



# THE CONSTITUTION OF THE BRITISH KENDO ASSOCIATION

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## Abbreviations used in this constitution

AGM	Annual General Meeting
AJKF	All Japan Kendo Federation
Bu	The organisational sections of the BKA responsible for the day-to-day administration of their discipline. One “Bu” each for Iaido, Jodo, Kendo
BuEC	Bu Executive Committee
DRC	Dojo Representative Committee
EGM	Extraordinary General Meeting
EKF	European Kendo Federation
FIK	Federation International de Kendo [?]
IKF	International Kendo Federation; renamed to FIK ZNKR Zen Nippon Kendo Renmei
NC	National Committee

## 1. Article 1:    **Name**

The name of the Association shall be the British Kendo Association, further referred to in this document as the “**Association**” or the “**BKA**”.

## 2. Article 2:    **Objectives of the BKA**

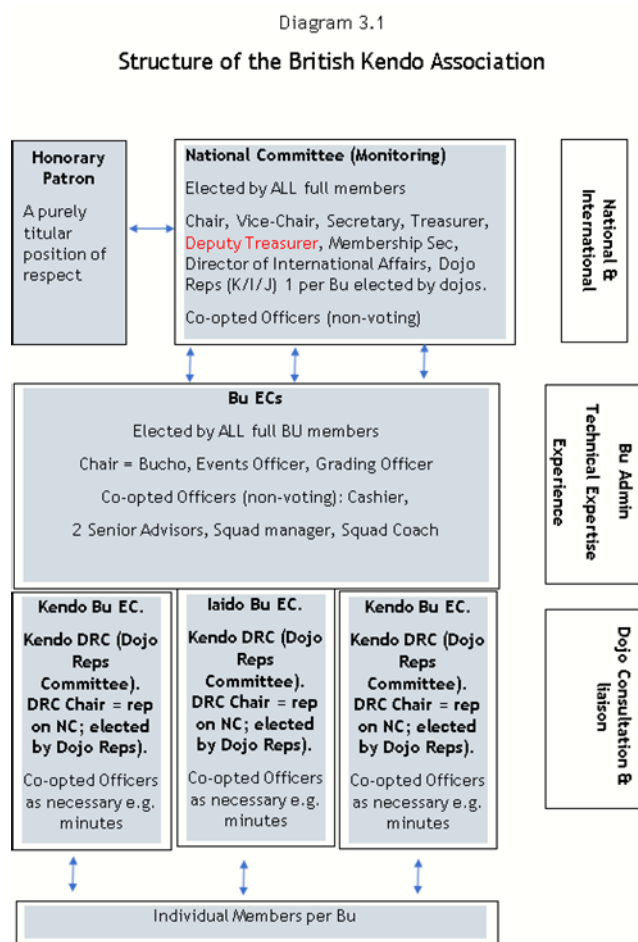
- 2.1    The objectives of the BKA shall be to foster and develop the practise and spirit of Kendo, Iaido and Jodo on traditional lines; to organise, regulate and promote Kendo, Iaido and Jodo on a National and International basis; to represent the United Kingdom in Kendo, Iaido and Jodo internationally;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

### 3. Article 3: Structure and Organisational relationships

The BKA shall consist of a National Committee (NC), Bu Executive Committees for each discipline - Kendo, Iaido, Jodo (BuEC), Dojo Representatives Committee (DRC) for each discipline, individual and dojo membership.

The management and control of property, funds and affairs of the BKA/Bu shall be vested in the relevant NC/BuEC. The latter 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 BKA.

- 3.1 The BKA shall be organised according to the structure detailed in diagram 3.1 below.



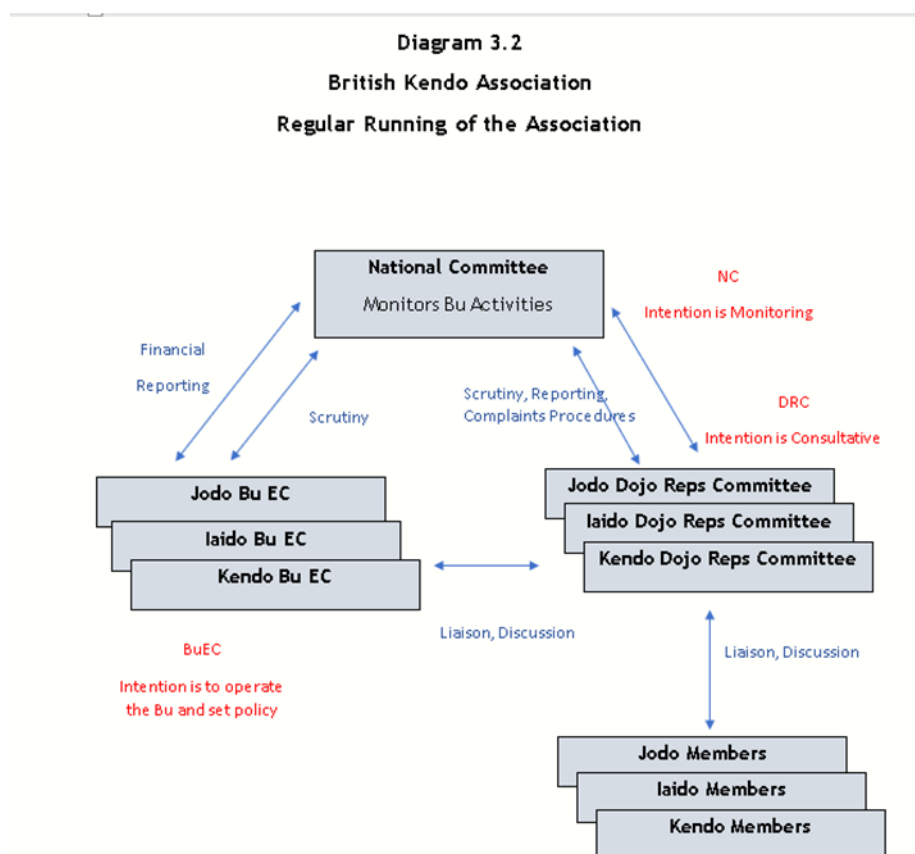
The three representative arms of the BKA (NC/BuEC/DRC) shall work together to ensure the democratic management of the BKA in pursuit of the objects of the BKA<sup>1</sup>. The intentions of this structure are to allow the BuEC to operate the affairs of the Bu without undue encumbrances; that the NC should adopt a low-key role vis-à-vis Bu operations, except for its

<sup>1</sup> The intention is that the NC and DRC adopt a low-key role vis-a-vis Bu operations, except for their scrutiny functions (NC) and consultative role (DRC).

monitoring/scrutiny functions; that the DRC adopt a low-key role, except when areas of concern arise; that these objectives can be achieved if each arm of the BKA takes due regard of the views of the other arms.

The NC/BuEC shall be empowered to appoint sub-committees with powers as may from time to time be delegated to them by the relevant NC/BuEC. Such sub-committees shall be chaired by an elected Officer and shall be responsible to the membership, but report to the relevant NC/BuEC. The appointing NC/BuEC shall be directly accountable for the work of the sub-committee(s).

3.2 The regular running of the BKA shall be as given in diagram 3.2 below.



The NC shall monitor the activities of each Bu on behalf of the BKA with powers to intervene under certain conditions to ensure the financial integrity of the BKA and participate in the conflict resolution procedures.

Each BuEC shall be the main executive arm of the BKA 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 the BuEC and, through its representatives on the NC, participate in conflict resolution procedures.

Members shall communicate their views to dojo leaders/representatives<sup>2</sup>. This process shall be formal or informal, at any point in the calendar.

#### **4. Article 4: Structure and role of the National Committee (NC)**

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

- Chair
- Vice-Chair
- Secretary
- Membership Secretary
- Treasurer/Deputy Treasurer (one vote)
- Director of International Affairs
- One Dojo Representative (DRC Chairman) elected from the membership of each Bu

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

The NC shall co-opt non-voting officers as necessary e.g. Health & Safety Officer; Child and vulnerable person protection Officer; Complaints Officer.

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

4.3 Officers of the NC shall hold office in accordance with the length of service provisions detailed in the Elections and Voting policy (Article 14).

4.4 The National Committee shall:

- Represent the BKA on all national and international bodies.
- Inform the BuEC of developments (nationally and internationally) likely to affect
- Bu operations.
- Oversee the running of the BKA in relation to the constitution.
- Monitor/scrutinise the operation of each Bu in relation to the constitution.
- Monitor/scrutinise the financial conduct of each Bu in accordance with the monetary policy (Article 9).
- Ensure reciprocal reporting on financial and other matters between the NC, BuEC
- and DRC a minimum of four times per year.
- Maintain the National Grading Register.
- Maintain the National Coach Register.
- Participate in the conflict resolution procedures in accordance with the Conflict
- Resolution policy.
- Brief and de-brief the Director of International Affairs on policy matters relating to international affairs.

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<sup>2</sup> Notwithstanding the right of any member/dojo leader to communicate with any fellow member.

- Have responsibility for the BKA conforming to current legislation e.g. health and safety, child and vulnerable people protection etc. and ensure that
- copies of the relevant legislation or the BKA's guidance) are available and
- known to the membership.
- At its discretion outsource administrative support and related services, subject to the provisions of the constitution.

4.5 The NC (in consultation with the three Bucho) may from time to time invite a person who is eminent in some 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 BKA. The Honorary Patron shall occupy a position of honour and represent the BKA at the invitation of the NC in such capacity as may be determined by the NC.

## **5. Article 5: Structure and role of the Bu Executive Committee (BuEC)**

5.1 Each Bu Executive Committee shall consist of the following officers, elected as detailed in the Elections and Voting policy:

- Bucho (also Chair)
- Grading Officer
- Events Officer

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

Other non-voting officers shall be co-opted and removed by the Bu EC as necessary e.g.

- Squad Manager
- Squad Trainer/Coach
- Public Relations Officer
- Senior Advisor 1
- Senior Advisor 2
- Cashier

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

5.3 Officers of the BuEC shall hold office in accordance with the length of service provisions detailed in the Elections and Voting policy (Article 14).

5.4 The Bu Executive Committee shall:

- Exercise executive power in the running of the Bu having regard to the constitution and the policies of the Bu<sup>3</sup>.
- Exercise executive power in relation to the finances of the Bu; provide all

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<sup>3</sup> The intention is for the BuEC to run the Bu having due regard to the views of the DRC and members.

relevant information to the NC Treasurer to permit the maintenance of Bu accounts.

- Ensure reciprocal reporting with the NC and DRC.
- Reciprocate scrutiny reporting on financial and other matters between the NC and DRC.
- Organise gradings, seminars, competitions, public relations and other activities relating to their discipline.
- Inform the NC Membership Officer of promotions in grade of members so that the National Grading Register can be updated.
- Brief and de-brief the Director of International Affairs on policy matters relating to international affairs, having regard to the views of the Director of International Affairs.
- Participate in the conflict resolution procedures in accordance with the Conflict Resolution policy.
- Liaise with the relevant DRC Chair as appropriate and ensure circulation, through the DRC Chair, of the minutes after each BuEC meeting in accordance with the Communications Policy.
- The BuEC shall debate and decide upon Bu policy, rules and regulations, Bu activities etc., having regard to the wishes of the Dojo Representatives.
- Inform the membership, through the DRC Chair, of changes in policy likely to significantly affect the pursuit of their art in sufficient time to allow for responses from the DRC, before implementation of the policy.
- The BuEC shall consult with the DRC and **obtain** approval in principle from the Dojo Representatives (>50% majority of those voting) of the fiscal policies and general/development strategies to be proposed for adoption by the membership at the AGM. The consultation period shall commence at least 90 days before the date of the AGM and close 50 days before the AGM to give sufficient time for objections or counter proposals to be put forward at the AGM.

5.5 The powers of the BuEC shall be commensurate with their duties as listed above and in Diagram 3-1.

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

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

- Chair (elected)
- One representative nominated from each BKA 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:



- Debate all aspects of the operation of their Bu which may from time to time be of concern to the members e.g. policy, rules and regulations, funding, appointment of Squad Manager/Trainer etc.
- Communicate their sentiments to the BuEC which will make the final decisions having regard to their experience in the martial art and members' wishes. This process may be formal or informal, but should be at least one per year in accordance with the Communications Policy.
- Represent the views of individual members/dojo on the NC. This shall be in the form of the DRC Chair from each discipline sitting on the NC.
- Dojo Representatives have the right of access to the contact details of all other Dojo Representatives for the specific purpose of informing/debating/gaining support for ideas etc.
- Participate in the conflict resolution procedures in accordance with the Conflict Resolution policy (see Article 12).

6.4 Subject to the provisions of Article 12 (Conflict Resolution Policy), the DRC may challenge the decisions/actions of the BuEC.

6.5 The powers of the DRC shall be commensurate with their duties as listed above and in Diagram 3-1.

## **7. Article 7: Membership**

7.1 The membership shall consist of the following categories:

- Ordinary individual
- Life Membership
- Temporary individual
- Concessionary Junior Membership Exceptional Membership
- Temporary Visitor Membership
- Associate Membership
- Dojo Membership
- University Membership (Dojo & individuals)

Members of the BKA agree to be bound by the provisions of the constitution and its Byelaws as shall be amended from time to time.

Applications for membership shall be treated in accordance with the equal opportunities policy of the BKA.

7.2 Ordinary Individual Membership and Life Membership

This shall be open to practitioners of Kendo, Iaido and Jodo in the United Kingdom. Members may be citizens or non-citizens of the United Kingdom. Members of the BKA with at least 50 years continuous membership of the BKA can claim Life Membership. All individual members of the BKA 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 the BKA.



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 the BKA where provided for in the constitution.
- To vote on the policies of the BKA in accordance with the elections/voting policy.
- To stand for elected office (unless suspended)
- To complete visibility of all records of the BKA including, but not limited to, financial, legal, organisational, and membership matters save those exempted by the constitution and the law and by mutually agreed confidentiality (see communications policy). (See byelaw 2).
- To be treated with courtesy, fairness and honesty by Officers of the BKA.
- To be issued with a copy of the terms and conditions of the BKA’s insurance policy (individual member and professional indemnity etc) upon being so insured (or a website link to the policies)
- To have access to the minutes of NC/BuEC 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 organised under the auspices of the BKA, provided that they satisfy the entry criteria.
- To enter BKA sponsored and other recognised gradings.
- To represent the UK in international competitions (subject to the selection process and the rules of the EKF and FIK).
- To receive a membership book that details the nature of their membership.

Ordinary Individual Members and Life Members shall have additional rights as listed in the Byelaws.

All members shall have the following responsibilities:

- To conduct themselves with integrity and be truthful in all communications with each other and Officers of the BKA.
- To treat other members and Officers of the BKA with courtesy and fairness
- To refrain from abuse or defamation of any member or Officer.
- To comply with any codes of Conduct adopted by the BKA from time to time.
- To comply with any directions or sanctions imposed upon them under Article 13.
- To comply with the financial responsibilities detailed in Byelaw 2.
- To immediately inform the Chair of the BKA if on police bail for, been charged with, or convicted of an offence which could on conviction, incur barring from working with children, or offences of Actual or Grievous Bodily Harm; or assault against a child, or if convicted of common assault. The Chair, Vice chair and Child Protection officer shall make a decision on any steps which in their opinion are required to protect other members according to the approach set out in Byelaw 21.

Failure to comply with these responsibilities may constitute gross misconduct and

remove any limits of confidentiality such as to permit the BKA to address the situation and advise members.

**7.3 Temporary Individual Membership**

This shall only be open to individuals upon first joining the BKA, in order to experience one or more of the disciplines. Temporary members shall have rights as listed in the Byelaws.

**7.4 Concessionary Membership**

This shall be open to individuals who, in the opinion of the NC Membership Officer and Treasurer, qualify for concessionary membership. Typically, this category of membership is open to those on state registered benefit or full-time students. Concessionary members enjoy the rights of Ordinary Individual Members.

**7.5 Junior Membership**

This shall be open to individuals who are under the age of 18 years. Junior members shall have the rights listed in the Byelaws.

**7.6 Ordinary individual, Life Members, Temporary individual, Concessionary Members and Junior Members must also be members of a registered dojo of the BKA. In the event that 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). In the event that the member cannot secure this, their membership of the BKA 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.**

**7.7 Exceptional Membership**

This shall be open to individuals who have distinguished themselves in some way in the service of the BKA or their discipline. This membership shall be open to individuals who practise similar disciplines outside the United Kingdom. Exceptional Membership shall be granted for a specified period by the BuEC after consultation with and agreement of the NC. Any costs consequent upon the granting of this membership shall be met by the Bu.

**7.8 Temporary Visitor Membership**

This membership shall be open to individuals who visit the UK and wish to practise a martial art covered by the BKA. Temporary Visitor Membership shall be granted by the BuEC for a specified period after consultation with and agreement of the NC. Any costs consequent upon the granting of this membership shall be met by the Bu.

**7.9 Associate Membership**

This shall be open to individuals who for whatever reason are unable to utilise the facilities of the BKA, but who wish to maintain their links with the BKA; have access to BKA information; freeze their grading clock.

Associate members must be affiliated to a registered dojo; shall not be insured by the BKA; cannot practise at BKA registered dojo; cannot participate in domestic seminars or take gradings at home or abroad as a member of the BKA; shall have their BKA

grading clocks frozen<sup>4</sup> until resumption of full membership. Upon resumption of full membership their grading clock shall restart at the point of freezing at no extra charge. In the case of the member continuing to practise abroad in an FIK recognised dojo, their grading clock is NOT frozen, but continues as normal. Such a member may grade at home or abroad. Evidence of practising abroad can be the dojo leader or Bucho attesting to it.

#### 7.10 Dojo Membership

- 7.10.1 This shall be open to all dojo that practise traditional Kendo, Iaido or Jodo which satisfy the criteria for dojo membership detailed in the Byelaws.
- 7.10.2 Member dojo shall have the right to inclusion in the BKA list of dojo (wherever listed e.g. the website).
- 7.10.3 Member dojo shall have the right to nominate a representative to each relevant DRC.
- 7.10.4 Member dojo shall have the right to publish their dojo events in the BKA calendar.

