

RECLAIM THE CITY
LAND FOR

PEOPLE
NOT FOR PROFIT!

INTERIM CONSTITUTION

**As adopted at Reclaim the City's First
Annual Congress on 9 August 2018**

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Preamble

As Reclaim The City, we believe that we have the right to live in a City that is just, fair and equal. We advocate, campaign and fight for land to be viewed and used as land for the people not for profit.

Section 1: Introductory Provisions

Definitions

1. In this Constitution, unless the context indicates otherwise:

“**Active Member**” means a member that has attended at least six Reclaim the City meetings, actions or events in the last five months from the date that active membership must be determined;

“**Chapter**” means a neighbourhood-based structure of Reclaim The City that is located within the inner-city and surrounding areas, that works towards advancing Reclaim the City’s vision and objectives through campaigns, within the inner-city and surrounding areas.

“**Chapter Leader**” means an elected member of a Chapter who is responsible for leading that Chapter;

“**Congress Task Team**” refers to a group of Coordinating Committee members appointed by the Coordinating Committee to plan the Annual Congress;

“**Congress Chairperson**” refers to a member of the Congress Task Team who will chair the Annual Congress;

“**Consensus**” refers to the collective agreement by all the members in that particular group taking a decision on a particular issue;

“**Constitution Steering Committee**” is the committee that was appointed by Reclaim The City members on 5 November 2017 that is tasked with facilitating the processes required for the preparation and adoption of this interim Constitution and the Final Constitution in accordance with the Terms of Reference, and any amendment thereto;

“**Coordinating Committee**” is the highest decision-making structure of Reclaim the City and is tasked with overseeing all activities and the governance of the Reclaim the City in terms of this Constitution;

“**Elections Committee**” refers to an independent group appointed by the Coordinating Committee to conduct elections of Reclaim the City leadership positions;

“**Financial Oversight**” refers to the collective responsibility of the Coordinating Committee to look after the finances and assets of Reclaim The City on behalf of its members and in the interests of members;

“**Finance Rules**” refers to a set of guidelines drawn up by the Coordinating Committee to govern finances, income and expenditure of Reclaim The City;

“**Good Standing**” refers to a member who has paid their membership fee in full, is not suspended or expelled, doesn’t have any pending disciplinary hearings and does not have a criminal record;

“**House**” means a building or piece of land where Reclaim The City members live who would otherwise face homelessness or displacement, or are otherwise vulnerably housed;

“**House Leader**” means an elected member of a House, who lives in the House and is responsible for the day to day running of the House;

“**House Rules**” refers to the rules drawn up by the House Leadership Committee in consultation with members living in the House to govern the House;

“**Induction**” refers to a process where people are introduced, educated and trained about Reclaim The City’s objectives, values and campaigns before becoming members;

“**Leadership position**” refers to any position in a Chapter or House Committee;

“**Meeting Rules**” refers to a set of guidelines for Reclaim The City meetings;

“**Operational Support Group**” are organisations or groups that provide assistance, support and resources to Reclaim The City in accordance with a Memorandum of Understanding entered into between Reclaim the City and the relevant Operational Support Group;

“**Quorum**” means the minimum number of members of a Committee, House or Chapter that must be present at any of its meetings to make the proceedings and decision-making of that meeting valid;

“**Simple majority vote**” means vote passed by 50% + 1 majority;

“**Social Media platforms**” means any social media platform that Reclaim The City uses to communicate with its members and supporters. This includes, but

is not limited to, Facebook, Twitter, Instagram and WhatsApp;

“**Sub-Committee**” means a group appointed by the Coordinating Committee when needed to perform a certain task; and

“**Task team**” means a group appointed by a House Leadership Committee, Chapter Leadership Committee or Coordinating Committee to perform a task.

Name and Legal Status of Reclaim the City

2. The name of the social movement is Reclaim the City or “RTC”.
 - 2.1. Reclaim the City is a voluntary association with its own legal identity that is separate from its members. It shall continue to exist even if the members change.
 - 2.2. Reclaim the City may own property, enter into contracts, and sue or be sued in its own name.
 - 2.3. Reclaim the City (the social movement, not its individual members) alone is liable for its debts and commitments.

Branding

3. Reclaim the City’s slogan is “Land for people, not for profit!”

4. The logo of Reclaim The City is:



5. The colours of Reclaim The City are red, black and white.

Section 2: Vision and Objectives

Vision

6. Reclaim The City's vision is to realise a city in which:
- 6.1. There is just and equal access to well-located land;
 - 6.2. There is safe, affordable, reliable and accessible public transport systems, public health care, schools, recreation facilities and basic services;
 - 6.3. Resources and access to services for all people regardless of race, class, religion, gender and/or sexual orientation are guaranteed;
 - 6.4. The working-class, poor and unemployed have decent and affordable homes to live in;
 - 6.5. Relocation camps that displace people do not exist;
 - 6.6. All people, especially women and children, feel safe and secure; and
 - 6.7. All spheres of government - especially local government; and all spheres of private capital (including private property owners and developers, financial institutions and corporates) act efficiently, transparently and fairly with regards to land, housing and the provision of basic services.

