

# **UNITED STATES OF AMERICA TRADITIONAL KODOKAN JUDO (USA-TKJ)**

**CONSTITUTION AND BY-LAWS  
As of January 15, 2005**



**Officers:**

President, Bruce R. Bethers  
Vice-President, Patrick M. Hickey  
General Secretary, Ernest G. McPeck, J.D.  
Treasurer, John F. Chatwood

**National Office:**

3816 Bellingham Drive  
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## ***USA Traditional Kodokan Judo Constitution & By-Laws***

**The USA National Judo Organization of the World Judo Federation (WJF)**

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## ARTICLES OF INCORPORATION OF USA TRADITIONAL KODOKAN JUDO

### Article I -- Name & Definitions

Section 1. The name of this corporation shall be: **United States Of America Traditional Kodokan Judo.**

Section 2. As used in this Constitution and By-Laws, the term:

- A. *Athlete* means any athlete who meets the eligibility standards established by this corporation;
- B. *Athletic Competition* means a contest, game, meet, match, tournament, or other event in which athletes compete;
- C. *Amateur Sports Organization* means a non-for-profit corporation, club, federation, union, association, or other group organized in the United States which sponsors or arranges any amateur competition;

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D. USA Traditional Kodokan Judo or USA -TKJ or US Traditional Kodokan Judo or US-TKJ means the **United States Of America Traditional Kodokan Judo**;

E. *International Athletic Competition* means any athletic competition between any athlete or athletes representing the United States, either individually, or as part of a team, and any athlete or athletes representing a foreign country;

F. *Sanction* means a certificate of approval issued by USA-TKJ.

G. *National Governing Body* as used here means recognized as a National Governing Body in accordance with the Statutes of the World Judo Federation (WJF).

## **Article II -- Non-Profit**

USA-TKJ is a non-profit corporation incorporated under the laws of the State of Nevada.

## **Article III -- Existence**

The period of its duration shall be perpetual.

## **Article IV -- Objects and Purposes**

Section 1. The objects or purposes of USA-TKJ shall be to --

A. Establish National Goals for athletic activities and to encourage attainment of these goals.

B. Coordinate and develop athletic activity;

C. Promote and support athletic activities involving the United States and foreign nations;

D. Promote and encourage public participation in physical fitness;

E. Assist organizations and persons concerned with sports in the development of athletic programs for athletes; Provide for the swift resolution of conflicts and disputes involving athletes, and amateur sports organizations and protect the opportunity of any athlete, coach trainer, manager, administrator, or official to participate in athletic competition; Foster the development of athletic facilities for use by Judo athletes and to assist in making the existing athletic facilities available for use by Judo athletes; Provide and coordinate technical information on physical training, equipment design, coaching, and performance analysis;

Encourage and support research, development, and dissemination of information in the area of sports medicine and sports safety; Encourage and provide assistance to athletic activities for women;

Encourage and provide assistance to athletic programs and competition for handicapped individuals, including, where feasible, the expansion of opportunities for meaningful participation by handicapped individuals in programs of Judo competition for able-bodied individuals; Encourage and provide assistance to athletes of racial and ethnic minorities for the purpose of eliciting the participation of such minorities in athletic activities in which they are underrepresented; To sponsor and encourage, regulate, and award Judo Championships on the regional, national, and international levels.

## **Article V -- Powers and Jurisdiction**

Section 1. USA-TKJ shall have perpetual succession and power to --

A. Sue and be sued; make contracts; acquire, hold, and dispose of real and personal property as may be necessary for its corporate purposes; accept gifts, legacies, and devises in furtherance of its corporate purposes; borrow money to carry out its corporate purposes, issue notes, bonds, or other evidences of indebtedness therefore and secure the same by mortgage, subject in each case to the laws of the United States or any State; provide financial assistance to any organization or association, other than a corporation organized for profit, in furtherance of the purposes of USA-TKJ;

B. Approve and revoke membership in USA-TKJ; adopt and alter a corporate seal; establish and maintain offices for the conduct of the affairs of USA-TKJ; publish a newspaper, magazine, or other publication consistent with its corporate purposes; and to do any and all acts necessary and proper to carry out the purposes of USA-TKJ;

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C. Operate exclusively for public health, safety and charitable purposes, including for such purposes, making of distributions to corporations, trusts, community chests, funds or foundations that qualify as exempt organizations under Section 501 (c) (3) of the Internal Revenue Code of 1954, as amended (or the

corresponding provisions of any future United States Internal Revenue Law); In addition to the foregoing, this corporation may aid, assist, and support with contributions of money, property or otherwise, other organizations organized and operated exclusively to foster national or international sports competition, or for charitable, scientific, literary, or educational purposes;

D. Engage in any lawful act or activity authorized by the Nevada Code, and to have and to exercise all rights and powers that are now or may hereafter be granted to a corporation;

E. Amend its Constitution and By-Laws in a manner not inconsistent with the laws of the United States of America or of any State;

F. Establish and maintain throughout the United States a uniform test of eligibility and uniform rules for the government of all Judo within its jurisdiction; including, but not limited to, the adoption of rules and regulations governing Judo competition, judging, and the awarding of appropriate Judo credentials to deserving individuals. In furtherance of this objective, to sanction and host Judo seminars, camps, and other activities designed to develop Judo athletes, judges, and officials;

G. Promote and encourage educational programs to inform people of the United States of the virtues of good sportsmanship and sportsmanlike conduct, of the cultural aspects of Judo athletic activities and of the benefits of physical fitness and participation in amateur Judo activities;

H. Establish qualifications of membership, classification of members and categories for both voting and nonvoting members and participatory members. In doing so, USA-TKJ shall provide equal opportunity to athletes, coaches, trainers, managers, administrators, and officials to participate in athletic competition without discrimination on the basis of to race, color, religion, sex, age, or national origin and with fair notice and opportunity for a hearing to any athletes, coaches, trainers, managers, administrators, and officials before declaring such individual ineligible to participate.

Section 2. The foregoing shall be construed as objects, purposes, and power, and the enumeration thereof shall not be held to limit or restrict in any manner the powers now or hereafter conferred on this corporation by the laws of the State of Nevada.

Section 3. The objects, purposes, functions, and powers specified herein shall, except as otherwise expressed, be in no way limited or restricted by reference to or inference from the terms of any clause or paragraph of these Articles. The objects, purposes, functions, and powers specified in each of the clauses or paragraphs of these Articles of Incorporation shall be regarded as independent objects, purposes, functions, or powers.

Section 4. The corporation may in its regulations confer powers, not in conflict with law, on its directors in addition to the foregoing and in addition to the powers and authorities expressly conferred on them by statute.

Section 5. USA-TKJ is autonomous in its governance and independently determines and controls all matters central to such governance. USA-TKJ shall not delegate such determination and control, and shall remain free from outside restraint.