#### 7.11 Anti-doping measures

The BKA shall adopt the anti-doping policy requirements of UK law and of the FIK.

#### 7.12 University Membership (Dojos and individuals) [awaiting definition by the Kendo Bu]

#### 7.13 Services provided to non-members

The BKA exists primarily to provide services to its members. It may provide services to non-members (for example, overseas attendees at BKA events) but shall not seek explicitly to profit from such services.

### 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 Byelaws. Life Members are not required to pay an annual subscription.
- 8.2 The level of subscription shall be set as follows:  
The NC shall set the fee for Central Services (insurance, banking, legal etc) 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 an NC AGM/EGM in the year before it comes into effect. It is not the intention of the Central Services fee to generate a surplus for the BKA.
- 8.3 Each Bu shall set the fee for practising their art and provide a rationale for the fee in the form of a budgeted strategy document for the forthcoming year. This shall be ratified or otherwise by the membership at a Bu AGM/EGM in the year before it comes into effect. It is not the intention of the Bu fee to generate a surplus for the Bu.

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<sup>4</sup> i.e., kept at its present state until resumption

## 8.4 Additional Bu levies

In exceptional circumstances a Bu may seek the consent of its members to levy an additional charge for one year for a specified purpose. Such consent shall be in the form of a secret ballot, administered by the NC or a neutral body appointed by the NC. A  $\geq 66\%$  majority of members voting shall be required in order to pass the levy<sup>5</sup>. The additional levy shall not exceed 25% of the basic annual subscription in any one year.

8.5 A Member shall not have the rights, privileges and access to facilities of the BKA until their annual subscription for that year, and all their arrears have been paid, saving the exclusions listed in Article 7: Membership.

8.6 All subscriptions shall be paid to the British Kendo Association in accordance with the information on the application form and the current fee structure. All subscriptions shall be paid via the NC Treasurer/Membership Officer who shall manage and distribute the funds in accordance with Article 9: Monetary policy and accounting.

8.7 Each Bu may derive supplementary income over and above income derived from membership subscriptions<sup>6</sup> from e.g.

- Competitions and seminars
- Grant aid
- Sponsorship
- Other sources consistent with the aims of the BKA.

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

## 8.8 Late renewals and non-renewals

### 8.8.1 Late Renewals

If a member has not renewed by the due date (+ 1 month's grace), they will be sent a reminder to renew within 1 month.

If they do not renew, this is automatically deemed to be a **non-renewal** (see 8.8.2 below). The member shall have access to the complaints procedure to cater for unusual circumstances.

### 8.8.2 Non-renewals

If a member fails to renew by the due date and late reminder date, their grading clock is FROZEN. Upon rejoining the BKA they must pay back fees in accordance with the scale of penalties detailed in Byelaw 10. Their grading clock restarts at the point at which it was frozen, but must wait 1 calendar year from the point of resumption before they can take a grading. The member shall have access to the complaints procedure to cater for unusual circumstances.

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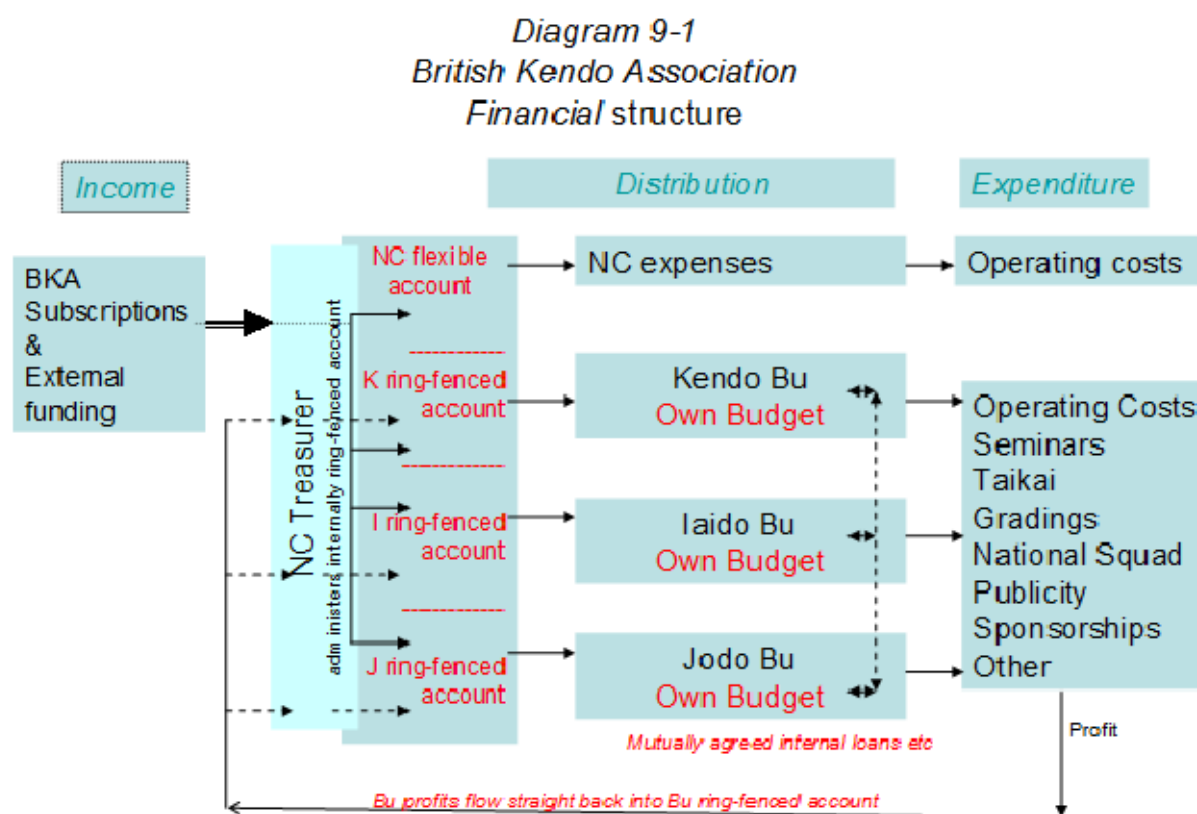
<sup>5</sup> This is deliberately set as a cumbersome task in order to encourage financial planning and prudence and give members control of how much they are willing to pay for additional services.

<sup>6</sup> It is intended that Bu run events as economically as possible, whilst maintaining a reasonable operational surplus.

## 9. **Article 9: Monetary policy and accounting**

Each Bu shall control its finances, and benefit from any surplus created by its activities, under the scrutiny of the NC.

The financial structure of the BKA shall be organised according to Diagram 9-1 and as detailed below.



- 9.1 The NC shall receive all subscriptions and other non-Bu generated income e.g. government grants, general sponsorship etc.
- 9.2 The NC shall retain the Central Services fee for its own expenses and BKA-wide expenses (such as insurance etc) and distribute the appropriate Bu fee to each Bu. The proportions/amounts of retained and distributed income shall be in accordance with the Byelaws of the BKA.
- 9.3 The BuEC shall receive funds from subscriptions etc. via the NC in accordance with ratified Bu fee and the Byelaws of the BKA.
- 9.4 The BuEC 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 association” and be kept below the level of a “trading

company”<sup>7</sup>.

- 9.5 The BuEC shall manage the funds of the Bu such that the Bu remains solvent i.e. expenditure shall not exceed income from all sources. In the event of a BuEC failing to remain solvent, the NC shall have the duty to take over the finances of the Bu<sup>8</sup> and to make whatever changes to Bu expenditure it sees fit, with the object of bringing the Bu back into solvency within one calendar year.
- 9.6 A Bu may supplement its income by borrowing from another Bu, subject to the agreement of the donor Bu ( $\geq 66\%$  of the voting BuEC). The terms and condition of this loan (repayment plan; no interest) shall be agreed with and enforced by the NC Treasurer and the other Bu involved. The NC Treasurer shall have the right to transfer funds to/from the ring-fenced accounts to accommodate the conditions of the loan. The power of the NC Treasurer shall include the right to transfer the re-payment on the agreed date even if such a transfer renders a Bu “insolvent”. In this event the provisions of Article 9.5 shall be invoked. In the event that a Bu is likely to be made insolvent by some unforeseen event/disaster, the NC shall seek to prevent this by invoking temporary support from the other Bu.
- 9.7 The NC Treasurer shall publish to the membership (in accordance with the Communications Policy) a summary of the NC’s and each Bu’s expenditure and commitments on a quarterly basis.
- 9.8 The BKA shall not have any direct employees<sup>9</sup>.
- 9.9 All sub-contractors of the BKA shall be engaged by the NC. Bu wishing to engage a sub-contractor shall do so via the NC and with the agreement of the NC.
- 9.10 The financial records of the BKA/Bu shall be in accordance with Appendix 6.
- 9.11 All members may exercise their right to inspect the financial records and other funding of the BKA/Bu. In the event that the Treasurer believes this request to be unreasonable they may refer the member’s request to the NC for a decision. The NC shall, where this can be justified, override this article if it is satisfied that the member enquiries are malicious in intent. The facts of the overridden request must be minuted and presented as a report to the next AGM
- 9.12 The BuEC shall manage the funds of the Bu to optimise the attainment of the policies of the Bu.
- 9.13 Commercial loans  
No part of the BKA shall seek commercial financial loans.  
The NC Treasurer and all officers of the BKA are explicitly forbidden from securing commercial financial loans on behalf of the BKA. In such cases liability for the loan shall rest with the person(s) securing the loan and not with the BKA.

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<sup>7</sup> The intention here is to keep the BKA from becoming a “business” and from incurring additional costs via taxation and accounting fees and legal problems arising from the BKA’s status as an unincorporated Association.

<sup>8</sup> With all the legal power implicit in this article.

<sup>9</sup> This would trigger expensive commitments to PAYE laws, pensions and many other legal obligations of an employer and extra accounting costs.



## 9.14 Expenses policy

- 9.14.1 Officers and other members of the BKA shall be entitled to reimbursement of expenses incurred in serving the BKA, provided that sufficient funds are available. Such expenses and the level of reimbursement are detailed in the Byelaws.
- 9.14.2 The expenses policy of the BKA shall be published on the BKA website and made available in writing to members upon request.

## 9.15 Teachers' fees

No ordinary/temporary/concessionary/junior member shall profit financially from the funds of the BKA derived from the subscription. Teachers/contributors at BKA/Bu sponsored events donate their time and expertise for the benefit of members. Such contributors, where appointed, may be reimbursed for their legitimate expenses from funds derived from subscription/events<sup>10</sup>. The NC may invoke the complaints and sanctions procedures detailed in the Complaints Policy in relation to any person thought to be abusing the expenses system.

## 9.16 Funding of the National Squads

- 9.16.1 The funding of the National Squads shall be controlled by the relevant Bu.
  - 9.16.2 Members who are asked to contribute to the National Squads (squad officers and administrators) donate their time and expertise to the BKA, but may be reimbursed for legitimate expenses incurred in making their contribution.
  - 9.16.3 Non-members who are invited to contribute to the activities of the National Squads or other national events may receive payment over and above the level of their expenses<sup>11</sup> as determined by the relevant BuEC in agreement with the NC. Such payment must always be within the funds available to the Bu. Such payment shall be published in the BKA financial records under named persons.
- 9.17 The BuEC may seek to grant to member(s) financial aid in furtherance of their training and the aims of the BKA by budgeting for such aid in the forthcoming year's budget. Such planned aid shall be included as a separate item for approval in the Bu AGM agenda and, if approved by the AGM, shall be published in the BKA financial records under named persons.
- 9.18 The NC may outsource or contract administrative services and expertise as deemed necessary for the efficient running of the BKA/Bu (subject to funds being available), provided that (1) such action shall be approved by the NC AGM (2) an open tender procedure is followed - the details of which are kept by the Treasurer and made available for inspection (3) any member interest is declared (4) the NC informs the membership of all such outsourcing in accordance with the Communications Policy (5) the cost of such services are paid by the NC/Bu in proportion to the usage of the services. In case of doubt the NC Treasurer may use a reasonable approximation to

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<sup>10</sup> Private events are outside the remit of this constitution.

<sup>11</sup> Typically, this may be highly skilled foreign teachers.



allocate usage costs.

#### 9.19 Declaration of financial interests

- 9.19.1 All Members elected or co-opted to any Committee of the NC/BuEC shall declare to the NC/BuEC any financial interests they have in any matters and activities or events in which the BKA becomes involved<sup>12</sup>. Such interests shall be minuted as part of the NC/BuEC meeting and made available to members in the published minutes.
- 9.19.2 The relevant NC/BuEC shall have the right to exclude from related decision-making any member who has any declared financial interests in any matters and activities or events in which the BKA becomes involved<sup>13</sup>.
- 9.19.3 Any equipment procured by a committee member, the cost of which is ultimately borne by the BKA, shall remain the property of the BKA and shall be returned to the possession of the BKA when requested by the relevant Chair/Bucho.

### 10. Article 10: Suspension and Expulsion of members

- 10.1 The relevant BuEC may *suspend* a member and make a case to the NC 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, abuse of others, incitement or hate speech.
- 10.3 A member cannot be suspended/expelled for the lawful exercise of the freedom of association.
- 10.4 The NC 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<sup>14</sup> or convicted of an offence which, in the opinion of the NC 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 the BKA if, in the opinion of the NC:

- The conduct of the member is injurious or is likely to be injurious to the character and interests of the BKA (saving the provisions of this constitution)
- Has failed to heed written warnings from the NC Chair concerning their conduct<sup>15</sup>
- As an outcome of the complaints procedures detailed in Article 13.

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<sup>12</sup> The person subject to exclusion shall leave the meeting until the matter in question has been decided.

<sup>13</sup> The person subject to exclusion shall leave the meeting until the matter in question has been decided.

<sup>14</sup> If the charge is dropped or if there is no conviction then the member shall be reinstated, subject to the findings of any other court.

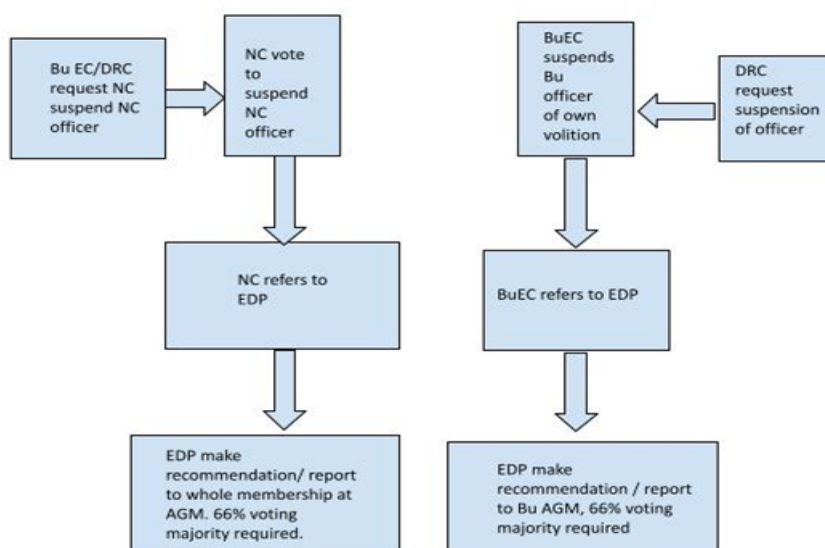
<sup>15</sup> This provision is included in order to accommodate circumstances which have not been foreseen in the constitution. It is NOT intended to be used as a means of intimidation of members/dojo.

- 10.5 Suspended members shall immediately forfeit all rights and benefits of membership of the BKA, saving access to the conflict resolution procedures detailed in this constitution.
- 10.6 The NC shall refer suspended members to the Expulsions and Disqualifications Panel (EDP) to consider the case for expulsion.
- The EDP shall make a recommendation and report back to the NC.
  - The report, findings of fact and recommendations of the EDP shall be referred to the Membership for ratification at the next AGM or EGM or by another properly constituted voting procedure.
  - If the recommendations of the EDP are in the view of the NC unreasonable or untenable then on referral to the AGM the NC may report to the AGM or EGM giving its reasons for not supporting the EDP decision. The membership may then vote to ratify the NC decision or to endorse the EDP decision.
- 10.7 Where in the opinion of the NC, a member has persistently breached the BKA's bye-laws or Codes of Conduct and has not desisted when given a warning concerning their behaviour, the NC may refer the person to the EDP as a disciplinary matter.
- 10.8 Members who have been expelled or resigned whilst subject to disciplinary proceedings may only re-join the BKA at the discretion of the NC AGM.
- 10.8.1 Former members whose circumstances fall within 10.8 may apply for readmission to the Membership Secretary who shall refer the matter to the Expulsions and Disqualifications Panel for consideration.
- 10.8.2 The EDP shall review the evidence and decide whether there is a case for readmission requiring a hearing. If there is, they will hear the former member's application in accordance with the procedure set out in Byelaw 22 and produce a recommendation and report for consideration by the membership at the next NC AGM.
- 10.8.3 The onus of proof to show that the applicant should be readmitted, shall be upon the applicant.
- 10.8.4 Where a previous panel or NC AGM has made findings of fact or a decision in respect of the former member, then these shall be accepted as the facts of the matter at that time. The applicant shall not be entitled to a rehearing of the original facts.
- 10.8.5 Where the NC AGM decides to re-admit a former member, any and all monies owed by that member to the BKA shall be paid before the member is readmitted.
- 10.8.6 Where a former member is readmitted any outstanding disciplinary sanctions with a specified duration shall run from the date of readmission.
- 10.8.7 Where the applicant has been refused readmission then they may not apply further for a period of five years.

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

- 11.1 The procedure for the suspension and subsequent removal of an elected officer of the NC/BuEC shall be as detailed in Diagram 11.1 and below.

