



**ROC CHAPTER  
#8618**

# **Harley Owners Group ROC Chapter, South Africa By-laws**

## **1. Structure of the Chapter Committee:**

The Executive Committee (also referred to as “EXCO”) shall consist of the Sponsoring Dealer and nominated members duly elected as prescribed in Section 7 hereunder. At the discretion of EXCO members, the Past Director may serve on EXCO. When any position in the Executive Committee becomes vacant as contemplated in section 5.2 hereunder during the term of office, or in the event of an officer not being elected into a specific position, the members of EXCO at the time may fill the position from amongst themselves or co-opt any member of the Chapter to the Executive Committee to fill the vacant position. Any nomination for an appointment must be in consultation with the Sponsoring Dealer and by majority vote at an official EXCO meeting. EXCO may appoint sub-committees and delegate any function to such sub-committee, as it deems necessary.

## **2. Membership dues**

- 2.1. The financial year of H.O.G. R.O.C. Chapter will run from January to December each year.
- 2.2. Members will be notified of the dues payable to the Chapter, by the Chapter Secretary or Membership Officer.

- 2.3. Dues not paid within 30 days after expiry of membership each year will lead to automatic suspension of membership and such dues not paid within 120 days will lead to termination of membership without notice.

### **3. Code of conduct**

- 3.1. All members shall conduct themselves in a manner acceptable to fellow members and the public.

### **4. Chapter Insignia**

- 4.1. Members must be encouraged to wear the Chapter colours during official Chapter meetings, which will include but not be limited to rides, gatherings and social activities concerning the Chapter. The Chapter insignia when worn must be affixed to the back of a leather or other suitable jacket or waistcoat, in the prescribed manner, which is to be worn in such a way as to be clearly visible at all times.
- 4.2. Committee members must always set an example as contemplated in section 4.1 and wear their committee position identification badge. This is to help members identify the officers and their positions in the Chapter.

### **5. Committee procedures**

- 5.1. Executive Committee Election procedures:
  - 5.1.1. Nomination procedures:
    - 5.1.1.1. Nominations must be made by Chapter members on the official nomination form and delivered to the H.O.G. office before the date determined in the election process.
    - 5.1.1.2. Nomination forms must be available at the H.O.G. office and circulated to all members in good standing as from the date of notice of the meeting scheduled for the election of the executive committee
  - 5.1.1 The primary officers' portfolios cannot be combined and filled by one person.
  - 5.1.2 Nominations can only be made with the consent of the person to be nominated and each person can nominate as many persons as he or she wishes.

5.1.3 Persons nominated must be paid-up chapter and international members in good standing and must comply with the requirements for the position as stipulated in section 5.1.5 of these By-Laws.

5.1.4 Each member in good standing is entitled to cast a vote at the meeting at which the Executive Committee will be elected, or by way of ballots to be submitted if no such a meeting is convened and shall be entitled to only one vote in respect of each position and each such member shall further be entitled to represent one (1) other member entitled to vote by proxy, and to cast a vote on that person's behalf.

5.1.5 Portfolio requirements of the primary officers:

5.1.5.1 Director:

To qualify for this position the member must have been an active member of the Chapter for at least four years and must have served on a committee, been a marshal or a Biker Buddy for at least one year immediately prior to the date of the nomination.

5.1.5.2 Assistant Director Activities / Assistant Director Riding:

To qualify for this position the member must have been an active member of the Chapter for at least two years and must have served on a committee, been a marshal or a Biker Buddy for at least one year immediately prior to the date of the nomination.

5.1.5.3 Treasurer:

Must have a sound knowledge of bookkeeping, preferably with an academic qualification or practical experience in the financial field.

5.1.5.4 Chapter Secretary:

Must have good administrative skills.

5.1.5.5 Membership Officer:

Must be a paid up, active member of the Chapter for two years. Good communication skills.

5.2 Vacation of office:

Any member shall automatically vacate his or her seat on the executive committee if: -

5.2.1 He or she has served on the Executive Committee for a period of 2 years, provided that such a person shall be eligible for re-election to the same position after the two year term, and eligible for appointment to

any other position on the Executive Committee after the person's 2 year term in office

5.2.2 He or she has been absent from 3 consecutive meetings of the Executive Committee without good reason and noted an acceptable prior apology.