Section 6. USA-TKJ membership is open --

A. To any individual who is an athlete, coach, trainer, manager, administrator, or official active in the sport of Judo;

B. To any amateur sports organization which conducts programs in the sport of Judo.

Section 7. USA-TKJ shall provide an equal opportunity to athletes, coaches, trainers, managers, administrators, and officials to participate in athletic competition without discrimination on the basis or race, color, religion, age, sex, or national origin and with fair notice and opportunity for a hearing to any athletes, coaches, trainers, managers, administrators, and official before declaring such individual ineligible to participate.

Section 8. USA-TKJ shall be governed by a Board of Directors whose members are selected without regard to race, color, religion, national origin or sex.

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Section 9. USA-TKJ shall provide for the prompt and equitable resolution of grievances of its members through the exercise of due process proceedings. Such procedures shall be specifically set forth in the Bylaws of USA-TKJ.

## **Article VI -- Right and Duties**

Section 1. Power and Jurisdiction: USA-TKJ has a duty to, and shall in fact:

- A. Develop interest and participation in judo throughout the United States and to be responsible to the persons and sports organizations it represents;
- B. Provide equitable support and encouragement for participation by women where separate programs for male and female athletes are conducted on a national basis;
- C. Provide and coordinate technical information on physical training, equipment design, coaching, and performance analysis;
- D. Encourage and support research, development, and dissemination of information in the areas of sports medicine and sports safety.

Section 2. Authorization: USA-TKJ is authorized to:

- A. Establish National Goals and encourage the attainment of those goals;
- B. Conduct athletic competition, including national championships, and inter-nation athletic competition in the United States; and, establish procedures for the determination of eligibility standards for participation in such competitions except for athletic competition as specified in Section 3 of this Article.

## **Article VII -- Earnings**

No part of the net earnings of the Corporation shall inure to the benefit of or be distributable to its member, directors, officers or other private persons, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article IV hereof. No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these Articles of Incorporation, the Corporation shall not carry on any other activities not permitted to be carried on:

- A. By a corporation exempt from the Federal Income Tax under Section 501 (c) (3) of the Internal Revenue Code of 1954 (or the corresponding provisions of any future United States Internal Revenue Law) or
- B. By a corporation, contributions to which are deductible under Section 170 (c) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law).

The purposes of this corporation do not include pecuniary gain or profit to the members thereof. Consequently, none of its net earnings shall inure to the benefit of any private member or individual; provided, however, that this provision shall not be construed so as to prevent reasonable compensation for services actually rendered to this corporation.

## **Article VIII -- Distribution**

Upon the dissolution of the Corporation, the Board of Directors shall, after paying or making provision for the payment of all of the liabilities of the Corporation, dispose of all of the assets of the Corporation exclusively for the purposes of the Corporation in such manner, or to such organization or organizations organized and operated exclusively for charitable, educational, religious, literary, or scientific purposes as shall at the time qualify as an exempt organization or organizations under Section 501 (c) (3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law).

## **Article IX -- Indemnification**

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Section 1. USA-TKJ shall indemnify each of its present or former directors, officers, employees, or official representatives, or any person who is or was serving another corporation or other entity in any capacity at the request of USA-TKJ, against all expenses actually and reasonably incurred by such person (including, but not limited to, judgments, costs, and counsel fees) in connection with the defense of any pending or threatened litigation to which such person is, or is threatened to be made, a party because such person is or was serving in such a capacity. This right of indemnification shall also apply to expenses of litigation which is compromised or settled, including amounts paid in settlement, if USA-TKJ shall approve such settlements as provided in section 2 hereof. Such person shall be entitled to be indemnified if he/she acted in good faith and in a manner reasonably believed to be in, and not opposed to the best interests of USA-TKJ. The termination of any litigation by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent shall not, of itself, create a presumption that the person did not act in good faith and in a manner reasonably believed to be in, and not opposed to the best interests of USA-TKJ.

Section 2. Any amount payable as indemnification under this Article shall be determined and paid by USA-TKJ pursuant to a determination by a majority vote of a quorum of the Executive Board, consisting of those members who have not incurred expenses in connection with the litigation for which indemnification is sought, that such person has met the standard of conduct set forth in this Article. If no such non-interested Board members are available, such determination shall be made by either the General Counsel in a written opinion, or by majority vote of the federation.

Section 3. The right of indemnification under this article shall be in addition to, and not exclusive of, all other rights to which such person may be entitled.

Section 4. Any expenses incurred by such person in connection with the defense of any litigation may be paid by USA-TKJ

in advance of a final disposition of such litigation upon receipt of an undertaking by such person to repay such amount if it is determined under section 2 hereof that such person is not entitled to be indemnified under this Article.

Section 5. The Executive Board may, at its discretion, authorize the purchase of insurance on behalf of any persons indemnifiable under this Article. Such insurance may include provisions for indemnification of such persons for expenses of a kind not subject to indemnification under this Article.

#### **Article X -- Office**

The principal office of the corporation will be the address of the president or general secretary.

#### **Article XI -- Official Emblem and Seal**

The official Emblem and Seal shall be that adopted by this corporation.

#### **Article XII -- Member, Classes, Qualifications & Obligations**

Section 1. Classes of Membership: There shall be two classes of membership recognized by USA-TKJ:

A. Individual, which consists of athlete, coach, official, practicing, life, sustaining, associate sustaining and perpetual.

B. Group, which consists of regional sports organizations, clubs, affiliated sports organizations, armed forces, dantai, allied members, disabled sport organizations, and business members.

Section 2. Regional Judo Organizations:

A. Regional Judo Organization members shall be from the recognized regional sports organizations of USA-TKJ. They must meet the requirements of 501(C)(3) status and exist solely for the purpose of supporting USA-TKJ. The acceptance of regional sports organizations membership on USA-TKJ binds such members to abide by all the conditions of the Constitution and By-Laws of USA-TKJ, and to accept and enforce all decisions of USA-TKJ.

B. With the approval of the Board of Directors, judo organizations in certain geographic regions or made up of certain styles or groups of clubs that do not qualify as Regional Judo Organization because they are not

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incorporated or do not have exempt status under Section 501 (c) (3) of the Internal Revenue Service Code may have the same representation and voting privileges as a Regional Judo Organization if they otherwise meet the criteria set forth above.

### Section 3. Club Members:

Club Members: are limited to bonafide Judo clubs, institutions, or other organizations of a permanent nature actively promoting or participating in Judo. No organization whose interest in sports or games is purely commercial or which promotes Judo sports solely for profit or the advertising value derived there from is eligible for membership.

### Section. 4 Affiliated Sports Organization Membership:

Any organization which, in Judo, conducts a national program or regular national competition. Affiliated Sports Organization members must abide by all the rules and regulations of USA-TKJ, its Constitution, and its By-Laws.

Section 5. Armed Forces Members: Armed Forces members are the U.S. Army, the U.S. Navy, the U.S. Air Force, the U.S. Marine Corps and the Coast Guard.

Section 6. Dantai Members: Dantai Membership consists of judo organizations that make application for membership in USA-TKJ that are either ineligible or not desirous of Affiliated Sports Organization.

