



**CONSTITUTION OF THE
DURBAN FREE CHAPTER
SOUTH AFRICA**

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1. NAME AND AFFILIATIONS

The Chapter's name shall be DURBAN FREE CHAPTER. This name was registered with 1st Gauteng Free Chapter and Free Chapters Board in March 2018.

Durban Free Chapter is registered with the permission of 1st Cape Town who sponsors and manages registration, creation and potential problems with Free Chapters in South Africa on behalf of the Free Chapters Board in France. The South African Free Chapter Council represents Free Chapters in SA at Free Board meetings. The formation of the Durban Free Chapter was also approved by the newly formed Council of Free Chapters in South Africa.

Free Chapters do not qualify for the status of official Chapters of HOG, receive no financial sponsorships, and have no official affiliation with Harley Davidson dealerships or company.

2. PURPOSE

To bring Harley riders together, under a banner of association and belonging, in order to create an environment of friendship, mutual respect, and safe riding behaviour. Durban Free Chapter is a not-for-profit association.

3. GOALS

- Engender lasting friendships
- Create a feeling of belonging and pride in the Chapter
- Promote the name and culture of Harley Davidson
- Trained and experienced road captains and ride leaders
- Regular organised breakfast/lunch/dinner rides (min 2 per month)
- Frequent events and activities (min of 4 per year)
- Hold an annual rally open to all Free Chapters and other HD riders

4. PRINCIPLES AND VALUES

- Respect and adherence to the Charter of Free Chapters
- Respect and adherence to the Durban Free Chapter Constitution
- Mutual respect
- Respect for free spirit
- Friendliness
- Openness and honesty
- No hidden agendas
- Members feel free to have their say
- Be free to determine our own direction
- Adhere to the safety, values, & behavioural rules of the Free Chapter movement.
- No alcohol/drugs to be consumed on Chapter pack rides, and no abuse of alcohol/drugs when riding with Free Chapter colours.
- To provide rider training and promote safe riding behaviour

5. FOUNDING MEMBERS

5.1. Founding Members of the Durban Free Chapter

All Founder Members of the Durban Free Chapter, as identified at initiation of the Chapter, will receive a “Founder Member” patch to be included on their cuts. Most Founder Members will be allocated a portfolio which they are expected to carry out to the best of their abilities.

The Founding Members of Durban Free Chapter and their Portfolios are:

Len Barnett	Director
Johan Erasmus	Assistant Director
Debbie Collins	Admin & Secretarial
Gordon Collins	Treasurer
Ben Hawkins	Membership Officer
Richard Purchase	Head Road Captain
Kevin Atkinson	Safety & Training Officer
Venishree Naidoo	Activities, Events & Fundraising Officer
Kirstyn Wanless	Webmaster & Communications
Ruth Dwyer	No Portfolio
Elaine Barnett	No Portfolio

The Director, at initiation of the Durban Free Chapter, must sign the Free Chapters Charter with France and will be personally responsible to France, and the SA Free Chapter Council for the conduct of the Durban Free Chapter and every member therein.

The initial period of service by the Director, Treasurer and Head Road Captain is 2 terms as determined; the remainder of the Functionaries one term plus one year, thereafter by means of election by the members at the Annual General Meeting (AGM). This would ensure Chapter stability and consistency after the formation of the Durban Free Chapter.

The Director will have final say in all matters, after hearing all views on matters under consideration. The Director will also have final say on acceptance of Prospects as well as termination of membership.

The role of the Functionaries is to put member decisions into effect through the portfolios allocated to them, to ensure adherence to the Free Chapter Charter and the Durban Free Chapter Constitution, and to preserve and maintain the principles, values and ethos of the Durban Free Chapter.

6. OFFICE BEARER/FUNCTIONARY PORTFOLIOS – ELECTION, DUTIES, & RESPONSIBILITIES

6.1. Primary Officers

Director: The director shall be responsible to uphold the Chapter Constitution and Charter of Free Chapters, member conduct, and preside at meetings, coordinate all officer responsibilities and delegate functions in his discretion. The director will chair all Functionary meetings and monthly meetings and shall have the final say over all Chapter matters. The Director and his spouse are expected to attend all Free Chapter events in South Africa.

