

# Constitution:

# Ghana Kendo Federation



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## **1. Article 1: Name**

The name of the Federation shall be Ghana Kendo Federation, further referred to in this document as the “**Federation**” or “**GKF**”.

## **2. Article 2: Objectives of GKF**

- 2.1 The objectives of the GKF shall be to foster and develop the practice and spirit of Kendo; to organize, regulate and promote Kendo on a National and International basis; to represent Ghana in Kendo internationally; to regulate the promotion of members to higher degrees.
- 2.2 GKF is committed to encouraging the highest ethical standards and, through practice, the development of self-discipline and character. Members of the GKF are expected to always adhere to the standards of the GKF.
- 2.3 GKF is committed to upholding the basic principles of democracy.
- 2.4 The GKF may consider from time to time the incorporation of other Arts compatible with Kendo as Iaido and Jodo, subject to ratification by the membership at an AGM.

## **3. Article 3: Structure and Organizational Relationships**

The GKF shall consist of an Executive Committee, Technical Committee and Dojo Representatives Committee (DRC).

The management and control of property, funds and affairs of the GKF shall be vested in the NEC. This shall consist of representatives (“Officers”) elected at an AGM/EGM/other properly constituted meeting/election as detailed in the Elections and Voting policy. Details of Articles of the constitution are given in Appendices, where appropriate. These Appendices form part of the constitution of the GKF.

GKF (NEC/DRC) shall work together to ensure the democratic management of the GKF in pursuit of the objects of the GKF.

The NEC shall have the power to appoint sub-committees as and when deemed necessary. Such sub- committees shall be represented by an elected Officer and shall be responsible to membership and report to NEC. NEC shall be directly accountable for the work of the sub-committee(s).

NEC shall be the main executive arm of the GKF for its art, with control over its activities and finance (within the limits of the constitution) and will ensure the democratic representation of members' views and participate in the conflict resolution procedures.

The DRC shall be the main forum for consultation and liaison with NEC and, through its representatives on the NEC and shall participate in conflict resolution procedures. Members shall communicate their views to dojo leaders/representatives. This process shall be formal or informal, at any point in the calendar.

#### **4. Article 4: Structure and Role of the National Executive Committee (NEC)**

4.1 The Executive Committee shall consist of the following officers elected as detailed in the Elections and Voting policy:

- President
- Vice-President
- Membership Secretary
- Technical Head
- Treasurer/Deputy Treasurer (one vote)
- One Dojo Representative (DRC) elected from the membership of each dojo

Each Officer shall have the right to one vote in committee. In the case of a tie, the President shall have the casting vote.

4.2 The duties and responsibilities of NEC officers are detailed in Appendix 2.

4.3 Officers of the NEC shall hold office in accordance with the length of service provisions detailed in the Elections and Voting policy.

4.4 The National Executive Committee shall:

- Represent the GKF on all National and International bodies.
- Inform the membership of developments (nationally and internationally)
- Oversee the running of GKF in relation to the constitution.
- Monitor/scrutinize the operation of GKF in relation to the constitution.
- Monitor/scrutinize the financial conduct of in accordance with the monetary policy.
- Ensure accurate quarterly reporting on all financial matters
- Maintain the National Grading Register
- Participate in conflict resolution procedures

4.5 NEC may from time to time invite a person who is eminent in a specific field concerned with Japan - education, politics, diplomacy, royalty, or commerce or a person of respect drawn from any of the arts covered by this constitution to be the Honorary Patron of the GKF. The Honorary Patron shall occupy a position of honor and represent the GKF at the invitation of the NEC in such capacity as may be determined by the NEC.

## **5. Article 5: Structure and role of the Technical Committee (TC)**

5.1 The Technical Committee shall consist of the following officers, elected as detailed in the Elections and Voting policy:

- Chairman
- Grading Officer
- Events Officer

Each of the above shall have the right to one vote on the committee. In the case of a tie, the Chairman shall have the casting vote.

Other non-voting officers shall be co-opted and removed by the TC as and when necessary, e.g.

- Trainer
- National Coach

5.2 The duties of TC officers are detailed in Appendix 3.

5.3 Officers of the TC shall hold office in accordance with the length of service provisions detailed in the Elections and Voting policy.

5.4 The Technical Committee shall:

- Organize gradings, seminars, competitions, referee training and other activities.
- Participate in the conflict resolution procedures
- Liaise with the DRC Chairman as appropriate and ensure circulation of information through the DRC Chairman, of the minutes after each Committee meeting in accordance with the Communications Policy.

## **6. Article 6: Structure and role of the Dojo Representatives' Committee (DRC)**

6.1 The DRC shall consist of the following officers, elected/nominated as detailed in the Elections and Voting policy:

- President (elected)
- One representative nominated from each GKF registered dojo.

6.2 The duties of DRC officers are detailed in Appendix 4.

6.3 Dojo representatives shall hold office in accordance with the length of service provisions detailed in the Elections and Voting policy.

The DRC shall:

- Discuss all aspects of the operation of their Dojos which may from time

to time be of concern to the members e.g. policy, rules and regulations, funding, grading, competitions, equipment, training, coaching etc.

- Represent the views of individual members/dojo on the DRC.
- Participate in the conflict resolution

## 7. Article 7: Membership

### 7.1 The membership shall consist of the following categories:

- Ordinary individual
- Life Membership
- Dojo Membership

Members of GKF agree to be bound by the provisions of the constitution and its By-laws as shall be amended from time to time.

### 7.2 Ordinary Individual Membership and Life Membership

This shall be open to practitioners of Kendo in Ghana. Members may be citizens or non-citizens of Ghana. Members of GKF with at least 5 years' continuous membership of GKF can claim Life Membership. All individual members of GKF shall conduct themselves with integrity, transparency, accountability and in a fair and equitable manner and in a way that is commensurate with the objectives of GKF.

Ordinary Individual Members and Life Members shall have the following rights:

- To attend and to be heard at all General Meetings
- To vote on all matters concerning the election of officers ("Officers") of GKF where provided for in the constitution.
- To vote on the policies of the GKF in accordance with the elections/voting policy.
- To stand for elected office (unless suspended)
- To complete visibility of all records of the GKF including, but not limited to, Financial, Legal, Organizational, and Membership matters save those exempted by the constitution and the law and by mutually agreed confidentiality.
- To be treated with courtesy, fairness and honesty by Officers of the GKF.
- To have access to the minutes of NEC meetings according to the Communications Policy.
- To receive timely notice of changes to any rules and regulations that may be adopted.
- To receive in writing notification of the dates and agenda of General Meetings in accordance with the provisions of the constitution.
- To participate in events organized under the auspices of the GKF, if they satisfy the entry criteria.
- To enter GKF sponsored and other recognized gradings.
- To represent Ghana in international competitions (subject to the selection process and the rules of the GKF and FIK).
- To take part in National Competitions (1<sup>st</sup> Dan and above only)

- 7.3 All members must also be members of a registered dojo of GKF. If the member leaves or is expelled from a member dojo, the member shall have a period of 3 months to obtain membership of another registered dojo (or to start their own registered dojo). If the member cannot secure this, their membership of the GKF shall be put “on hold” until such time as they do satisfy the requirements for membership. During the period “on hold” the person shall not be entitled to the rights and privileges of membership.
- 7.4 Dojo Membership
- 7.4.1 This shall be open to all dojos that practice traditional Kendo which satisfy the criteria for dojo membership detailed in the By-laws.
- 7.4.2 Member dojos shall be on GKF list of dojos (wherever listed e.g. the website).
- 7.4.3 Members of the dojo shall have the right to nominate a representative to the DRC.
- 7.4.4 Member dojos have the right to publish their dojo events in the GKF calendar.