Section 7. Allied: Judo sports organizations in foreign countries can be affiliated if they meet the requirements of the Constitution and By-Laws of USA-TKJ.

Section 8. Disabled Sports Organizations: Disabled sports organizations with active programs in judo are eligible for membership in USA-TKJ.

Section 9. Business Members: Business members consist of companies and any organizations in the U.S. who have an interest in supporting the development and growth of Judo in the country. They shall be admitted to membership for a period of one year by payment of the appropriate fee to USA-TKJ. This is a non-voting membership.

### Section 10. Athletes, coaches, trainers, administrators and officials:

A. Are those individuals who register with USA-TKJ.

B. For athletes, they are those individuals who are deemed amateur, and are thereby eligible for competition.

C. Are admitted for periods of up to one year by submitting an approved application form and paying the appropriate registration fee.

D. Athletes are required to maintain their eligibility standing as outlined in the Constitution and By-Laws. Should an athlete fail to retain his or her eligibility standing, he or she shall at once surrender his or her registration card to USA-TKJ.

Section 11. Practicing Members: Practicing members are those Judoka who belong to a group member. They are a member of USA-TKJ by virtue of their membership in the group member of USA-TKJ, but they may not compete, officiate, or coach and are not considered athletic members, coaches, or officials, in the national program unless specifically registered as an athlete, coach, or official with USA-TKJ. They may participate in other sanctioned events.

Section 12. Sustaining Members: Sustaining members are all other persons interested in the purpose and programs of USA-TKJ on either the regional or national level. They shall be admitted for a period of one year upon payment of the appropriate fee to USA-TKJ.

Section 13. Associate Sustaining Members: Associate Sustaining Members are those individuals who are volunteers, parents, or otherwise interested in the purposes and program of USA-TKJ on either the local or national level or are members of Allied Members. There is no fee for this class of membership.

Section 14. Life Members: Life Members are those individual members of the USA-TKJ Foundation.

Section 15. Perpetual Members: Perpetual Members are those individual who contribute \$1,000 or more to USA-TKJ for the furtherance of judo in accordance with the principles of USA-TKJ. By payment of the appropriate fee to USA-TKJ perpetual members are admitted to USA-TKJ for the duration of the Federation's existence.

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### **Article XIII -- Admission of Members**

Upon payment of the appropriate fee and/or application and/or approval, a member shall be admitted to USA-TKJ.

### **Article XIV -- Dues**

The appropriate fee for the various classes of membership shall be as designated by USA-TKJ.

### **Article XV -- Non-Payment of Dues**

Any member who fails to pay its appropriate fees shall be dropped from the membership roles at the next annual meeting of USA Traditional Kodokan Judo.

### **Article XVI -- Finance and Accounting**

Section 1. Finances: The Executive Board shall have the authority and the right to delegate authority to solicit collect or receive funds for the support of the activities of USA-TKJ, and to disburse and decide on all matters pertaining to the finances of USA-TKJ subject to the review of the Board of Directors. All income received shall be put into a common treasury. Separate budgets may be maintained by each standing committee, but all funds must be deposited in a common treasury.

Section 2. Solicitation: No solicitation of funds may be made in the name of USA-TKJ unless all of the fund so raised are deposited into USA-TKJ Treasury. Without the written consent of USA-TKJ, no person or organization may use for the purpose of trade, to introduce the sale of athletic goods, or to promote any exhibition, athletic performance, or competition in the name of USA-TKJ or any of its seals, marks, or other representations of USA-TKJ.

Section 3 Disbursements: No funds of USA-TKJ shall be disbursed for other than the conduct of its activities in accordance with the rules and regulations of USA-TKJ and the law.

Section 4. Checking Accounts: All moneys received shall be deposited to the credit of USA-TKJ and all checks shall be signed by the treasurer and/or any such officer or officers duly appointed.

Section. 5. Fiscal Year: The fiscal year of the corporation shall run from January 1 to December 31. A fiscal accounting must be made by the Finance Committee at each general meeting of USA-TKJ.

Section 6. Activities: No member of USA-TKJ shall conduct any activities for monetary gain in the name of USA-TKJ without the expressed written approval of USA-TKJ.

Section 7. Liability: No individual officer, director, or member of USA-TKJ shall be personally liable in respect of any debt or obligation incurred in the name of USA-TKJ pursuant to authority granted directly or indirectly by the Executive Board.

Section 8. Imprest Accounts: The Board of Directors may establish separate special accounts employing the imprest system for the liquidation of obligations requiring prompt payment, and payroll obligations; and it may authorize checks to be drawn thereon upon the facsimile of any one officer or employee.

Section 9. Budget: A budget must be prepared annually by the Finance Committee and submitted to the Board of Directors.

Section 10. Auditor and Audit Report: The Budget and Audit Committee, at the beginning of each fiscal year, shall audit the books and financial records of USA-TKJ for the previous year.

Section 11. Compensation: All officers, directors, or members of the committee or board of USA-TKJ shall act and serve without compensation in the aid of the educational or charitable purposes of USA-TKJ described in Article II, except as otherwise specifically provided in the Constitution or By-Laws.

Section 12. No one may use the name or any mark, emblem, logo or other identifying characteristics of USA-TKJ for other than official USA-TKJ approved activities. A Regional Judo Organization, or allied member, if part of the allied membership agreement, may use such marks, emblems, logos and other identifying characteristics relating to their activities as members of USA-TKJ. In being granted this license, the Regional Judo Organization or allied member must investigate and protect against any infringement of USA-TKJ marks, emblems, logos and other identifying characteristics in

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their geographic territory or area of operation.

## **Article XVII -- Legal**

Section 1. General Counsel: The President, with the approval of a majority of the Board of Directors, may select a member of the legal profession as General Counsel. He advises and consults with the officers and agents of USA-TKJ, renders legal advice and assistance as may be requested, and performs any other duties delegated to him. He has the right to the floor at any USA-TKJ meeting for explanatory purposes. He files records and documents belonging to USA-TKJ. He receives no salary or other compensation for his services, but does receive necessary expenses.

Section 2. Special Counsel: The Board of Directors may authorize the appointment of special legal counsel at such fees and compensation as agreed upon when in the best interests of USA-TKJ.

### Section 3. Contracts:

A. Examination: All contracts of which USA-TKJ is a party must be examined and approved for by the General Counsel of USA-TKJ prior to consideration for execution.

B. Execution: All contracts of USA-TKJ are to be signed by the President and General Secretary.

C. Signature: All contracts and operating agreements for championships and international competitions shall be approved and signed by the President and by an officer of the state association in which the event will be held.

Section 4. Bonds: Corporate fidelity bonds may be obtained at the expense of USA-TKJ in a form and amount approved by the Board of Directors, indemnifying USA-TKJ against losses resulting from infidelity, defalcation, or misappropriation by officers, employees, or agents of funds, property, or assets owned by or under the control of USA-TKJ.

Section 5. Bank Accounts and Depositories: The Board of Directors must, from time to time as necessary, designate depositories for the funds, property, and assets belonging to or under the control of USA-TKJ.