5.2.3 He or she tenders his or her resignation in writing to the Director, or in the event of the director intending to resign, in the event that he or she tenders his/her resignation to the Sponsoring Dealer.

5.3 Official meeting requirements:

5.3.1 The EXCO shall meet at least 6 times per annum.

5.3.2 Official notice of meetings must be given 14 days in advance of a meeting.

5.3.3 All meetings will be conducted under the rules of debate as set out in section 6.

5.4 Quorum of Committee meetings:

The quorum of all committee meetings shall be 50% (fifty percent) plus 1 (one) of the members of that committee. If no quorum is attained after 15 minutes from the commencement time, a new meeting date shall be set, which new meeting shall take place within 14 days at which meeting the members then present, shall form a quorum.

5.5 Executive Committee:

The Executive Committee shall consist of the Sponsoring Dealer, in the discretion of the Executive Committee, the Past Director and the elected primary officers, being the Director, the Assistant Director/s, the Treasurer, Membership Officer and the Chapter Secretary.

## **6 Rules of debate: -**

6.1 The director or his or her nominee shall preside at all meetings.

6.2 Proper minutes must be kept of all meetings. Minutes must be distributed within 7 days of the next meeting to all the relevant committee members.

6.3 Any matter to be discussed must be placed on the agenda.

- 6.4 Matters to be discussed must be in the form of a written motion or recommendation put by a proposer and duly seconded.
- 6.5 Only one motion or recommendation can be discussed at any time.
- 6.6 The Chairman must read the motion or recommendation to the meeting before debate for or against a motion or recommendation is allowed.
- 6.7 An amendment to a motion or recommendation shall be relevant to the motion or recommendation. It is not intended to amend and shall not alter the original motion or recommendation in such a way as to make it essentially a new motion or recommendation. As such an amendment shall be so framed as:
- 6.7.1 to add or insert certain words.
  - 6.7.2 to omit certain words.
  - 6.7.3 to omit certain words and add /or insert others.
- 6.8 No motion, recommendation or amendment shall be withdrawn after being read by the chairperson except by leave of the meeting and the proposer.
- 6.9 The seconder of the motion or recommendation or of an amendment may reserve his or her right to speak on the matter for any stage of the debate.
- 6.10 If an amendment is proposed it shall be taken to the vote before another amendment shall be considered.
- 6.11 Should the vote on the amendment be negative, the original motion or recommendation shall then be put to the vote.
- 6.12 If an amendment is carried, it shall be regarded as a substantive motion or recommendation and become the decision of the meeting.
- 6.13 When a motion or recommendation is under debate, no other motion or recommendation shall be received except under one of the following circumstances:
- 6.13.1 An amendment namely "That the motion or recommendation be amended as follows."
  - 6.13.2 The closure of the debate namely "The matter be put to the vote."
  - 6.13.3 A call for more information.
  - 6.13.4 Objection to the validity of the process in progress.

- 6.14 When a matter is put to the vote the Chairperson having first ascertained the number of members eligible to vote shall ask for a show of hands for or against the motion, recommendation or amendments and shall then declare that the motion or recommendation be accepted or rejected.
- 6.15 The accepted motion or recommendation must be directed to and executed by the appropriate person/body mentioned in the motion or recommendation.