## 8. Article 8: Subscriptions and other income

- 8.1 Members, except for Life Members, shall pay an annual subscription in accordance with the scale detailed in the By-laws. Life Members are not required to pay an annual subscription.
- 8.2 The level of subscription shall be set as follows:  
GKF shall set the fee for its programs and provide a rationale for the fee in the form of a budget for the forthcoming year. This shall be ratified or otherwise by the membership at a GKF AGM/EGM in the year before it comes into effect.
- 8.3 A Member/individual or dojo shall not have the rights, privileges and access to facilities of GKF until their annual subscription for that year, and all their arrears have been paid, saving the exclusions listed in Article 7: Membership.
- 8.4 All subscriptions shall be paid to GKF in accordance with the information on the application form and the current fee structure. All subscriptions shall be paid via the NEC Treasurer/Membership Officer who shall manage the funds in accordance with Article 9: Monetary policy and accounting.
- 8.5 GKF may derive supplementary income over, and above income derived from membership subscriptions from e.g.
- Competitions and seminars
  - Grant aid
  - Sponsorship

- Other sources consistent with the aims of GKF.

All supplementary income shall be paid to the NEC Treasurer who shall manage the funds in accordance with Article 9: Monetary policy and accounting.

## 9. Article 9: Monetary Policy and Accounting

GKF shall control its finances, and benefit from any surplus created by its activities, under the scrutiny of the NEC

- 9.1 The NEC shall receive all subscriptions and other non-GKF generated income e.g. government grants, general sponsorship etc.
- 9.2 The NEC shall retain the fees for its own expenses and GKF-wide expenses (such as National Championships, training programs, travel expenses to EKF and KIF mandatory programs etc.)
- 9.3 GKF shall generate funds from non-subscription sources resulting from its own Enterprise e.g. seminars, gradings, specific sponsorships. However, such funds shall be commensurate with a “Sports Federation” and be kept below the level of a “trading company”.
- 9.4 GKF shall manage the funds such that the Federation remains solvent, i.e. expenditure shall not exceed income from all sources.
- 9.5 Expenses
  - 9.5.1 Officers and other members of GKF shall be entitled to reimbursement of expenses incurred in serving GKF, provided that sufficient funds are available. Such expenses and the level of reimbursement are detailed in the By-laws.
  - 9.5.2 The expenses policy of GKF shall be published on the GKF website and made available in writing to members upon request.
  - 9.5.3 GKF shall not have any direct employees.
- 9.6 Funding for the National Teams
  - 9.6.1 The funding of the National Teams shall be controlled by GKF
  - 9.6.2 Members who are asked to contribute to the National Teams (Team, Officers and Administrators) donate their time and expertise to GKF and may be reimbursed for legitimate expenses incurred in making their contribution.
- 9.7 Declaration of Financial Interests
  - 9.7.1 All Members elected or co-opted to any Committee of NEC/GKF shall declare to the NEC/GKF any financial interest they have in any matters and activities or events in which the GKF becomes involved. Such interests shall be recorded as part of the

NEC/GKF meeting and made available to members in the published minutes.

- 9.7.2 NEC/GKF shall have the right to exclude from related decision-making any member who has any declared financial interest in any matters and activities or events in which the GKF becomes involved.
- 9.7.3 Any equipment procured by a committee member, the cost of which is ultimately borne by GKF, shall remain the property of GKF and shall be returned to the possession of GKF.

## **10. Article 10: Suspension and Expulsion of Members**

- 10.1 NEC may *suspend* a member and make a case for the subsequent *expulsion* of the member.
- 10.2 A member cannot be suspended/expelled for the lawful exercise of free expression. Freedom of expression shall include legitimate criticism of others but shall exclude defamation, incitement or hate speech.
- 10.3 A member cannot be suspended/expelled for the lawful exercise of the freedom of association.
- 10.4 NEC may suspend a member in the following circumstances:
  - The member has breached the constitution.
  - The member is on police bail or has been lawfully charged or convicted of an offence which, in the opinion of NEC, constitutes a risk to the welfare of its members.
  - Has committed an act of gross misconduct.

In *exceptional* circumstances a member may be suspended from GKF if, in the opinion of the NEC:

- The conduct of the member is injurious or is likely to be injurious to the character and interests of GKF (saving the provisions of this constitution)
  - Has failed to heed written warnings from the NEC President concerning their conduct
  - As an outcome of the complaints procedures.
- 10.5 Suspended members shall immediately forfeit all rights and benefits of membership of GKF, saving access to the conflict resolution procedures detailed in this constitution.
  - 10.6 Members who have been expelled or resigned whilst subject to disciplinary proceedings may only re-join the GKF at the discretion of the NEC.

## **11. Article 11: Suspension/Removal of Elected Officers from post**

- 11.1 NEC/GKF may suspend/remove its officers in the following circumstances:
- The officer has been subject to suspension/expulsion under Article 10.
  - The officer has breached the constitution.
  - The officer has, in the opinion of the NEC/GKF, displayed less than satisfactory administrative skills.
  - The officer has, in the opinion of NEC/GKF, exceeded the authority of the post.
  - The officer has, in the opinion of the NEC/GKF, misappropriated funds of the GKF
  - The officer has been negligent in the execution of their duties.
  - The NEC/GKF cannot sustain a working relationship with the officer.
  - The officer has lost the confidence of NEC/GKF/appropriate electorate.
- In exceptional circumstances an officer may be suspended from office if, in the opinion of NEC/GKF, the conduct of the member is injurious to the character and interests of the GKF (saving the provisions of this constitution).
- 11.2 Suspended officers shall immediately forfeit all rights to the post and shall immediately return to GKF all documentation (electronic, computer account login data, print or otherwise) obtained through holding the post and all physical property of GKF. Failure to do so shall render the suspended officer liable for all costs incurred by GKF in recovering such material.
- 11.3 NEC/GKF shall refer to the suspension/requested removal from the office to a committee to be set up by NEC. NEC shall within 21 days of the suspension, inform the Membership of the facts of suspension, the article under which the suspension has been made. Should the officer be reinstated, the NEC shall communicate this fact and the reasons to the membership.
- 11.4 A motion of “no confidence” in an officer may be submitted by a member to an AGM/EGM, subject to 45 days prior notice to the relevant committee. If the motion is sustained the officer shall be *removed* from post.
- 11.5 A motion of “no confidence” in an officer may be moved by members under “Any Other business” of a properly constituted meeting of the GKF, subject to the rules of Any Other business, provided that such a motion is based on information/evidence that was not readily available to the membership at least 45 days prior to the meeting. If the motion is sustained the officer shall be *removed* from post.
- 11.6 Motion of Censure**
- 11.6.1 Officers may be subject to a motion of “censure”. An officer subject to such a motion shall be “admonished”.
- 11.6.2 Officers subject to a motion of censure shall not lose office
- 11.6.3 A motion of censure of an officer may be submitted by members to an AGM/EGM, subject to 45 days prior notice to the relevant committee. NEC cannot refuse to put such a motion in the agenda.

- 11.6.4 A motion of “censure” of an officer may be moved by members under “Any Other business” of a properly constituted meeting of the GKF, subject to the rules of ‘Any Other business’, provided that such a motion is based on information/evidence that was not readily available to the membership at least 45 days prior to the meeting.

### **11.7 Motion of Disqualification from office**

Officers may be subject to a “Motion of disqualification from Office”, an Officer subject to

such a motion shall, if passed, be banned from all elected posts for a period specified within the motion.

A Motion of disqualification from office may be submitted by members to an AGM/EGM, subject to 45 days’ prior notice. NEC/GKF cannot refuse to put such a motion on the agenda

A Motion of disqualification from office of an Officer may be moved by members under “Any other business” of a properly constituted meeting of the GKF, subject to the rules of ‘Any Other business’ provided that such a motion is based on information/evidence that was not readily available to the membership at least 45 days prior to the meeting.

## **12. Article 12: Complaints Procedure**

The intention of this article is to enable the resolution of members’ complaints/concerns within the GKF, without immediate recourse to law by any of the parties. It is understood that whilst GKF will do its best to adhere to the procedures below, there may be some unavoidable change to time limits due to member/officer availability. Whilst GKF wishes to deal with complaints in the most efficient, fair and timely way possible it is understood that GKF is unlikely to achieve the standards of the Courts and professional Arbitration bodies when dealing with complaints.