Assistant Director: The Assistant Director, on request of the Director, takes over the role and function of the Director in his absence and shall assist the director in carrying out the Director's duties. The Assistant Director shall also be responsible for keeping the members informed of Chapter programs. The Assistant Director and his spouse are also expected to attend all Free Chapter events in South Africa.

Treasurer: The treasurer shall be responsible for all financial matters regarding membership lists and payments, appearance fees, the collection and disbursement of funds, acquiring and distribution of Chapter colours, submitting the Free Chapter annual affiliation fees, along with the required documentation, reporting all financial transactions to the Functionaries and Members on a regular basis as required, and submitting an annual financial report to the Annual General Meeting. This is to be done in compliance with all national and local revenue and tax law requirements.

6.2. Secondary Officers

Head Road Captain: Be knowledgeable and apply the ride rules and guidelines of HOG. The head road captain shall be responsible for the Chapter rides and will assist in the planning of routes for rides and keeping the members informed of all Chapter programs.

He will:

- Command and control all members in group rides;
- Inform members of any hand signals to be used in group rides;
- Assist in obtaining signed release forms for rides (if required);
- Put together a group of well trained and competent people who are able to perform as road captains, sweeps, and marshals;
- Be in charge and act as chairman of any marshal corps meetings.

Administration & Secretarial: This person is the executive administrative officer and shall be responsible for all the administrative functions of the Chapter by administering and keeping the minutes of all Annual General Meetings, Special General Meetings as well as all Chapter Functionary and Member meetings. Furthermore, he/she shall assist the Director in upholding the constitution.

Membership Officer: Reports to the Treasurer. Responsible for maintaining an up-to-date member database which should include members full names, nicknames, contact details, pillion details, next-of-kin name and contact details, HOG number, date of membership. Must also ensure membership renewal communication takes place and an annual membership list is prepared for determination of Free Chapter fees payable to France.

Safety & Training Officer: Falls under the Head Road Captain. Responsible for all safety and training matters of the Chapter. Will identify training needs, advise members, and arrange for such to take place. This person is also responsible to brief members regularly on safe riding practices and to conduct pack rider training sessions.

Activities, Events & Fundraising Officer: Primarily responsible for the organization and administration of all events and rallies (Dine & Dos, Christmas functions, etc) – inclusion on the ride calendar, bookings, promotion, etc. He/she must constitute and chair an activities committee if required. This person will also be responsible to constitute and chair a charity and fund raising group to plan events and make presentations to the Chapter Committee on all matters relating to fund raising. Will also seek out sponsorships for events and adopted charities.

Webmaster & Communications: Responsible for publishing of newsletters and for all other written, oral (broadcast) and electronic material for publications, e.g., press releases etc. Oversee and develop marketing initiatives for the Chapter. Responsible for all official Chapter broadcasts to members and for social media structures, updates and postings (Facebook/Web Pages/etc). Responsible too for the admin and control of WhatsApp groups etc.

6.3. Terms of Service of Functionaries and Election/Replacement

The term of service by all Functionaries is 2 years after which the Functionary will step down and the portfolio made available for election at the Annual General Meeting. Functionaries may make themselves available for re-election in the same or another portfolio.

In order for a Functionary to stand for Election in a Primary Officer Portfolio, they must have served for at least one full term of service as a Secondary Officer.

- Primary Officers need to be members in good standing for a minimum period of 2 years.
- Secondary Officers need to be members in good standing for a minimum period of one year (12 months).

Termination can occur when a Functionary chooses to step down, or when the Director, in his sole discretion (but after due consultation with Functionaries), decides that the member has not been fulfilling his/her portfolio satisfactorily. Nominations to vacant portfolios can be made in writing up to 7 days prior to the next Monthly Chapter meeting at which voting will take place. In the event of no nominations for the election of Secondary Officers the Director has the right to appoint a member in good standing on an ad hoc basis. In the event of no nominations for the election of Primary Officers, the Director has the right to recommend a replacement to be voted in by the Functionaries.