## **Article XVIII -- Termination, Suspension & Expulsion of Membership**

### Section 1. Group Members:

A. Membership may be terminated by resignation, failure to pay the appropriate fees, or action of the Board of Directors. All rights and privileges of a member, except the right to appeal, shall cease upon termination of membership.

B. Regional Judo Organization members which violate any of the provisions of the USA-TKJ Constitution or By-Laws or the rules and regulations of the USA-TKJ may be suspended from the USA-TKJ by a 2/3 majority of the Board of Directors voting at any meeting except as provided for elsewhere in the Constitution and By-Laws.

### Section. 2 Individual Members:

A. Individual members violating the Constitution and By-Laws of USA-TKJ or its rules and regulations are subject to suspension or expulsion as deemed appropriate.

Section. 3 The Board of Directors of USA-TKJ, or the Executive Board in its stead, is empowered to assume original jurisdiction in any matter or matters where, in its opinion, the best interests of USA-TKJ will be served thereby:

## **Article XIX -- Dissolution**

The Board of Directors only shall have the authority to adopt a resolution of dissolution in accordance with legal statute. An affirmative vote by 2/3 members of the Board of Directors at a meeting duly constituted or mail ballot for that purpose is necessary for such action.

## **Article XX -- Saving Clause**

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Failure of literal or complete compliance with provisions of the Articles of Incorporation or By-Laws in respect to dates and items of notices, or the sending of same, or errors in phraseology of notices or proposals which, in the judgment of the Board of Directors or of the Executive Board at their meetings, do not cause substantial injury to the rights of the members shall not invalidate the actions or proceedings of the Board of Governors or of the Executive Board.

## **BY- LAWS OF USA TRADITIONAL KODOKAN JUDO**

### **Article I -- Board of Directors**

Section 1. General Powers: USA-TKJ shall be governed by, and the business and affairs of the corporation shall be managed under the direction of, a Board of Directors as described in this Article I. A representative to the Board may simultaneously represent more than one category of membership, but may not represent more than one entity in any category. The USA-TKJ Board of Directors, the USA-TKJ Executive Committee and all other USA-TKJ committees or governing boards shall consist of 20% athlete representation in accordance with the USOC Constitution, Article IV, Section 4 (C) (8) and by the USOC Bylaws, Chapter XXXIII, Section 7.

Section 2. Members of the Board and Voting Rights: The Board of Directors shall have both voting and non-voting members as provided in this section.

#### **A. Group Members**

1. Each Regional Judo Organization (RJO) Member, as defined in Article XII, Section 2 of the Constitution, shall have one member on the Board of Directors. RJO members of the USA-TKJ shall elect or appoint from its own members, in accordance with its own rules, its representatives to the Board of Directors. To be eligible to vote on the Board of Directors, the RJO must be current on all moneys due to the USA-TKJ and must have had a representative at the last two consecutive annual meetings. Further the RJO must have both individual and club members registered with USA-TKJ, hold sanctioned events or send athletes to the National Championships.

2. Regional Directors may be appointed by the USA-TKJ where there is no RJO. To be eligible to vote on the Board of Directors, the regional director must be current on all moneys due to the USA-TKJ and must have attended the last two consecutive annual meetings.

Further the regional director must have both individual and club members registered with USA-TKJ, hold sanctioned events or send athletes to the National Championships.

B. At Large Directors, The President shall, with the advice and consent of the Executive Board, have the right to appoint to the Board of Directors from the membership up to a total of ten members-at-large, each of whom shall have one vote and all of the other rights and privileges of the members of the Board.

C. Charter Organizations of USA-TKJ shall have one permanent member on the Board of Directors. This Board Member shall have one vote and all of the other rights and privileges of the members of the Board. Charter Organizations of USA-TKJ may vote by proxy if needed, via official representative, U.S. Mail, fax or email.

D. Charter Life Members are permanent "on-call" advisors to USA Traditional Kodokan Judo (USA-TKJ).

E. Officer Directors The President, Vice-President, General Secretary, and Treasurer shall each have one vote on the Board of Directors.

F. Open Meetings All meetings of the Board of Directors shall be open to all members of USA-TKJ; provided, however, that the Board of Directors upon the determination of the President or vote of the Board, may go into executive session and exclude any persons who are not members of the Board.

Section 3. Term: All members of the Board of Directors who are elected or appointed as representatives of a Group Members shall serve a term of one year. Each at large member of the Board of Directors shall serve a term of 5 years which shall expire at the annual meeting occurring 5 years after appointment.

#### **Section 4. Authority:**

The Board of Directors has the power to:

A. Admit regional sports organization or affiliated sports organization members;

- B. Enact, amend or repeal the Constitution or By-Laws of the USA-TKJ, not inconsistent with or beyond the scope of the Constitution;
- C. Assume original jurisdiction upon notice of any regional sports organization and/or individual involved in any matter when, in its opinion, the best interests of the USA-TKJ is served;
- D. Impose and enforce penalties for any violation of the Constitution or By-Laws;
- E. Remove any suspension, or remit any penalty, pertaining to any person or organization wherever that may be done in accordance with the provisions of the Constitution and By-Laws;
- F. Remove from office on 30-days notice any member of the Board of Directors who, by neglect or duty or conduct, impairs his usefulness as a member of the Board, and any such member shall have been deemed to have forfeited his position;
- G. Collect the dues or funds and to expend the same;
- H. Call special meetings of the USA Traditional Kodokan Judo;
- I. Institute, locate, award, conduct, and manage all Championships;
- J. Explain, define, and interpret the provisions of the Constitution and By-Laws or other rules or regulations of USA Traditional Kodokan Judo including technical rules governing sports competition;
- K. Appoint such standing committees as deemed necessary for the proper running of the USA-TKJ in accordance with the Constitution and By-Laws;
- L. Approve the annual budget submitted by the Finance Committee;
  
- M. Elect the officers of USA Traditional Kodokan Judo;
- N. To admit, reclassify, and terminate the membership of members;
- O. To take such action as is customary and proper for the members of USA-TKJ;
- P. Exercise such other powers and performs such other duties as may be granted or imposed by law or may be permissible under applicable law. The powers enumerated in this Section 4 are not intended to limit or restrict the power or authority of the Board of Directors otherwise established or granted by applicable law, the Constitution of the USA-TKJ or these Bylaws.

## **Article II -- Annual Meeting**

Section 1. Annual: Unless otherwise determined by the Board of Directors, the annual meeting of USA-TKJ shall be held in the fall months.

Section 2. Special: Special meetings of USA-TKJ may be scheduled at the written request of 1/3 of the members of the Board of Directors. A notice of such special meeting must be mailed no less than 45 days prior and shall include the time and location and purpose of such meeting. The time and location of such meeting shall be established by the President.