- 12.1.1 Complaints shall be dealt with by the relevant Dojo Leader or disciplinary subcommittee panel according to the rules of the dojo

### **12.2 Disciplinary Sub Committee (DSC):**

- 12.2.1 The DSC shall be an adhoc committee to be set up by NEC upon receipt of complaints. The names of the DSC members shall be published to the membership

### **12.3 Appeals Panel (AP):**

- 12.3.1 An AP will be set up when needed to review the original complaint decision. It may determine whether the decision was correct and may uphold or vary penalties. If the Complaints Officer considers that there are serious procedural flaws in the original process, the AP may operate as a re-hearing of the original complaint

12.3.2 NEC shall oversee the constitution of the membership of the DSC and AP to ensure there are no biases or personal interests on the matter.

## 12.4 Complaints Procedure

The procedures for informal and formal complaints are as follows:

### 12.4.1 General Principles

- The NEC may co-opt a Complaints Officer to act as the point of contact for member complaints. The Complaints Officer shall not sit on any Complaints panel, so they are free to advise members and panels.
- None of the procedures below will prevent any complaint of a criminal nature being referred immediately, at any point, to the relevant external authorities.
- All complaints deemed to be gross misconduct, for example, involving physical assault/drugs and behavior likely to bring the GKF into disrepute will be referred immediately
- All complaints will be treated with confidence and will not be discussed outside of the complaints structure. However, at the point of requiring member approval (e.g. expulsion), confidentiality cannot be maintained.
- GKF shall keep a copy of the original complaint and a record of the outcome of all complaints and other disciplinary hearings for a period of 3 years. This will not be disclosed to the membership except where member approval is required but may be made available to a subsequent disciplinary panel at the stage of the process when sanctions against a member are being considered. This shall be conditional on the following criteria:
  - a. the previous complaint has been upheld,
  - b. the subsequent complaint has been upheld, and
  - c. the matter complained about in the previous is relevant to the subsequent complaint in deciding whether a sanction is proportionate.
- It is expected that where possible complaints will be dealt with informally at the lowest level possible.

Failure to comply with the findings and recommendations of the Complaints Panel(s) may constitute gross misconduct.

### 12.4.2 Informal Complaints

It is expected that at this level complaints will be dealt with informally, verbally, and will be considered within 14 days of the verbal complaint being made.

### 12.4.3 Complaints by a member of one dojo against another member/s of same dojo

Complaints will be heard informally by the Dojo Leader without undue delay unless the complaint is of gross misconduct when the complaint is referred immediately to NEC/Complaints Officer.

**Powers of Dojo Leader** - the Dojo Leader has the power to expel a member from the dojo but not from the GKF.

- 12.4.4 Complaints by one member of one dojo against another member of another dojo. These complaints will be heard jointly by the two Dojo Leaders without undue delay unless the complaint is of gross misconduct when the complaint is referred to NEC.

If the two Dojo Leaders fail to arrive at an informal joint decision the complaint will be referred to by the Dojo Leaders to NEC/Complaints Officer in writing within the 14 days of the informal hearing of the complaint, unless the complaint is withdrawn.

- 12.4.5 **Formal Complaints -**  
Procedures to be followed:

12.4.5.1 A complaint made by a member against any Officer, Dojo Leader, dojo teacher, representative or member(s) will be made in writing (email is acceptable) within 21 days of the incident or within 21 days from when the complainant first became aware of the issue. The complaint should be sent to the NEC/Complaints Officer. The written complaint will include all relevant details of the complaint, the names of the individual/s against whom the complaint is made and the names of any witnesses who will be providing witness evidence or statements.

12.4.5.2 The Complaints Officer will then decide, in consultation with the NEC Secretary, if the complaint is within remit. If there is a difference of opinion at this stage, they will refer the matter to the Vice President. The majority decision shall determine the outcome.

- 12.4.5.3
- The Complaints Officer will inform the DSC Coordinator of the complaint.
  - The DSC Coordinator will select a Complaints Panel from amongst the members of the DSC
  - The Complaints officer shall send all the documents provided by the Complainant to the Complaints Panel.
  - The Complaints Officer shall then advise the member(s) subject to the complaint that has been made and shall send the Complaint and any witness statements to them (the Respondents) and invite them to respond within 14 days.
  - The Complaints Officer shall send any written material and witness statements filed by the Respondents to the panel members and the complainant as soon as possible after receipt.
  - Once the initial evidence is filed then the Complaints Officer, in consultation with the Complaints Panel Chairman, will decide whether there is a need for a physical hearing (this includes video conferencing) using the procedure set out in below.
  - The Complaints Officer shall then either:

- Set a date for determination of the matter 'on paper' and notify the panel and parties

Or

- seek 'dates to avoid' from the panel members and from the parties and shall set a date of hearing and notify all parties and the panel as soon as

available.

- Unless there are exceptional circumstances then the date of the hearing should be within 2 months of the date of receipt of the complaint by the Complaints Officer.
- h. Where there is to be physical hearing, parties shall be responsible for informing the Complaints Officer of the number of witnesses and any dates to avoid for them and their witnesses at the earliest possible opportunity, and for informing their own witnesses of the date of any hearing.
  - i. The parties shall inform the Complaints Officer of any statements filed by the other parties which are accepted without the need to call the witness to give evidence.
  - j. The Complaints officer shall set a timetable for the exchange of any further evidence and will notify the Panel and the parties
  - k. The Complaints officer will conduct any further enquiries of parties or witnesses which are required by the Panel and the results shall be available to all parties.
  - l. All evidence shall be filed at least 7 days before the date of any hearing or consideration of the written evidence.

#### 12.4.5.4 In consultation with the CP Chairman and the parties to the Complaint, the Complaints Officer will decide whether the matter requires a physical hearing.

The hearing may be conducted virtually by video conferencing technology. The hearing date may be amended by the Complaints Officer within 7 days of the original hearing date if the Complainant or the individual/s complained against are unavailable for any reasonable cause and any new date must be communicated to the parties and panel by the Complaints Officer as soon as practicable.

All parties have the right to be accompanied to any oral hearing by a representative and the Panel shall be notified in advance of the name of any such representative if the representative intends to participate in the hearing. The Panel may exclude the representative if that person is disruptive at the hearing.

**Decision not to hold a physical hearing:** This decision may be taken if the constituent members of the Complaints Panel are located at a geographical distance in excess of 50 miles and there is no event at which all members of the Panel can be present to conduct a hearing convenient to the Complainant and the Defendant(s), or not all parties have access to video conferencing and/or the matter is simple in nature and the facts are uncontested.

If the decision is taken to waive the requirement for physical hearing the following procedures will apply:

- The decision will be communicated to the Complainant and the Defendant(s)
- The Complainant and the Defendant(s) will be sent all the documentation and witness statements from both the Complainant and the Defendant(s) and they will be given sufficient time to consider these documents, ask any further questions of any party, and to communicate the response (s) to the Panel.

- Both the Complainant and the Defendants) are given the opportunity to give a verbal summary via telephone or internet to the Chairman of the Panel should they wish to do so.
- The Panel will arrive at a decision within 7 days from receipt of all the documentation/verbal summary and communicate this decision to the parties.

When the decision has been made, all parties will be notified in writing by the DSC coordinator of the decision and any penalty imposed. Written notification will occur within 14 days of the date of the hearing. The notification of the decision will advise of the rights of appeal.

#### 12.4.6 Elected Structure for the hearing of complaints:

- A) Formal Complaints are conducted by the Complaints Panels.  
Powers: The Complaints Panel has the power to impose penalties as set out below.
- B) Final Appeal is conducted by the DSC Appeals Panel.  
Powers: As set out below. The Appeals Panel may alter the penalties as they see fit, based on their assessment of the evidence.