Objectives

7. Reclaim the City's objectives are to:
 - 7.1. Advocate for just and equal access to land and housing for all;
 - 7.2. Undo the legacy of a segregated and unequal apartheid city;
 - 7.3. Fight for decent and affordable housing for poor and working-class people;
 - 7.4. Resist unjust evictions and end homelessness;
 - 7.5. Educate people about land and housing rights;
 - 7.6. Advocate for an accountable government on issues of land, housing and spatial justice;
 - 7.7. Advocate for fair, just and equitable land and housing policies and laws;
 - 7.8. Resist and prevent unjust practices by government and all sources of private property power including landlords, property owners and developers and financial institutions;
 - 7.9. Unite people and build solidarity with other movements that are aligned with our principles, objectives and vision; and
 - 7.10. Disrupt unjust property power.

Commitments

8. In order to achieve its vision and objectives Reclaim the City commits to taking on the following actions, campaigns and strategies, when appropriate:
 - 8.1. Resist unjust evictions;
 - 8.2. Stopping the sale and lease of public land that could be used for affordable housing;
 - 8.3. Protest in a variety of non-violent forms to achieve our objectives;
 - 8.4. Support the expropriation of property which aligns with the vision, objectives, principles and values of Reclaim The City;
 - 8.5. Provide rights-based education on land and housing issues; and
 - 8.6. Act and stand in solidarity with communities engaged in land and housing struggles.

Section 3: Principles and Values of Reclaim The City

Principles

9. All members must abide by the following principles:

- 9.1. **Equality:** Members must uphold the values of equality as stated in the Constitution of the Republic of South Africa, not to unfairly discriminate against anyone on one or more grounds, including religion, language, race, sex, gender, nationality, pregnancy, marital status, ethnic or social origin, health status, sexual orientation, age, disability, conscience, belief, and birth;
- 9.2. **Advance a poor and working class struggle:** Reclaim The City is aligned with and acts in the best interest of poor and working-class communities;
- 9.3. **Non-violence:** Reclaim The City does not endorse or condone violence of any kind, for any purpose;
- 9.4. **Transparency:** Decisions taken by Reclaim The City should be transparent, clear and accessible to its members;
- 9.5. **Collective leadership:** Decisions taken by Reclaim the City's leadership structures should be made collectively;

- 9.6. **Accountability:** All members are held accountable and are responsible for their actions;
- 9.7. **Non-partisan:** Reclaim The City is not an affiliate of any political party and must make decisions free from the influence of any political party;
- 9.8. **Safety and security:** Reclaim The City strives to prioritise the safety and security of all of its members at all times;
- 9.9. **Sobriety:** Members should be sober at all times when representing Reclaim the City, participating in meetings, actions and events, and when making decisions on behalf of RTC;
- 9.10. **Freedom of expression:** Members have the right to express their opinions, and have their opinions heard, as long as this does not amount to: propaganda for war, incitement of imminent violence, advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm, in accordance with the Constitution of South Africa.
- 9.11. **Unity:** Reclaim The City strives to always have unity amongst its members and discourages factionalism;
- 9.12. **Solidarity:** Reclaim The City recognises the need for the movement to unite across race, class, language and location to advance the struggle for land and decent, affordable housing;

- 9.13. **Inclusivity:** Reclaim The City strives for inclusion of all of its members in **all Reclaim the City structures and activities;**
- 9.14. **Dignity:** Reclaim The City promotes the protection of human dignity of all people and the need to ensure that people live, and are treated in, a dignified manner;
- 9.15. **Striving for excellence:** Reclaim The City members should strive for excellence and perform all their tasks and actions in this manner; and
- 9.16. **Consideration for language:** Members should feel free to speak in a language of their choice. Reclaim The City should also ensure, as far as possible, that language is accessible to its members.

- 10.7. Fairness
- 10.8. Justice
- 10.9. Tolerance
- 10.10. Patience
- 10.11. Integrity
- 10.12. Commitment
- 10.13. Accountability
- 10.14. Transparency
- 10.15. Empathy

Values

- 10. All members, especially leaders of Reclaim The City, will be held accountable to practising the values outlined below:
 - 10.1. Respect
 - 10.2. Honesty
 - 10.3. Sensitivity
 - 10.4. Trust
 - 10.5. Loyalty
 - 10.6. Discipline

Section 4: Membership

Members

11. A member:
 - 11.1. Must be sixteen years' old or older;
 - 11.2. Must belong to a Chapter of Reclaim the City;
 - 11.3. Must reside in the local community of the Chapter;
 - 11.3.1. If a person wants to be a member but does not live in the local community, written permission must be sought from the Chapter Leadership Committee;
 - 11.4. Has voting rights within their Chapter if they are 18 years' old or older at the time of voting;
 - 11.5. Must be active as defined in the Definitions Section, and must remain committed and regularly attend and participate in meetings, actions and events of that Chapter; and
 - 11.6. Must abide by Reclaim The City's Constitution.