In case of the resignation of a Functionary, the successor takes over for the duration of the original remaining period and not for a full two year period.

Should the Director choose to step down then he may put forward a successor, but other nominations can be invited and member voting will determine the new Director who must re-sign the Chapter undertaking with France to take over personal responsibility for the Durban Free Chapter.

6.4. Voting Rules

- Every position is individually voted (secret ballot) by all Free Chapter Members in good standing, for 2 years renewable.
- No voting proxies will be allowed.
- A 50% of paid up members must be present at the election meeting in order to pass a vote.
- Prospects at the time of voting will have voice but no vote until seen as members in good standing.

7. MEMBERSHIP – PROCESS, REQUIREMENT, FEES AND CONDUCT**7.1. Process**

Membership of the Chapter is not a right, but a privilege. Prospective members must make formal application through a member sponsor or godfather, who will be responsible for assuring the Chapter members that the applicant is suitable and has been apprised of the Chapters constitution and the Charter of Free Chapters and has agreed to abide by them. Only one probation applicant nomination per Free Chapter Durban member at any given time - the sponsor assumes full responsibility for the applicant during the probation period.

An applicant may be required to serve a probation period as a Prospect before being recommended by the Sponsoring Member and voted in as a full member at a monthly meeting, first by the Functionaries and then by the members, provided the Director also supports such membership. The monthly meeting agendas should include an item reflecting such new member to be voted in, and voting by members will be by secret ballot. During the Prospect period, the Prospect may be required to wear Prospect Colours. Upon application a Prospect must be introduced to the Functionaries at a regular monthly meeting, at which the Prospect will be expected to give an account of his background, his bike/s, his reasons for applying to join DFC, etc. Before full membership can be attained, Prospects need to demonstrate adherence to the Prospective Membership Criteria. Upon receiving full membership, full Chapter Colours will be awarded. These Chapter Colours remain the property of Durban Free Chapter and must be returned when any member leaves the Chapter for whatever reason.

Initial members at time of formation of the Chapter will not need to serve a probation period but will be awarded full colours along with the Founder Members at an inaugurating patch over ceremony.

When a member leaves one Free Chapter to join another it is incumbent on the Director of the receiving Free Chapter to make contact with the other Chapter's Director to validate the member's request and request a letter of good standing.

7.2. Membership Requirements

- a) All prospective rider members must own a Harley Davidson motorcycle with a valid vin No.in good running order and roadworthy
- b) All prospective members must have a fully paid up active member as their sponsoring godfather
- c) All Prospective Members will be paid up HOG International members or associate members, with a valid ZA number.

- d) Full membership fees will be paid by the Prospective Member as agreed by the Durban Free Chapter.
- e) All spouses/partners who are pillion riders must become full DFC members, and are subject to the Prospective Member procedure as defined.
- f) 'Associate' or 'social' members are defined as "non-rider or non-pillion spouses/partners of full DFC members who attend social functions by car". Such members may pay a reduced annual membership fee (as decided at an AGM), and are required to wear full DFC colours, and are subject to the Prospective Member procedure as defined.
- g) With reference to e) and f) above, should the main riding member decide to leave the chapter, the associate member will also need to leave the club.
- h) Probation Period is set for 3 Months to 1 Year and membership is agreed by a majority of the whole Chapter (with final approval required from the Director).
- i) During this period Prospective members will wear NO Durban Free Chapter colours, but are entitled to wear the H.O.G. eagle patch or no colours at all.
- j) The Durban Free Chapter may issue "Prospect Colours".
- k) Once three months are up for the Prospective Member, the godfather/sponsor can approach the Functionaries who in turn may propose at the next Chapter meeting the Prospective Member for Full Colours, after first discussing the proposal at a Functionaries meeting and getting their approval.
- l) Prospective Members of the Durban Free Chapter are required to conform to the requirements of the Padawan Pack so as to familiarize themselves with the culture and riding style of the Chapter and its Members.
- m) Members must be deemed competent to ride in a pack; if not, they must attend prescribed training to gain such competency.
- n) The Member indemnifies and holds harmless the Chapter, its members, functionaries and/or employees due to any action or inaction by his/her dependents or any other third party under him or through him for any damages arising from his/her participation and/or as a result of his/her membership.
- o) The member, as defined, waives any and/or all right to claim damages for whatsoever nature and for whatsoever reason from the chapter, its members, functionaries and/or employees.
- p) If a member rides only a Harley Davidson, then he/she may not be a member of another motorcycle club/chapter/association. However, should a member also own and ride a different type of motorcycle and wishes to belong to a club/association specifically for that type of motorcycle activity (eg: off-road, adventure, moto-cross, etc), then that is permissible.