*Diagram 11.1 removal of an officer*



- 11.2 The relevant NC/BuEC shall first suspend the officer according to the provisions below and then if appropriate seek the removal of the officer by referring the matter to the Expulsions & Disqualifications Panel under article 13A.
- 11.3 The suspension and removal from office of an elected officer is a most serious matter and should not be invoked without other attempts to resolve the problem having been tried e.g. discussion between the parties etc. Ultimately the matter shall be decided by the relevant electorate upon consideration of the EDP report.
- 11.4 Suspension of an NC officer
- 11.4.1 The BuEC/DRC (requires  $\geq 66\%$  of those voting) may request that the NC suspend an officer of the NC giving reasons for their request. The BuEC/DRC shall inform the membership in accordance with the Communications Policy.
- 11.4.2 The NC shall be bound to follow the process detailed in 11.5 and 11.6 for suspending/removing an officer.
- 11.4.3 The NC itself may initiate the process of suspension and expulsion of an officer of the NC with a  $\geq 66\%$  majority (excluding the member concerned). The NC shall inform the membership in accordance with the Communications Policy.

## 11.5 Suspension of a BuEC officer

- 11.5.1 The DRC (requires  $\geq 66\%$  of dojo voting) may request that the BuEC suspend an officer of the BuEC giving reasons for their request. The DRC shall inform the membership in accordance with the Communications Policy.
- 11.5.2 The BuEC itself may initiate the process of suspension and expulsion of an officer of the BuEC, with a  $\geq 66\%$  majority of the BuEC (excluding the member of the BuEC concerned). The BuEC shall inform the membership in accordance with the Communications Policy.

## 11.6 Suspension procedure

- 11.6.1 The relevant NC/BuEC shall examine the case put forward for the suspension of the officer.
- 11.6.2 The relevant NC/BuEC shall decide whether there are sufficient grounds for suspending the officer (in accordance with the constitution).
- 11.6.3 If the relevant NC/BuEC decides that there are *insufficient* grounds for the suspension of the officer, the officer shall not be suspended.
- 11.6.4 If the relevant NC/BuEC decides that there are *sufficient* grounds for the suspension of the officer, they shall then present a case to the NC/Bu membership for the removal of the officer in accordance with the Communications Policy.
- 11.7 Elected officers may be suspended from office by means of a motion of “suspension from office” or a motion of “no confidence” within the Bu or NC. The officer subject to such a motion shall be immediately suspended from office and the appropriate procedure followed to remove the officer from post.
- 11.8 An elected officer cannot be suspended/removed for the lawful expression of free expression which shall have the same meaning as in Article 10
- 11.9 An officer cannot be suspended/removed for the lawful exercise of the freedom of association.
- 11.10 The NC/BuEC 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 NC/BuEC displayed less than satisfactory administrative skills.
  - The officer has, in the opinion of the NC/BuEC exceeded the authority of the post.
  - The officer has, in the opinion of the NC/BuEC misappropriated funds of the BKA
  - The officer has been negligent in the execution of their duties.
  - The NC/BuEC cannot sustain a working relationship with the officer.
  - The officer has lost the confidence of the relevant NC/BuEC/appropriate electorate.

In exceptional circumstances an officer may be suspended from office if, in the opinion of the NC/BuEC the conduct of the member is injurious to the character and<sup>16</sup> interests of the BKA (saving the provisions of this constitution).

- 11.11 Suspended officers shall immediately forfeit all rights to the post and shall immediately return to the BKA all documentation (electronic, computer account login data, print or otherwise) obtained through holding the post and all physical property of the BKA. Failure to do so shall render the suspended officer liable for all costs incurred by the BKA in recovering such material.
- 11.12 The NC/BuEC shall refer the suspension/requested removal from office to the Expulsions and Disqualifications Panel as soon as is practicable and shall follow the procedures set out in article 13 A and any relevant byelaws. The NC shall within 21 days of the suspension, inform the Membership of the fact of suspension, the article under which the suspension has been made and the fact of referral to the EDP. Should the officer be reinstated, the NC shall communicate this fact and the reasons to the membership.
- 11.13 A motion of “no confidence” in an officer may be submitted by members 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.
- 11.14 A motion of “no confidence” in an officer may be moved by members under “Any Other Business” of a properly constituted meeting of the BKA, 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.
- 11.15 Motion of Censure
- 11.15.1 Officers may be subject to a motion of “censure”. An officer subject to such a motion shall be “admonished”.
- 11.15.2 Officers subject to a motion of censure shall not lose office, but shall have due regard to the consensus of the membership passing such a motion.
- 11.15.3 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. The relevant NC/BuEC cannot refuse to put such a motion in the agenda.
- 11.15.4 A motion of “censure” of an officer may be moved by members under “Any Other Business” of a properly constituted meeting of the BKA, 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.
- 11.16 Motion of Disqualification from office

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

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<sup>16</sup> This provision is included in order to accommodate circumstances which have not been foreseen in the constitution. It is NOT intended to be used as a means of intimidation of members/dojo/officers.

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

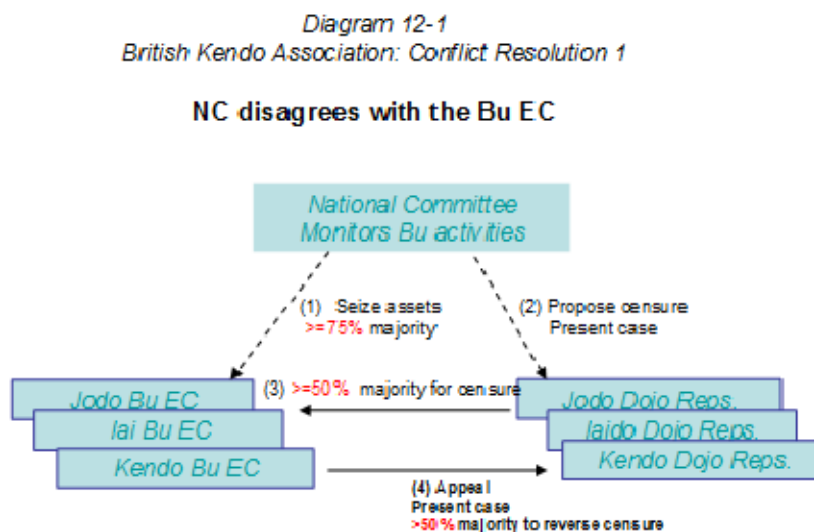
A Motion of disqualification from Office may be submitted by members to an AGM/EGM, subject to 45 days prior notice. The relevant NC/BuEC cannot refuse to put such a motion in the agenda

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 BKA, 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: Conflict Resolution and challenges to NC/BuEC policy/actions and breaches of Constitution.

### 12.1 Conflict Resolution 1: the NC disagrees with the BuEC

The conflict shall be handled according to Diagram 12-1 and the provisions below.



12.1.1 If, as part of its monitoring function, the NC has reason to disagree with or challenge the operation of the Bu, the NC shall engage in a low-key dialogue (e.g. discussion) with the BuEC to resolve the matter. The membership will be informed of the outcome in accordance with the Communications Policy.

12.1.2 If 12.1.1 fails to resolve the problem to the satisfaction of the NC, the NC (excluding the representative of the Bu concerned) may, by a  $\geq 75\%$  majority:

- Seize the assets of the Bu and suspend some/all officers of the BuEC.
- Temporarily administer the Bu
- Within 7 days present a case for the seizure and suspension of a Bu to the relevant DRC (copied to the BuEC concerned), in accordance with the

### Communications Policy.

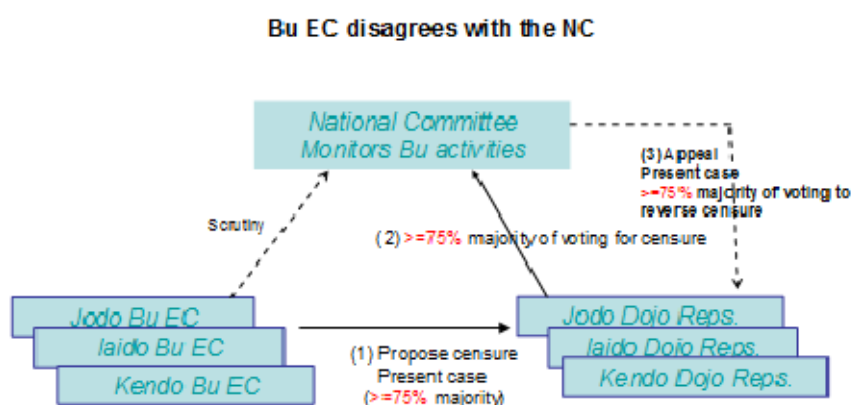
- The DRC Chair shall invite the BuEC to respond to the NC's case.
- The DRC Chair shall call a meeting of the DRC to be held within 21 days of receipt of the NC notification/response, to evaluate the NC's case. The NC or its representative may attend and further present the case against the BuEC.
- The BuEC or its representative may attend the meeting and further present their case to the DRC.
- All effort should be made to resolve the conflict by means of debate and reason.
- If the above fails, all NC and BuEC members shall then leave the meeting<sup>17</sup>, whilst the DRC debates and reaches a decision (based on a  $\geq 50\%$  of Dojo voting) on whether to accept or reject the NC's case.
- The BuEC has the right of appeal to the DRC if they can submit any *new evidence* in support of their case. In this case the DRC Chair shall invite the NC, within 14 days of the receipt of the new evidence, to respond to the new evidence. The appeal shall proceed as per points 5, 6 & 7 above in a timely fashion and in accordance with the principles of the timetable for Appeals detailed in Article 13.

12.1.3 In the event that the DRC supports the actions of the NC against the BuEC the NC shall take remedial action; arrange for the election of a new BuEC according to the constitution and then return the assets of the Bu to the newly elected BuEC.

## 12.2 Conflict Resolution 2: the BuEC disagrees with the NC

The conflict shall be handled according to Diagram 12-2 and the provisions below.

Diagram 12-2  
British Kendo Association : Conflict Resolution 2



12.2.1 If a BuEC has reason to disagree with or challenge the operation of the NC, the BuEC shall engage in a low-key dialogue with the NC to resolve the matter. If successful, the BuEC shall report the outcomes to the relevant DRC.

<sup>17</sup> NC and BuEC members shall leave the meeting even if they are also Dojo Representatives.



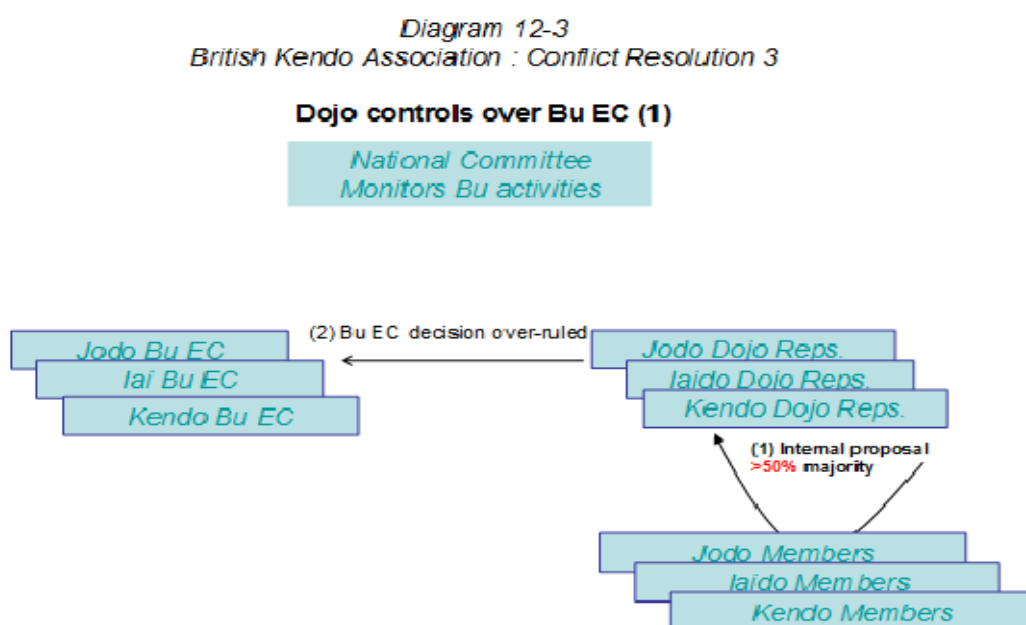
12.2.2 If the above fails to resolve the problem to the satisfaction of the BuEC, the BuEC shall by a  $\geq 66\%$  majority:

- Present a case for the censure of the NC to the relevant DRC (copied to the NC), in accordance with the Communications Policy.
- The DRC Chair shall invite the NC to respond to the BuEC case within 21 days
- The DRC Chair shall call a meeting of the DRC to be held within a further 28 days of receipt of the BuEC notification/response, to evaluate the BuEC case. The BuEC or its representative may attend and further present the case against the NC. The NC or its representative may attend the meeting and further present their case to the DRC.
- All effort should be made to resolve the conflict by means of debate and reason.
- If the above fails, all NC and BuEC members shall then leave the meeting<sup>18</sup> whilst the DRC debates and reaches a decision (based on a  $\geq 75\%$  majority of Dojo voting) on whether to accept or reject the BuEC's case.
- The NC has the right of appeal to the relevant DRC if they can submit any *new evidence* in support of their case. In this case the DRC Chair shall invite the BuEC to respond to the new evidence. The appeal shall proceed as per points 2, 3, 4, 5 above.

12.2.3 In the event that the DRC supports the actions of the BuEC against the NC, the BuEC (in consultation with the DRC) shall decide on what remedial action to take.

### 12.3 Conflict Resolution 3: Dojo concerns regarding the operation of the BuEC

The conflict shall be handled according to Diagram 12-3 and the provisions below.



12.3.1 If a DRC has reason to disagree with or challenge some policy/measure taken by their

<sup>18</sup> NC and BuEC members shall leave the meeting even if they are also Dojo Representatives

BuEC, the DRC shall engage in a low-key dialogue with the BuEC to resolve the matter. If successful, the DRC shall report the outcomes to the membership in accordance with the Communications Policy.

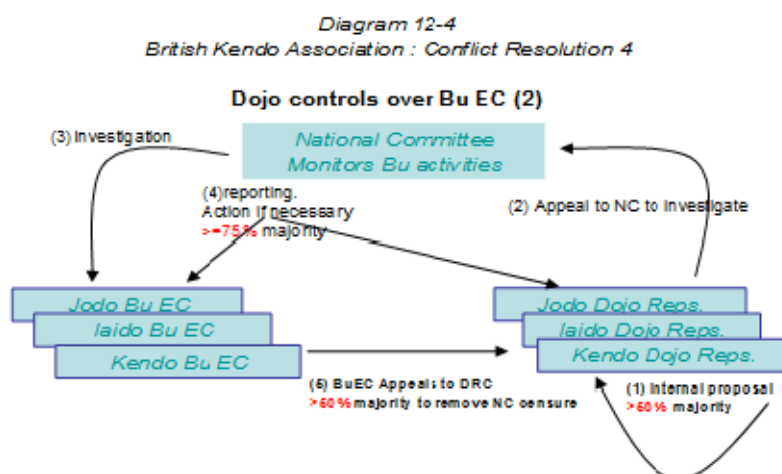
12.3.2 If the above fails to resolve the problem to the satisfaction of the DRC, the DRC shall by a >50% majority of dojo voting:

- Present a case to the BuEC for the reversal of the administrative or policy measure to the membership, in accordance with the Communications Policy.
- The DRC Chair shall invite the BuEC to respond to the DRC case within 21 days.
- The DRC Chair shall request each dojo representative to consult their dojo membership about the issue, taking care to present both sides of the issue, in accordance with the Communications Policy.
- The DRC Chair shall call a meeting of the DRC (in accordance with the Communications Policy) to be held within a further 28 days of informing the BuEC of the matter. BuEC representatives may attend this meeting to further
- present their response.
- All effort should be made to resolve the conflict by means of debate and reason.
- If the above fails, all BuEC members shall then leave the meeting<sup>19</sup>, whilst the DRC debates and reaches a decision (based on a >50% majority of Dojo voting) on whether to accept or reject the issue in question.

12.3.3 In the event that the DRC supports the challenge to the BuEC policy/measure, the DRC shall inform the BuEC of its decision; the BuEC shall be bound to accept the DRC decision and implement the required changes at the earliest opportunity.

## 12.4 Conflict Resolution 4: Serious Dojo concerns regarding the BuEC

The conflict shall be handled according to Diagram 12-4 and the provisions below.



12.4.1 If, in the opinion of the DRC, the actions/policies of the BuEC merit more serious

<sup>19</sup> NC and BuEC members shall leave the meeting even if they are also Dojo Representatives

action that could require suspension, expulsion or dissolution, the DRC can appeal to the NC to investigate their complaint/concern and to take the appropriate action. Such a request must have the support of >50% of the dojo voting.

12.4.2 The NC shall investigate and if possible, resolve the matter in accordance with its powers. If successful, the NC shall report the outcomes to the membership in accordance with the Communications Policy.

12.4.3 If the above fails to resolve the problem to the satisfaction of the NC, the NC shall:

- Having used its powers of scrutiny to investigate the matter, the NC shall present a case for remedial action to the relevant DRC (copied to the BuEC), in accordance with the Communications Policy. All effort should be made to resolve the conflict by means of debate and reason.
- If the above fails, the NC shall reach a decision (based on a  $\geq 75\%$  majority excluding members of the BU concerned) on the appropriate course of action and inform the DRC and BuEC in accordance with the Communications Policy.

12.4.4 In the event that the NC supports the serious concern of the DRC, the BuEC shall be bound to accept the remedial action proposed by the NC.

## 12.5 Conflict Resolution 5: Dojo disagree with the NC or BuEC decision.

12.5.1 If the above conflict resolution procedures have been exhausted and a DRC remains unsatisfied, the DRC may call a special meeting to discuss the matter and with a  $\geq 75\%$  majority of dojo voting (in a secret ballot at this meeting) call upon the NC/BuEC to hold an Extraordinary General Meeting (EGM) to resolve a problem.