Becoming a Member

12. To become a member, an individual must:
 - 12.1. Attend at least four Chapter meetings, actions or events hosted by Reclaim the City or their Chapter;
 - 12.2. Complete a membership form;
 - 12.3. Complete an induction process;
 - 12.4. Pay the annual membership fee of R50.00 and must receive a membership card. Members may receive a temporary membership card in the event that the issuing of a permanent card is delayed; and
 - 12.5. Sign a declaration accepting to abide by Reclaim the City's Constitution and Code of Conduct, and any amendment thereto.

Renewal of membership

13. All members must renew their membership annually in February.
 14. The Coordinating Committee must promote and run the process to ensure that members renew their membership. The Coordinating Committee must give three months' notice of the upcoming renewal period.
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Termination of membership

15. Membership shall be terminated by:
 - 15.1. Expulsion following a disciplinary process;
 - 15.2. Resignation in writing, submitted by the member to the Chapter Leadership Committee of the Chapter to which the member belongs;
 - 15.3. Failure to renew membership annually; or
 - 15.4. Death.

Supporters

16. A supporter:
 - 16.1. Is a person that wants to be a part of, and support Reclaim The City but is not a member; and
 - 16.2. Does not have voting rights.
 - 16.3. Who participates in Reclaim The City events, activities and meetings must abide by Reclaim The City's Constitution, particularly, its objectives, principles and values.

Section 5: Structures

Chapters

17. A group of individuals who want to start a new Chapter must submit a letter requesting to form a new Chapter to the Coordinating Committee:
 - 17.1. The request must be approved or rejected by the Coordinating Committee within 30 calendar days of receiving the letter; and
 - 17.2. The Coordinating Committee must consult all existing Chapters on the request within this period.
18. Those individuals wanting to start and form a new Chapter will be regarded as interim members pending the official declaration of their new Chapter as such by the Coordinating Committee. The interim members must:
 - 18.1. Consist of at least fifteen founding interim members prior to the new Chapter being officially declared as a Chapter by the Coordinating Committee;
 - 18.2. Align themselves with an existing Chapter for a period of at least three months;
 - 18.3. Attend and participate in at least twelve meetings, events or actions of that Chapter;
 - 18.3.1. Interim members will not have voting rights in the Chapter that they have aligned with; and

- 18.3.2. Undergo Reclaim The City induction and leadership training.
- 18.4. A new Chapter may be officially declared as a Chapter of Reclaim The City if the following criteria has been met:
 - 18.4.1. The new Chapter is located within the inner-city and surrounding areas;
 - 18.4.2. The Coordinating Committee has confirmed that Reclaim The City has the sufficient operational capacity and financial resources to support the new Chapter;
 - 18.4.3. The launch and establishment of the Chapter is in line with Reclaim The City's Constitution; and
 - 18.4.4. The Coordinating Committee has approved that Chapter after it has the successfully completed a four month probation period.
- 18.5. The new Chapter must identify a suitable meeting place to have their regular Chapter meetings.
- 19. Once the Chapter is declared as an official Reclaim the City Chapter, the founding members must undergo elections in accordance with this Constitution to form a Chapter Leadership Committee, with the exception of clause 58.1.

Chapter Leadership Committees

- 20. Each chapter must elect a Chapter Leadership Committee, made up of at least three and no more than five of its members.
- 21. The responsibilities of the Chapter Leadership Committees are to:
 - 21.1. To regularly meet as a Chapter Leadership Committee;
 - 21.2. Prepare for, and convene regular Chapter meetings;
 - 21.3. Deal with any arising issues regarding the Chapter;
 - 21.4. Report back to the Coordinating Committee on issues within the Chapter;
 - 21.5. Represent the Chapter on the Coordinating Committee;
 - 21.6. Report back to the Chapter with regards to decisions and discussions of the Coordinating Committee;
 - 21.7. Implement campaigns of Reclaim The City as approved by the Coordinating Committee;
 - 21.8. Plan actions and events for the Chapter in line with Constitution;
 - 21.9. Discipline Chapter members according to the disciplinary processes set out in this Constitution;
 - 21.10. Fundraise for Chapter related purposes;

- 21.11. Keep records of the members in their Chapters;
- 21.12. Maintain a register of attendance at Chapter meetings, actions and events; and
- 21.13. Set up task teams to assist with the functioning of the Chapter.
 - 21.13.1. A task team must include at least one member of the Chapter Leadership Committee.