Section 3. Order of Business: At all meetings of the USA-TKJ, the following is the order of business:

- A. Roll call of delegates;
- B. Reading of minutes of preceding meeting;
- C. Treasurer's report;
- D. Budget approval;
- E. Reports of Officers and Committees;
- F. Unfinished business;
- G. Action on proposed amendments (at Annual Meeting);
- H. Election, installation, or appointment of officers, new members, delegates or representatives, if any;
- I. New business;
- J. Adjournment.

Section 4. Quorum: At all meetings of USA-TKJ a quorum consists of the voting members of the Board of Directors present.

Section 5. Procedure: The current Robert's Rules of Order are the general rules of order except where they are in conflict with the Constitution and By-Laws of USA-TKJ, and in such cases, the latter prevails.

Section 6. Agenda: The Executive Board shall hold an agenda meeting before each meeting of the Board of Directors and draw up the agenda for the annual meeting of the Board of Directors. An affirmative vote of the majority of the Executive Board members shall suffice to approve matters for the agenda. The agenda meeting may be held by mail, in which case, an affirmative vote of the majority of the Committee members answering shall suffice to approve matters for the agenda. Nothing contained in this Article shall be deemed to vary requirements, set forth in the Constitution or elsewhere in these By-Laws, specifying procedures for amendments to such documents or specifying the manner in which other specific actions, such as amendments to the related thereto.

Section 7. Credentials: The officers of the Corporation shall act as a Committee on Credentials to determine the qualifications of each voting member. Each representative to the Board of Directors must present to the General Secretary their credentials, which shall include the full name and address of the representative, at least 30 days in advance of the Annual Meeting of USA-TKJ. No representative shall be eligible to vote at any meeting unless he or she be certified to that effect by the Committee on Credentials or admitted by a majority of the votes cast by the duly accredited representatives to the Board of Directors. Certification shall remain in effect from annual meeting to annual meeting unless removed in writing by letter signed by the appropriate officer for the regional sports organization or allied member.

### **Article III -- Officers**

Section 1. Titles: The titles of the officers of USA Traditional Kodokan Judo are: President, Vice-President, General Secretary, and Treasurer.

Section 2. Term: All officers of USA-TKJ shall serve a five-year term and be elected at the annual meeting.

Section 3. Duties:

A. The President shall order meetings of USA-TKJ as provided herein and preside at all meetings. The President is the Chief Executive Officer of the Corporation. He has the right to exercise all the powers of his office in accordance with the Constitution and By-Laws and is a non-voting ex-officio member of all committees. He shall perform such duties as assigned by vote of the Board of Directors or of the Executive Board.

B. The Vice-President shall perform all the duties of the President if the President is unable or incapable of performing such. Otherwise, the Vice-President will oversee and facilitate specialized projects or programs and other duties as assigned by the President.

C. The General Secretary shall have such duties as assigned to him by the President and shall have all the powers and shall perform all the duties of the Treasurer if the Treasurer is unable or incapable of performing such. The General Secretary shall make proper arrangements for:

1. Keeping the records of USA-TKJ and the Board of Directors;
2. Conducting all official correspondence;
3. Issuing all notices of all meetings of USA-TKJ;
4. Serving as secretary of the Executive Committee, Board of Directors, and any special hearings or trials of USA-TKJ;
5. Maintaining records of the operational plan and functioning statement of each Standing Committee and Special Committee. He shall serve as the depository of all minutes of such Committees.

D. The Treasurer shall;

1. Receive all money and deposit same into a common account in the name of USA-TKJ.
2. Sign all checks, notes, and drafts together with one or more signatures as provided in the Constitution;
3. Pay all bills duly approved by USA-TKJ;
4. Turn over to the Finance Committee all moneys, account, books, papers, vouchers, and records pertaining to this office for audit or other purposes.
5. Prior to disbursing any moneys for expenses to any athlete for any purpose determine that such athlete is a registered athlete in good standing;
6. Keep a detailed account of the finances of all committees that maintain a separate budget and report

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such to the Finance Committee.

7. Succeed to the position of the General Secretary should the General Secretary be unable or incapable to perform his function including the duties of President.

Section 4. Nominations: Prior to August 1 of any election year, the chairman of the Nominations and Elections committee shall request form members of USA-TKJ nominations for officers which are to be elected at the next annual meeting. Nominations must be accompanied by a written acceptance of the nominee and a brief biography stating the nominee's qualifications for office. Thirty (30) days prior to the annual meeting, the names of all nominees and their biographies shall be submitted to all delegates by the nominating committee. Additional nominations may be made from the floor of the Board of Directors.

Section 5. Elections: The officers will be elected from among the members of the Board of Directors who have served a minimum of four consecutive years on the Executive Committee by a majority vote of the voting members of the Board of Directors of USA-TKJ at the annual meeting. Elections of officers will be conducted by written

ballot under the supervision of the Nominating and Elections Committee at the annual meeting. If there is only one candidate for a particular office, the vote may be taken by a voice vote. The Nominating and Elections Committee shall make provisions for runoff elections.

Section 6. Vacancies: In the event of death, resignation, or incapacity of office, the various duties of the officers shall be assumed until the next annual meeting of USA-TKJ as follows:

A. President -- The Vice-President, or if he is unavailable, the General Secretary shall assume the duties of the President.

B. General Secretary -- The Treasurer shall assume the duties of the General Secretary.

C. Treasurer -- The General Secretary shall assume the duties of the Treasurer.

Section 7. Privileges: The officers of USA-TKJ shall be members of the Board of Directors and each shall have a vote on the Board of Directors. Any regional sports organization who shall have their delegate elected as an officer of USA-TKJ shall be entitled to immediately appoint a replacement delegate to the vacant position.

Section 8. Limitations: To be an officer of the Corporation of USA-TKJ, a candidate must be an active member of the USA Traditional Kodokan Judo.

#### **Article IV -- Conflict of Interest**

No officer, trustee, administrator, director, or employee of USA-TKJ shall engage in commerce directly or indirectly with USA-TKJ for his own financial benefit or as representative of any entity in which he has an interest, except when such transaction is on an open and fully competitive basis.

If any officer, or member of the federation has a financial interest in any contract or transaction involving USA-TKJ, such individual shall not participate in USA-TKJ's evaluation or approval of such contract or transaction unless the material facts of the relationship or interest are disclosed or known to the other directors or committee members. If such disclosure is made, the contract or transaction shall not be voidable if the Board of Directors in good faith authorized the contract or transaction by the affirmative vote of the majority of the disinterested directors or committee members and the contract or transaction is fair to USA-TKJ at the time it is authorized. The above shall not apply to a situation where such person's services are retained directly by The USA-TKJ on a professional basis such as an attorney, physician, CPA, dentist, computer consultant, etc.

No officer, member of the Executive Committee or of the Board of Directors, or of any committee, and no paid consultant, employee, or agent of USA-TKJ shall participate in the evaluation or approval by the USA Traditional Kodokan Judo of annual contractual arrangement to which it is proposed that USA-TKJ become a party, if such individual, or organization to which he is a member, save regional sports organization, would benefit directly, or indirectly, from USA-TKJ's becoming a party to such arrangement. Any individual who has such an interest shall notify the General Secretary in writing of the existence of such interest. Failure to do so

shall entitle USA-TKJ to the right to recover from the individual in question his or her financial benefit and to void the agreement.