7.3. Honorary Membership

Honorary status will be awarded at the discretion of the Functionaries to qualifying individuals who have gone out of their way in promoting and sustaining this club. The duration of such Honorary Membership will be valid for a period of 12 months, renewable at the discretion of the Functionaries.

7.4. Fees

Fees are discussed and voted in annually at the AGM.

At inception the fees that apply are:

- 'Once-off' application fee of R100
- Annual membership fee of R600 which includes:
 - Euro 5 membership fee payable to Free Chapter Board

- Portion towards Euro 50 (about R750) payable every 5 years as an affiliation fee Free Chapter Board
- A non-refundable joining fee of R700 applies to new members
- Failure to pay the required fee will result in a member forfeiting their right to Free Chapter Durban's activities during said period, but membership can be re-instated by paying the full outstanding fee within 3 months of fees being due to the Chapter without having to complete another probation period upon payment.

7.5. Member Conduct

Members are expected to adhere to the following:

- Not participate in illegal activities
- Allow all members to voice their opinions in a disciplined manner
- Ride responsibly
- Treat your 'colours' with respect and wear them to all official events and when visiting dealerships
- Ensure that their colours fit the standard required of all Free Chapters
- Act as ambassadors of Free Chapters and Harley Davidson
- Attend Chapter meetings
- Not accept payment directly for paid rides but rather have the payment reflected as a donation in the Chapter's books

7.6. Resignation / Expulsion

The status of FREE CHAPTER member is forfeited when resigning or when expelled.

Expulsions from the Durban Free Chapter are decided by the Functionaries voting. Reasons can be :

- non-payment of fees
- lapsed HOG International membership
- behaviour jeopardizing the image and reputation of the FREE CHAPTER

Members who resign or are expelled are not entitled to any indemnities or refunding of fees. In both cases ex-members must immediately refrain from wearing any colours of the FREE CHAPTER.

8. COLOURS

8.1. Awarding

Full colours will be awarded upon Chapter formation to all Founder Members and existing members on record. Thereafter full colours will only be awarded after a probationary period has been served as a Prospect AND existing members vote positively for such AND the Director is in agreement. The colours will be awarded at a monthly Chapter meeting. All patches must be returned to Durban Free Chapter without remuneration when a member leaves the Chapter for whatever reason.

8.2. Standards and Uniformity

Colours are to be applied as specified and depicted in Figure 1 on page 10. Application of patches is to be done by a provider approved by the Director so as to ensure strict adherence to Free Chapter rules. Appearance should not differ to that depicted in Figure 1. The GOLD HOG patch is the standard chosen by Durban Free Chapter for the centre patch. The waistcoat must be leather or denim, and must be BLACK.

Figure 1



9. MEETINGS**9.1. Monthly Meetings**

As this is an association of members for the members, all decisions are made here by a majority of the members present. These meetings should take place monthly at the Chapter Club venue. ALL members are welcome and encouraged to attend ALL Chapter meetings and to have their say, provided they do so in the spirit of respect. The date for each meeting should be set at the preceding meeting and reflected in the minutes. Minutes should be sent to Members within 2 weeks after each meeting. The Functionaries, through their portfolios, are responsible for putting all decisions into effect provided such decisions are supportive of the spirit of the Free Chapter Charter and this Constitution.

Motions and proposals are carried by a majority vote of members present. Quorum for Monthly Meetings is one third of membership.