Houses

- 22. New Houses may be recognized under the name of Reclaim The City only if approved as such by the Coordinating Committee in writing.
- 23. Recognition of a House under the name of Reclaim The City may be withdrawn by the Coordinating Committee should that House no longer be aligned with this Constitution.
 - 23.1. A consultation process between the Coordinating Committee and the Houses and Chapters must occur before a decision to withdraw is made.
- 24. All House members must become Chapter members of the Chapter that they are aligned with.
- 25. Each House must adopt House Rules to govern the House in consultation with members living in the House:
 - 25.1. House Leadership Committees must draw up

House Rules and any other governing House document in consultation with members living in that House;

- 25.2. House Rules, and any other House documents must be aligned with the Reclaim The City Constitution;
- 25.3. All Reclaim The City members living in a House must abide by the House Rules; and
- 25.4. The Coordinating Committee must approve the House Rules, and any amendments thereto.
- 26. The Coordinating Committee must approve any other governing document that the House adopts, and any amendments thereto.

House Leadership Committees

- 27. Each House must elect a House Leadership Committee, made up of at least three and no more than seven members who live in the House.
- 28. The responsibilities of the House Leadership Committees are to:
 - 28.1. Meet regularly as a House Leadership Committee;
 - 28.2. Maintain a healthy, safe and secure environment for all House members, particularly women, children and the elderly;
 - 28.3. Prepare for and convene regular House meetings with members living in the House;

- 28.4. Ensure that House related documents, including the House Rules, are accessible to members living in the House;
- 28.5. Discipline members who live in the House according to the Code of Conduct of Reclaim The City and the House Rules;
- 28.6. Plan actions and events for the House in line with Constitution;
- 28.7. Manage the day-to-day running of the House;
- 28.8. Manage the in-take of prospective House members in accordance with an approved in-take process;
- 28.9. Represent the House on the Coordinating Committee;
- 28.10. Report back to the Coordinating Committee on House related issues and any decisions that impact Reclaim The City;
- 28.11. Support campaigns of Reclaim The City as approved by the Coordinating Committee;
- 28.12. Maintain a register of attendance at House meetings, actions and events;
- 28.13. Fundraise for House related purposes; and
- 28.14. Set up task teams to assist with the functioning of the House.
 - 28.14.1. A task team must include at least one member House Leadership Committee.

Coordinating Committee

- 29. The Coordinating Committee is the highest decision-making structure of Reclaim The City.
- 30. The Coordinating Committee is made up of:
 - 30.1. The Chapter Leadership Committee of each Chapter;
 - 30.2. The House Leadership Committee of each House; and
 - 30.3. No more than two members of each Operational Support Group, or as approved by the Coordinating Committee.
- 31. The Coordinating Committee may co-opt no more than two members if agreed upon, by a simple majority vote.
 - 31.1. The co-opted member must be in good standing.
- 32. The responsibilities of the Coordinating Committee are to:
 - 32.1. Make decisions on behalf of, and in the best interests of Reclaim The City;
 - 32.2. Be custodians of Reclaim the City's Constitution;
 - 32.3. Create and approve Sub-Committees and Task Teams as required by Reclaim The City to advance and support Reclaim the City's objectives and campaigns;
 - 32.4. Discipline members of Reclaim The City ac-

- ording to the disciplinary processes set out in this Constitution;
- 32.5. Appoint a Finance Sub-Committee;
 - 32.6. Establish an inquiry into any matter that requires investigation;
 - 32.7. Provide strategic guidance and direction for Reclaim The City;
 - 32.8. Adopt a monthly programme of Reclaim the City actions, events etc. aimed at advancing and supporting Reclaim the City's objectives and campaigns;
 - 32.9. Initiate and maintain relationships with partner organisations and movements;
 - 32.10. Approve and support the establishment of new Chapters and Houses as regulated by the Chapters Section Houses Section of this Constitution;
 - 32.11. Approve Operational Support Groups and each Memorandum of Understanding that is entered into with an Operational Support Group;
 - 32.12. Ensure that an Annual Congress takes place;
 - 32.13. Coordinate Chapters and provide assistance when needed;
 - 32.14. Exercise Financial Oversight of all finances and assets of Reclaim The City;
 - 32.15. Initiate and oversee legal matters and court case that t advance and support Reclaim The

City's objectives and campaigns;

- 32.16. Select spokespeople to speak to the media on behalf of Reclaim the City;
- 32.17. Represent Reclaim The City on public platforms;
- 32.18. Run or facilitate access to education and training for members, including induction and leadership training;
- 32.19. Promote and run the process to ensure that members renew their membership; and
- 32.20. Administer membership cards and processes for the renewals of membership.

Operational Support Groups

33. Operational Support Groups must be approved by the Coordinating Committee. When considering such approval, the Coordinating Committee must ensure that:
 - 33.1. The Operational Support Group's objectives, work and principles are in line with that of Reclaim The City; and
 - 33.2. The Operational Support Group is not political party and is not aligned with any political organization.
34. The relationship between the Operational Support Group and Coordinating Committee must be agreed on and established through a Memorandum of Understanding.