## 13. Article 13: Complaints Procedure<sup>20</sup>

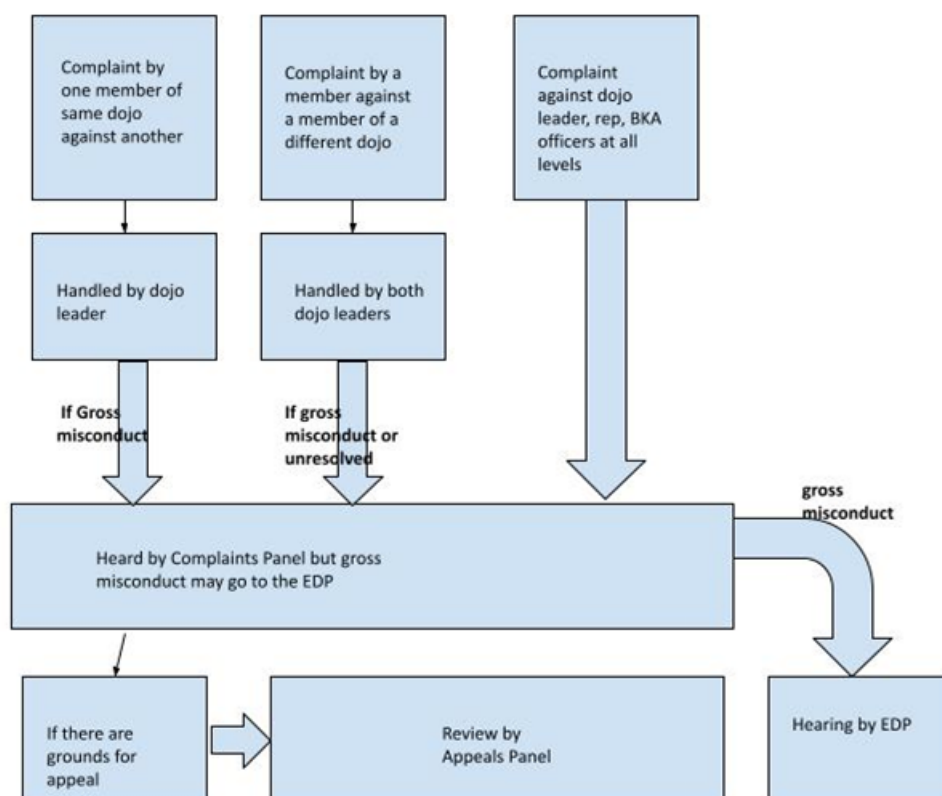
The intention of this article is to enable the resolution of members' complaints/concerns within the BKA, without immediate recourse to law by any of the parties. It is understood that whilst the BKA will do its best to adhere to the procedures below, there may be some unavoidable change to time limits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

13.1 Complaints shall be dealt with by the relevant Dojo Leader or disciplinary subcommittee panel according to the structure detailed in Diagram 13-1 and the procedures detailed below.

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<sup>20</sup> The intention of this article is to enable the resolution of members' complaints/concerns within the BKA, without immediate recourse to law by any of the parties

*Diagram 13.1 General Complaints structure:*



## 13.2 Disciplinary Sub Committee (DSC):

- 13.2.1 The DSC has 4 members from each Bu, plus a Coordinator. Each Bu elects, at a Bu AGM or EGM, 4 members to participate in the DSC. The names of the DSC members shall be published to the membership in accordance with the Communications Policy. The DSC Coordinator will be elected by the general membership. All members of the DSC shall be eligible to sit on all DSC panels excepting where otherwise stated within this article.
- 13.2.2 A Complaints Panel of 3, one from each Bu, shall be selected from the DSC by the DSC Coordinator to hear any formal complaint. The quorum for a complaints panel shall be 2. The 3 members of a complaints panel shall agree which of them will chair the panel.
- 13.2.3 The DSC Coordinator will advise the NC Chair and Complaints Officer of the names of the members of the Complaints Panel for each complaint.
- 13.2.4 The powers of the Complaints Panel are detailed in Article 13.4.

## 13.3 Appeals Panel (AP):

- 13.3.1 The AP comprises 5 members of the DCS appointed by the DSC Coordinator. This Panel will hear Appeals from complaints determinations, or from a decision of the Child Protection Officer. There shall be representatives on the AP of all 3 Bu. If a member has sat on a complaints panel, they shall not be eligible to sit on the Appeals Panel hearing the appeal of that complaint. The quorum for this panel shall be 4.

- 13.3.2 The AP will operate as a review of the original complaint decision. It may determine whether the CP decision was correct and may uphold or vary penalties. If the Complaints Officer considers that there were serious procedural flaws in the original process, the AP may operate as a re-hearing of the original complaint. The powers of the Appeals Panel are detailed in Article 13.4
- 13.3.3 There shall be an Expulsions and Disqualifications Panel that will hear all cases of complaints constituting gross misconduct and cases where members are suspended with a view to expulsion. It shall be composed of 5 members of the DSC appointed by the DSC Coordinator. There shall be representatives of all 3 Bu. If a member has sat as part of a Panel hearing the initial complaint, they shall not be eligible to sit on the Panel hearing the expulsion case relating to that complaint. The quorum for this panel shall be 4.
- 13.3.4 If there are insufficient DSC panellists then the NC may co-opt additional members to sit on the hearing of a case, until such time as further elections can be held for the posts. Any such co-opted officers shall be from the ranks of elected officers and senior advisers of the Bu (in respect of the complaints panels) or any one of the following (in the case of appeals or expulsions etc): Any DRC Chair, VC or NC Chair. If none of these are available, the NC may co-opt any other NC or Bu officer and shall use its discretion to achieve a fair and balanced Panel.<sup>21</sup>

## 13.4 COMPLAINTS PROCEDURE - BRITISH KENDO ASSOCIATION

The procedures for informal and formal complaints are as follows:

### 13.4.1 General Principles

- The NC 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.
- The NC is responsible for ensuring that the BKA Complaints procedure is properly constituted.
- 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 of a child and vulnerable person protection nature will be immediately referred to the BKA Child and vulnerable person protection Officer.
- All complaints deemed to be gross misconduct, for example, involving physical assault/drugs and behaviour likely to bring the BKA into disrepute will be referred immediately to the Expulsions and Disqualifications Panel under the procedure set out in article 13A.
- All complaints will be treated in 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.
- The BKA shall keep a copy of the original complaint and a record of the outcome of

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<sup>21</sup>This is intended as a 'failsafe' provision; if there are insufficient elected panellists then the system essentially reverts back to those officers in these roles under the previous constitution.

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.

#### **13.4.2 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.

#### **13.4.3 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 will be referred immediately to the EDP by notifying the DSC co-ordinator and the Complaints Officer.

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

- 13.4.4** 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 will be referred to the EDP as above. Powers as for Dojo Leaders above.

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

#### **13.4.5 Formal Complaints - Procedures to be followed:**

- 13.4.5.1** A complaint made by a member against any Officer, Dojo Leader, dojo teacher, representative or a member(s) will be made in writing (email is acceptable) within 21 days of the incident, 21 days of the last of the series of incidents or within 21 days from when the complainant first became aware of the issue. The complaint should be sent to the 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.

13.4.5.2 The Complaints Officer will then decide, in consultation with the NC 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 Chair. The majority decision shall determine the outcome.

#### 13.4.5.3

- a. The Complaints Officer will inform the DSC Coordinator of the complaint.
- b. The DSC Coordinator will select a Complaints Panel from amongst the members of the DSC, composed of one member from each Bu.
- c. The Complaints Panel will select which of the 3 panellists will be the Chair and advises the Complaints Officer and the DSC Coordinator.
- d. The Complaints officer shall send all the documents provided by the Complainant to the Complaints Panel.
- e. The Complaints Officer shall then advise the member(s) subject to the complaint that it has been made and shall send the Complaint and any witness statements to them ('the Respondents') and invite them to respond within 14 days.
- f. 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.
- g. Once the initial evidence is filed then the Complaints Officer, in consultation with the Complaints Panel Chair, will decide whether there is a need for a physical hearing (this includes video conferencing) using the procedure set out in 4 below.
- h. 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 it to 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 the receipt of the complaint by the Complaints Officer.
- i. Where there is to be a 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.
- j. 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.
- k. The Complaints officer shall set a timetable for the exchange of any further evidence and will notify the Panel and the parties
- l. 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.
- m. All evidence shall be filed at least 7 days before the date of any hearing or consideration of the written evidence.

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



Whilst a physical hearing is preferable, the Complaints Officer may determine that a physical hearing is not possible or necessary.

If a physical hearing is to be held: 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 a 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 Chair 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.

#### 13.4.6 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.

#### 13.4.7 Powers and Penalties

All Panels have the power to impose the following penalties:

1. Suspension/expulsion from the BKA 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

13.4.8 Where the penalty imposed by any of a complaints, Appeal, or Expulsion & Disqualification Panel on the member is suspension/ expulsion, removal from office, disqualification or banning from office, or other sanction which has a major adverse effect on that members' rights under Article 7, then (subject to any appeal) the matter must be referred to the NC AGM for ratification by the Membership. The relevant Panel shall provide the NC AGM with a full report including an account of what evidence was considered, findings of fact, and recommendations. The Defendant member shall have the right to put a written statement to the NC AGM explaining why they disagree with the recommendations. All reports should be made available to the membership via the private members area of the website at least 7 days before the date of the NC AGM.

It is expected that expulsion from the BKA will apply only after lesser penalties have been considered.

13.4.9 If a sanction imposed by a CP or AP is not complied with (unless the matter is under appeal) then the NC may write to the member concerned to enforce compliance. Should the sanction still not be complied with then this will constitute gross misconduct and the NC may suspend the member(s) and refer the matter to the EDP for further consideration of the imposition of harsher sanctions including disqualification from office or expulsion

#### 13.4.10 Appeals

(a) An appeal against the findings and/or penalty imposed at a CP hearing, must be put in writing and sent to the DSC Coordinator, NC Chair, and the Complaints Officer within 14 days of the date of notification of the decision and any penalty imposed. The grounds for the appeal must be made in writing and set out why the complaint should be reconsidered. Reasons for an appeal could include significant new evidence or witness statements, or relevant facts not available to the original CP, correct procedures not being followed or any other reasonable grounds. In the event that the NC 'overrules' a decision of the Complaints Panel, there shall be an automatic right of appeal to the Appeal Panel.

(b) The National Committee Chair will, within 14 days of receipt of the written request for appeal, contact the DSC Panel Coordinator requesting any written documentation relating to the hearing of the complaint. The NC Chair will make a decision in consultation with the Complaints Officer and DSC Coordinator within a further 14 days of the written information being received, as to whether there are sufficient grounds for an appeal to take place. The complainant or individual/s complained about will be notified in writing by the NC Chair within a further seven days of the decision and, if the appeal has been refused, detailing the specific reasons for refusal.

(c) If there are grounds for appeal, then the DSC Coordinator shall refer the matter to an Appeals Panel constituted from 5 members of the pool of DSC officers. All parties to the appeal

will be notified and shall provide their dates to avoid to the Complaints Officer if necessary. The Complaints officer shall administrate the exchange of any evidence or other submissions and shall make any necessary further enquiries which may be required by the Panel.

(d) Appeals will normally be conducted by a review of the evidence 'on paper' and on the basis of the original documents except where circumstances exist as set out in (e) below. Where the appeal is determined by a review, the parties may file a written submission to the Appeals Panel within 14 days of being notified of the Appeal. Such submissions should be sent to the Complaints Officer who will forward them to the Appeals Panel.

(e) A case may proceed by re-hearing in circumstances where:

- (i) There is new evidence; or
- (ii) The Appellant seeks to challenge a finding of fact of the Complaints Panel on the grounds that it is untenable in the face of the evidence filed; or
- (iii) If in the view of the Chair of the Appeal Panel, it would be in the interests of natural justice for there to be a further hearing.

The decision as to whether the matter should proceed as a review or a hearing should be made by the Appeal Panel Chair or substitute member of the DSC in consultation with the Complaints officer.

If this section applies then the Complaints Officer shall set a date for the hearing within 28 days of the notification that the appeal is allowed to proceed.

(f) When a decision has been made by the Appeals Panel the DSC Coordinator will inform, within 7 days, the complainant/ individual/s complained against in writing of the decision and any penalty imposed, altered or revoked, and this decision will be final and binding on the parties subject to the provisions of this article on ratification by the NC AGM of removal from office, expulsion, disqualification and other serious sanctions.

(g) Where a Complaints Panel (where there is no appeal made) or an Appeals Panel recommend expulsion as the outcome of a complaint or appeal, then the NC shall refer the matter directly to the membership without the matter being heard further by the Expulsion and Disqualification Panel.

13.4.11 Parties to the complaint shall bear their own costs. In the case of hardship, application may be made to the NC Treasurer for the re-imbursement of travel costs to/from the relevant meetings.

13.4.12 The provision of false information during the Complaints process shall constitute gross misconduct.

13.4.13 The BKA will not process anonymous complaints.

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

13A.1.1 Where the NC considers that a member's conduct is likely to be detrimental to the interests of the BKA, they shall write to that member warning him or her that the conduct is unacceptable and requiring that the behaviour ceases.

13A.1.2 In the event that the behaviour does not cease, or that the member engages in further unacceptable behaviour of a different nature but in breach of their obligations under



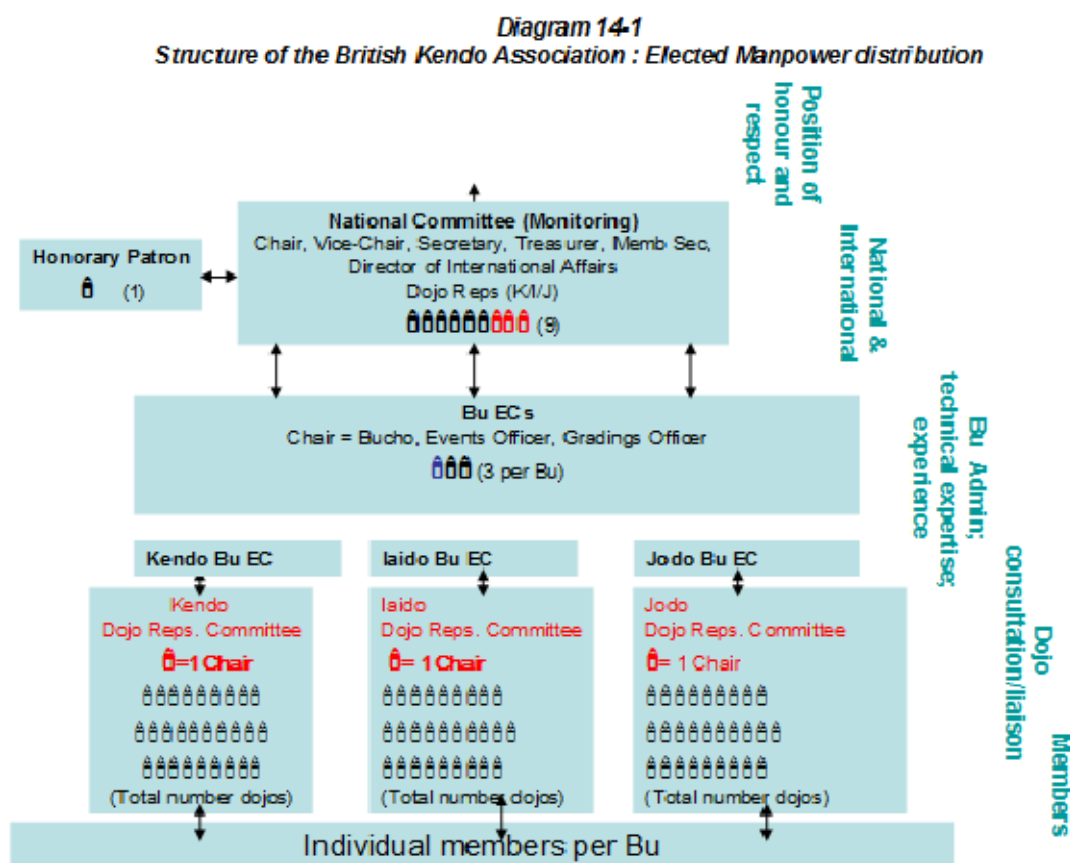
the Constitution, or likely to be detrimental to the interests of the BKA, then the NC may suspend the member and refer him or her to the EDP for hearing a case to expel.<sup>22</sup>

- 13A.1.3 Should the member's actions constitute gross misconduct then there shall be no requirement of a written warning under 13A.1.1 and the NC may suspend the member and refer him or her to the EDP immediately.
- 13A.1.4 If the grounds on which an officer is suspended are that they cannot maintain a reasonable working relationship with the NC, then the matter may be referred directly to the membership at an NC AGM for determination rather than to the EDP.
- 13A.1.5 On referral to the EDP the Complaints Officer shall act as an Investigating Officer. If the Complaints Officer is unable to act, then the DSC Coordinator shall nominate a member of the DSC to act in this role. The Investigating Officer will be impartial and shall not be a person with any conflict of interest.
- 13A.1.6 The Investigating Officer will assemble the evidence: in the event that the Investigating Officer considers that there is insufficient evidence to proceed they will inform the NC of their findings and the matter will be closed. If there is sufficient evidence to proceed, then the investigating Officer shall liaise with the EDP and parties to set a date for hearing of the matter. The hearing will take place in person, or by video conference. The Investigating Officer should if possible be present to assist the EDP and parties.
- 13A.1.7 The EDP shall make findings of fact, find the case proven or dismiss the case, and make recommendations to the NC as to sanctions. Such findings should be communicated to the parties within 21 days by the Chair of the EDP hearing the matter.
- 13A.1.8 Where the case is dismissed, any suspension of the member shall lapse immediately.
- 13A.1.9 In the event that the case is found proven then the findings and recommendations of the EDP shall be reported to the NC for their decision and shall then be presented to the Membership at the next NC EGM or AGM for ratification. The EDP shall make a written report of the evidence heard, findings of fact and shall make recommendations. Where the NC decline the EDP's recommendations the matter shall be put to the membership. The NC may indicate their view to the membership, together with reasons in writing and their alternative recommendations. The Defendant member may make a written statement indicating why they disagree with the recommendations. All reports and statements must be available to the members on the private members area of the BKA's website a minimum of 7 days before the meeting.
- 13A.2 The EDP shall have the same range of sanctions available to it as the AP. If the EDP recommends a lesser sanction than disqualification from office or expulsion, and if such a sanction is not complied with within a reasonable time, then the NC may refer the matter back to the EDP which may impose further sanctions

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<sup>22</sup>This provision is included in order to accommodate circumstances which have not been foreseen in the constitution. It is NOT intended to be used as a means of intimidation of members/dojo.

