

Constitution

of the

Cape Home Educators

Approved by a General Meeting of the Association on 27 April 1996
Amended by a General Meeting of the Association on 16 Jan 1999
Amended by a General Meeting of the Association on 9 March 2002
Amended by a General Meeting of the Association on 19 April 2012
Amended by a General Meeting of the Association on 14 June 2013
Amended by a General Meeting of the Association on 17 April 2015
Amended by a General Meeting of the Association on 14 April 2018

ARTICLE 1: NAME OF THE ASSOCIATION

The name of the Association is the Cape Home Educators.

ARTICLE 2: OBJECTIVES

- 2.1 The Association shall endeavour to obtain the recognition of society and the protection of the law or the obligation and concomitant right of the parents to be able to educate their children themselves.
- 2.2 The Association recognizes that the State has a constitutional obligation towards the child to provide education , in cases where the parents are unable or unwilling to educate their children themselves.
- 2.3 The Association shall recognize that the parents have the right to delegate the task of education to persons of their own choice.
- 2.4 **The Association shall, insofar it is able to,**
 - 2.4.1 provide advice, guidance, assistance and support to existing and potential Home Schooling groups and/or families;
 - 2.4.2 Investigate and research Home Schooling developments both nationally and internationally.

ARTICLE 3: MEMBERS

3.1 Membership

The Executive Committee may award membership to any person who subscribes to the provisions of this Constitution. No person shall be refused membership on the grounds of religious persuasion, gender, political affiliation or ethnicity.

3.2 Rights of members

- 3.2.1 The spouse of any registered member enjoys all the rights and privileges of a full member if he or she so requests, under the same preconditions, and is considered to be a full member for the purpose of the register of members, with voting rights.

3.2.2 Members shall have a vote (but no mandate to vote on the behalf of any other member) in all meetings of members of the Association.

3.2.3 Members may not make statements on the behalf of the Association, unless such statement has been approved by a General Meeting or by the Executive Committee.

3.3 Termination of Membership

3.3.1 The Membership of a member of the Association may, after due process, be terminated if such a member, as determined by a resolution of the Executive Committee, no longer subscribes to the spirit of the Constitution of the Association.

3.3.2 If Membership fees are not paid, membership will be automatically terminated.

ARTICLE 4: ORGANIZATION

4.1 General Meetings

4.1.1 The General Meeting of the Association may be attended by all members in good standing.

4.1.2 The General Meeting shall take place within thirteen (13) months of the date of the previous General Meeting, after at least 14 days written notice has been given to the members, for the execution of the functions as determined by this Constitution.

4.1.3 The Executive Committee shall be responsible for convening the General Meeting and for giving the prescribed notice.

4.1.4 The members present at a General Meeting shall constitute a quorum.

4.1.5 Resolutions of a General Meeting shall be passed by a simple majority, except where otherwise determined in this Constitution.

4.2 Functions of the General Meeting

The General Meeting shall make binding resolutions and shall accept the responsibility thereof; shall elect from the members of the Association the Executive Committee and evaluate the work of the Executive Committee; shall approve or reject agreements or liaison with other local or international bodies; and may amend the Constitution of the Association.

4.3 Composition and election of the Executive Committee

4.3.1 The Executive Committee shall consist of a Chairperson, Secretary, Treasurer and additional members as needed.

4.3.2 These members shall be elected by a simple majority at a General Meeting. Written nominations for the Executive Committee shall be submitted to the General Meeting. Nominations shall be signed by the nominating member and shall be seconded and signed by an additional ordinary member. Nominees shall indicate in writing their willingness to accept the nominations and to serve in office, should they be duly elected. Nominated members should have been a member of the CHE for not less than six months. Two thirds of the Executive committee must have been a member of the CHE for at least one year.

The Executive Committee may co-opt any member of the Association to serve on the Executive Committee temporarily.

4.4 Powers and responsibilities of the Executive Committee

The Executive Committee shall organize and administer the Association and its activities in order to give effect to the provisions of this Constitution and shall in particular be vested with the following powers and responsibilities.

4.4.1 The Chairperson

- shall be the chief executive officer of the Association
- shall give full account of the activities of the Association and of the Executive Committee to every General Meeting

4.4.2 The Secretary

- shall assist the chairperson in the Execution of his or her duties
- shall deputize for the chairperson until the following General Meeting, should the chairperson become in any way unable to execute his or her duties or should he or she resign from office
- shall be responsible for the recording of the minutes of the General Meeting and meetings of the Executive Committee
- shall be responsible for the effective disposal of the correspondence of the Association
- shall be responsible for the organization of General Meetings

4.4.3 The Treasurer

- shall keep a complete set of books of the income and expenditure of the Association
- shall submit financial statements in accordance with recognized accounting principles to the Executive Committee for submission to the General Meeting

4.4.4 The Additional Members

- shall assist the chairperson and secretary with their respective duties

4.5 Resolutions of the Executive Committee

4.5.1 The Executive Committee shall at all times strive to reach decisions by way of consensus. In the event of it being unable to do so then resolutions shall be put to the vote. Ordinarily such voting will be by show of hands however the chairperson shall be empowered, either on the application of any member of the committee or at his/her own instance, to require that votes with regard to any specified issue be exercised by the way of secret ballot.

4.5.2 In the event of an equality of votes, the chairperson shall have an additional casting vote.

4.6 Term of Office of the Executive Committee

The term of office of the Executive Committee shall extend from the date of the meeting at which it is elected, until the next General Meeting. The position of chairperson may be held for any consecutive number of years, provided that he or she is elected in that position at an Annual General Meeting of the Association, after which the chairperson may

serve as an additional member, provided he or she is elected in that position at an Annual General Meeting of the Association. Any other person serving on the Executive Committee may serve on the Executive Committee for any consecutive number of years, provided that he or she is elected in that position at an Annual General Meeting of the Association.

ARTICLE 5: SUBSCRIPTIONS

The Executive Committee shall determine the subscriptions payable by members and shall submit the amount for approval to the General Meeting.

ARTICLE 6: LEGAL MATTERS

6.1 Personality

The Association will constitute a legal entity which will exist as a separate entity from the members.

All assets that the Association may acquire whether movable or immovable in nature, shall vest in the Executive Committee of the Association.

6.2 Members not responsible for liabilities nor entitled to the assets

As the Association is a legal entity separate from its Members as referred to in Article 6 above, no Member shall be entitled to claim ownership of any asset of the Association, nor shall any Member be responsible for any liabilities of the Association, simply by virtue of membership of the Association.

ARTICLE 7: AMENDMENTS TO THE CONSTITUTION

Any member of the Association may propose amendments to the Constitution. Such amendment must be submitted in writing at any General Meeting of the Association and must be seconded by at least two other members. The proposer must hand in a sufficient number of copies of the proposed amendments, so that one copy may be given to each member present at the General Meeting. The General Meeting shall consider the proposed amendments, and shall approve them by a two-thirds majority, before they shall take effect.

ARTICLE 8: FINANCIAL MATTERS

8.1 The financial year-end

The financial year-end of the Association shall be on 28 February.

8.2 Banking Account

The Association shall hold a bank account in the name of the Association. This is currently held with ABSA Bank.