35. The Memorandum of Understanding must, as a minimum, deal with the following:
 - 35.1. The role of the Operational Support Group;
 - 35.2. Mandates of the Operational Support group, including how mandates are given by Reclaim the City to the Operational Support Group;
 - 35.3. The relationship between individuals forming part of that Operational Support Group, whether as members, supporters or otherwise; and
 - 35.4. Stipulate time frames of support.
36. The Operational Support Groups must nominate representatives to attend, and participate in the meetings of the Coordinating Committee.

Section 6: Meetings and Decision-Making

Meeting Rules

37. The Coordinating Committee must formulate Meeting Rules for all meetings of Reclaim The City in consultation with members.
 - 37.1. The Coordinating Committee may amend the Meeting Rules.
38. All members must adhere to the Reclaim The City Meeting Rules.

Coordinating Committee, Chapter and House meetings

39. The Coordinating Committee must hold a meeting at least once a month.
40. Chapters and Houses must hold meetings at least twice a month. Activities and events do not constitute meetings for this purpose.
41. Additional ad hoc meetings may be held to deal with any issues arising thereafter. Ad hoc meetings do not affect the number of required meetings that must be held by the Coordinating Committee, the Chapter or the House.
42. Any Coordinating Committee member, or member of the Chapter or House Leadership Committee can

chair a meeting.

43. Agenda items should be deliberated and adopted before the meeting begins.
44. Minutes must be kept of all meetings and shared at the next meeting.
 - 44.1. Minutes must be adopted and seconded at the next meeting.
45. All members must sign a register when attending meetings, actions and events.

Decision-making

46. Decision-making in Reclaim The City should follow the values and principles of Reclaim The City as stated in this Constitution.
47. Decisions must be taken by consensus, as defined in the Definitions Section.
 - 47.1. Where there is no consensus, decisions should be made by simple majority vote.
48. Unilateral decision-making is not allowed. All decisions must be taken collectively.
49. Decisions taken by all Committees including, Sub-Committees and Task Teams must always be communicated to those affected;
 - 49.1. The Chapter Leadership Committee must communicate their decisions to Chapter members; and
 - 49.2. The House Leadership Committee must com-

municate their decisions to members living in the relevant Houses.

Quorum

50. A Sub-Committee or Task Team is quorate if two-thirds ($\frac{2}{3}$) of the members are present.
51. A House meeting is quorate if two-thirds ($\frac{2}{3}$) of the members living in the House are present.
52. A Chapter meeting is quorate if one quarter ($\frac{1}{4}$) of the Chapter members are present.

Section 7: Elections of Leaders

General Rules

- 53. Elections must be held for all leadership positions.
- 54. Elections must take place annually within the two months before the Annual Congress takes place.
- 55. All votes must be cast by secret ballot.
- 56. House Leadership Committee elections must take place at a House meeting.
- 57. Chapter Leadership Committee elections must take place at a Chapter meeting.

Voting in elections

- 58. In order to be eligible to vote in an election, a member must:
 - 58.1. Be a member for three months or more;
 - 58.2. Be an active member;
 - 58.3. Be 18 years' old or older; and
 - 58.4. May not hold an elected position in any political party or in government.
- 59. All elections take place at Chapter and House levels.
 - 59.1. All members in a Chapter can vote for Chapter Leadership Committee positions; and
 - 59.2. Only members who live in a House can vote for House Leadership Committee positions.

Standing for Elections

- 60. A member cannot stand in elections for both House and Chapter leadership.
- 61. In order to be eligible to stand for a position on the Chapter Leadership Committee, a member must:
 - 61.1. Be a member for at least one year;
 - 61.2. Be 18 years' old or older;
 - 61.3. Be in good standing;
 - 61.4. Be an active member; and
 - 61.5. Have completed leadership training as run, or facilitated by the Coordinating Committee.
- 62. In order to be eligible to stand for a position on the House Leadership Committee, a member must:
 - 62.1. Be a member living in the House for at least three months;
 - 62.2. Be 18 years' old or older; and
 - 62.3. Be in good standing;
 - 62.4. Be an active member; and
 - 62.5. Have completed leadership training as run, or facilitated by the Coordinating Committee.

Nominations for leadership positions

- 63. Nominations must take place before an election.

- 64. Only a member of a Chapter can nominate another member of that Chapter to a Chapter Leadership Committee position.
- 65. Only a member living in a House can nominate another member living in that House to a House Leadership Committee position.
- 66. Each nominee must have a minimum of three signatures of support for their nomination.
 - 66.1. The signatures must be obtained from the Reclaim the City Members who are part of the respective Chapter or House for which the nominee is running.
- 67. The nominee must accept or decline the nomination.

