

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

RULING OF THE ISLAMIC CENTER OF PITTSBURGH'S ARBITRATION PANEL

Assalamu Alaikum Wa Rahmatullahi Wa Barakatu:

I. INTRODUCTION

The Islamic Center of Pittsburgh (“ICP”) is a fairly large and extremely beautiful Mosque in the heart of a Pittsburgh historical district, adjacent to the University of Pittsburgh. The ICP’s community members, especially its elected leaders, are generally highly educated due to the proximity to the University. The spirit of the ICP’s community is vibrant and warm, filled with devout and generous Brothers and Sisters of Islam.

However, the ICP is unable to resolve its internal disputes relating to its current governance, including but not limited to disputes arising from the 2011 elections for the majority of the ICP’s elected governing bodies/positions. The current disputes at ICP are considerable. Minor litigation between some of the Parties has been filed due to disputes. The ability of the ICP to conduct its daily affairs from March 2011 – July 2011 has essentially ceased. The ICP’s ability to meet its financial obligations is extraordinarily diminished due to the freezing of the ICP’s bank accounts. Some community members, if not a majority, have become alienated and have lost their patience with ICP and its elected leaders. Some community members no longer attend ICP due to the conflicts, and community member’s financial and volunteerism contributions have all but stopped. The ICP and its community are in a state of disarray, with the inevitability that substantial litigation will be filed, exposing ICP to the strong and tragic possibility that its doors will close.

The ICP’s Board of Trustees, Executive Committee /Transition Committee, and Election Committee (“Parties”) are the parties to the ICP’s disputes. The Parties have submitted the resolution of ICP’s disputes to the Islamic Society of North America (“ISNA”) for voluntary and binding arbitration. An arbitration panel consisting of an Imam and two Muslim attorneys has been formed. This is the binding Order of the arbitration panel necessarily resolving the major disputes currently plaguing the ICP.

II. PROCEDURAL HISTORY

On or about June 22, 2011, the Arbitration Panel distributed the Voluntary Arbitration Agreement (“Agreement”) to the Parties, which was appropriately executed and returned. In relevant part, the Agreement states:

The Agreement: The Parties agree that all disputes covered by this Agreement shall be submitted to Sheikh Karim Abu Zaid, Shariq Siddiqui, and Qusair

Mohamedbhai (the “Arbitration Panel”) for binding arbitration, rather than an appropriate court of law. Accordingly, the Parties understand that by entering into this Agreement, they each forever waive the right to trial by judge and/or jury and instead agree to final determination by the Arbitration Panel. The Parties agree that they will voluntarily dismiss with prejudice any outstanding litigation currently related to the dispute between the Parties within seven days after entering into this Agreement. The Parties agree to forever release each other from any litigation related to the scope of the dispute covered by this Agreement. The binding arbitration will be open to the Parties and all members of the Islamic Center of Pittsburgh.

Intent of Agreement: It is the Islamic Center of Pittsburgh’s Board of Trustees’, Executive Board’s, Transition Committee’s, Election Committee’s, intent to resolve all disputes between them concerning the Islamic Center of Pittsburgh. The Parties agree that they are entering into this Voluntary Arbitration Agreement voluntarily, without coercion or duress.

Scope of Disputes Covered By This Agreement: This Agreement covers all disputes arising out of or relating to the current leadership structure of Islamic Center of Pittsburgh and recent issues concerning Islamic Center of Pittsburgh’s elections, management, Constitution, by-laws, and governance, including but not limited to issues concerning the 2011 elections of the Islamic Center of Pittsburgh’s governing bodies.

Arbitration Panel’s Authority. The Arbitration Panel is conferred broad discretion and ability to fashion any appropriate remedy or relief, including equitable relief, if any. For example, the Arbitration Panel may fashion a remedy that includes amendment or re-writing of Islamic Center of Pittsburgh’s current constitution and by-laws. The Arbitration Panel is provided broad power to remedy and conciliate any damaged personal relationships that may exist between the Parties in an effort to create harmony and stability within the Islamic Center of Pittsburgh. The Parties acknowledge that any and all processes and procedures as may be found in the current constitution and by-laws of the Islamic Center of Pittsburgh, that may be required to amend or re-write the Constitution and by-laws, are inapplicable to the Arbitration Panel and expressly waived.

Enforceability: The Parties agree that the final written decision of the Arbitration Panel shall be binding on the Parties and enforceable in any appropriate local Pennsylvania Court of competent jurisdiction.

Appeal: By voluntarily entering into this Agreement, the Parties expressly waive any and all rights to appeal and/or otherwise challenge the decision or authority of the Arbitration Panel. The Parties recognize that the Arbitration Panel at times may apply Shariah law in resolving the dispute between the Parties. As such, appellate remedy challenging the ruling or the authority of the Arbitration Panel,

in any local, state, or federal court of law in the United States, is deemed to be inappropriate, impracticable, and expressly waived.