## **Article V -- Executive Committee**

Section 1 Membership: The Executive Committee shall consist of the:

- A. President
- B. Vice-President
- C. General Secretary
- D. Treasurer
- E. At Large Members appointed by the President.

Section 2. Meetings:

A. Frequency. In between the annual meeting of USA-TKJ, the Executive Committee will meet at a place and date determined by the Executive Committee at its last meeting or in the case of no determination, the President will make the decision as to the time and place.

B. Special Meetings. Upon written request of 1/3 of the members of the Executive Committee, a special meeting will be called within 30 days after receipt of the request.

C. Notice. Not less than 30-days notice of regular meetings, or 15-days notice of special meetings, of the Executive Committee is to be given each member of the Committee. Such notice is to contain the date, time, location, and purpose of the meeting.

D. Quorum. At all meetings of the Executive Committee, a quorum shall consist those present.

E. Voting. Each member of the Executive Committee shall have one vote.

Section 3. Duties and Powers: The Executive Committee is empowered to act for USA-TKJ on behalf of the Board of Directors during the interval between meetings of the Board of Directors subject to the approval of the Board of Directors, save and except, that it cannot amend the Constitution or By-Laws. The Executive Committee shall have general charge of the business, affairs, and activities of USA-TKJ and shall define the policies to be followed in carrying out the purposes and objectives as set forth in the Constitution and By-Laws. Action taken at any of the meetings of the Executive Committee shall take place immediately following the adjournment of such meeting unless it is stipulate otherwise.

Section 4. Vote: In the event the same person should be named to more than one position on the Executive Committee, he or she shall be entitled to vote in one such position chosen by him or her.

Section 5. Appointment:

A. The President, Vice-President, General Secretary and Treasurer shall be elected directly by the Board of Directors as provided for elsewhere.

B. The at large members shall be appointed by the President.

C. The General Counsel and Executive Director shall be chosen as explained elsewhere.

Section 6. Term of Office

A. The President, Vice-President, General Secretary and Treasurer shall be elected at the annual meeting of USA-TKJ for five (5) year terms.

B. Athletic Representatives, Supervisory Vice-Chairpersons and Members-at-Large shall serve concurrently with the President.

C. The Executive Director (if any) shall be chosen at the next meeting following the election of the President and every five years thereafter.

D. The General Counsel will be that retained by USA-TKJ. He shall be an exofficio member of the Board of Directors, Executive Committee, and any standing or special committees.

## **Article VI -- Executive Director**

Section 1. Duties: The Board of Directors may hire an Executive Director to serve as chief administrator under the direction of the President, Board of Directors and Executive Committee, and he shall carry out their directives and policies in accordance with the Constitution and By-Laws. He shall supervise all paid staff,

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handle all correspondence and communications, make arrangements for athletes and teams competing abroad, and for participation of foreign athletes in the U.S. In addition he shall:

- A. See that all contracts are signed by the appropriate officers;
- B. Serve as a non-voting member of all committees;
- C. Devote his substantial time and services to USA-TKJ without engaging in any other profession or employment without the approval of USA-TKJ; and
- D. Insure that all commitments of USA-TKJ made by him are submitted for proper review and approval or rejection prior to execution.

## **Article VII -- Emergency Powers**

Section 1. Emergency Powers of Officers: In the event of actual or potential lawsuits against the USA-TKJ, or acts of Congress, or of arbitration proceedings (actual or potential), or other serious matters, the President of USA-TKJ with the concurrence of the General Secretary or the Executive Director, and upon advice of a Counselor, may assume emergency powers to act in an extraordinary situation in the best interests of the USA-TKJ in such manner as necessary, which may include but not be limited to:

- A. Suspension or reinstatement of any class of member in USA-TKJ as permitted by the Constitution or By-Laws;
- B. To invoke or revoke any rule or regulation in the Constitution or By-Laws;
- C. To take original jurisdiction in any matter materially affecting USA-TKJ the same as the Executive Board or Board of Directors taking original jurisdiction.
- D. To take other action deemed necessary to insure the integrity of the Federation.

Section 2. Effective: Any action taken under this emergency provision will be effective until the next meeting of the Executive Board, Board of Directors, or a maximum of ninety (90) days. All such emergency powers exercised shall be reported in writing in full detail by the President to the Executive Committee and the Board of Directors and the Athletes Advisory Council.

## **Article VIII -- Committees**

Section 1 Standing Committees: There shall be such standing committees as determined by the Board of Directors of USA Traditional Kodokan Judo. The USA-TKJ Board of Directors, the USA-TKJ Executive Committee and all other USA-TKJ committees or governing boards shall consist of 20% athlete representation in accordance with the USOC Constitution,

Article IV, Section 4 (C) (8) and by the USOC Bylaws, Chapter XXXIII, Section 7.

Section 2 Operation: Each standing committee is responsible for its own internal operation and the operational plan and functioning statement must be filed with the General Secretary. Such operational plan and functioning statement must be approved by the Board of Directors.

Section 3 Chairperson: The chairperson of each standing committee shall be appointed by the President and approved by the Board of Directors. To be a Chairperson of a committee, a candidate must have been an active member of USA-TKJ for a minimum period of 5 consecutive years and must have served on the committee for which he is nominated.

Section 4 Special Committees: The President shall have the authority to appoint such special committees as deemed appropriate.

Section 5 Removal of Members of Committees:

- A. General Members: A member of the Committee may be removed only by the original appointing or electing authority and then only upon written notification to the individual and the General Secretary of the USA Traditional Kodokan Judo.
- B. Chairpersons: The President shall have the authority to replace the Chairperson of a standing

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administrative or special committee he has appointed subject to approval of the new appointee by the Board of Directors as required elsewhere.

## **Article IX -- Amendments to Constitution and By-Laws**

Section 1. Presentation: A proposed amendment may be submitted only by:

- A. A regional sports organization member only after approval at one of its meetings;
- B. The Elective Officers;
- C. The Executive Committee;
- D. The Chairperson of the Law and Legislation Committee, subject to the approval of that Committee before presentation to the Board of Directors for adoption;
- E. The Chairperson of the Finance Committee, subject to the approval of that Committee before presentation to the Board of Directors for adoption;
- F. The Chairperson of the Registration Committee, subject to the approval of that Committee before presentation to the Board of Directors for adoption;
- G. The Rules Committee subject to the approval of that Committee before presentation to the Board of Directors for adoption.

Section 2. Time and Publication: A proposed amendment to the Constitution and By-Laws may not be adopted by the Board of Directors of USA-TKJ unless it first has been postmarked to the General Secretary in writing and in the form specified in Paragraph C below at least one hundred days before the annual meeting of the USA Traditional Kodokan Judo at which it is to be submitted; it shall be forwarded immediately to the Chairperson of Law and Legislation;

a report of all proposed amendments must be mailed by the General Secretary to each duly certified board member.