#### 12.4.7 Powers and Penalties

All Panels have the power to impose the following penalties:

1. Suspension/expulsion from the GKF in accordance with the provisions of the Constitution.
2. Removal/Disqualification/Suspension from Office for such period as deemed fit.
3. Banning from holding Office for such a period as deemed fit.
4. Issue a formal reprimand
5. Other proportionate penalty

#### 12.4.8 Parties to the complaint shall bear their own costs

#### 12.4.9 The provision of false information during the complaints process shall constitute gross misconduct.

#### 12.4.10 GKF will not process anonymous complaints.

### **13. Article 13: Disciplinary matters falling outside of the Complaints Procedure:**

13.1.1 Where NEC considers that a member's conduct is likely to be detrimental to the interests of GKF, they shall write to that member warning him or her that the conduct is unacceptable and requires that the behavior ceases.

13.1.2 In the event that the behavior does not cease, or that the member engages in further unacceptable behavior of a different nature and in breach of their obligations under

the Constitution, or likely to be detrimental to the interests of the GKF, then the NEC may suspend or expel the member.

## 14. Article 14: Elections and Voting policy

14.1 The length of service of officers, the electorate, venue, type of election and mode of election shall be as detailed in Diagram 14-2.

Post	Number of persons	Maximum length of service (consecutive years)	Electorate	Venue of Election	Type of Election	Mode of Election
Honorary Patron	1	5 years	none	By invitation of the NEC	none	Secret Ballot
NEC President	1	3 terms	All	NEC AGM/EGM	Virtual/present	Secret Ballot
NEC Vice-President	1	3 terms	All	NEC AGM/EGM	Virtual/present	Secret Ballot
NEC Secretary	1	3 terms	All	NEC AGM/EGM	Virtual/present	Secret Ballot
NEC Treasurer	1	3 terms	All	NEC AGM/EGM	Virtual/present	Secret Ballot
NEC Membership Officer	1	3 terms	All	NEC AGM/EGM	Virtual/present	Secret Ballot
Technical Head	1	3 terms		GKF AGM/EGM	Virtual/present	Secret Ballot
DRC Chairman	1	3 terms	Dojo Reps	DRC meeting	Virtual/present	Secret Ballot
Dojo Representatives (per dojo)	1	No limit	Dojo chooses method of appointment	n/a	n/a	n/a

### 14.2 Length of service

14.2.1 Elected officers of the NEC/GKF/DRC shall hold posts for a term of 4 years and may, if re-elected, hold the post for a maximum of 3 consecutive terms. Thereafter, they must stand down for a minimum of one year before being eligible for re-election to the same post. However, such officers may be elected to a different post without a break in service.

14.3.2. Other, non-voting officers may be co-opted and removed by the NEC/GKF if necessary.

14.3.3. Dojo Representatives shall hold office without any time limit. This post is not considered an “elected” post for the purposes of this constitution. Consequently, individuals may hold this post and any other elected post.

### 14.3 Publication of nominations

NEC Secretary shall publish on the website a list of posts eligible for nomination. NEC Secretary shall update this table as soon as possible with the status of nominations received:

- Post & Name of person proposed (not yet validated) & Date
- Received & Date
- Verified & Valid/Invalid & Date

### 14.4 Nominations for NEC/GKF posts

14.4.1 Members shall be notified in writing by the NEC Secretary no less than 90 days before the date of the forthcoming election of the posts due for election at the AGM and invited to submit nominations on a supplied pro-forma.

- 14.4.2 Ordinarily, *except as provided in 14.4.3* nominations for a post must be returned to the NEC secretary no less than 45 days after the date of the meeting and take the form of nomination form from the website, naming the person nominated, a proposer and a seconder, their GKF numbers and contact details for verification together with their election statement.
- 14.4.3 If a post remains vacant the relevant NEC/GKF shall be empowered to appoint a temporary officer until the next available elections. *When no nominations are received as provided for in 14.4.2, then this sole exception is permitted: that nominations be accepted from the floor at the AGM.* This shall take the form of a resolution to accept nominations from the floor. If seconded and if passed, nominations can be accepted from the floor. In such a case the post shall be considered ‘Temporary’ until the next available elections.

#### 14.5 Nominations for DRC posts

- 14.5.1 Dojo Representatives shall be notified in writing by the NEC secretary no less than 90 days before the date of the forthcoming election of the posts due for election at the DRC meeting at the AGM and invited to submit nominations
- 14.5.2 Ordinarily, nominations for a post must be returned to the NEC Secretary no less than 45 days of the date of the meeting and take the form of nomination form from the website, naming the person nominated, a proposer and a seconder, their GKF numbers and contact details for verification together with their election statement. Nominees, nominators and seconds must all be confirmed members of the GKF.
- 14.5.3 If a post remains vacant, NEC/GKF shall be empowered to appoint a temporary officer until the next available elections. Exceptionally, if there are no nominations for a post under 14.5.2, nominations shall be accepted from the floor of a properly constituted meeting. This shall take the form of a resolution to accept nominations from the floor. If seconded and if passed, nominations can be accepted from the floor. In such a case the post shall be considered ‘Temporary’ until the next available elections.

14.5.3 No member of the GKF shall hold more than one elected post at the same time.

- 14.5.4 If at any time of the year an elected post becomes vacant or if a post remains unfilled at an AGM/EGM/other properly constituted meeting, NEC/GKF may co-opt a suitable candidate from the membership of the GKF. This co-option shall continue to the next properly constituted meeting, when a normal election for the post shall take place.

#### 14.6 Voting procedures

- 14.6.1 Elections and agenda items shall be decided by secret ballot. Amendments to agenda items shall normally be decided on by open voting unless the proposer requests a secret ballot and this is agreed to by the meeting.

#### 14.7 Electioneering

- 14.7.1 In the absence of any other specific provision NEC/GKF shall have the duty and authority to uphold the honor and integrity of the GKF.
  - 14.7.2 NEC/GKF shall have such authority as necessary to ensure a fair election in line with the constitution and with the principles of natural justice.
  - 14.7.3 Candidates agree to abide by the election rules of the GKF. Failure to do so shall disqualify the candidate from the election.
  - 14.7.4 Candidates agree to respond to NEC/GKF scrutiny enquiries fully and truthfully and within the time specified by NEC/GKF. Failure to do so shall disqualify the candidate from the election.
  - 14.7.5 Any candidate(s) found to have broken the rules of the election and or to have been untruthful - to be determined by NEC/GKF (on the Balance of probabilities) - shall be deemed to have disqualified themselves from the election or, if after the election, shall be removed from office forthwith. NEC/GKF shall have the right to impose further censure on the candidate, commensurate with the nature of the case of the election rules.
  - 14.7.6 Candidates for office shall not engage in electioneering practices other than as stipulated in 14.8.6 and they or their supporters shall not use the GKF database except for the provisions of 14.8.6. It shall be acceptable for candidates to respond to direct questions or requests for clarification from individual members provided such responses are not in the public domain.
- 14.8 In the event of there being only one candidate, the candidate must still achieve a majority vote in support, else the post remains vacant. If the post remains vacant the NEC shall be empowered to appoint a temporary Officer until the next opportunity for elections.

## **15 Article 15: Communications Policy**

15.1.1 The officers of GKF seek to be proactive in communicating with members. Communication shall be active rather than passive. It must not be assumed that members will consult the GKF website frequently to look for changes.

15.2 See Byelaw 18: Communications Policy.

NEC must communicate election and constitutional changes to the membership via the mass email facility (to member email addresses current in the Membership database). Links to the GKF website for members to obtain details can be provided in the mass email. Social media and/or the GKF website.  
Failure to act as above shall render null and void any policy or election so affected.

15.3 Provision must be made on the membership application form for members to indicate their preferred means of communication (e.g. email, post); this preference should be made.