## 14. Article 14: Elections and Voting policy



14.2 Unless otherwise stated in this constitution 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		5 years	none	By invitation of the NC	none	Secret Ballot
NC Chair		3 terms	All	NC AGM/EGM	Virtual/present	Secret Ballot
NC Vice-Chair		3 terms	All	NC AGM/EGM	Virtual/present	Secret Ballot
NC Secretary		3 terms	All	NC AGM/EGM	Virtual/present	Secret Ballot
NC Treasurer		3 terms	All	NC AGM/EGM	Virtual/present	Secret Ballot
NC Membership Officer		3 terms	All	NC AGM/EGM	Virtual/present	Secret Ballot
NC Director of International Affairs		2 terms of 3 years	All	NC AGM/EGM	Virtual/present	Secret Ballot
BuEC Chair (Bucho)	1K, 11, 1J	3 terms	Bu	BuEC AGM/EGM	Virtual/present	Secret Ballot
Bu Events Officer	1K, 11, 1J	3 terms	Bu	BuEC AGM/EGM	Virtual/present	Secret Ballot
Bu Grading Officer	1K, 11, 1J	3 terms	Bu	BuEC AGM/EGM	Virtual/present	Secret Ballot
Bu Senior Advisor 1		3 terms	Co-opted by BuEC			
Bu Senior Advisor 2	1 K, 11, 1J	3 terms	Co-opted by BuEC			
Bu Cashier	1 K, 11, 1J	3 terms	Co-opted by BuEC			
DRC Chair (K/I/J)/NC Representative	1K, 11, 1J	3 terms	Dojo Reps	DRC meeting	Virtual/present	Secret Ballot
Dojo Representatives	1 per art practised per dojo	No limit	Dojo chooses method of appointment	n/a	n/a	n/a

### 14.3 Length of service

14.3.1 Elected officers of the NC/BuEC/DRC shall hold post for a term of 2 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 NC/BuEC as 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.

### 14.4 Publication of nominations

The NC Secretary shall publish on the website a table of posts eligible for nomination. The NC 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 NC/BuEC posts

14.4.1 Members shall be notified in writing by the NC 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 NC secretary no less than 45 days of the date of the meeting and take the form of a pro-forma (or nomination form from the website) naming the person nominated, a proposer and a seconder, their BKA numbers and contact details for verification together with their election statement, in accordance with Article 14.9.6. Nominees, nominators and seconders must all be confirmed members of the BKA.

14.4.3 If a post remains vacant the relevant NC/BuEC/DRC 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 NC 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 on supplied



pro-forma.

- 14.5.2 Ordinarily, nominations for a post must be returned to the NC Secretary no less than 45 days of the date of the meeting and take the form of a pro-forma (or nomination form from the website) naming the person nominated, a proposer and a seconder, their BKA numbers and contact details for verification together with their election statement, in accordance with Article 14.9.6. Nominees, nominators and seconds must all be confirmed members of the BKA.
- 14.5.3 If a post remains vacant the relevant the relevant NC/BuEC/DRC 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 BKA 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, the relevant NC/BuEC may co-opt a suitable candidate from the membership of the BKA. 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 NC/BuEC/DRC consultations

The NC/BuEC/DRC may inform and consult with the membership concerning any BKA issue. In such circumstances the relevant committee shall have access to the contact information in the BKA database.

#### 14.8 Electioneering

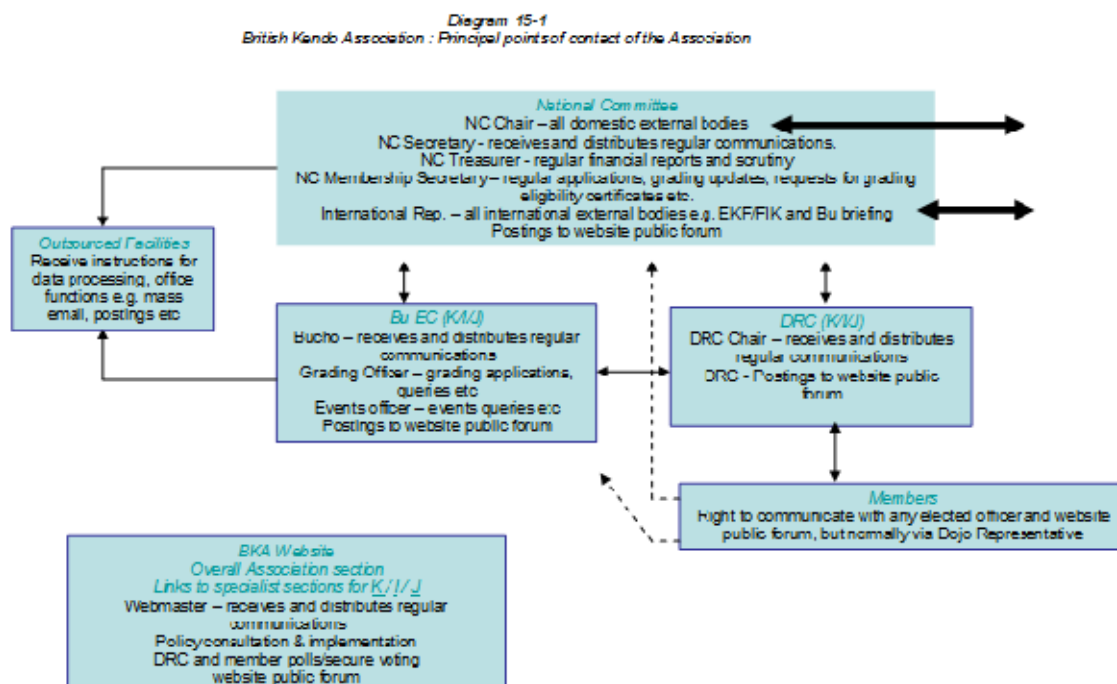
- 14.8.1 In the absence of any other specific provision the relevant NC/BuEC/DRC shall have the duty and authority to uphold the honour and integrity of the BKA.
- 14.8.2 The relevant NC/BuEC/DRC shall have such authority as necessary to ensure a fair election in line with the constitution and with the principles of natural justice.
- 14.8.3 Candidates agree to abide by the election rules of the BKA. Failure to do so shall disqualify the candidate from the election.
- 14.8.4 Candidates agree to respond to NC/BuEC/DRC scrutiny enquiries fully and truthfully and within the time specified by the NC/BuEC/DRC. Failure to do so shall disqualify the candidate from the election.



- 14.8.5 Any candidate(s) found to have broken the rules of the election and or to have been untruthful - to be determined by the relevant NC/BuEC/DRC (on the balance of probabilities) - shall be deemed to have disqualified themselves from the election or, if subsequent to the election, shall be removed from office forthwith. The relevant NC/BuEC/DRC shall have the right to impose further censure on the candidate, commensurate with the nature of the abuse of the election rules.
- 14.8.6 Candidates for office shall have the right to submit with the nomination a maximum of one side of A4 in support of their nomination and to have their nomination and supporting text communicated to the membership in accordance with the Communications Policy.
- 14.8.7 Candidates for office shall not engage in electioneering practises other than as stipulated in 14.8.6 and they or their supporters shall not use the BKA 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 general public domain.
- 14.9 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 NC shall be empowered to appoint a temporary Officer until the next opportunity for elections.

## 15. Article 15: Communications Policy

- 15.1 The regular lines of communication between the BKA and external bodies and within the BKA shall be as shown in Diagram 15-1 and as detailed below.



15.2 The officers of the BKA shall 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 BKA website frequently to look for changes.

15.3 See Byelaw 18: Communications Policy.

As a minimum the NC must attempt to 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 BKA website for members to obtain details can be provided in the mass email. Social media and/or the BKA website cannot be used as the only instruments of communication. Failure to act as above shall render null and void any policy or election so affected.

15.4 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 actioned

15.5 It shall be incumbent on the membership to inform the Membership Officer of any changes in email/postal address e.g. by means of a proforma available on the website or from the Membership Officer or by the member using secure update facilities on the BKA website.

15.6 The following documentation shall be placed in full on the BKA's website:

- The constitution
- The expenses policy
- Risk Management policy
- The full insurance policy
- Grading Policy
- Coaching Policy
- Communications policy
- Minutes of NC and BuEC meetings
- Guidelines and Recommendations
- Other documentation as deemed necessary by the NC/BuEC/DRC

#### 15.6.1 Reporting

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

#### 15.7 Access to the BKA database

All officers charged with informing others in the BKA shall have the right of access to the contact details of those members - for the purposes of communicating material within their brief only - and the right of access to any BKA outsourced servicing to achieve this objective.

## **16. Article 16: Grading policy and grading register**

- 16.1 All gradings held under the auspices of the BKA shall be in strict accordance with the requirements of the European Kendo Federation (EKF)/International Kendo Federation (FIK).
- 16.2 If a Bu-sponsored grading is attached to a seminar/event, then members shall not be compelled to attend the seminar/event in order to take the grading. Only the normal grading fees shall be applicable to such members.
- 16.3 The results of Bu gradings shall be communicated to the NC Membership Officer for inclusion in the National Grading Register (for 1<sup>st</sup> Kyu and above).
- 16.4 Members shall be entitled to request a “Certificate of eligibility to grade” from the NC Membership Secretary. This certificate shall consist of any information required by national/international bodies in order 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 NC member or stamp of the BKA etc. Certificates of Eligibility shall be free of charge.
- 16.5 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 Association are followed.
- 16.6 Promotions to and within the Dan degree shall only be recognised when held under the auspices of the British Kendo Association (BKA), International Kendo Federation (FIK), Zen Nippon Kendo Renmei (AJKF), European Kendo Federation (EKF) and any other body recognised by the FIK.
- 16.7 Members achieving promotions at approved gradings outside the UK shall inform the NC Membership Officer and provide suitable evidence of the promotion (date, venue, grade achieved, awarding body, copy of menjo etc) and request that it be entered into the National Grading Register. Subject to the above criteria the grade shall be ratified by the BuEC and entered into the National Grading Register.
- 16.8 Members of the BKA shall indicate the provenance of their grade whenever this is used in publications etc. The provenance may be shown as “BKA” if the grade is entered in the National Grading Register.
- 16.9 Menjo issued by the BKA shall bear the signature of the 3 highest graded persons on the examination panel and the stamp of the BKA.
- 16.10 Members’ grading clock shall start from the date of first joining the BKA as a full or temporary member.

## **17. Article 17: Meetings of the BKA: BKA and Bu Annual General Meeting (AGM)**

- 17.1 The NC and all BuEC shall ensure that the AGMs are held at a time (and place if a physical meeting is to be held) convenient to all 3 Bu.



- 17.2 The NC/Bu AGM shall be open to the appropriate electorate (see Diagram 11), but their entitlement to vote shall be limited to the provisions of Articles 8 and 14.
- 17.3 The AGM shall be within 6 months of the end of the financial year. The NC/BuEC 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 NC 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 BKA).
- 17.5 The NC/BuEC shall invite members to respond in writing or by email to the items in provisional agenda and to suggest any other business and make any other submissions/ proposals/resolutions re 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 The NC/BuEC shall have the right to with-hold any such notice of resolution etc, if in their opinion it is irrelevant to the objects of the BKA. *Such action shall be reported to members prior to the meeting and dealt with according to the provisions of the agenda.*
- 17.7 The NC/BuEC shall inform members of the following (in accordance with the communications policy<sup>23</sup>), not less than 30 days prior to the AGM:
- The finalised agenda.
  - Notice of any resolutions/proposals from members which the committee has with- held from the agenda.
  - A copy of the BKA's annual financial records (including a summary of Bu positions)
  - 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 BKA: BKA and Bu Extraordinary General Meeting (EGM)**

- 18.1 The NC/Bu may at any time call an EGM for the purpose of considering any question affecting the interests of the BKA/Bu. The purpose of the meeting shall be specified in the form of a resolution.
- 18.2 The NC/Bu EC shall be bound to call an EGM within 60 days of the receipt of a written

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<sup>23</sup> Members can be informed by email, if not then by post, with reference to links to more detailed information on the BKA website. This is to save time and administration/costs etc.



request signed by  $\geq 30\%$  of the member dojo of the BKA/Bu. This article of the constitution is not subject to interpretation, other than that the relevant NC/Bu EC is bound to call an EGM if the conditions are met. The relevant committee/constitutional trustee have absolutely no discretion in this matter<sup>24</sup>.

- 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 relevant 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/ NC /Bu EC/DRC meetings).

## **19. Article 19: Meetings of the BKA: NC, BuEC and DRC committee meetings**

- 19.1 The structure, conduct and agenda of the meeting shall be in accordance with Appendix 5.
- 19.2 Meetings of the NC shall be determined by the requirements of their functions, but shall be a minimum of *one* physical meeting per year. The NC may request the attendance of members of the BuEC where appropriate. The BuEC may request to have an observer at NC meetings (the cost of such attendance shall be borne by the Bu).
- 19.3 The NC Secretary shall organise NC 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.

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<sup>24</sup> This is a fundamental plank of democracy. This is the means by which members may achieve change within the constitution, even if the relevant committee is opposed to it.

- 19.4 Meetings of the BuEC shall be determined by the requirements of their functions, but shall be a minimum of *one* physical meeting per year.
- 19.5 The Bucho shall organise BuEC 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, but shall be a minimum of *one* physical meeting per year.
- 19.7 The DRC Chair shall organise 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.
- 19.8 Minutes of the NC/BuEC/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

#### Order of elections and hence of relevant meetings

Order		Type of meeting	Including	Limitation	Venue
1	DRC	Meeting	Elections	Pre-Bu & NC elections	Same venue
2	Bu (1)	AGM	Elections		Same venue
2	Bu (2)	AGM	Elections		Same venue
2	Bu (3)	AGM	Elections		Same venue
3	NC	AGM	Elections		Same venue
	NC	Committee	Minimum 1 physical per year		Any
	BU EC	Committee	Minimum 1 physical per year		Any
	DRC	Committee	Minimum 1 physical per year		Any
	BuEC/DRC	Liaison	Anytime		Major Taikai
	NC EGM		Anytime		
	Bu EGM		Anytime		

## **20. Article 20: Risk Management**

- 20.1 The management of all aspects of “risk” shall be in accordance with a “minimal intervention policy”.
- 20.2 The management of all aspects of “risk” by the BKA shall recognise:
- That the related activities of the BKA involve inherent risks.
  - Any person who practises under the auspices of the BKA shall explicitly accept that such practise involves inherent risks of personal physical injury.
  - The BKA’s risk management approach shall assume that it is the right of members to make informed choices about the level of risk they are willing to undertake in practising their discipline and shall make reasonable effort to so inform members before engaging in practise/training with others.
  - Members may decline to practise in any situation which in their opinion constitutes an unacceptable risk to themselves.
- 20.3 Notwithstanding the above, the BKA shall make all reasonable efforts to adopt rules and regulations to reduce risks. Details of the risk management policies are given in the Byelaws and in the Guidelines and Recommendations of the BKA.
- 20.4 Any person who practises under the auspices of the BKA and who does not adhere to the rules and regulations, Byelaws and guidelines/recommendations of the BKA shall do so at their own risk.

## **21. Article 21: The role of Byelaws**

- 21.1 The Byelaws of the BKA consist of those aspects of administration which may require more frequent adjustment than can be efficiently carried out at AGMs. Byelaws appended to this constitution shall remain in force until suspended, changed or rescinded in accordance with the conflict resolution provisions of this constitution or at an AGM/EGM.
- 21.2 The NC shall have the power to make, suspend or rescind the Byelaws of the BKA (which take effect immediately) provided that:

Such changes etc are not inconsistent with the constitution.

The NC ensures that an appropriate consultation processes described in this constitution has taken place and informs all members of the details of any new, changed or rescinded Byelaws in accordance with the Communications Policy. Such new, changed or rescinded Byelaws are placed on the agenda of the next NC AGM for ratification or otherwise.

## **22. Article 22: The role of Guidelines and Recommendations**

Guidelines and recommendations of the BKA/Bu do not form part of the constitution. They are published for the benefit of those who practise under the auspices of the



BJA which recommends that they are adopted by those who practise under its auspices. The BKA shall not be responsible for any consequential loss or injury arising from the non-adoption of its guidelines and recommendations.

## **23. Article 23: Public Relations**

Byelaw 17 details the Public Relations Policy of the BKA.

## **24. Article 24: Interpretation of the constitution**

The authority for the interpretation of the Constitution and Byelaws of the BKA shall be vested in the Vice-Chair/Constitutional Trustee, who shall act independently of the NC/BuEC in this function. The Vice-Chair/Constitutional Trustee may independently commission legal advice on constitutional matters (to be funded by the NC).

If a breach of the constitution goes unnoticed or unchallenged, this does NOT set a precedent which can be followed thereafter. Rather, it was an error and the rules of the BKA stand as per the original constitution. Where possible retrospective action must be taken to rectify any consequences arising from an unnoticed breach of the constitution.

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.

## **25. Article 25: Dissolution**

Dissolution mandate:

If the NC by a simple majority decides at any time that on the grounds of expense or otherwise, such as:

- Failure to fill key posts of the NC/BuEC i.e. NC Chair, NC Secretary, NC Treasurer; BuEC Bucho.
- Lack of sufficient funds to meet liabilities.
- The BKA is no longer recognised by the FIK/AJKF/EKF.
- Motion by members to dissolve the BKA

that it is necessary to dissolve the BKA, the NC shall call an EGM of all members who are entitled to vote and put to the meeting a resolution "That the BKA be dissolved". If this motion is carried by a  $\geq 66\%$  majority of those present and voting at the EGM the NC shall have the power to dissolve the BKA and dispose of any assets held by or on behalf of the BKA.

