local and universal, the priesthood of all believers—given life by the Spirit and endowed with the Spirit's gifts to worship God and proclaim the gospel, promoting justice and love.
The personal and visible return of Jesus Christ to fulfil the purposes of God, who will raise all people to judgement, bring eternal life to the redeemed and eternal condemnation to the lost, and establish a new heaven and new earth.

Adopted and signed on this _____ day of _____ 20__ at _____

CHAIRPERSON MANAGING BOARD

SECRETARY

FULL NAME IN PRINT

FULL NAME IN PRINT

PRINCIPAL

MEMBER

FULL NAME IN PRINT

FULL NAME IN PRINT