Elections Committee

- 68. The Coordinating Committee must appoint an independent Elections Committee to run elections:
 - 68.1. Reclaim the City members cannot be on the Elections Committee.
- 69. The responsibilities of the Elections Committee are to:
 - 69.1. Accept and verify nominations;
 - 69.2. Prepare and count the ballots;
 - 69.3. Announce the results of the elections as well as provide these results in writing to the Coordinating Committee; and

- 69.4. Ensure that elections are run fairly, democratically and transparently.
- 69.5. Appoint an independent observer who will oversee the elections, and ensure that the elections process is run fairly.

Terms of office

- 70. The term of office of incoming leaders elected annually before Congress will officially begin after the Congress of the relevant year.
- 71. The term of service on the Chapter Leadership Committee is two years.
- 72. The term of service on the House Leadership Committee is one year.
- 73. A House Leader or Chapter Leader cannot serve more than three consecutive terms.

Resignation and Termination of a leadership position

- 74. A Chapter or a House Leader will cease to be a leader of the relevant Chapter or House if:
 - 74.1. This has been determined as the outcome of a disciplinary process;
 - 74.2. It is determined that a leader is suffers from an incapacity and is no longer able to fulfil their responsibilities; or
 - 74.3. A leader fails to renew their membership;

- 74.4. A leader has submitted a resignation letter to the Coordinating Committee indicating that they no longer wish to be a leader;
- 74.5. Regarding House Leaders, if they no longer live in the respective House.

By-elections

- 75. If a leadership position becomes vacant, a by-election must be held for the vacant position within one month of the position becoming vacant.
- 76. By-elections must follow the nomination and elections process as outlined in this Constitution.

Section 8: Annual Congress

Planning the Annual Congress

- 77. The Annual Congress is a general meeting where all active members receive reports and reflect on the past year, are introduced to newly elected Leaders, and plan the year ahead.
- 78. The Coordinating Committee must ensure that an Annual Congress is held in August every year. If the Annual Congress cannot take place in August, it must take place before the end of October in the same year.
- 79. At least one month before the Annual Congress, the Coordinating Committee must:
 - 79.1. Announce the dates of the Annual Congress and when nominations and elections will take place;
 - 79.2. Conduct and audit active members;
 - 79.3. Appoint a Congress Task Team with a Chairperson for the Annual Congress; and
 - 79.4. Appoint an Elections Committee.

Attendance at the Annual Congress

- 80. All active members can attend the Annual Congress.
- 81. The Coordinating Committee may invite people, including supporters, Operational Support Groups, partner organisations and movements to attend the

Annual Congress as they deem appropriate.

82. Supporters who have not been invited may send a written request to the Coordinating Committee to attend Annual Congress.

Annual Congress Programme

83. The Coordinating Committee must adopt an agenda before the Annual Congress.
84. The following must be presented:
 - 84.1. Proposed constitutional amendments;
 - 84.2. A financial report by the Finance Sub-Committee;
 - 84.3. An annual general report by the Coordinating committee;
 - 84.4. A report from each Chapter and House; and
 - 84.5. The election results and the introduction of the newly elected Leaders who will form the Coordinating Committee.
85. Agenda points from members must be submitted through their Chapter Leadership Committee.
 - 85.1. Chapters must deliberate and agree on agenda points by consensus.
 - 85.2. When consensus on agenda points cannot be reached, a simple majority vote must be held.
 - 85.3. The Chapter Leadership Committees must bring the agenda points to the Coordinating Committee.

- 85.4. The Coordinating Committee must deliberate on the proposed agenda points from Chapters and finalise a draft agenda by consensus. When consensus cannot be reached, a simple majority vote must be held.

86. The Coordinating Committee must communicate the draft agenda to the Chapters at least one week before the Annual Congress is held.
87. Any Leader of a Reclaim the City Structure may raise an additional agenda item on the day of the Annual Congress, provided that it is raised before the adoption of the agenda;
 - 87.1. The agenda item will only be adopted if the Coordinating Committee has agreed, by consensus (or by simple majority vote if consensus cannot be reached) to include that additional agenda item.

Section 9: Finances

Finance Rules

88. The Coordinating Committee must formulate Finance Rules dealing with Reclaim The City's financial policies and procedures, including but not limited to the process for authorising expenditure and receipt of income.
 - 88.1. The Finance Rules must be accessible to members and must adhere to this Constitution.
89. The Coordinating Committee may delegate financial functions to an Operational Support Group to assist with the administration of Reclaim The City finances.