The power of dissolution shall include the authority to determine the appropriate mechanisms for winding up the affairs of the BKA and its liabilities.

The NC shall place the residual funds in trust according to Bu and allocate residual NC funds to each Bu pro rata to Bu membership numbers. Such funds shall be given to each reconstituted Bu that is recognized by the FIK.

Failing this and or agreement in the NC the assets shall be transferred to the EKF.

## APPENDICES TO THE CONSTITUTION

### Appendix 1: Unincorporated Association; Duty of Care and general duties

The BKA is an 'unincorporated members' club': this means that- unlike a company or a charity- the BKA is not a legal entity in its own right. The BKA does not have a separate 'legal personality' and is comprised of all of 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 Club, or in the BKA's Constitution and Bye-laws. Club rules are binding under contract law (subject to interpretation etc).

The BKA' 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 BKA 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 BKA as a whole and not a section or faction thereof (In respect of the Bu EC for the benefit of the Bu as a whole)
- In undertaking BKA business, to exercise the standard of care a reasonable person would exercise in the circumstances in their own affairs
- To behave with consideration and courtesy towards members at all times
- To behave with integrity at all times

#### 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 NC officers

#### Honorary Patron

- The NC shall research, debate and nominate to a General Meeting a candidate to the post of Honorary Patron.
- Assist the BKA in the achievement of its aims in a capacity commensurate with their qualities.
- Attend meetings and events of the BKA at the invitation of the NC.

#### NC Officers:

- Chair
- Vice-Chair (also Constitutional Trustee)

- Secretary
- Treasurer
- (Deputy Treasurer if required)
- Membership Officer
- Director of International Affairs
- Dojo Representatives Kendo & Iaido & Jodo

The NC may co-opt non-voting officers as necessary e.g. Health & Safety Officer

### **NC Chair**

(Has one ordinary vote in committee)

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

- Has a casting vote in the event of a tie (but may decline to use this power).
- Chairs meetings in accordance with fair debate and the constitution: Manage debates.
- Instructs the Secretary on action to be taken in relation to decisions made at the meeting.
- Liaise/communicate with other UK bodies on behalf of the BKA, within the parameters set by the NC.
- Acts as the representative of the BKA at national events (where invited).
- Ensure that the BKA runs according to the constitution.
- Report to AGM on the conduct of the BKA, the monitoring activities re the Bu.

### **NC Vice-Chair/Constitutional Trustee**

(Has one ordinary vote in committee)

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

### **NC Secretary**

(Has one ordinary vote in committee)

- Receive / reply to all correspondence related to the business of the NC and distribute correspondence relevant to the BuEC.
- Organise the activities of the NC under the direction of the Chair.
- Keep a true and faithful record of all correspondence received and sent and the action taken.

- Convene meetings of the NC, AGM/EGM according to the constitution.
- Instigate and co-ordinate the election procedures as detailed elsewhere in the Constitution.
- Supervise and be responsible for any outsourced administrative functions related to the above.

### **NC Treasurer**

(Has one ordinary vote in committee)

- Maintain suitable financial records for the BKA, such that the affairs of each arm are transparent i.e. sub-accounts for the NC and each Bu.
- Receive all subscriptions and external funding of the BKA.
- Receive all additional sources of income of each Bu.
- Allocate income to the NC and each Bu in accordance with the provisions of the constitution.
- Countersign cheques/approve online transactions of the BKA.
- Monitor the solvency of the NC and each Bu and to report any financial concerns to the NC and/or BuEC in a timely manner.
- Liaise with the Bucho in response to matters of scrutiny reporting.
- Provide ongoing statements to the BuEC and NC.
- Act in accordance with the provisions of Articles 8 and 9 in the case of a NC or Bu becoming insolvent.
- Publish to the membership quarterly reports of expenditure and commitments per Bu and NC, in accordance with the Communications Policy.
- Report to the membership on the overall financial position of the BKA.
- Ensure that the annual financial records of the BKA are independently verified and published prior to the subsequent AGM
- Provide financial data to members on request (subject to Byelaw 2).

### **NC 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 Bu 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, redacting bank details where necessary

### **NC Membership Secretary**

(Has one ordinary vote in committee)



- Maintain an up to date register of the membership of the BKA, in liaison with the Bu Grading Officer.
- Maintain an up to date register of the dojo membership of the BKA.
- 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 NC/BuEC/DRC requests.
- Supervise and be responsible for any outsourced administrative functions related to the

### **Director of International Affairs**

(Has one ordinary vote in committee)

- The Constitution envisages that the Director of International Affairs has a working knowledge of at least two of the arts covered by this constitution.
- Represent the BKA at meetings of major international bodies.
- Advise the NC and BuEC as to matters of international policy.
- Accept briefing/de-briefing on Bu affairs by the NC and BuEC.
- Represent the views of the NC and BuEC on international bodies.
- Report and make recommendations to the NC and BuEC on developments consequent upon meetings attended.
- Report to AGM/EGM on international affairs.

### **Dojo Representatives Kendo & Iaido & Jodo**

(Each has one ordinary vote in committee)

Represent the dojo representatives and membership on the NC and BuEC.

## **CO-OPTED OFFICERS OF THE NC**

### **Health & Safety Officer**

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

- Advise the NC on matters of Health and Safety in pursuance of the aims of the BKA.
- Keep abreast of the H&S requirements of the International Kendo Federation (FIK).
- Advise the NC on Risk Management policy, Child and vulnerable person protection policy, First Aid policy, insurance cover requirements.

### **Child & Vulnerable persons protection Officer**

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

- Advise the NC on matters of Child & Vulnerable persons protection in pursuance of the aims of the BKA.
- Keep abreast of the requirements of the law and advise the NC accordingly.

### **Complaints Officer**

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

- Advise the BKA on Complaints policy.
- Be the point of contact for members who are considering making a complaint.

- Advise members re their possible complaint.
- Liaise with and advise Bu Complaints Committees and Dojo Leaders on all matters of complaints procedure. NC Equality and Diversity Officer (Has no vote in committee - co-opted post)
- Advise the NC on matters of Equality and Diversity in pursuance of the aims of the Association. Keep abreast of relevant legislation and advise NC accordingly
- Develop guidance and policy as necessary and advise members
- Promote understanding of Equality and Diversity issues within the membership

#### **Data Protection Officer**

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

- Maintaining a record of all data processing activities carried out by the BKA including their purpose.
- Advising BKA officers on GDPR compliance requirements.
- Developing policy and guidance for the BKA as necessary.
- Acting as the first point of contact for members enquiring about data protection matters.
- Managing subject access requests.

#### **Anti-doping Officer**

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

#### **Webmaster**

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

- Advise the NC on website related matters
- Maintain the BKA website
- Respond to requests to post items
  - Add/remove users and permissions
  - Keep a record of access data relating to the website (host logins; who has logins and permission levels)

#### **Insurance Officer**

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

- Familiarise themselves with the current insurance policy
- Identify any gaps and cost filling the gaps
- Clarify just what we are insured for and when it applies
- Write a series of FAQs to simplify insurance queries for the Membership
- Receive member insurance queries via a dedicated email address [insurance@britishkendoassociation.com](mailto:insurance@britishkendoassociation.com).
- Liaise directly with the insurance broker about member queries
- Advise the NC re the above.

### **Appendix 3: Duties and responsibilities of Bu officers**

Bucho (also Chairman of the Bu EC)

Grading Officer

Events Officer

Other non-voting officers may be co-opted and removed by the Bu EC as necessary e.g.

Senior Advisor 1

Senior Advisor 2 Squad

manager Squad Trainer

Public Relations Officer Cashier

### **Bucho** (Kendo/laido/Jodo)

Has one ordinary vote in committee

Has a casting vote in the event of a tie (but may decline to use this power)

- Chair BuEC meetings.
- Manage the business of the Bu.
- Responsible for drawing up an annual Bu budget.
- Initiate, stimulate and formulate Bu policy in conjunction with the BuEC, having regard to the provisions below.
- Act as the central point of communication for the Bu.
- Distribute communication to the NC/Bu to members to whom it is relevant.
- Inform the BuEC of incoming communications as relevant to Bu business and as an agenda item of BuEC meetings (under “Communications received”)
- Organise the Bu EC.
- Co-ordinate and manage the Bu calendar of events in liaison with the other Bu.
- Liaise with the Squad Manager and Trainer in the development and execution of squad training and selection policy.
- Oversee the affairs of the Bu within the Bu financial budget.
- Provide a profit and loss account for each event.
- Liaise with the NC and DRC in response to matters of scrutiny.
- Liaise with the DRC over matters of policy and policy changes in good time to allow for reasonable debate, evaluation and feedback to the Bucho.
- Execute Bu policy.
- Liaise with the NC and DRC in the regular running of the BKA as per the other provisions in this constitution.

### **Events Officer**

(Has one ordinary vote in committee)

- Oversee and/or organise Bu events (taikai, seminars etc (other than gradings) in
- liaison with other officers and members to ensure the successful running of the event.
- Assist the Bucho in the scheduling of taikai, seminars and other events of the Bu.
- Oversee/organise taikai and seminars etc. in liaison with the host dojo.
- If there is no host dojo, organise the event using the resources of the BKA.
- Liaise with the Bucho to organise the referees/teachers for the taikai/seminar/event.
- Liaise with the Health and Safety Officer and the host dojo to ensure that BKA
- Health and Safety provisions are met.
- Collect or arrange the collection (e.g. via a co-opted Cashier) of monies/payments for all Bu Events; keep a record of such income and expenditure; secure ratification
- of this record by the Cashier or an elected Bu officer.





- Transfer Bu monies to the NC Treasurer within 14 days of the Bu event being held
- (unless agreed otherwise by the NC Treasurer), accompanied by a Bu-ratified breakdown of the income/expenditure of the event (sufficient to allow the NC Treasurer to complete their accounts).
- Provide a summary report of the event to the BuEC 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).

### **Grading Officer**

Has one ordinary vote in committee

- Maintain the Bu grading register.
- Organise Bu gradings in liaison with other officers and members to ensure the successful running of the grading.
- Assist the Bucho in the scheduling of gradings.
- Assist the Bucho in organising the grading panel.
- Liaise with the NC Membership Officer to check candidate eligibility for examination.
- Organise the grading in liaison with the host dojo.
- If there is no host dojo, organise the grading using the resources of the BKA.
- Liaise with the Health and Safety Officer and the host dojo to ensure that BKA Health and Safety provisions are met.
- Collect or arrange the collection (e.g. via a co-opted Cashier) of monies/payments for all Bu Gradings; keep a record of such income and expenditure; secure ratification of this record by the Cashier or an elected Bu officer; present the “Bu- ratified” account to the NC Treasurer within 7 days of the grading finishing.
- Transfer Bu monies to the NC Treasurer within 14 days of the Bu grading being held, accompanied by a Bu-ratified breakdown of the income/expenditure of the event
- (sufficient to allow the NC Treasurer to complete their accounts).
- Provide a summary report of the grading to the BuEC and NC membership Officer including financial accounts (income and expenditure; the number of participants; a record of attendees (names, membership number); where possible their demographics (age and grade distribution); the results of the grading.
- Organise the correct issuing of menjo to successful candidates and completion of their BKA record books and EKF “yellow cards”.

### **Senior Advisor 1**

Has no vote in committee (co-opted post)

Offer support and guidance as appropriate, both practical and intellectual, to help the Bu achieve its objectives.

### **Senior Advisor 2**

Has no vote in committee (co-opted post)

Offer support and guidance as appropriate, both practical and intellectual, to help the Bu achieve its objectives.

### **Squad manager**

Has no vote in committee (co-opted post)



- Manage the overall organisation and logistics of the national squad.
- Organise the squad training and selection calendar in liaison with the Bucho and the Squad Trainer.
- Organise the logistics of squad activity (e.g. transport, food, accommodation)
- Select the squad after consultation with the Squad Trainer and Bucho. Selection shall be in accordance with principles of fair play and equal opportunity for all members.
- Keep financial accounts of squad activity (income and expenditure).
- Submit a detailed report to the BuEC of squad 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 Squad Trainer's evaluation of squad performance; the Squad Trainer's evaluation of the overall taikai performance of foreign competitors.
- Organise International taikai reports for the membership.
- Responsible for developing a code of conduct for squad members (subject to the ratification of the BuEC).
- Responsible for ensuring that the squad adheres to the code of conduct
- Assist Squad Trainer in the compilation and maintenance of a record of foreign competitors who are likely to oppose squad members.

### **Squad Trainer**

Has no vote in committee (co-opted post)

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

### **Public Relations Officer**

Has no vote in committee (co-opted post)

- Liaise with the Bucho and Events Organiser to promote Bu events internally and externally to the BKA. Secure funds in the form of sponsorship, grant etc. from appropriate bodies.
- Communicate with the media in close liaison with the BuEC. Assist dojo in relation to the media, when requested.

### **Cashier**

Has no vote in committee (co-opted post)

- Assist the Bucho/Events Officer/Grading Officer in the collection and accounting of monies for Bu events.
- Ratify the income and expenditure accounts of the Events/Grading officers  
Process event planners, expenses claims, assist members in claiming expenses.

## Appendix 4: Duties and responsibilities of Dojo Representatives

### Chair of the DRC

Has one ordinary vote in committee

- Has a casting vote in the event of a tie (but may decline to use this power).
- Chair meetings of the DRC
- Arrange meetings and agenda of the DRC
- Act as the main point of communication/liaison with the NC/BuEC
- Receive and distribute communication to from the NC/Bu/ Dojo Representatives
- Is entitled to attend meetings of the BuEC as an observer (with eligibility for expenses via the NC).
- Represent the views of the member dojo.

### Dojo Representatives

Have one ordinary vote in committee

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

## Appendix 5: Structure, conduct and standing orders of meetings (AGM / EGM/ NC /Bu EC / DRC meetings)

### 1: Quorum and required voting majorities

- The meeting shall be opened and conducted by the relevant Chair, 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, Bu members, Dojo Representatives and *then* make a count and declare whether a quorum has been met.
- The quorum for the NC AGM shall be  $\geq 5\%$  of qualifying electorate.
- The quorum for NC meetings shall be 7 members.
- The quorum for BuEC meetings shall be 3 members.
- The quorum for the NC and Bu EGM shall be  $\geq 5\%$  of the electorate.

The quorum for DRC meetings shall be  $\geq 20\%$ <sup>25</sup>, except where otherwise stated in this constitution (see Conflict Resolution and Complaints Procedures etc and Table A4-1).

The quorum for DRC meetings which challenge/reverse BuEC decisions shall be  $\geq 20\%$  of the Representatives of the member dojo of the Bu.

The quorum for DRC meetings which challenge/reverse NC decisions shall be  $\geq 20\%$  of the Representatives of the member dojo of the BKA.

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<sup>25</sup> The intention is to keep these meetings as informal as possible.

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<sup>26</sup>.

Table A5-1 Summary of Quorum and voting Majorities

Committee / Body	Nature of vote	Number of people eligible to vote	Quorum % and/or required majority of those voting	Effective Quorum/Majority (next highest number)
NC	General business	9		7
NC AGM		Whole Association, eligible members	>=5% of total membership at a point 30 days prior to the meeting	
NC EGM	Specified Resolution	Whole Association, eligible members	>=5% of total membership at a point 30 days prior to the meeting	
NC AGM/EGM	Change constitution. Agenda item AGM/EGM	Whole Association, eligible members	>=66% of members voting at AGM/EGM	
NC Appeals Committee	Appeals	5		4
NC	Conflict Resolution 1 Seize Bu assets	9	>=75%	7
NC	Conflict Resolution 2 Appeal against BuEC censure	9	>=75%	7
NC	Conflict Resolution 4 NC approves DRC censure of BuEC	9	>=75%	7
NC	Change constitution	Whole Association	Quorum >=5%; majority	
BuEC	General business	3	full	3
Bu AGM		Whole Bu, eligible members	>=5% of total membership at a point 30 days prior to the meeting	

<sup>26</sup> This is to prevent walkouts by a minority who can then tip the balance of the quorum. If members are willing to attend a democratic meeting, then they should take the good with the bad.



Bu EGM	Specified Resolution	Whole Bu, eligible members	>=5% of total membership at a point 30 days prior to the meeting	
Bu Complaints Committee		3	full	3
BuEC	Conflict Resolution 1 Appeal to DRC against NC asset seizure	3	>=50%	2
BuEC	Conflict Resolution 2 Bu censure of NC	3	>=66%	2
BuEC	Conflict Resolution 4 BuEC appeals to DRC against censure	3	>=66%	2
DRC	General business (informal)	All dojo in Bu	>=20%	
DRC	Conflict Resolution 1 Approve NC censure of Bu	All dojo (Reps.) in BKA	Quorum >=20% of dojo Reps. >=50% of dojo voting	
DRC	Conflict Resolution 2 Approve BuEC censure of NC	All dojo (Reps.) in Bu	Quorum >=20% of dojo Reps. >=75% of dojo voting	
DRC	Conflict Resolution 3 DRC over-rules BuEC decision	All dojo (Reps.) in Bu	Quorum >=20% of dojo Reps. >50% of dojo voting	
DRC	Conflict Resolution 4 Serious DRC censure of BuEC/remove censure	All dojo (Reps.) in Bu	Quorum >=20% of dojo Reps. >50% of dojo voting	
	Conflict Resolution 5 DRC remains unsatisfied	All dojo (Reps.) in Bu	Quorum >=20% of dojo Reps. >75% of dojo voting	
Dissolution	AGM/EGM Agenda Item	Whole Membership	Quorum 20%; majority >=66%	

## 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  $\geq 66\%$  majority of the electorate present and voting at the meeting.

- 2.3** In the case of the equality of votes, the person taking the Chair shall have the casting vote.
- 2.4** Proxy vote shall not be accepted at any meeting except when Bu AGMs are scheduled to run concurrently. Proxy voting will only be allowed (for eligible members present at one of the meetings) for Bu officer elections. (Any member who qualifies for a proxy vote should apply to the Membership Secretary for a proxy voting slip for a vote for the relevant Bu Officer at least 30 days before the AGM. This voting slip will be available for the member to collect at the AGM only.)