Section 3. Form of Publication: A proposed amendment must be submitted to the General Secretary in such a form as to show the entire section, subsection, or paragraph, as the case may be, as it will read if adopted, with any changes in language underlined if new and if deleted by:

- A. Strike-over dashes if the material to be stricken is shown, or
- B. By Z-slant line over the entire material to be stricken if lengthy.

Section 4. Urgent Amendment: If deemed by it to be urgent and necessary, the Law and Legislation Committee may present an amendment for consideration at any time during a meeting of USA-TKJ. If time permits, a copy of the amendment shall be made available to each person present who is entitled to vote on amendments.

Section 5. Consideration of Law and Legislation Committee: Proposed amendments must be submitted to and reported upon by the Law and Legislation Committee.

Section 6. Modification: An amendment may be modified in any manner by USA-TKJ while it is under consideration, but such modification must be germane to the subject matter of the proposed amendment.

Section 7. Adoption: A proposed amendment may be adopted only upon the affirmative vote of not fewer than 2/3 of the members of the Board of Directors present and voting. Any proposed "urgent amendment" must be approved by unanimous vote by those members of the Board of Directors present and voting.

Section 8. Effective Date: All amendments approved as prescribed become effective January 1 of the year following the adoption unless otherwise specified at the time of adoption.

Section 9. Multiple Amendments: If more than one amendment has been proposed on the same subject matter, and there are substantive differences between such amendments, the Board of Directors, may, after due consideration of such proposals, adopt a compromise of substance as well as form; and if the adoption of the amendment as proposed or amended or compromised is inconsistent or in conflict with other parts of the Constitution or By-Laws, the Board of Directors may adopt conforming amendments appropriate to the case.

Section 10. Saving Clause: Failure of literal compliance with any provisions of the Constitution or By-Laws in respect of dates and times of notice, or the sending or receipt of the same, or errors in phraseology of notice of

proposals, which in the judgment of the members at meetings held do not cause substantial injury to the rights of members shall not invalidate the actions or proceedings of the members at any meeting.

Section 11. Mail Vote: Amendments to the Constitution and By-Laws may also be held pursuant to Article XII of the By-Laws provided that the proposed amendments are distributed to the members, together with a statement of the reasons for the mail vote. Members will have 30 days from the date of mailing of the amendments to file with USA-TKJ written comments for or against the amendments. Thereafter, the proposed amendments and vote of recommendation along with any data, views, or arguments submitted by the members which are deemed pertinent and appropriate by the Chairperson of the Law and Legislation Committee shall be distributed at least 15 days prior to the last date at which votes will be received and counted.

#### **Article X -- Mail Vote**

The Board of Directors and the Executive Committee shall have the power to transact their respective business by mail, email, fax, video conference, or telegraphic vote, if in the judgment of the President the urgency of the case requires such action. Such votes are handled in the following manner:

Section 1. Board of Directors and Executive Committee:

A. Scope In the interval between two annual meetings of USA-TKJ, any action that can be lawfully taken at a special meeting can be also taken by a mail, email or telegraphic vote.

B. Scheduling Upon the written request of the President or ten percent of the Board of Directors, or 20 percent of the members of the Executive Committee for Executive Committee actions, any specific matter or question must be submitted to mail vote to the appropriate board by the General Secretary.

C. Majority: To be effective, when the Constitution and By-Laws calls for a majority, or when 2/3 called for, the vote of all Board members voting must be recorded.

D. Procedure:

A. The General Secretary of USA-TKJ mails to each Board member a clear statement of the question to be voted on, with the request that each member send his vote to the General Secretary within twenty (20) days after notification.

B. If the Board deems it necessary, a vote can be taken by the above fax, telegraph, email or a combination, in such cases the vote shall close in seventy-two (72) hours.

E. Notification

1. At any time that the General Secretary receives sufficient votes to carry or reject the proposition, he may announce the result.

2. Within five (5) days after the closing of the vote, General Secretary mails to each Board member a copy of the question(s) and the result of the vote as follows: The number voting for, the number voting against, a statement of whether the proposition was carried or defeated.

F. Filing: In every instance of a mail or telegraphic vote, the General Secretary preserves the ballot of each member in the files for a period of one year.

#### **Article XI -- International Membership**

Section 1. The USA-TKJ may join with other organizations from other countries into international organizations.

#### **Article XII -- Dues and Assessments**

The dues and assessments for various classes of membership shall be those adopted by the Board of Directors. Failure to pay all dues shall suspend all membership privileges of the delinquent members, including representation on the Executive Committee, Board of Directors, and on all committees, until all arrearages are paid.

#### **Article XIII -- Grievances; Board of Review; Hearings**

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Section 1. Petition: Any member of USA-TKJ dissatisfied with or aggrieved by any interpretation, action, or decision of USA-TKJ relating to any matter within the cognizance of the USA-TKJ, including any disputes arising under Article XV of these Bylaws, or alleging a violation of the Constitution and Bylaws of the USOC or the Amateur Sports Act of 1978, may seek review from the adverse determination by timely submission of a written petition to the General Secretary of USA-TKJ (but not more than six (6) months after the effective date of the said interpretation, action, or decision in question). Such petition shall state the grievance of the petitioner and/or cite the error committed, specify the interpretation, action or decision to review, contain a statement of the relevant facts, recite the relief requested and be accompanied by the record, if any, of all proceedings relating to the grievance, including any documents to be considered on review and a copy of the adverse decision, if rendered in writing. If any respondents are named in the petition, the General Secretary shall provide a copy of the petition, together with any accompanying documents, to each respondent within 10 days after receiving the petition. Each respondent may file a written response to the petition with the General Secretary, and shall provide a copy of any such response to the petitioner, at any time prior to the hearing referred to below in Section 2.

Section 2. Board of Review: Within 15 days after a petition has been received by the General Secretary, the President shall appoint a Board of Review to consider the petition. The Board of Review shall consist of at least 3 but not more than 10 disinterested members of USA-TKJ. Any or all of the members of the Board of Review may be members of the Board of Directors, and at least twenty percent (20%) of the members of the Board of Review shall be Athletes as defined in Article I, Section 2, Part E of these Bylaws. The Board of Review shall set a date, time and place for a hearing to consider the petition as expeditiously as possible (but not more than 45 days after the filing of the petition) and shall inform all parties concerning such date, time, and place. The board of Review may attempt to resolve the dispute informally to the satisfaction of all parties prior to the date set for the hearing and may implement any resolution agreed upon by all parties.

Section 3. Hearings: At any hearing conducted pursuant to Section 2 above, all parties shall be given a reasonable opportunity to present oral or written evidence, to cross-examine witnesses, and to present such factual or legal claims as desired. All parties may be represented by counsel. A record of the hearing, which may be a stenographic record, an audio or video tape, or a summary record of the proceedings, shall be made by the hearing panel, and the record shall be made available to each interested party upon request and payment therefore. The rules of evidence shall not be strictly enforced, but rules of evidence generally accepted in administrative proceedings shall be applicable. The burden of proof shall be upon the petitioner, who shall also initially have the burden of going forward with the evidence. Upon completion of the presentation of the petitioner's evidence, the respondent, if there is one, may move to dismiss for failure to sustain the burden of proof. If such motion to dismiss is denied, the respondent shall then have the burden of going forward with evidence in opposition to the petition and in support of its position.