15.4 It shall be incumbent on membership to inform the Membership Officer of any changes in email/postal address

15.5 The following documentation shall be placed in full on GKF's website:

- The constitution
- The expenses
- Grading programs
- Training materials/videos
- Coaching Programs
- Competitions
- National and International Programs
- Minutes of NEC and GKF meetings
- Guidelines and Recommendations
- Other documentation as deemed necessary by NEC/GKF

#### **15.5.1 Reporting**

Where “reporting” is part of the mandatory functions of the NEC/GKF at least the minimum reporting should be carried out, even if it simply states that “there is nothing to report” e.g. the Chairman of the DRC has a duty to liaise with the GKF and vice versa.

#### **15.6 Access to the GKF database**

All officers charged with informing others in the GKF shall have the right of access to the contact details of those members - for the purposes of communicating material within their brief only.

### **16 Article 16: Grading Policy and Grading Register**

16.1 All gradings held under the auspices of the GKF shall be in strict accordance with the requirements of the Ghana Kendo Federation (GKF)/International Kendo Federation (FIK).

16.2 The results of grading shall be communicated to the NEC Membership Officer for inclusion in the National Grading Register (for 1<sup>st</sup> Kyu and above).

16.3 Members shall be entitled to request a “Certificate of eligibility to grade” from the NEC Membership Secretary. This certificate shall consist of any information required by National/International bodies to permit the member to grade at National/International gradings e.g. Full name; membership number; date started discipline; date(s) and venue(s) and awarding body of previous gradings; signature of relevant NEC member or stamp of the GKF etc.

16.4 Members shall have the right to grade at any National/International venue provided they are eligible under FIK rules and that the correct FIK/EKF regulations for grading outside one’s Federation are followed.

16.5 Promotions to and within the Dan degree shall only be recognized when held under the auspices of the Ghana Kendo Federation (GKF), International Kendo Federation (FIK) and any other body recognized by the FIK.

16.6 Members achieving promotions at approved gradings outside Ghana shall inform the NEC Membership Officer and provide suitable evidence of the promotion (date, venue, grade achieved, awarding body, copy of menjo etc). Subject to the above criteria the grade shall be ratified by the GKF and entered into the National Grading Register.

16.7 Members of the GKF shall indicate the provenance of their grade whenever this is used in publications etc. The provenance may be shown as “GKF” if the grade is entered in the National Grading Register.

16.8 Menjo issued by the GKF shall bear the signature of the 3 highest graded persons on the examination panel and the stamp of the GKF.

16.9 Members’ grading clock shall start from the date of first joining the GKF as a full or temporary member.

## 17 Article 17: Meetings of the GKF: Annual General Meeting (AGM)

17.1 NEC shall ensure that the AGMs are held at a time (and place if a physical meeting is to be held) convenient to all.

17.2 The NEC/AGM shall be open to the appropriate electorate

17.3 The AGM shall be within 6 months of the end of the financial year. NEC shall publish a provisional date (and venue if a physical meeting is to be held) for the AGM at least 120 days prior to the meeting.

17.4 The NEC shall inform members of the AGM giving at least 90 days’ notice in *writing* of the AGM and provide a *provisional* agenda - including Officers’ posts due for election and invite nominations for such posts (see Elections and Voting within the GKF).

17.5 NEC shall invite members to respond in writing or by email to the items in the provisional agenda and to suggest any other business and make any other submissions/proposals/resolutions to the AGM, not less than 45 days before the AGM. Proposals and resolutions submitted by members must be proposed and seconded by two or more members and bear their full names and membership numbers and contact details for verification.

17.6 NEC shall have the right to withhold any such notice of resolution etc, if in their opinion it is irrelevant to the objects of GKF. *Such action shall be reported to members prior to the meeting and dealt with according to the provisions of the agenda.*

17.7 NEC shall inform members of the following (in accordance with the communications policy), not less than 30 days prior to the AGM:

- The finalized agenda.
- Notice of any resolutions/proposals from members which the committee has withheld from the agenda.

- A copy of GKF's annual financial records
- A copy of the minutes of the last AGM/EGM.
- A copy of all reports to be presented at the meeting.

17.8 The structure, conduct, standing orders and agenda of the meeting shall be in accordance with Appendix 5.

## **18     Article 18: Meetings of the GKF: Extraordinary General Meeting (EGM)**

18.1 NEC may at any time call an EGM for the purpose of considering any question affecting the interests of the GKF. The purpose of the meeting shall be specified in the form of a resolution.

18.2 NEC shall be bound to call an EGM within 60 days of receipt of a written request signed by >=30% of the member dojo of the GKF.

18.3 The purpose of the meeting shall be specified in the form of a resolution, in the letter calling for the EGM. The resolution shall bear the name and membership number of the proposer and seconder. The resolution shall bear the signatures of the supporting dojo leaders/representatives either in the same letter or as separately signed copies of the letter.

18.4 The proposer and seconder shall have the right to submit no more than two sides of A4 text in support of their resolution/setting the resolution in context.

18.5 The submission data in total shall be dated and sent to the Secretary (where possible by recorded delivery, supported by email).

18.6 The relevant committee shall have the right to submit no more than two sides of A4 text in response to the proposed resolution.

18.7 The relevant committee shall notify the relevant electorate in writing at least 30 days in Advance of the meeting, in accordance with the Communications Policy. Such notification shall state the proposed resolution in full and include the text in support of the resolution/setting it in context and (where appropriate) their own text in response.

18.8 No provision herein shall prevent members' right to free speech within the law.

18.9 The structure, conduct and agenda of the meeting shall be in accordance with Appendix 5: Structure, conduct and standing orders of meetings (AGM/EGM/ NEC /DRC meetings).

## **19     Article 19: Meetings of the GKF: NEC and DRC meetings**

19.1 The structure, conduct and agenda of the meeting shall be in accordance with Appendix 5.

19.2 Meetings of the NEC shall be determined by the requirements of their functions and there shall be a minimum of *one* physical meeting per year. NEC may request the

attendance of members of the GKF where appropriate.

19.3 The NEC Secretary shall organize NEC meetings at such a place and on such a date and at such a time, with the object of enabling the greatest number of members to attend.

19.4 Meetings of GKF shall be determined by the requirements of their functions and shall be a minimum of *one* physical meeting per year.

19.5 The President shall organize GKF meetings at such a place and on such a date and at such a time, with the object of enabling the greatest number of members to attend.

19.6 Meetings of the DRC shall be determined by the requirements of their functions; and shall be a minimum of *one* physical meeting per year.

19.7 The DRC Chairman shall organize DRC meetings at such a place and on such a date and at such a time, with the object of enabling the greatest number of members to attend  
e.g. major events/competitions.

19.8 Minutes of the NEC/GKF/DRC meetings shall be made available to the membership in accordance with the Communications policy.

19.9 Virtual meetings (e.g. web-based or tele-conference etc) may be held provided all members of the relevant committee have technical *access* to the meeting and that the meeting conforms to the provisions of Appendix 5.

#### 19.10 Schedule of meetings

### 20 **Article 20: Interpretation of the constitution**

The authority for the interpretation of the Constitution and By-laws of the GKF shall be vested in the Vice-President /Constitutional Trustee, who shall act independently of the NEC/GKF in this function. The Vice-President /Constitutional Trustee may independently commission legal advice on constitutional matters (to be funded by the NEC).

Amendments to the Constitution agreed at an AGM/EGM are valid from the time of agreement, even if the Constitution wording is not immediately updated.

### APPENDICES TO THE CONSTITUTION

#### **Appendix 1: Unincorporated Federation; Duty of Care and General Duties**

GKF is an 'unincorporated members' club': this means that- unlike a company or a charity- the GKF is not a legal entity in its own right. GKF does not have a separate 'legal personality' and is comprised of all its members at any given time.

I.e. it is a group of individuals linked together by contract.

The terms of contract between the members themselves are set out in the Rules of the Dojo,

or in GKF's Constitution and By-laws. Dojo rules are binding under contract law (subject to interpretation etc).

GKF may get cited in court proceedings as 'an identifiable group but this is not the same as being a legal entity)

The responsibility for transactions and activities is delegated by the Membership to the managing committees.