### **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 Chairman. 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.
  - NC/Bu officers' reports to be read out to the meeting by the relevant officer<sup>27</sup>.
  - Discussion and acceptance or otherwise of each report.
    - Where appropriate, officers' reports should include reports from:
      - Chairman
      - Treasurer
      - Membership Officer
      - Director of International Affairs
      - Etc.
  - Election/re-election of appropriate committee members<sup>28</sup>
  - 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 in the agenda.
  - Resolutions/proposals from members which were with-held by the committee from the agenda.<sup>29</sup>
  - Appointment of external financial advisor for the NC/Bu accounts.
  - Any other Business (AoB subject to the two-minute rule)<sup>30</sup>.

<sup>27</sup> If meeting time permits, it is a matter of democratic accountability that the officer stands and reads his report (or a reasonable summary) to the electorate and invites any questions, providing that s/he is physically able to do so.

<sup>28</sup> Outgoing officers must leave the high-table at this point, even if they are standing for re-election.

<sup>29</sup> A vote shall be taken as to whether to include each item in the agenda.

<sup>30</sup> AoB two minute rule: Any member shall have the right to raise any matter under AoB. The member shall be granted two

#### **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 Chair. 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 subject to the two-minute rule)<sup>31</sup>.

#### **5: Meetings of the BuEC**

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 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 Bu
  - Any other Business (AoB subject to the two-minute rule).

#### **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 Chair 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 taikai 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

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minutes in which to address the meeting. The Chairman shall then ask the meeting to vote on whether to pursue the matter at this meeting. A majority of eligible votes is required to continue discussion of the matter.

<sup>31</sup> See footnote 31.





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 Chair. 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 subject to the two-minute rule)<sup>32</sup>.

## **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 Chair), 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 Chair 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 continue.

**6.5.3** Amendments to resolutions:

No member shall move more than two amendments to a resolution.

All amendments shall be dealt with separately. When an amendment is proposed and seconded discussion shall be confined to that amendment and a vote taken. If carried the original resolution is then put to the meeting in its amended form and is open to further discussion and amendment. If lost then the original resolution stands and discussion continues.

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 an amendment to an amendment is moved the amendment proposed to be altered stands for the time being only, in the position of the original resolution. Other amendments to the amendment may be moved in succession. The maximum number of amendments to an amendment shall be three. On the third amendment to an amendment being reached, they shall be put to the meeting by the Chair in reverse order in which they were originally put.

Subject to the amendments passed the original resolution shall be amended and put to

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<sup>32</sup> See footnote 31.



the meeting in its amended form.

The member seconding a resolution may reserve their argument until later in the discussion.

Except for the mover of an original resolution or amendment, no member may address the meeting more than twice on that resolution or amendment, except to answer questions on the invitation of the Chair.

If a debate has been concluded by the reply of a mover or if in the opinion of the Chair 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 Chair.
- 6.5.5 The Chair 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 Chair 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 >50% 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 wilfully disturbing the orderly conduct of business or by disobeying a reasonable order from the Chair.

Such a person can be penalised on being declared in breach of order by the Chair.

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 BKA.

- 6.5.9 Minutes shall be taken for all meetings and held on record by the relevant Secretary/Chair. The minutes shall reflect the major topics discussed, the decisions and the actions taken at the meeting, the voting distribution 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 (Bu & NC AGMs) shall be recorded electronically and transferred to archive media. Such recordings shall be the property of the BKA and shall be archived for record and reference purposes for a period of two years. Thereafter the recording may be destroyed.

## Appendix 6: Funding of the BKA and Accounting policy

1. The NC Treasurer shall submit to the membership a set of independently verified financial records for the BKA (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 NC 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 BKA and shall be consistent with management accounts prepared for an organization of similar size (“management accounts”).

Subject to the provisions of Article 9.11, the NC Treasurer shall make reasonable response to questions regarding the Annual management accounts from the membership prior to the NC AGM and at the NC AGM.

2. Parties appointed to verify the management accounts shall have access to all books and accounts of the BKA 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 BKA in what respect they found them incorrect, without voucher, or not in accordance with the laws relating to the BKA.
3. The NC Treasurer shall produce all books, documents property and monies of the BKA and shall render full and clear accounts at each checking, to the NC/BuEC/DRC and whenever required by resolution of the BKA or by the NC/BuEC/DRC. This provision is subject to the provisions of Article 9.11.
4. All income of the BKA, from whatever source, shall be declared to the NC. The income and property of the BKA where so ever derived shall be applied solely to the promotion of the objects of the BKA as set in the aims of the BKA.
5. With the exception of the provisions of Article 9 (Monetary and Accounting Policy) no portion of the income and property of the BKA shall be paid or transferred directly or indirectly, by way of dividend, bonus or any way howsoever, by way of profit to members of the BKA.
6. With the exception of 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 unauthorised.
7. The accounts/financial records of the BKA shall include a separate and detailed appendix of the expenses distribution for the financial year. This appendix shall list separately all persons receiving expenses where the cumulative total is >£1000 for the financial year.

## BYELAWS OF THE BKA

### **Byelaw 1: Affiliations**

The BKA shall be affiliated to the International Kendo Federation (FIK) and the European Kendo Federation (EKF)

### **Byelaw 2: Financial and data protection provisions**

**Byelaw 2.1** Wherever possible all payments of the BKA (i.e. all Bu) shall be by cheque or bank transfer.

**Byelaw 2.2** All BKA cheques for NC expenditure shall be countersigned by the NC Treasurer and the NC Chairman or Vice-Chairman.

**Byelaw 2.3** All BKA cheques for Bu expenditure shall be countersigned by the NC Treasurer and **any other authorised signatory**.

**Byelaw 2.4** Fee-setting Policy

The membership fees for the BKA shall be calculated by adding together the separate budgeted fees for the various branches of the BKA (Central Services and the Kendo, Iaido and Jodo Bu).

The member pays the Central Services fee plus the fee for each of the Bu to which they belong.

The fee for each Bu may differ depending on the budgeted expenditure for the coming year.

The budgeted strategy and estimated fee for the NC and each Bu must be published before the AGM at which member agreement or otherwise will be sought.

The Bu's general strategy, budgets and estimated fees are subject to consultation with the DRC before presentation at the AGM.

The budgets 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 payment fees, Temporary membership, coach insurance etc. shall be allocated to Central Administration.

The timing and development and consultation process for the budgets shall be detailed in the byelaws as appropriate.

**Byelaw 2.5** The balance of 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 distributed to the ring-fenced Bu accounts in accordance with the Bu fee; source of funds; specified destination of funds; and in extremis in proportion to the number of members in each Bu.

**Byelaw 2.6** Other specifically designated income shall be distributed to the specified destination e.g. grant aid specifically to "Iai" etc; surplus from Bu activities; donations which specify a Bu etc.

**Byelaw 2.7** A deficit of NC expenses shall be funded proportionally by each Bu. It is not envisaged that the NC expenses will be in deficit and prior warning of any such impending deficit must be made in good time to each Bu with an estimate of the

deficit given. The Treasurer will seek authorisation from each Bu for the deficit to be funded from Bu funds.

**Byelaw 2.8** Upon agreement by the Bu ECs, the NC Treasurer shall be empowered to (1) transfer funds from Bu ring-fenced accounts to the NC account to make good any deficit in NC expenses (2) at the end of each financial year redistribute any substantial NC surplus to each Bu on a pro rata basis depending on the number of practising members in each Bu.

**Byelaw 2.9** Expenses policy (detail)

The expenses allowances shall be determined by the NC and published to members on the website and in writing upon request. By default, BuECs cannot vary this policy, with two exceptions: (1) BuECs may ask members to accept lower expenses, if Bu funds are considered low (2) BuECs (specific majority vote recorded) may exceed the T&S allowances, but must report these instances to the Membership per named individual and circumstance.

- Travel & Subsistence allowances are summarised in the Policy (T&S), published on the website.
- Travel & Subsistence are not a form of remuneration; they are specifically a reimbursement for necessary expenditure.
- Except where explicit provision to the contrary is made, actual expenditure above the T&S rate will carry no entitlement to additional or enhanced subsistence payments.
- For expenses not covered by subsistence allowances, receipts will be required in support of any claim for reimbursement. Where these are not provided, an explanation should be provided. In line with the T&S policy
- reimbursement, cannot be guaranteed in such cases and it will be for the authorised signatories to consider the case for reimbursement in the absence of evidence.

**Expenses & Allowances:**

BKA members who are required, by official BKA business, to travel/stay away from their home address for more than 8 hours may claim expenses.

Members shall claim expenses on a standard form.

Expenses claims shall be approved by two Bu/NC Officers (elected or co-opted Cashier or NC Treasurer)

The authorised expense claim should then be sent to the Treasurer/Deputy Treasurer.

The Treasurer/Deputy Treasurer shall exercise due diligence in giving final approval for the expense, having regard to the constitution and the responsibilities of his post.

The Treasurer/Deputy Treasurer shall sign and issue a cheque which is countersigned by another account signatory or make payment by bank transfer.

The Treasurer shall store the expenses form (or a record of all its fields of data in electronic form for a minimum period of 4 years and send copies to the Bucho and NC Chairman for independent archive for a concurrent period of 4 years.

The meetings of the DRC shall not be eligible for expenses, except for those of the Chair and the cost of hiring a meeting room.

The expenses of the DRC shall be paid for by the Bu.

## 2.9 Visibility of financial information

Members have the right to complete visibility of all records of the BKA including, but not limited to, financial, legal organisational 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 BKA 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.

## Byelaw 3: Contracts/procurement

Contracts or procurement of goods and services in excess of a cumulative value of £1000 in any one year shall be put out to tender to at least 3 separate providers. A record shall be kept of these tenders. The NC/BuEC may exercise judgement in balancing the cost/quality of the tenders.

## Byelaw 4: Individual Membership

- 4.1 Life Membership shall have the rights of Ordinary full membership.
- 4.2 Temporary Individual Membership shall have the right to insurance cover only.
- 4.3 Junior membership shall have the rights of Ordinary full membership, except for the right to attend meetings and to vote in elections.
- 4.4 Exceptional Members shall pay no fee, but shall have the right to insurance cover by the BKA.
- 4.5 Temporary Visitor members shall pay no fee, but shall have the right to insurance cover by the BKA.
- 4.6 Members may undertake to transport, store and care for BKA property free of charge. For the avoidance of doubt, in such circumstances the property ownership remains with the BKA. Charges may only be made when agreed in writing with the Bu and countersigned by the NC Treasurer.

## Byelaw 5: Dojo Membership

In order to qualify for membership a dojo must submit the dojo application form, which details:

- dojo name
- discipline(s) practised
- details of the dojo leader(s) name/grade/insurance cover (if any)
- the official leader [and all representatives] of the dojo must be members of the
- BKA.

- Day(s), times and venue of practise
- nature of practise e.g. adults only, juniors
- adoption of Health and Safety “requirements”
- adoption of Child and vulnerable person protection “requirements”
- explicit acceptance of the BKA risk management policy
- explicit waiver of BKA liability if BKA requirements and guidelines are not adopted.
- Pay the dojo membership fee (published on the BKA website and available by post to dojo representatives)
- The requirements of UK law relating to leaders/teachers of sports activities.

The BKA *recommends* that member dojo adopt the following:

- Adoption of guideline/recommendations on Health and Safety
- Adoption of guidelines/recommendations on Child and vulnerable person protection
- A minimum of two BKA approved coaches
- Instructors’ professional indemnity insurance

## **Byelaw 6: Participation in competitions/events/gradings**

### **General**

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

### **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. Membership must be full (including Concessionary, Student and Junior).

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 the BKA for at least 6 months (this can include 3 months temporary membership) prior to the event.

For training seminars and regular training individual participants must hold full membership (including Concessionary, Student and Junior) or Temporary Membership.

### **National level events**

Only members of the BKA can take part in competitions organised by the BKA at national level.

### **International level events**

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

### **Denial of participation**

The BKA will not tolerate unlawful discrimination of any kind. For guidance, please refer to the BKA’s Equal Opportunities Policy.

The BKA reserves the right to deny participation in any activity or service held under its auspices to anyone. Examples where refusal/denial may apply include (but is not restricted to)

- A person whose membership has been suspended by the relevant Bu/NC.



- A person has been expelled from the BKA.
- Where a dojo leader or event organiser 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 risk assessment may
- include, but is not limited to the following: inadequate or no insurance; 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 the BKA and its members. A breach of good faith includes, but is not limited to the following: being in debt to the BKA, supplying false information to or about the BKA; making false allegations against the BKA or its members. In such a case the BKA shall publish on the BKA website the name of the person and the reasons for denial of access to BKA facilities. The person so named shall have access to the Complaints procedure if this has not already been invoked.

### **Byelaw 7: Hosting events on behalf of the BKA**

The relevant Bu shall underwrite the costs of an event held under the auspices of the BKA, according to levels agreed between the BuEC and the dojo prior to hosting the event e.g. the BuEC and host dojo shall construct a budget for the event and agree upon the nature and degree of Bu support required; the allocation of costs and benefits shall depend on the relative support given by the Bu and agreed with host dojo.

Where an event shows a profit the relevant BuEC shall grant to the host dojo the agreed percentage of the profit, for their use subject to the provisions of the constitution.

Where a loss is incurred, the relevant Bu shall take up the agreed percentage of the debt.

The host dojo shall provide the NC Treasurer with full accounts for the event, detailing income and expenditure. Evidence of income and expenditure shall be provided and where possible countersigned by the Bucho.

The BuEC may organise events independently of dojo hosts. In this case the above requirements of accounting shall apply.

### **Byelaw 8: Subscription due date**

The due date for dojo subscriptions shall be 01 June.

A period of one calendar month's grace, from the due date, shall be allowed for renewal of individuals' membership, during which members continue to enjoy the benefits of membership.

### **Byelaw 9: Subscription rates**

[see Article 8]

### **Byelaw 10: Late Renewals and non-renewal policy**

The entitlement of individuals, coaches and dojo to the rights and benefits of Membership shall be defined as follows:

REGISTERED, (PAYMENT) OVERDUE, NOT REGISTERED, CEASED, RESIGNED, EXPELLED, DECEASED

The benefits of Membership of the BKA shall be defined as follows:

Entitlement to INSURANCE, BENEFITS of Membership (as per the Constitution), right to VOTE, Right to RE-JOIN the BKA *without* an AGM vote.

### 10.1 The following rules shall apply to individual Membership:

Type of Membership	Class	Fully Paid Up = Confirmed	Payment Overdue <=30 days	Payment Overdue >30<= 3 months	Payment Overdue 3 months < 1 year	Payment Overdue > 1 year
		REGISTERED	OVERDUE	NOT REGISTERED	NOT REGISTERED	CEASED
		Entitled Insurance(I)/ Benefits of Membership(B)/Vote(V)/ Rejoin without AGM (R)				
		I/B/V/R	I/B/x/R	x/x/x/R	x/x/x/R	x/x/x/R
INDIVIDUAL	Ordinary Concessionary Junior	REGISTERED: I/B/V/R	OVERDUE: Registration backdated to due date; I/B/x/R	NOT REGISTERED: Late registration admin fee £; Registration backdated to due date; x/x/x/R	NOT REGISTERED: Option1: renew from current date with pro-rata payment to back due date and late registration admin fee of £5; Grading clock unaffected. Option 2: Break in registration, renewal from current date, grading clock reset; x/x/x/R	CEASED: Break in registration, renewal from current date, grading clock reset; x/x/x/R
INDIVIDUAL	Associate	REGISTERED: x/x/x/x	OVERDUE : Registration backdated to due date;x/x/x/R	CEASED		
INDIVIDUAL	Temporary	REGISTERED: I/B/x/R	n/a			
INDIVIDUAL	Expelled/ Resigned	Rejoin only with AGM vote				
INDIVIDUAL	DECEASED					

#### INDIVIDUAL members (Full, Concessionary (Full time student, senior and junior)

- **Registered:** Entitled to Insurance, Benefits of Membership, Vote, Re-join without AGM
- **Overdue (<= 30days):** Registration backdated to due date. Entitled to Insurance, Benefits of Membership, Re-join without agreement at AGM
- **Not registered (OVERDUE >30 days <= 3months):** Re-join without agreement at AGM. Late registration admin fee £; Registration backdated to due date; x/x/x/R
- **Not registered (OVERDUE 3months < 1 year):** Re-join without agreement at AGM.
  - Option1: renew from current date with pro-rata payment to back due date and late registration admin fee; Grading clock unaffected.
  - Option 2: Accept break in registration, renewal from current date, grading clocks reset.
- **Ceased (OVERDUE > 1 year):** Re-join without agreement at AGM.
- Break in registration, renewal from current date, grading clocks reset.

#### INDIVIDUAL members (Associate)

- **Registered:** Re-join without agreement at AGM.
- **Overdue (<= 30days):** Registration backdated to due date. Re-join without agreement at AGM.
- **Not registered (OVERDUE >30 days <= 3months):** CEASED

#### INDIVIDUAL members (Temporary)

- **Registered:** Entitled to Insurance, Benefits of Membership, Re-join without agreement at AGM.