On July 2, 2011, the Arbitration Panel requested that the Parties and interested ICP community members submit detailed and comprehensive Pre-Hearing Statements, no later than July 13, 2011. The Pre-Hearing Statements were to contain the following information:

- (1) Identification and description of the five specific disputes/issues you are submitting to the Arbitration Panel for resolution;
- (2) A detailed written statement supporting your position for each identified dispute/issue, including summaries of the facts and evidence you intend to present, strengths and weaknesses of your position, discussion of the applicable law, if known, (both American and Shariah) and the requested relief;
- (3) A list of the witnesses, with complete contact information, you intend to call at the Hearing;
- (4) A short description of the anticipated testimony of each such witness and an estimate of the length of the witness's direct testimony; and
- (5) A list of all exhibits, including copies, you intend to enter into evidence.

On July 15, 2011, the Arbitration Panel announced to the Parties and ICP community members that the Arbitration Hearing would take place July 22-23, 2011. Additionally, Arbitration Panelist Imam Karim Abu Zaid announced his religious services schedule, which included the July 22, 2011 Khutbatu Al Jumaah at ICP; Ramadan Q & A/Workshop at Masjid Al Tawheed; and a July 23, 2011 Ramadan question and answer workshop at ICP.

Based on careful review of all Pre-Hearing Statements from the Parties totaling over 1500 pages, and review of numerous communications from ICP community members, on July 20, 2011 the ICP Arbitration Panel declared the issues it would resolve at the Arbitration Hearing, which included:

- (1) Whether the ICP bylaws and constitution were followed during the last election?
- (2) What specific changes are needed to the ICP's governance structure, election processes, bylaws, and/or constitution in order to achieve stability, future harmony and prosperity for the ICP?
- (3) How can the ICP better serve and involve its youths and Sisters?
- (4) What are the five most important goals for the ICP to accomplish in the short and long term, and what specific steps are needed immediately to achieve each goal?¹

On July 20, 2011, the Arbitration Panel described the general processes and procedures of the Arbitration Hearing to the Parties and ICP's community members:

The Arbitration Panel will hear the Parties' evidence, organized to answer one question at a time. Each Party will be given equal time and opportunity to present evidence, advocating their positions on how we should resolve each question. No

¹ Due to time constraints, the Arbitration Panel was unfortunately unable to receive any live testimony at the Arbitration hearing concerning the fourth issue. As such, the Arbitration Panel will not rule on the fourth issue.

Party may communicate directly with each other during the Arbitration Hearing, and no Party may interrupt each other during the presentation of evidence. All witnesses will be administered an Islamic oath before presenting sworn testimony. If any Party wishes to enter documentation into evidence for our consideration, copies of these documents must be provided to us and all other Parties.

The Arbitration Panel is free to pose questions to any Party or witness at any time during the presentation of any Party's evidence. For purposes of efficiency, the Arbitration Panel will prevent the presentation of redundant and cumulative evidence. We will control and confine the Parties' presentation of evidence to the singular question posed.

After the completion of presentation of evidence by all Parties there may be a rebuttal permitted. Strict rules of civility and decorum will be followed by all Parties and observing community members at all times during the Arbitration Hearing.

On July 22, 2011 the ICP Arbitration Panel, at the ICP after Khutbatu Al Jumaah, reiterated the above described processes and procedures of the Arbitration Hearing to the Parties and ICP community members, and answered any questions.

On July 23, 2011, starting at 9:00 a.m., the Arbitration Panel conducted its twelve-hour Arbitration Hearing at the ICP, ending just before Maghib prayer. The only breaks were for prayers, Sheikh Karim Abu Zaid's short lectures concerning the central Islamic principles and values permeating through the ICP due to the disputes, and 30 minutes for lunch.

The ICP Arbitration Panel received substantial sworn testimony from representatives and witnesses of the Board of Trustees, Executive Committee/Transition Board, and the Election Committee concerning the disputed issues. Additionally, the ICP Arbitration Panel heard direct and substantial testimony from numerous Brothers, Sisters, and youth representatives from the ICP community.

After the conclusion of the Arbitration Hearing and Maghrib prayer, Sheikh Karim Abu Zaid concluded with a final lecture on the importance of forgiveness, and asked that certain Parties reconcile their personal disputes. Many Parties embraced each other in front of the community. Finally, upon request of some of the Parties, Sheikh Karim Abu Zaid raised \$10,000.00 in cash and pledges from the ICP community members in order for ICP to prepare for Ramadan.