All officers of the GKF whether elected or co-opted, shall have the following responsibilities:

1. Duty of care to members

- To take any decisions for the benefit of the GKF as a whole and not a section or faction thereof
- In undertaking GKF business, to exercise the standard of care a reasonable person would exercise in the circumstances in their own affairs
- To always behave with consideration and courtesy towards members
- To always behave with integrity

2. A continuing duty at the end of their term, to co-operate with their successor and supply any documents or information requested to the best of their ability to the successor on request; to assist by answering reasonable questions relating to their tenure of the post.

## **Appendix 2: Duties and responsibilities of the Patron and NEC officers**

### **Honorary Patron**

- Assist GKF in the achievement of its aims in a capacity commensurate with their qualities.
- Attend meetings and events of the GKF at the invitation of the NEC.
- The founding members of GKF shall remain as life Patrons and shall attend meetings and events of GKF

### **GKF/NEC Officers:**

- President
- Vice-President (also Constitutional Trustee)  
Secretary
- Treasurer
- (Deputy Treasurer if required)
- Membership Officer
- Technical Director
- Dojo Representative

NEC may co-opt non-voting officers if necessary.

### **GKF President**

**(Has one ordinary vote in committee)**

The President shall have the power and duty to take any reasonable action to protect the interests of the GKF and its members. The President shall endeavor to consult NEC on any such action but shall in any event report action taken to NEC for ratification at the earliest opportunity. The President, for example, may write to a member(s) a letter of concern, caution and possible action regarding member conduct and to request that the member(s) desist in behavior likely to be detrimental to themselves or the GKF.

- Has a casting vote in the event of a tie (may decline to use this power).
- Presides over meetings
- Instructs the Secretary on action to be taken in relation to decisions made at the meeting.
- Liaise/communicate with other bodies on behalf of the GKF, within the parameters set by NEC.
- Acts as the representative of the GKF at national events (where invited).
- Ensure that GKF runs according to the constitution.
- Report to AGM on the conduct of GKF.

**GKF Vice-President /Constitutional Trustee**

**(Has one ordinary vote in committee)**

- Presides over meetings in the absence of the President. In this instance the Vice-President shall assume the full authority of the President.
- Act as a “Constitutional Trustee” to ensure that the constitution is adhered to at all levels of the GKF.
- Advise the relevant committee and/or membership of breaches (and potential breaches) of the constitution, in accordance with the communications policy.
- Advise NEC, GKF and membership on matters of the constitution.
- Where necessary, commission independent legal advice relating to the constitution.

**GKF Secretary**

**(Has one ordinary vote in committee)**

- Receive / reply to all correspondence related to the business of the NEC and distribute correspondence relevant to GKF.
- Organize the activities of the NEC under the direction of the President.
- Keep a true and faithful record of all correspondence received and sent and the action taken.
- Convene meetings of the NEC, AGM/EGM according to the constitution.
- Instigate and co-ordinate the election procedures as detailed in the Constitution.
- Supervise and be responsible for any outsourced administrative functions related to the above.

**GKF Treasurer**

**(Has one ordinary vote in committee)**

- Maintain suitable financial records for GKF
- Receive all subscriptions and external funding from GKF.
- Receive all additional sources of income from each Dojo.
- Allocate income to GKF and programs in accordance with the provisions of the constitution.
- Countersign cheques/approve online transactions of the GKF.
- Monitor the solvency of GKF and to report any financial concerns to NEC and/or GKF in a timely manner.
- Liaise with the President in response to matters of scrutiny reporting.
- Provide ongoing statements to NEC.
- Publish quarterly reports on the expenditure and commitments of GKF, in accordance with the Communications Policy.
- Report to the membership on the overall financial position of the GKF.
- Ensure that the annual financial records of GKF are independently verified and published prior to the subsequent AGM
- Provide Financial data to members on request (subject to Byelaw 2).

**GKF Deputy Treasurer** (position to be filled as and when required)

(Has one ordinary vote in committee in the absence and with the agreement of the Treasurer)

- To assist the Treasurer in their duties.
- Pay or collect as necessary (see below)
- Pay expenses and invoices as instructed by the Treasurer
- Where bank details are not known, obtain them from the payee
- Notify Dojos and Treasurer of payments made as agreed (e.g. monthly)
- Keep a record of all bank transactions and transfers and ensure that they are recorded against an event or admin code
- Where the Treasurer has specified that funds should be collected, chase the payees and report on successful and unsuccessful collection
- Provide accurate records of bank transactions (that match the bank statements) and transfers
- Assist with development of the consolidated set of books
- Store expense claims and supporting records

**GKF Membership Secretary**

(Has one ordinary vote in committee)

- Maintain an up-to-date register of membership of GKF, in liaison with the Technical Head/Grading Officer.
- Maintain an up-to-date register of the dojo membership of the GKF.
- Maintain the National Grading Register for all arts related to this constitution.
- Issue “Certificate of eligibility to grade” when requested. Provide analyses of the membership in response to NEC/GKF/DRC requests.
- Supervise and be responsible for any outsourced administrative functions related to GKF

**Dojo Representative Committee Chairman**

(Each has one ordinary vote)

Represent the dojo representatives and membership NEC.

### **Complaints Officer**

(Has no vote in committee - co-opted post)

- Advise GKF on Complaints policy.
- Be the point of contact for members who are considering making a complaint.
- Advise members on complaints.
- Liaise with and advise Complaints Committees and Dojo Leaders on all matters of complaints procedure.
- Develop guidelines and policy as necessary and advise members
- Promote understanding of Equality and Diversity issues within the membership

### **Events Officer**

(Has no vote in committee)

- Oversee and/or organize events (taikai, seminars etc (other than gradings) in liaison with other officers and members to ensure the successful running of the event.
- Assist the President in the scheduling of taikai, seminars and other events.
- Oversee/organize taikai and seminars etc. in liaison with the host dojo.
- If there is no host dojo, organize the event using the resources of GKF.
- Liaise with the President to organize the referees/teachers for the taikai/seminar/event
- Collect or arrange the collection of monies/payments for all events; keep a record of such income and expenditure; secure ratification of this record by the Treasurer or an elected officer. Transfer monies to the NEC Treasurer within 14 days of the event being held
- (unless agreed otherwise by the NEC Treasurer), accompanied by a ratified breakdown of the income/expenditure of the event (sufficient to allow the Treasurer to complete their accounts).
- Provide a summary report of the event to GKF including financial accounts (income and expenditure; the number of participants; where possible a record of attendees (names, membership number); their demographics (age and grade distribution); if a competition, the results of the competition.

### **Technical Director**

Has no vote in committee (co-opted post)

- Manage the overall organization and logistics of the national team.
- Organize the team training and selection calendar in liaison with the President and the Team Trainer.
- Organize the logistics of team activity (e.g. transport, food, accommodation)
- Select the team after consultation with the Team Trainer and President. Selection shall be in accordance with principles of fair play and equal opportunity for all members.
- Keep financial accounts of team activity (income and expenditure).

- Submit a detailed report to the GKF of team participation in each national and international taikai - to include financial accounts; results; recommendations of any actions to be taken in the light of the experience of the taikai; the Team Trainer's evaluation of team performance; the Team Trainer's evaluation of the overall taikai performance.
- Organize International taikai reports for the membership.
- Responsible for developing a code of conduct for team members (subject to the ratification of the GKF).
- Responsible for ensuring that the team adheres to the code of conduct

#### **National Team Trainer/Coach**

- Develop and execute a team training and selection policy in liaison with the President and Team Manager.
- Actively scout and encourage new talent.
- Train the national team in preparation for national and international competitions.
- Liaise with the Team Manager re the logistics of team activity, team training and selection calendar, team selection.
- Liaise with Team Manager in the compilation and maintenance of a record of foreign competitors who are likely to oppose team members. In liaison with the President, advisers and DRC, develop and monitor a code of conduct for coaches (subject to the ratification of the GKF).