Finance Sub-Committee

90. The Coordinating Committee must set up a Finance sub-committee and determine the number of members which will make up the sub-committee at the time of formation.
91. Each Chapter Leadership Committee, House Leadership Committee and Operational Support Group (where appropriate) should have a representative on the Finance Sub-Committee.
92. The Finance Sub-Committee must :
 - 92.1. Ensure that finances are used in the best interests of Reclaim The City;

- 92.2. Ensure that finances are spent responsibly and constructively in line with the Finance Rules set up by the Coordinating Committee;
- 92.3. Ensure that all money and assets accepted are from legal sources that align with the values, principles, objectives and commitments of Reclaim the City;
- 92.4. Ensure that money is spent in line with the values, principles, objectives and commitments of Reclaim The City; and
- 92.5. Ensure that all finance is free of fraud, bribery and corruption;
- 92.6. Account for all finances and assets of Reclaim The City;
- 92.7. Budget in line with all Reclaim The City activities;
- 92.8. Fundraise on behalf of Reclaim The City when appropriate;
- 92.9. Provide monthly financial reports to the Coordinating Committee;
- 92.10. Record all income and expenditure by Reclaim The City; and
- 92.11. Compile and present a financial report at the Annual Congress.

Eligibility of the Finance Sub-Committee

93. All members of the Finance Sub-Committee must be in good standing.
94. All members of the Finance Sub-Committee must understand how to perform the responsibilities and agree, in writing, that they will follow the Finance Rules.
 - 94.1. Training must be made available by the Co-ordination Committee for any member that is appointed by the Coordinating Committee who does not meet this requirement.

Section 10: Code of Conduct

General

95. Reclaim the City members must ensure that their conduct is in line with the values and principles of Reclaim The City as outlined in this Constitution.
96. Offences are categorised into two levels - general offences and serious offences. The list of possible offences is not limited to what has been listed below.

General offences

97. General Offences include:
 - 97.1. Dishonesty;
 - 97.2. Repeated unilateral decision-making by leaders;
 - 97.3. Disruptive behaviour;
 - 97.4. Defamation of character;
 - 97.5. Repeated unpunctuality for Reclaim The City meetings, actions and events without a reasonable explanation;
 - 97.6. Substance abuse which negatively affects Reclaim The City and its members;
 - 97.7. Ineffective running of Reclaim The City meetings, actions and events;
 - 97.8. Threatening the safety and security of Re-

- claim The City Members, and others;
- 97.9. Non-participation and inactive membership: repeated non- attendance at meetings, actions and events without reasonable explanation;
- 97.10. Intimidation and threats to Reclaim The City members;
- 97.11. False accusations of Reclaim The City members;
- 97.12. Breach of confidentiality;
- 97.13. Abuse of Reclaim The City resources;
- 97.14. Bringing the name of Reclaim The City into disrepute;
- 97.15. Unfair discrimination, directly or indirectly, on the grounds of race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, health status, sexual orientation, age, disability, religion, conscience, belief, culture, language or birth; and
- 97.16. Any conduct which seriously violates the values and principles of Reclaim the City as outlined in this Constitution.

Serious Offences

- 98. Serious offences include:
 - 98.1. Theft;
 - 98.2. Bribery and Corruption;

- 98.3. Fraud;
- 98.4. Purposefully providing false information to Reclaim The City;
- 98.5. All forms of assault, including threats to assault;
- 98.6. Any form of sexual harassment and sexual assault;
- 98.7. Murder and attempted murder;
- 98.8. Arson;
- 98.9. Vandalism;
- 98.10. Possession of dangerous weapons in Reclaim The City spaces; and
- 98.11. The possession and distribution of illegal substances.

Chapter and House Level Disciplinary Process

- 99. Where a serious offence is allegedly committed by any member, the Coordinating Committee must deal with disciplining the suspected offender.
- 100. Where a general offence is allegedly committed by any member, the relevant Leadership Structure should deal with it first.
 - 100.1. The Chapter Leadership Committee must deal with any general offence allegedly committed by a member of that Chapter.

- 100.2. The House Leadership Committee must deal with any general offence allegedly committed by a member who lives in that House, and any violation of House Rules by members living in the House.
- 101. The process for Chapter and House Leadership Committees to discipline their members is to:
 - 101.1. Investigate and establish facts on the alleged offence;
 - 101.2. Determine appropriate actions after facts have been established, including but not limited to:
 - 101.3. Mediation;
 - 101.4. Providing education or training;
 - 101.5. Reporting criminality or lay criminal or civil charges;
 - 101.6. Conducting a Disciplinary Hearing as outlined below; and/or
 - 101.7. Recommending the matter be escalated to the Coordinating Committee.

Coordinating Committee Level Disciplinary Process

- 102. The Coordinating Committee must deal with:
 - 102.1. Any offence allegedly committed by a Leader;
 - 102.2. Any serious offence; and

- 102.3. Any offence which the Chapter Leadership Committee or House Leadership Committee cannot resolve.
- 103. The process for the Coordinating Committee to discipline Leaders, individuals who have allegedly committed serious offences or general offences that the Chapter Leadership Committee or House Leadership Committee cannot resolve must:
 - 103.1. Investigate and establish facts on the alleged offence;
 - 103.2. Determine appropriate actions after facts have been established, including but not limited to:
 - 103.3. Mediation;
 - 103.4. Providing education or training;
 - 103.5. Reporting criminality or lay criminal or civil charges;
 - 103.6. Establishing an inquiry; and/or
 - 103.7. Conducting a Disciplinary Hearing.