9.2. Annual General Meeting (AGM)

This should be held within at least 3 months of the Chapter anniversary date. Members should be given a minimum of 2 weeks' notice of the date of such meeting. The intention of the AGM is to discuss financial statements and performance, membership fees, and general matters concerning the running of the Chapter. All proposed changes to the DFC Constitution must be presented and voted in at an AGM. All proposals for changes should be submitted to the DFC Secretariat for discussion at a Functionaries meeting prior to the AGM, so therefore should be received by the Secretariat at least one month before the next AGM.

All matters are individually voted (secret ballot) by all Free Chapter Members in good standing. No voting proxies will be allowed. Prospects at the time of voting will have voice but no vote until seen as full members in good standing. Motions and proposals are carried by a majority vote of members present. Quorum for an AGM is 50% of membership.

10. COMMUNICATION

For purposes of smooth and clear running of Chapter matters, the standard means of communication will be:

- a) **To all members about events** – this will be conducted by means of a WhatsApp group and broadcasts
- b) **General Chapter news and event/activity/ride reports/feedback/pictures** – the Chapter webpage will be used for this
- c) **For all communication of a personal or individual nature** – email will be the only means of communication for this purpose
- d) **General discussion and airing of views** – only monthly meetings should be used. It is not advisable, nor considered appropriate, for social media to be used for discussion, criticism, airing of views, etc as this often leads to misinterpretation, irritation and animosity

11. DEALING WITH DISCIPLINE

Any member who is deemed to have seriously transgressed the rules and requirements of the constitution may be subject to a disciplinary hearing. At such hearing, the arguments will be heard by the Director, Assistant Director, and Treasurer who will then decide if sanction is required and to what extent. Termination of membership could be one of the severest sanctions – in keeping with the principle that membership is a privilege. The final decision will be made by the Director.

12. CONSTITUTION ACCEPTANCE

The original constitution, Rev 0, was accepted and adopted by all Founder Members at the first official meeting of the Durban Free Chapter during March 2018 and signed into effect on 17 March 2018. All subsequent members are taken to have accepted and adopted the constitution when they make application for membership of Durban Free Chapter.

All amendments to the original constitution will be ratified by the majority vote of the members at the Annual General Meeting of the Durban Free Chapter.

13. DISBURSEMENT OF FUNDS

In the event of dissolution or final liquidation of the Chapter, all of the remaining funds and property of the Chapter shall, after paying or making provision for the payment of all of the liabilities and obligations of the Chapter and for necessary expenses thereof, be distributed to paid-up members of the Chapter in equal share. Alternatively, by resolution at a special meeting, the funds can be allocated to charities agreed upon at such meeting.

14. INDEMNITIES

The Member indemnifies and holds harmless the Chapter, its members, functionaries and/or employees due to any action or inaction by his/her dependents or any other third party under him or through him for any damages arising from his/her participation and/or as a result of his/her membership.

The member as defined waives any and or all right to claim damages for whatsoever nature and for whatsoever reason from the chapter, its members, functionaries and/or employees.

**15. ACCEPTANCE & APPROVAL OF THE DURBAN FREE CHAPTER
CONSTITUTION**

Supported:

Assistant Director _____ Date: _____

Treasurer _____ Date: _____

Membership Officer _____ VACANT _____ Date: _____

Head Road Captain _____ Date: _____

Safety & Training Officer _____ Date: _____

Activities, Events & Fundraising Officer _____ VACANT _____ Date: _____

Webmaster & Communications _____ VACANT _____ Date: _____

Admin & Secretarial _____ Date: _____

APPROVED:

DIRECTOR _____ Date: _____

END

Revision 2
Prepared by:

Len Barnett
25 May 2020



ANNEXURE A TO THE DFC CONSTITUTION (Rev1)

**FEES SCHEDULE VOTED IN AT THE AGM ON 6 JULY 2019 FOR THE 2019/20
FINANCIAL YEAR**

	<u>CURRENT</u>	<u>PROPOSED FOR 2019/20</u>
ADMINISTRATION FEE	R100	R0
JOINING FEE	R700	R700
ANNUAL MEMBERSHIP FEE	R600	R800
SOCIAL MEMBERSHIP FEE	R0	R400