

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
Amended by a General Meeting of the Association on 14 August 2021

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 for the right of children to receive their education within the family and for the obligation and concomitant right of the parents to be able to educate and school their children in every respect.
- 2.2 The Association furthermore endeavours to obtain for children the maximum freedom to be educated within the family and community in accordance with the best interest of each child, and in line with their own culture and religious beliefs.
- 2.3 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.
- 2.4 The Association shall recognize that the parents have the right to delegate the task of education to persons of their own choice.
- 2.5 The Association shall, insofar it is able to,
 - 2.5.1 provide advice, guidance, assistance, and support to existing and potential home education groups and/or families;
 - 2.5.2 investigate and research home education developments both nationally and internationally.

ARTICLE 3: MEMBERS

3.1 Membership

- 3.1.1 The Executive Committee may award membership to any person who 1) subscribes to the provisions of this Constitution, 2) joins via subscription on the CHE website, or in another way determined by the Executive Committee, 3) resides in the Western Cape.

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 and shall receive newsletters and invitations to attend General Meetings, via email.
- 3.2.2 Members shall have a vote (but no mandate to vote on 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 apply and are not paid, membership will be automatically terminated.
- 3.3.3 A member terminates membership by informing the executive committee in writing, or by unsubscribing from the website.

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

- 4.1.6 The Executive Committee may decide whether the General Meeting shall take place online or in person at a Contact meeting.
- 4.1.7 New members of the Executive Committee may be nominated at the General Meeting or at a Committee Meeting. The election of new members must carry a majority vote.
- 4.1.8 Amendments made to the Constitution shall be done at a General Meeting, but the Executive Committee retains the right to veto such resolutions, as well as any other resolutions that might undermine the Objective of the Association, to protect the Association against online capture. The General Meeting may oppose this veto by convening a Contact Meeting.

4.2 **Functions of the General Meeting**

- 4.2.1 The General Meeting shall make binding resolutions and shall accept the responsibility thereof; shall evaluate the work of the Executive Committee; shall suggest new members from the Association for the Executive committee and decide whether a new Executive committee ought to be elected at a Contact meeting; shall approve or reject agreements or liaison with other local or international bodies; and decide whether the Constitution of the Association must be amended at a Contact meeting.
- 4.2.2 Should it be necessary for a new Executive Committee to be elected, or amendments made to the Constitution that the Executive Committee does not approve of, a Contact Meeting must be scheduled and convened within three (3) months after the General Meeting; the Executive Committee is responsible for convening this Contact Meeting and must give written notice of the arrangements of such a meeting at least fourteen (14) days beforehand.

4.3 **Contact Meetings**

- 4.3.1 A meeting that takes place when requested by the majority of the quorum at a General Meeting. Twenty percent of the members of the Association must be personally present at a Contact Meeting for any decision decided upon such a meeting to be binding. If such a quorum is reached, the decisions will be made according to the majority vote. A Contact Meeting may elect a new Executive Committee and make any amendment to the Constitution.
- 4.3.2 A Contact Meeting decided upon by the General Meeting does not need to take place if the majority of members fail to indicate in writing and within twelve (12) days from receiving notice of the meeting from the Executive Committee, that they will attend the meeting.

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 twelve (12) months. Two thirds of the Executive committee must have been a member of the CHE for at least two (2) years.

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 or Committee 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
- shall send all correspondence, including newsletters and invitations to attend General Meetings to members from the website, via email.

4.4.3 The Treasurer

- shall keep a complete set of books of the income and expenditure of the Association
- shall submit financial statements 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 or Committee 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 or Committee 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 or a Committee 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

7.1 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.

7.2 To guard against online capture of the Association the Executive Committee is awarded the right to veto amendments to the Constitution made at a General Meeting. Should the General Meeting wish to oppose this veto, a Contact Meeting must be convened. The same procedure as detailed above shall be followed at the Contact Meeting, but the right to veto shall be revoked.

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.

CHE Constitution as on 14 August 2021