Process for setting up a Disciplinary Hearing

- 104. A Chapter Leadership Committee, House Leadership Committee or the Coordinating Committee may choose to set up a disciplinary hearing when this is required to:
 - 104.1. Determine the facts of an alleged offence;

- 104.2. Investigate offences;
 - 104.3. Make findings;
 - 104.4. Make recommendations; and/or
 - 104.5. Decide on any corrective measures, if necessary.
105. For Chapter and House level discipline, the relevant Leadership Committee can meet as a Disciplinary Panel.
- 105.1. A member should have no conflict of interest or bias in relation to the member who allegedly committed the offence;
106. For Coordinating Committee level discipline, the Disciplinary Panel will be set up as required at the time:
- 106.1. Members of the Disciplinary Panel should have no conflict of interest or bias in relation to the member who allegedly committed the offence;
 - 106.2. At least two (2) people must be independent and not a member of Reclaim the City.
107. Members of any Disciplinary Panel must act fairly and objectively; and make findings and recommendations based on the facts before them and not hearsay.

Disciplinary Panel Process

108. A Disciplinary Panel should meet and elect a Chairperson.
109. The member facing the disciplinary action must be given a written notification which states:
- 109.1. The nature of the offence;
 - 109.2. The location, date and time of the hearing; and
 - 109.3. How the process will work.
110. The member facing the disciplinary action must be given at least four days' notice and must acknowledge receipt.
111. The Disciplinary Panel must conduct the hearing in a way that respects and accommodates the use of different languages so that all parties may fully participate.
112. A member who is being disciplined must be given a fair chance to present their case, including presentation of evidence and/or testimony from witnesses.
113. The Disciplinary Panel must take steps to ensure that all disciplinary processes are inclusive and that all parties involved are heard, including witnesses, the accuser (if relevant) and the member facing any disciplinary charges.
114. The hearing should be minuted and recorded.
115. The findings and recommendations of the Disciplinary Panel must be communicated to all relevant parties.

Corrective measures

116. A corrective measure is an outcome of disciplinary hearing. Any corrective measure should relate to the seriousness of the offence, and can include:
 - 116.1. A verbal warning;
 - 116.2. A written warning;
 - 116.3. A final written warning;
 - 116.4. Suspension with conditions;
 - 116.5. Suspension;
 - 116.5.1. A suspended member is not allowed to participate in any Reclaim The City meetings, actions, events and on social media platforms; or
 - 116.6. Expulsion.
117. In the case of a serious offense, warnings will not be considered. Suspension or expulsion will be the first considerations.
118. Corrective measures may be recommended or issued by a Disciplinary Panel.

Appeals

119. A member may appeal a finding or decision of a Disciplinary Panel within seven days after the decision was taken.
120. The Disciplinary Panel should consider the appeal and provide an outcome of the appeal with reasons, within seven days of receiving the appeal.
121. If necessary, an appeal hearing may be conducted in the same manner as a disciplinary hearing. The outcome of the appeal hearing is the final decision that can be taken by Reclaim the City.

Section 11: Acknowledgment of the Interim Constitution

122. It is acknowledged that this is an Interim Constitution of Reclaim The City. This Interim Constitution is binding upon all members of Reclaim The City.
123. It is binding immediately after it has been adopted as an Interim Constitution at the First Annual Congress, until the final draft of this Constitution is adopted.
124. Once the Final Constitution is adopted, that version of the Constitution will become binding and will override the terms of this Interim Constitution.
125. This Constitution acknowledges the Terms of Reference set up by the Constitution Steering Committee for the Constitution of Reclaim The City, and acknowledges the Constitution Steering Committee as the legitimate body to implement the Terms of Reference and drive the process towards adopting a Final Constitution.
126. The Constitution Steering Committee must continue to follow the rules and principles of the Terms of Reference in reaching a final draft.
127. The Final Constitution must be adopted before the next Annual Congress in 2019.

Section 12: Dissolution

128. Reclaim the City may be dissolved by resolution at an Annual Congress at which three-quarters (75%) of those members present are in support of such dissolution.
129. The notice convening a meeting to discuss such resolution shall state that a motion to dissolve the movement is to be put to the Annual Congress.
130. The notice shall be sent to all members at least one calendar month prior to the date of the meeting.
131. Upon the dissolution of Reclaim the City, after all debts and commitments have been paid, any remaining assets shall not be paid to or distributed amongst members, but shall be transferred by donation to some other non-profit organisation which the Coordinating Committee (and failing which any division of the High Court) considers appropriate and which has objectives the same or similar to the objectives of Reclaim the City.