- **Overdue** (<= 30days): n/a

**INDIVIDUAL members** (Expelled/Resigned): Re-join only with agreement via an AGM vote.

**INDIVIDUAL members** (DECEASED)

## 10.2 The following rules shall apply to COACH Membership:

Type of Membership	Class	Fully Paid Up = Confirmed <b>REGISTERED</b>	Payment Overdue <=30 days <b>OVERDUE</b>	Payment Overdue >30<= 3 months <b>NOT REGISTERED</b>	Payment Overdue 3 months < 1 year <b>NOT REGISTERED</b>	Payment Overdue > 1 year <b>CEASED</b>		
		Entitled Insurance(I)/ Benefits of Membership(B)/Vote(V)/ Rejoin without AGM. (R)						
		I/B/V/R	I/B/x/R	x/x/x/R	x/x/x/R	x/x/x/R		
<b>COACH</b>		REGISTERED for Insurance policy; date aligned to Individual registration	OVERDUE: Insurance registration valid; date aligned to Individual registration	NOT REGISTERED (Opted Out): No insurance. Cannot backdate insurance cover to any subsequent renewal.				
		I/B/V/R	I/B/x/R	x/x/x/R				
	The Coach is not purchasing an individual policy through this but contributing to the BKA group policy. However only registered coaches are covered by this policy and approved to coach in BKA dojo. To remove confusion that this is a separate policy renewal dates for coaching registration shall be aligned to individual membership renewal dates. New coaches will be awarded the part year between passing their Coaching qualification and their next renewal free of charge. Upon individual membership renewal coaches have the option to opt in or opt out of coaching registration. The default option on renewal will be the previous status so the member has to positively change this. As they get a reminder in the 'Shopping cart' before proceeding to payment then it is clear what they are purchasing. Should an opted out member (ie a member who has a coaching qualification but who has opted out of coach registration) subsequently choose to opt back in, then they will be charged the full year fee for part year and the next renewal will be required to renew registration ie Coach Registration is charged per year or part thereof. Insurance is NOT backdated. <b>Note: There is NO insurance cover for incidents occurring periods of non-registration.</b> <b>There are coaches listed by dojos as Coaches who have no qualification and/or registration. This shall not be permitted.</b> <b>If coaches opt out of registration, they shall no longer be listed as Coaches by the dojo.</b>							

## COACH

- **Registered** for Insurance policy; date aligned to Individual registration.
- **Overdue** (<= 30days): Insurance registration valid; date aligned to Individual registration.
- **Not registered** (OVERDUE >30 days <= 3months) : (Opted Out): No insurance. Cannot backdate insurance cover to any subsequent renewal.

### COACH Notes:

The Coach is not purchasing an individual policy through this but contributing to the BKA group policy.

However only registered coaches are covered by this policy and approved to coach in BKA dojo. To remove confusion that this is a separate policy, renewal dates for coaching registration shall be aligned to individual membership renewal dates.

New coaches will be awarded the part year between passing their Coaching qualification and their next renewal free of charge.

Upon individual membership renewal coaches have the option to opt in or opt out of coaching registration.

The default option on renewal will be the previous status so the member has to positively change this.

As they get a reminder in the 'Shopping cart' before proceeding to payment then it is clear what they are purchasing.

Should an opted out member (i.e. a member who has a coaching qualification but who has opted out of coach registration) subsequently choose to opt back in, then they will be charged the full year fee for part year and the next renewal will be required to renew registration. ie Coach Registration is charged per year or part thereof. Insurance is NOT backdated.

Note: There is NO insurance cover for incidents occurring in periods of non-registration.

There are coaches listed by dojos as Coaches who have no qualification and/or registration. This shall not be permitted.

If coaches opt out of registration, they shall no longer be listed as Coaches by the dojo.

### 10.3 The following rules shall apply to DOJO Membership:

Type of Membership	Class	Fully Paid Up = Confirmed <b>REGISTERED</b>	Payment Overdue <=30 days <b>OVERDUE</b>	Payment Overdue >30<=3 months <b>NOT REGISTERED</b>	Payment Overdue 3 months < 1 year <b>NOT REGISTERED</b>	Payment Overdue > 1 year <b>CEASED</b>
DOJO		REGISTERED for Insurance policy	OVERDUE: Insurance registration valid	NOT REGISTERED (Opted Out): No insurance. Cannot backdate insurance cover to any subsequent renewal.		
		I/B/V/R	I/B/x/R	x/x/x/R		
				Not listed on BKA dojo listings, new members cannot join and existing members cannot renew (unless members elsewhere); Notify members when this occurs to inform them of the status.		

**Dojo Registered:** Registered for Insurance Policy.

**Dojo Overdue** (<= 30 days): Insurance registration valid.

**Dojo Overdue** (>30 days <3 months): NOT REGISTERED (Opted Out): No insurance. Cannot backdate insurance cover to any subsequent renewal. Not listed on BKA dojo listings, new members cannot join and existing members cannot renew (unless members elsewhere); Notify members when this occurs to inform them of the status.

#### 10.4 Late renewals administration fee

This is currently set at £5, but may be varied by the NC.

#### 10.5 Where a former member is readmitted, any and all monies owed, and not recovered, by that member to the British Kendo Association or its Officers shall be paid **before** the member is readmitted.

#### 10.6 Any disciplinary measures outstanding at the time of the applicant's resignation/expulsion will be regarded as running from the time of their readmission.

### Byelaw 11: Limited Liability of Officers

Officers of the BKA shall have limited liability and enjoy the protection of the BKA insurance, provided they act within the constitution. If the officer is found to have breached the constitution in a substantive way then their liability for their actions shall be unlimited and not covered by the BKA insurance.

### Byelaw 12: Equal Opportunities policy

The Equal Opportunities policy does **not** form part of the constitution, since it will need to be updated in the light of legislation. The NC/BuEC shall have the right to amend the Equal Opportunities policy as required by legislation in relation to the arts governed by the BKA. The policy shall be subject to the normal process of consultation and scrutiny.



The BKA shall adopt an equal opportunities policy commensurate with the requirements of the law. This shall be published on the BKA website and made available to members on request, by writing to the NC Secretary.

### **Byelaw 13: Health & Safety Policy (H&S)**

The Health and Safety policy does **not** form part of the constitution, since it will need to be updated in the light of legislation. The NC/BuEC shall have the right to amend the Health & Safety policy as required by legislation in relation to the arts governed by the BKA. The policy shall be subject to the normal process of consultation and scrutiny.

The BKA shall adopt an equal opportunities policy commensurate with the requirements of the law. This shall be published on the BKA website and made available to members on request, by writing to the NC Secretary.

### **Byelaw 14: Child and vulnerable person protection Policy**

The Child and vulnerable person protection policy does **not** form part of the constitution, since it will need to be updated in the light of legislation. The NC/BuEC shall have the right to amend the Child and vulnerable person protection policy as required by legislation in relation to the arts governed by the BKA. The policy shall be subject to the normal process of consultation and scrutiny.

### **Byelaw 15: Mixed practices between men, women and children**

Dojo leaders, Coaches and Events Organisers will ensure that mixed practices preserve the dignity of all members, and are conducted in an environment that can accommodate the different requirements of all involved.

### **Byelaw 16: Insurance Policy**

Only members of the BKA shall be entitled to insurance cover via the BKA.

In the event of a member resigning or being expelled, the insurance cover shall cease from the date of resignation/expulsion. The person involved shall be entitled to a pro-rata refund of the membership fee for that year and is responsible for claiming the refund.

The BKA shall seek insurance cover for officer liability in the performance of their duties (subject to the constitution).

The BKA shall seek insurance cover for members for the practice of their discipline(s) in as wide a context as possible.

The BKA shall seek insurance cover for instructors for the practice of their discipline(s) in as wide a context as possible.

The detailed terms and conditions of all insurance policies shall be published on the BKA website and made available in writing upon request.

### **Byelaw 17: Public Relations Policy**

In advertising matches, 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 NC/BuEC.



## **Byelaw 18: Communications Policy**

- The default means of communication for BKA administration shall be email.
- Officers shall use the official BKA email address allocated to the post (unless specifically exempted). If exempt the Officer consents to his nominated email address being available to the BKA - in the event of any data protection requirements.
- The default status of BKA administration emails shall be “not confidential”.
- The establishment of confidentiality shall be by specific agreement by all parties to the communication (per administrative matter).
- Where practicable a copy of “significant” emails which mark important decisions affecting the BKA shall be archived for a period of 4 years.
- It is insufficient to only post information on the website (in the belief that members should regularly check the website for updates). As a minimum the NC must communicate with the membership via the mass email facility. Links to the BKA website for members to obtain further details can be provided in the mass email. Social media and/or the BKA website cannot be used as the only instruments of communication. Failure to act as above shall render null and void any policy or election so affected.
- Members are guaranteed the right to free expression. However, the BKA reserves the right to consider the effects on the BKA and its members of member expression in the wider communications spectrum.
- Official BKA statements shall be posted on the BKA website (open or members’ only).
- The BKA shall maintain a “social media” account (s) on which links to official statements on the BKA website can be posted.
- The BKA shall provide an “in house” debating platform for member exchange of views - subject to technical constraints. Members retain liability for their posted content.

## **Byelaw 19: Freedom of Expression**

Members are guaranteed the right to free expression within the law. However, the BKA reserves the right to consider the effects on the BKA of member expression that is available to the general public via social media, digital or print which directly concerns the BKA and its members.

## **Byelaw 20: Data Protection**

Members are entitled to see all data and documents of their Association, but it is recognised that all provisions of this Constitution are subject to the requirements of current legislation. Members will be afforded access to data and documents on the following basis:

- The member should give sufficient reason for the request to allow the BKA to identify key information relating to the matter requiring disclosure.<sup>33</sup>
- The information sought should normally relate to the time since the last AGM; unless there are valid reasons for requesting information further back in time.<sup>34</sup>
- The member shall be entitled to key information and supporting documents sufficient to explain any decision by officers of the BKA.

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<sup>33</sup> But disclosure need not include all ancillary emails and discussion

<sup>34</sup> e.g a matter that has just come to light or the information is required by a member to defend themselves against an allegation

- Where the request involves substantial work to process data to which the Applicant is not otherwise entitled under the Data Protection Act 2018, the BKA may notify the member that any such disclosure will be subject to the member bearing the cost of processing.<sup>35</sup>
- The BKA may refuse or limit disclosure on any request which is, in the opinion of the NC, unreasonable or excessive. The NC shall give the Requesting Member written reasons for any such refusal.<sup>36</sup>
- If refused, members shall have the right to add the matter to the next AGM under AoB.
- The BKA should endeavour to respond to requests within a reasonable timescale and when the request is made, should inform the member of the approximate expected date for disclosure.<sup>37</sup>

## **Byelaw 21: Criminal Matters**

Where the Chair is notified by a member under article 7.2 that he is subject to police bail or has been charged with an offence of the type mentioned in that article, any decisions by the Chair and other relevant officers should be made with regard to the following principles:

- Any restrictions placed upon the member concerned should be proportionate to the degree of potential risk
- Any restrictions placed upon the member concerned should be the minimum necessary to adequately protect others from such risk
- At any stage before a person is charged, suspension should only be considered if the situation cannot safely be managed any other way
- Disclosure of information concerning the members situation should be on a strict 'need to know' basis and the minimum required to protect others
- The member must be kept informed in writing of any decisions made about him or her and the reasons for such decisions
- The situation should be reviewed regularly and restrictions should only continue for the minimum amount of time necessary for the protection of others
- Where a child is likely to be affected by decisions made then their interests should be paramount
- The member should also consider the responsibilities and position of the BKA in this situation and act accordingly in respect of coming to an agreement with the BKA over his or her conduct.

## **Byelaw 22: Applications to re-join the BKA**

1. Applications for readmission under Article 10.8 must be made to the Membership Secretary 6 months in advance of the next NC AGM.
2. The membership Secretary will immediately inform the NC of any such application and pass the matter on to the DSC Panel Coordinator.
3. The DSC Coordinator shall convene the EDP and ask the applicant to provide a statement of case for re-admission. The Coordinator shall immediately send a copy to the NC.
4. The NC shall, within 4 weeks, provide a statement concerning:
  - a. The reasons for the expulsion or other disciplinary decisions by the previous AGM.

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<sup>35</sup> This provision shall not apply to the financial records of the BKA

<sup>36</sup> Unreasonable or excessive- may include unlimited requests for information; requests where the amount of work involved for officers is disproportionate to the reason for the request; where the amount of data sought would be severely burdensome in terms of officer time to respond to the request; where the request is frivolous or made in bad faith.

<sup>37</sup> But there shall be no formal time limits for disclosure





- b. Any other evidence considered relevant to the decision to be taken by the Panel.
5. The DSC Coordinator may set a timetable for the hearing of the matter, otherwise the case will proceed according to the following timetable:
6. Within 4 weeks the Panel will review the case to see whether there is any new evidence or potentially valid reasons for readmission to consider since the expulsion or resignation.
7.
  - a. If the Panel considers there is no evidence of change since the last decision the application will be refused, and the refusal reported to the NC AGM.
  - b. If the Panel considers there is a case to determine, then the Panel will publish a copy of the statements to the Membership and invite submissions of relevant evidence from members within a period of 4 weeks of the statements being published.
8. The Panel shall within the following 8 weeks, determine the matter from statements and other written evidence unless they consider that there is a need for a physical or virtual hearing.
  - a. The onus of proof to show that the applicant should be readmitted, shall be upon the applicant.
  - b. Where a previous panel or AGM has made findings of fact or a decision in respect of the former member, then these shall be accepted as the facts of the matter at that time. The applicant shall not be entitled to a rehearing of the original facts.
  - c. Exceptionally, having looked at the initial written evidence, the Panel considers there is new evidence that has a bearing on the previous decision, they may consider such evidence.
9. The EDP will consider the matter, make any necessary findings of fact and make a recommendation to the NC AGM. The matter will be placed on the agenda for the next NC AGM and the statements and panel report will be published to the membership at least 4 weeks before the date of the NC AGM.
10. The DSC Coordinator will send a copy of the decision to:
  - The applicant
  - The NC Secretary
  - The complaints officer for inclusion in the DSC Panel archive
11. Where the AGM decides to re-admit a former member, any and all monies owed by that member to the BKA shall be paid before the member is readmitted. The provisions of Byelaw 10 shall apply to any returning member.
12. Following expulsion, a former member may not apply for readmission for 5 years. Following a refusal, no further applications will be considered from the same person for 5 years.
13. Guidelines to re-join may be published in order to assist the applicant.

### ***Notice to Applicants re applying to re-join the BKA:***

Please make your application in writing to the Membership Secretary

1. State the date of your expulsion; or resignation + disciplinary hearing
2. State which dojo you were formerly a member of, and which dojo you intend to join if reinstated.
3. Include a one-page summary of why you feel you should be readmitted to the BKA, together with any supporting statements.
4. Mention all facts that you intend to rely on at any readmission hearing.
5. Try to keep any evidence to a maximum of 10 pages if possible.
6. Please note that the AGM will not overturn any rulings made at the time of your expulsion/ previous disciplinary proceedings: This is a hearing about your circumstances now, not an appeal about previous proceedings.

7. Let the Membership Secretary have your statement 14 weeks before the date of the AGM so that it can be published to the membership.
8. You can find the procedure which will apply to these proceedings in Byelaw 22 of the BKA Constitution.
9. If you are approved to re-join:
  - You will need proof of membership of a BKA affiliated dojo before you are able to resume active membership of the BKA.
  - You will need to clear any arrears of monies owed to the BKA before you can be readmitted.
  - Any disciplinary sanctions outstanding at the time of your resignation will run from the date of readmission.

#### **Data Protection notice:**

In order to be able to determine your application, the BKA will need to process your personal data by disclosure to the membership at the NC AGM, of relevant information the BKA may hold in respect of any previous disciplinary proceedings and your interactions with the BKA and its members. The lawful bases for processing such data are:

- that it is in the BKA's legitimate interests.
- that in seeking to re-join you are seeking to enter into a contract of membership with all members of the BKA and it is necessary for this information to be available to the AGM in order to make the decision concerning readmission as a member.

#### **Byelaw 23: Retention of Records**

##### **Complaints data:**

1. Article 13.4 provisions on the confidentiality of the complaints procedure shall not prevent:
  - the sharing of key information concerning complaints and their outcome, between officers who have a strict need to know as part of the role; and
  - where there is an overriding purpose which is in the interests of the BKA and
  - Any one of the following applies:
    - That the information is required to be disclosed to ensure the safety of other members, particularly junior members.
    - That the information is relevant to decisions required in respect of an application to coach children by someone who has a conviction relevant to their suitability for that role.
    - That the information is relevant to another disciplinary decision being made by a Bu CC concerning a member of the BKA.
    - Where a person subject to article 10.8 is seeking to rejoin the BKA.
2. In all other circumstances, the confidentiality of the complaints process shall continue to apply after the conclusion of the complaints procedure, unless the matter falls within the provisions of article 13.4 relating to a hearing at the NC AGM.
- 3.a. The Complaints officer shall retain the report of the DSC Panel in the matter with any key documents, and shall maintain a record summarising:
  - the outcome of each complaint



- any facts found
- reasons given for decisions and
- sanctions recommended

and shall only disclose this information where one of the grounds in 1. above are met.

- b. Where practicable this information is to be kept in a form where it can be encrypted and any attempts to access it will be automatically logged.
4. The lawful bases for processing this personal data are:
    - That the BKA has a legitimate interest in retaining these records and their retention by one officer is proportionate in the circumstances
    - There is a contractual basis for retaining these records for this purpose because article 13.4 makes it clear that confidentiality of data cannot be maintained where a disciplinary matter is to come before the NC AGM.
  5. At the conclusion of a complaint all parties should be informed of the contents of any summary.
  6. Either party may then:
    - Make representations to the Bu CC to amend any matters which do not accurately reflect the outcome of the proceedings (but not as to facts in the case which were disputed)
    - object to the retention of the record, in which case the matter shall be referred to the NC for a decision. The NC shall:
      - Consider the balance of the interests of the BKA and the member's rights
      - Consider the context and seriousness of any matters which arose in the complaint
      - Consider any likely negative consequences of retention for the member
      - Make a decision on retention of the record.

#### **Recording of decisions by committees:**

7. Where the NC or a Bu EC makes a decision about a matter relating to an individual member, this matter may be excluded from any minutes published to the membership.
  - Emails relating to any such matter need not be retained once the immediate matter is dealt with
  - A summary of the decision, outcome of vote, matters considered and reasons for decision shall be retained by the NC Secretary on the same conditions as apply in 1. above
  - The Bu EC shall return a summary of any decisions made in respect of individual Bu members upon request of the NC Chair or Secretary or within 6 months of the decision in any event and after having done so the Bu officers should not retain any personal data relating to the member