Section 4. Decision: A final and binding decision (subject to appeal as provided below in Section 6 or the right to arbitration as provided below in Section 8 or in Section 2 of Article XV) shall be rendered by the Board of Review (based on the vote of a majority of the members of the Board of Review who attended the hearing) within 75 days after the date the petition was filed with the General Secretary. The decision shall be communicated to all parties in writing. Petitions previously considered and decided upon by a Board of Review shall not be reopened for consideration by the same or another Board of Review except by direction of the Executive Board or the Board of Directors upon a showing of sufficient cause.

Section 5. Powers of Board: A Board of Review shall have the power and authority to take any action and provide any relief, not contrary to the Constitution or Bylaws of USA-TKJ. Without limiting the generality of the foregoing, a Board of Review may:

- A. Impose and enforce penalties for any violation of USA-TKJ rules or regulations;
- B. Consider the eligibility and conduct of an athlete and determine the right to compete;
- C. Vacate, modify, sustain, or reverse any mandate or order properly submitted for review or remand the matter for further action;
- D. Investigate any election impropriety or cause for removal and take corrective action;
- E. Interpret any provision of the Constitution or By-Laws of USA-TKJ;

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F. Review any revocation, suspension, or reinstatement of membership to assure due process, and;  
G. Relieve a person of the effect of his commission of any act or acts by reason of which he would cease to be eligible to compete as an amateur. This may be done by the Board of Review only when the nature (not consequence) of the act or acts was inadvertent, or caused by excusable error, or if the act or acts were committed in an event in which there was at the time of commission no general competition by amateurs, or if the act or acts were made obligatory by military authority.

Section 6. Appeal: Any party to a hearing conducted by the Board of Review may appeal a decision of a Board of Review to the Board of Directors by filing a written statement of appeal with the General Secretary within 30 days after the decision of the Board of Review. An appeal shall be accepted for the Review by the Board of Directors only if two-thirds of all the members of the Board of Directors vote to accept the appeal within 18 months after the decision being appealed was rendered by the Board of Review. Upon review of any decision of a Board of Review by the Board of Directors, the Board of Directors may uphold or overturn the decision of the Board of Review or remand the matter to the Board of Review for further consideration.

Section 7. Reinstatement: A petition for reinstatement to eligible status can be acted upon at any time by the Board of Review, subject to ratification by the Board of Directors at an annual meeting of USA-TKJ, or at any regular or special meeting of the Board of Directors. A two-thirds vote of those members of the Board of Directors present and voting is necessary to ratify reinstatement.

#### **Article XIV -- Suspension and Expulsion**

Section 1. Suspension or Expulsion: The Executive Committee and the Board of Directors shall have the right to suspend, for a definite or indefinite period of time, depending upon circumstances or, to expel a member, delegate, or alternate delegate, registered athlete, coach, manager, member of any committee or member, or anyone participating in the activities of the USA Traditional Kodokan Judo in any capacity whatsoever, when such person who by neglect of duty or by conduct tends to impair his usefulness as a member or delegate of USA-TKJ, and which is detrimental to the objectives, programs, or ideals of USA-TKJ, or who has contravened any of the Constitution or By-Laws or rules or regulations of USA-TKJ, or who, by his conduct at a meeting or at a meet, either practice or competitive, of any of the sports, of USA-TKJ, has acted in a manner which tends to bring disrepute upon USA-TKJ. The procedures to be taken in reference to such suspension or expulsion shall be as follows:

A. The person charged shall be notified, in writing, sent to his or her last known address by either certified mail or registered mail, return receipt requested, of the charges against him or her in detail, or of the circumstances which the charging authority believes require answers, explanation, or clarification. Such charges are to be heard and decided by the Executive Board. The hearing shall be held and decision rendered no later than seventy-five (75) days from the date of notification to the person charged. The written statement of charges shall also set out the penalties which may ensue if such charges are proved; the statement shall contain a date at which time a hearing will be had, with the request that the person charged shall appear before the Executive Board with the right to have counsel of his own choice to represent him at the hearing; the written statement to the person charged shall set a date of hearing not less than thirty (30) days after the date of mailing of such notification with the demand that the person charged shall answer in writing, to the General Secretary of the USA Traditional Kodokan Judo of the charges set forth in such written statement with such answers to be delivered to the General Secretary by either certified mail or registered mail, return receipt requested, no later than ten (10) days prior to the date of hearing.

B. If any proposed suspension or expulsion will affect the participation in an athletic competition that is so scheduled that compliance with regular procedures would not be likely to produce a decision soon enough to do justice to the affected parties, then the elected officers of USA-TKJ, and the chairpersons of the Law and Legislation Committee and the Registration Committee are authorized, upon 48 hours notice, or such lesser time as the circumstances may dictate, to hear and decide any such proposed suspension or expulsion. By 2/3 vote of this group the individual or entity charged may be suspended from participating in any activities of USA-TKJ whatsoever after such notice and hearing as time and circumstances may reasonably dictate. The hearing may be conducted by telephone conference if necessary, but in any event under such circumstances as to fully

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protect rights of procedural due process of the individual or entity charged. The notice to be given to the individual or entity charged may be oral, in writing, or by mailgram, but shall in any instance contain all that required of the notice set forth in sub-paragraph A of this Section 2. If an aggrieved party shall then demand further hearing on the charges, such hearing shall be held in accordance with the provisions and procedures set forth in sub-paragraph A of this Section 2.

C. The Executive Committee and the Board of Directors may assign any case or matter within the provisions of this Article to a Board of Review to take original jurisdiction.

Section 2. Refusal to Testify. Any person who, after having been properly requested to do so, fails, without adequate reason, or refuses to appear and testify before any hearing held pursuant to this Article, or to answer any question pertaining to the subject matter of the hearing including the eligibility status of the individual under investigation, may be suspended from competition or be subject to such other penalties or discipline as may be proper, until such time as he has purged himself from his failure or refusal. The same shall also apply to any complainant, dissatisfied petitioner, or unsuccessful party to an appeal who fails or refuses to pay the expenses which may have been assessed against him pursuant to any proceeding held pursuant to this Article.

Section 3. Hearing. The provisions of Section 3, Article XIII shall apply to all hearings held pursuant to this Article XIV. Any decision made by the Board of Directors following a hearing held pursuant to Article XIV, Section 1, Part A shall be final, and any controversy so decided shall not be reconsidered by a Board of Review pursuant to Article XIII.

Section 4. Notice To Athletes In each case where a notice is mailed to a registered athlete, it is sufficient to mail the notice, addressed to him at the residence given in his application for registration; or, if he has filed with the Board of Review a written notice of change of residence, then at such changed address.