## **7 Committee Election Procedures**

- 7.1 The Director shall preside at the election of the new EXCO except for the election of the position of the Director, where the Assistant Director/s shall preside for the duration of the election of the Director.
- 7.2 Members in good standing shall be entitled to cast one vote in respect of each position on the EXCO and all nominations shall be subject to the approval of the Sponsoring Dealer.
- 7.3 A quorum for the meeting at which the Executive Committee will be elected shall be at least **25** members in good standing, present in person or by way of proxy.
- 7.4 The duly nominated persons' names will be noted on a ballot paper from which the members are to select and mark their candidate of choice for the position applicable.
- 7.5 At the end of the proceedings, or the period for elections if it is one by the submission of ballots to the HOG office, the ballot papers will be collected and an independent count made. The ballot papers must be returned and be kept for a period of twelve months. Any challenge to an appointment of a new committee member must be lodged within a two month period to the H.O.G. office, failing which the right to challenge any appointment shall lapse.
- 7.6 If only two members are nominated, the voting on the first ballot shall be final except in the event of an equal number of votes received by both nominees, in which event the Sponsoring Dealer shall have a second and casting vote.
- 7.7 If more than two persons are nominated, the candidate obtaining the lowest number of votes at the first ballot shall be eliminated and thereafter successive ballots shall be taken and candidates eliminated until only 2 remain when the ballot shall be final, except in the case of an equal number of votes, in which event the Sponsoring Dealer shall have a second and casting vote.
- 7.8 In the event that voting is done through the submission of voting forms to the HOG Office, the candidate with the highest number of votes shall win, and in the event of an equal number of votes received by two people with the most votes, the Sponsoring Dealer shall have a second and casting vote

- 7.9 Every vote given at such a ballot for any person who has not been nominated for the specific portfolio shall be invalid.
- 7.10 A person eligible to vote may only represent one (1) other person by proxy vote at any meeting.

## **8 Annual General Meetings**

- 8.1 An Annual General Meeting (“AGM”) must be held before March each year.
- 8.2 Notice of the AGM must be given to all members by electronic mail notification at least 14 calendar days before the scheduled date of the meeting, stating the date, time and place of the meeting and include the agenda for the meeting.
- 8.3 A *quorum* for the annual general meeting shall be a minimum of **25** members of the Chapter present in person or by way of proxy, who are in good standing. In the event of a *quorum* not being present within half an hour from the time that the meeting is to commence, the chairperson may, after satisfying himself that proper notice has been given to members in terms of the Constitution, adjourn the meeting for an additional half an hour. If a quorum is not present after the postponed time the chairperson must postpone the meeting to a new date within 30 days.
- 8.4 Immediate notice must be given to all members of the postponed AGM date. If a quorum is not present at the postponed meeting an additional half hour shall again be granted to try and accumulate a quorum, where after the members then present, shall be deemed to constitute a *quorum*.
- 8.5 A register of proof (confirming Chapter and international membership status) must be present at the AGM and must be signed by every member intending to vote at the AGM.
- 8.6 Each person entitled to cast a vote at the AGM shall be entitled to one vote and each member present shall in addition to his or her vote be entitled to represent one (1) other member entitled to vote by proxy, and to cast a vote on their behalf.
- 8.7 Proxies must be handed to the registrar not later than 30 minutes before the commencement of the meeting.

## **9 Special General Meetings**

- 9.1 A Special General Meeting shall be called by the Chapter Secretary if requested by the Executive Committee, or requested in writing by any 10 Chapter

Members in good standing for a specific resolution, stating the resolution and motivation for which the meeting is to be called.

- 9.2 At least fourteen (14) calendar days notice must be given of such meetings stating the time and place, and reason for the meeting as well as the resolution to be tabled at the meeting.
- 9.3 A *quorum* for a Special General Meeting shall be **25** members of the Chapter in good standing. If a quorum is not present after the postponed time the chairperson must postpone the meeting to a new date within 30 days. Immediate notice by electronic mail must be given to all members of the new Special General Meeting date. If a quorum is not present at the postponed meeting the members then present, shall be deemed to constitute a *quorum*.
- 9.4 Any resolution placed before a Special General Meeting shall be accepted or rejected by a simple majority vote and the Committee shall be obliged to give effect to such a resolution, provided such act is not unlawful or contrary to the provisions of the Annual Charter or these Bylaws.

#### **10. Disciplinary procedures:**

- 10.1 Any complaint received in writing at the H.O.G. office regarding any alleged misconduct of any HOG member(s), must be investigated and dealt with by the Executive Committee, who shall act a disciplinary committee, in the manner set out in this section.
- 10.2 The Committee must evaluate the complaint in order to establish whether there exists a *prima facie* case of misconduct against the respective member.
- 10.3 In the event that the committee is of the view that a prima facie case exists, the committee must inform the member, in writing, of the complaint within seven (7) days of receiving such complaint. The committee must request the member to furnish the committee, in writing, within (fourteen) 14 days of receiving notice of such complaint, a written response wherein the member may either admit or deny all or part of the allegations contained in the complaint and substantiate such response with appropriate reasons.
- 10.4 In circumstances where the committee receives such response, or, alternatively receives no response, in the stipulated time period, the committee must decide, within seven (7) days, whether to proceed with disciplinary proceedings, as stipulated herein under.
- 10.5 If the committee decides to pursue disciplinary proceedings against the member, the committee must, within seven (7) days issue the member with a notification to attend a disciplinary hearing, which notice must contain the following details/information:



- 10.5.1 Date, time and venue of the hearing
- 10.5.2 Details of the allegations against the member
- 10.5.3 The member is entitled to representation by a fellow HOG member only.
- 10.5.4 The member is entitled to call witnesses
- 10.5.5 The member is entitled to an interpreter
- 10.5.6 The member is entitled to cross-examine any witnesses called by the complainant or committee.
- 10.6 The member must be afforded at least 7 days notice of such disciplinary hearing.
- 10.7 The disciplinary committee will appoint an independent chairperson, which disciplinary hearing may not be chaired by any person who has been involved in the complaint or the investigation thereof.
- 10.8 In circumstances where the member is found guilty on any one or more charges, of which he or she should be informed of in writing, the hearing should be rescheduled in order for the member and/or complainant to submit any mitigating and/or aggravating circumstances, prior to the chairperson determining an appropriate sanction. The member should be afforded at least 7 days notice of such hearing.
- 10.9 The chairperson must advise the member and the committee, in writing, of the outcome of the disciplinary enquiry and the sanction imposed.
- 10.10 The chairperson will be entitled to impose the following sanction(s), where appropriate:
  - 10.10.1 Temporary suspension of membership, up to a maximum period of twelve (12) months;
  - 10.10.2 Expulsion from R.O.C. Harley Owners Group either permanently or for a specified period of time.
  - 10.10.3 Issue a warning to the member.
- 10.11 Any member against whom a finding has been made, during a disciplinary hearing, may appeal, in writing to the Committee, against the finding(s) of the Chairperson, as prescribed, within fourteen (14) days of being notified of the outcome of the hearing.

- 10.12 Within seven (7) days of receiving such an appeal, the Committee must schedule an appeal hearing. The member must be afforded at least seven (7) days notice of such appeal.
- 10.13 The chairperson of the appeal hearing must not have any prior involvement in investigation or disciplinary hearing and should preferably be a person with legal experience.
- 10.14 The appeal hearing will be conducted as follows:
- 10.14.1 The member can make verbal and/or written submissions in support of the appeal, and may submit evidence not previously submitted, in mitigation;
- 10.14.2 If the Committee opposes the appeal, the Committee must respond to the member verbally.
- 10.14.3 The member may reply to the decision of the Committee.
- 10.14.4 The chairperson must make a written finding on the appeal within seven (7) days of the appeal hearing and forward such find to the Committee and member.

## 11. Dispute resolution

If a dispute arises between members, then the sponsoring dealer and/or Director and/or Chapter Secretary will act as mediators in an attempt to resolve the dispute amicably in line with the objects of the HOG Annual Charter and objectives.

## 12. Communication

- 12.1 **Text Messages:** To be used when as and when necessary to inform, advise and remind general members, committee members and officers about events and activities.
- 12.2 **E-mail:** To be sent by the Chapter Secretary or administration secretary communicating on all matters pertaining to Chapter activities as soon as information is available for dissemination.
- 12.3 **Other media forums:** To be used to reflect and promote past and future events or activities and to advise and remind members about events and activities.

## 13. Road safety

- 13.1 Every member participating in an official Chapter ride shall be under the direct instruction of the Road Captain. No person may give any instructions

concerning the ride without consultation with the Road Captain who will officially inform all members participating in the ride of the alternative riding arrangements.

- 13.2 In the event of the Road Captain not being able to fulfill his duties he must delegate his duties to the deputy Road Captain, or similarly capable advanced rider and marshal.
- 13.3 The Chapter Committee, in consultation with the sponsoring dealer, shall make and publish Rules and Regulations for Road Marshals' and Biker Buddy's By-Laws that will serve as the standing operational procedures for the Marshals and Biker Buddies.