III. FINDINGS OF FACT

Whether the ICP bylaws and constitution were followed during the last election?

No.

The current elected governance structure of ICP lends itself to conflict. The Executive Committee is comprised of a President, Vice President, Secretary General, and Treasurer. The President gets two votes for purposes of Executive Committee affairs. The Board of Trustees has seven members, headed by a Chairman. There are no term limits for any elected governance positions at ICP. The roles and responsibilities of the Executive Committee and Board of Trustees are vaguely defined in the bylaws, naturally leading to confusion, tensions and power struggles.

Additionally, through no fault of any Party, the current bylaws lends to confusion as the responsibility of maintaining membership lists falls to both the Vice President of the Executive Committee and Board of Trustees. Possibly due to the confusion regarding membership list, the Board of Trustees improperly allowed voting members to be added on the day of the election. Inappropriate negative campaigning was rampant, violating well-settled principals of behavior expected from Brothers and Sister of Islam. The Election Committee irresponsibly did not have a sister member, and we saw no evidence that the youth vote was encouraged or solicited.

While each individual election bylaw violation may be considered minor, considered as a whole, the ICP Arbitration Panel finds that the 2011 ICP elections are illegitimate and violates the current election processes of the ICP.

What specific changes are needed to the ICP's governance structure, election processes, bylaws, and/or constitution in order to achieve stability, future harmony and prosperity for the ICP?

The current bylaws of the ICP are grossly inadequate and this Arbitration Panel requires ICP to adopt the Amended Bylaws attached herein. These bylaws are effectively immediately and supersede all previous bylaw(s), constitution(s), and all other governing documents.

How can the ICP better serve and involve its youths and Sisters?

The Arbitration Panel has added a youth and sister member to the election committee for all future elections. In addition, the Panel urges both youth and sisters to take part in the 2011 and future elections. Finally, the Panel recommends that the request of the youths be adopted to create a study area for students.

IV. RULING

An election will be held for the new Board of Directors under the new ICP Bylaws attached with this ruling on Sunday, December 4, 2011 for all positions on the new Board of Directors. These elections will be conducted and supervised by the Islamic Society of North America (ISNA). All parties interested in being a candidate for election or voting member for the election must be over the age of 18, a resident of the Greater Pittsburgh area and complete a membership form and pay dues on or before October 1, 2011. The new Board of Directors will assume governance of ICP on January 1, 2012.

We find that no particular individual or entity was responsible for the current conflicts at ICP. Rather, the current conflicts arise from a series of imprudent decisions by many individuals, and compounding reckless reactions to those decisions. Nonetheless, the Arbitration Panel dissolves the current Executive Committee and ICP Transition Board. We deem the ICP Transition Board as not a legitimate entity, and we find it was unwise to have created it.

The current Board of Trustees will be responsible for the ICP governance until December 31, 2011. Allowing the current Board of Trustees remains as an interim governing body, it does not mean we find the Board of Trustees without fault. We find that the Board of Trustees did not demonstrate leadership in a time ICP's turmoil, and we strongly recommend ICP's voting members to look to entirely new leadership in the December 2011 elections. Finally, we find that ICP's email lists have been, and continue to be misused, and we order that ICP develop policies to regulate mass communications to its members. We find that all emails sent from anyone related to the current disputes were ill-advised and fueled the conflict regardless of content.

Sr Karen Velasquez will be added to the Board of Trustees effectively immediately. Dr Alaa Shalaby's resignation, in lieu of removal, is accepted from the Board of Trustees immediately. No later than September 15, 2011, the Board of Trustees will hold its first meeting and elect a Chairperson.

Dr. Alaa Shalaby, Dr. Hader Mansour, and Mohammed El Hillal shall not be eligible to be a candidate for Board of Directors in the upcoming December 4, 2011 election. They may not be appointed to the Election Committee, or be appointed to the Executive Committee until January 1, 2014. The office manager, Sr Salma's/Jennifer Firm's resignation is accepted as of August 30, 2011. We thank her for her hard work and dedication to the ICP.

The Arbitration Panel admonishes the Imams of ICP to not interfere with the governance of ICP in the future. An Imam can only serve their role effectively when they do not take sides in conflicts and have the confidence of all members of the community.

No later than January 15, 2012, the new Board of Directors is ordered to conspicuously post at the ICP a detailed answer to the following question.

What are the five most important goals for the ICP to accomplish in the next three years, and what specific steps are needed to achieve each goal?

This ruling also incorporates the order it made on the day of the arbitration regarding lawsuits, outstanding payments and checking accounts.

IT IS SO ORDERED this 5th day of August 2011.

The ICP Arbitration Panel

S/ Sheikh Karim Abu Zaid

S/ Shariq Siddiqui

S/ Qusair Mohamedbhai