### **Appendix 3: Duties and responsibilities of Dojo Representatives**

#### **Chairman of the DRC**

Has one ordinary vote in committee

- Has a casting vote in the event of a tie
- Preside over meetings of the DRC
- Arrange meetings and agenda of the DRC
- Act as the main point of communication/liaison with the NEC/GKF
- Receive and distribute communication to from NEC
- Is entitled to attend meetings of GKF
- Represent the views of member dojos.

#### **Dojo Representatives**

Have one ordinary vote on the committee

- Attend meetings of the DRC (with no eligibility for expenses)
- Actively liaise with each other in matters relevant to the practice of the art.
- Actively liaise with the NEC via the DRC Chairman in matters relevant to the practice of their art.
- Report to their dojo members in accordance with the Communications policy.
- Represent the views of the members of their dojo.

### **Appendix 4: Structure, conduct and standing orders of meetings (AGM / EGM/ NEC / DRC meetings)**

1: Quorum and required voting majorities

- The meeting shall be opened and conducted by the President, who shall first declare that all eligible members have been informed of the meeting in accordance with the communication policy; the size of the electorate e.g. number of eligible members, members, Dojo Representatives and *then* make a count and declare whether a quorum has been met.
- The quorum for NEC meetings shall be 3 members.
- The quorum for the NEC and EGM shall be  $>=50\%$  of the electorate.
- The quorum for DRC meetings shall be  $>=20\%$ , except where otherwise stated in this constitution (see Conflict Resolution and Complaints Procedures).
- The quorum for DRC meetings which challenge/reverse GKF decisions shall be  $>=20\%$  of the Representatives of the member dojo.
- The quorum for DRC meetings which challenge/reverse NEC decisions shall be  $>=20\%$  of the Representatives of the member dojo of the GKF.
- If the attendance figure represents a fraction, then the next highest number shall be assumed.
- If a quorum has been met at the start of a meeting, then business may be conducted even if Attendance subsequently falls below the quorum.

## **2: Voting**

- 2.1** Resolutions adding to or altering or rescinding the constitution or any part thereof shall be an agenda item of an AGM/EGM published according to the Communications Policy.
- 2.2** Resolutions adding to or altering or rescinding the constitution or any part thereof shall be decided by a  $>=80\%$  majority of the electorate present and voting at the meeting.
- 2.3** In the case of the equality of votes, the President shall have the casting vote.

## **3: AGM Agenda**

The order of business shall be:

- 3.1** A count is taken to determine whether a quorum has been made (see 1 above). If a quorum has not been made the meeting shall be disbanded forthwith. No further business shall take place other than a calling of another date to hold an AGM.
- 3.2** The order of business in the agenda shall be followed under the guidance of the President. The agenda of the meeting shall include:
  - Count to establish whether a quorum has been made.
  - Complaints, suspensions, expulsions.
  - Minutes of the previous meeting (previously communicated to members) shall be agreed, subject to correction.
  - Matters arising from the previous minutes.
  - NEC officers reports to be read to the meeting by the relevant officer.
  - Discussion and acceptance or otherwise of each report.
  - Where appropriate, officers' reports should include reports from:
    - President
    - Treasurer
    - Membership Officer, etc.
  - Election/re-election of appropriate committee members

- Policies and changes to policies applicable in the forthcoming year. These must be discussed and ratified or otherwise by the membership.
- Resolutions and other items as set out on the agenda.
- Resolutions/proposals from members which were withheld by the committee from the agenda.
- Appointment of external auditors for the NEC accounts.
- Any other business (AoB).

#### **4: EGM Agenda**

The order of business shall be:

- 4.1 A count is taken to determine whether a quorum has been made (see 1 above). If a quorum has not been made the meeting shall be disbanded forthwith. No further business shall take place other than the calling of another date to hold an EGM.
- 4.2 The order of business in the agenda shall be followed under the guidance of the person taking the President. The agenda shall include:
  - Count to establish whether a quorum has been made.
  - Specific Resolutions and other items as set out in the call for the EGM.
  - Any other business (AoB).

#### **5: Meetings of the GKF**

The order of business shall be:

- 5.1 A count is taken to determine whether a quorum has been made (see 1 above). If a quorum has not been made the meeting shall be disbanded forthwith. No further business shall take place other than a calling of another date to hold the meeting.
- 5.2 The order of business in the agenda shall be followed under the guidance of the President. The agenda of the meetings shall include:
  - Count to establish whether a quorum has been made.
  - Minutes of the previous meeting (previously communicated to members) shall be agreed, subject to correction.
  - Matters arising from the previous minutes.
  - Items of business of the day
  - Any other business (AoB).

#### **6: Meetings of the DRC**

- 6.1 The intention is that meetings of the DRC should be as informal as possible. Dojo Representatives may nominate a proxy to attend meetings and vote on their behalf.
- 6.2 The DRC Chairman shall notify the DRC of the date, venue and agenda of the

meeting at least 45 days prior to the meeting e.g. at a major Taiki or training seminar.

The order of business shall be:

- 6.3 A count is taken to determine whether a quorum has been made (see 1 above). If a quorum has not been made the meeting shall be disbanded forthwith. No further business shall take place other than a calling of another date to hold the meeting.
- 6.4 The order of business in the agenda shall be followed under the guidance of the Chairman. The agenda of the meetings shall include:
  - Count to establish whether a quorum has been made.
  - Minutes of the previous meeting (previously communicated to members) shall be agreed, subject to correction.
  - Matters arising from the previous minutes.
  - Items of business as determined by the needs of the DRC
  - Any other business (AoB).

#### **6.5 Standing orders at AGM/EGM and other meetings**

- 6.5.1 A resolution which appears on the agenda or is consented to by the meeting shall only be proceeded with in the presence of the proposer or seconder. The proposer or seconder of the resolution shall be afforded the opportunity to respond to the discussion (through the President), in proportion to the responses of the meeting. A spirit of fair play and reasonableness shall be adopted.
- 6.5.2 It shall be permitted for any member to move, without comment on the resolution “that the question be put”. If such a resolution is seconded and supported by the majority vote of those present and voting, the President shall call upon the proposer to make their reply, after which the resolution or amendment shall be put without further debate. If lost, debate on the resolution shall discontinue.
- 6.5.3 **Amendments to resolutions:**

An amendment must not be a direct negative of the resolution. It must be relevant and within the scope of the notice calling the meeting.

If a debate has been concluded by the reply of a mover or if in the opinion of the President a full and fair debate has been concluded the resolution or amendment shall be put forthwith.

- 6.5.4 During debate, speakers must first announce their name after they have addressed the President.
- 6.5.5 The President shall have the power to suspend discussion of a matter until the remainder of the agenda has been dealt with. Thereafter he shall continue the original discussion under Any Other business.
- 6.5.6 The President shall rule on any question of procedure or interpretation of standing

orders which are not covered by this constitution (subject to advice from the Constitutional Trustee and the Secretary).

- 6.5.7 Exceptionally, resolutions shall be accepted from the floor of the meeting. This shall take the form of a resolution to accept resolutions from the floor. If passed by a majority of >80% of those present and voting, resolutions can be accepted from the floor. If lost, no resolutions shall be accepted from the floor.

6.5.8 **Breaches of order**

A person is in breach of order by using objectionable words and refusing to offer a satisfactory apology, or by using offensive words in respect of another person, or by willfully disturbing the orderly conduct of business or by disobeying a reasonable order from the President.

Such a person can be penalized on being declared in breach of order by the President.

This penalty can take the form of (1) ejection from the meeting (2) Being suspended for a fixed period from attending meetings.

Such a person shall have access to the conflict resolution procedures of the GKF.

- 6.5.9 Minutes shall be taken for all meetings and held on record by the Secretary/President. The minutes shall reflect the major topics discussed, the decisions and the actions taken at the meeting, voting and any other matter a committee member specifically requests to be minuted. Minutes are not intended to be a verbatim record of discussions. However, the full meeting (& NEC AGMs) shall be recorded electronically and transferred to the archive media. Such recordings shall be the property of GKF and shall be archived for record and reference purposes for a period of two years. Thereafter the recording may be destroyed.

## **Appendix 5: Funding of GKF and Accounting policy**

1. The GKF Treasurer shall submit to the membership a set of independently verified financial records for GKF (including but not limited to a profit and loss statement and a Balance sheet), for the previous year ending 31<sup>st</sup> December at least six weeks prior to the date of the next NEC AGM and at the AGM. The Financial records shall be constructed from records of transactions associated with events and the normal running costs of the GKF and shall be consistent with management accounts prepared for an organization of similar size.

The GKF Treasurer shall make a reasonable response to questions regarding the Annual management accounts from membership prior to the NEC/AGM and at the NEC/AGM.

2. Parties appointed to verify the management accounts shall have access to all books and accounts of GKF and shall verify them with the vouchers, deeds, documents and securities and shall sign a statement that they found the management accounts to be correct, duly vouched and in accordance with the law, or specially report to the GKF in what respect they found them incorrect, without voucher, or not in accordance with the laws relating to the GKF.

3. The GKF Treasurer shall produce all books, documents, property and monies of GKF and shall render full and clear accounts at each checking, to NEC/GKF and whenever required by.
4. All income of GKF, from whatever source, shall be declared to NEC. The income and property of GKF where so ever derived shall be applied solely to the promotion of the objects of the GKF as set in the aims of GKF.
5. Except for the provisions of Article 9 (Monetary and Accounting Policy) no portion of the income and property of the GKF shall be paid or transferred directly or indirectly, by way of dividend, bonus or anyway howsoever, by way of profit to members of the GKF.
6. Except for the provisions of Article 9 (Monetary and Accounting Policy) if any member receives or makes such payment of any dividend, bonus or profit, their liability shall be the value of actual monies involved plus the cost of recovering such monies, after the member has been advised in writing that it is unauthorized.

## **BY-LAWS OF THE GKF**

### **By-law 1: Affiliations**

GKF shall be affiliated with the National Sports Authority of Ghana, International Kendo Federation (FIK) and the European Kendo Federation (EKF)

### **By-law 2: Financial and data protection provisions**

By-law 2.1 Wherever possible all payments of GKF shall be by cheque or bank transfer.

By-law 2.2 All GKF cheques for NEC expenditure shall be countersigned by the GKF Treasurer and the GKF President or Vice-President.

By-law 2.3 **Fee-setting Policy**

- The dojo membership fees for the GKF shall be calculated at a flat rate to be paid by each dojo annually or on a Monthly basis
- Each registered Kendo-ka shall be required to pay an annual fee to GKF as shall be decided at an AGM
- Each member of a dojo shall be required to make payment to the Trainer/Teacher or as shall be the policy of the dojo. The decision on the dojo fee structure shall be the sole prerogative of the dojo trainer
- Fees shall, however, not be exorbitant to deter interest and commitment to the practice of Kendo.
- Competition entry fees shall be paid by Kendo-Kas upon completion of a form to take part in a competition that shall be organized by GKF or in collaboration with the DRC.
- GKF may facilitate the procurement of Hakama, Kendo-gi and other protectives which shall be made available on sale to individuals and Dojos

By-law 2.4

- The budgeted strategy and estimated cost for NEC must be published before the AGM at which member agreement or otherwise will be sought.
- The general strategy, budgets and estimated cost and fees are subject to

- consultation with the DRC before presentation at the AGM.
- The budget must be in sufficient detail to allow the membership to understand the nature and distribution of expected Income and expenditure.
  - The Income from ancillary subscription and fees e.g. late dojo payment fees etc, temporary membership etc. shall be allocated to GKF account
  - The timing and development and consultation process for the budgets shall be detailed in the by-laws as appropriate.
- By-law 2.5** The income from subscriptions (after the provisions of 2.4 above), non-specific grant aid, non-specific donations and other non-specific Income shall be deposited in GKF accounts
- By-law 2.6 Visibility of Financial information**
- Members have the right to complete visibility of all records of the GKF including, but not limited to, Financial, legal organizational and membership matters save those exempted by the constitution and the law. Requests to receive data will be processed in a timely fashion and any failure to provide requested information will be reported to the AGM as a separate Agenda item.
  - All Officers and members accept that members have the right to request details of expenses/monies paid by the GKF to them, and that these details will be provided on request except for their personal address and banking details and such other limitations required by law.

### **By-law 3: Dojo Membership**

To qualify for membership a dojo must submit the dojo application form, which details:

- 3.1.1 dojo name
- 3.1.2 discipline(s) practiced
- 3.1.3 details of the dojo leader(s) name/grade/Insurance cover (if any)
- 3.1.4 The official leader and representatives of dojos must be members of GKF.
- 3.1.5 Day(s), times and venue of practice
- 3.1.6 nature of practice e.g. adults only, juniors
- 3.1.7 Waiver of GKF liability if GKF requirements and guidelines are not adopted.
- 3.1.8 Pay dojo membership fee (published on the GKF website)
- 3.1.9 A minimum of two GKF approved coaches as referees.

### **By-law 4: Participation in Competitions/Events/Gradings**

#### **General**

Participation in any activity or service under the auspices of the GKF shall be open to people (members and non-members) who always conduct themselves in good faith in relation to the GKF and its members and are prepared to abide by the rules, spirit and ethos of GKF.

#### **Specific**

For competitions, individual participants must hold full membership on the day of the event and for at least 7 days prior to the event.

For gradings at Ikkyu rank and above individual participants must hold full membership on the day of the grading. They should also have been members of GKF for at least 6 months prior to the event.

For training seminars and regular training individual participants must hold full membership

#### **National Level Events**

Only members of the GKF can take part in competitions organized by the GKF at National level.

#### **International Level Events**

Eligibility to compete at an international level shall be in accordance with the rules of the FIK/EKF.

#### **Denial of participation**

GKF will not tolerate unlawful discrimination of any kind. GKF reserves the right to deny participation in any activity or service held under its auspices to anyone.

Examples where refusal/denial may apply include (it is not restricted to)

- A person whose membership has been suspended by NEC.
- A person has been expelled from the GKF.
- Where a dojo leader or event organizer has carried out a risk assessment of the circumstances and concluded that the person poses an unacceptable risk to the members, themselves, or others present. Such a risk assessment may include, but is not limited to the following: risk of being sued; risk of irresponsible allegation; risk to the health and safety of the members of the dojo, etc.
- Where a person has failed to conduct themselves in good faith in relation to GKF and its members. A breach of good faith includes but is not limited to the following: being in debt to the GKF, supplying false information to or about GKF; making false allegations against GKF or its members. In such a case GKF shall publish on the GKF website the name of the person and the reasons for denial of access to GKF facilities. The person so named shall have access to the complaints procedure if this has not already been invoked.

#### **By-law 5: Subscription due date**

The due date for the dojo and individual subscriptions shall be 01 January. A period of one calendar month's grace, from the due date, shall be allowed for renewal of membership, during which members continue to enjoy the benefits of membership.

#### **By-law 6 Public Relations Policy**

In advertising competitions, no wording shall be used which states or implies directly or indirectly that such a match has National or International character without the prior consent of the NEC/GKF.

#### **By-law 7: Communications Policy**

- The default means of communication for GKF administration shall be email.
- Officers shall use the official GKF email address allocated to the post (unless

specifically exempted). If exempt the Officer consents to his nominated email address being available to the GKF - in the event of any data protection requirements.

- Where practicable a copy of “significant” emails which mark important decisions affecting the GKF shall be archived for a period of 4 years.
- NEC shall communicate with the membership via the mass email facility/social media. Links to the GKF website for members to obtain further details can be provided in the mass email.
- Members are guaranteed the right to free expression. However, GKF reserves the right to consider the effects on GKF and its members in the wider communications spectrum.
- Official GKF statements shall be posted on the GKF website (open or members’ only).
- GKF shall maintain a “social media” account (s) on which links to official statements on the GKF website can be posted.
- The GKF shall provide an “in house” debating platform for member exchange of views - subject to technical constraints. Members retain liability for their posted content.