



SPORT-CLUB JFKS
JOHN-F.-KENNEDY-SCHULE BERLIN e.V.

Teltower Damm 87/93 – 14167 Berlin — www.sc-jfks-berlin.de

ARTICLES of Association

Last amended on June 18, 2013

Translation of the German text: "Satzung"

§ 1 NAME, SEAT, BUSINESS YEAR

- (1) The Association was founded on January 23, 1997. Its name is “*Sport-Club John-F.-Kennedy-Schule Berlin e.V.*” and its seat is in Berlin-Zehlendorf. It is registered in the German register of associations (*Vereinsregister*).
- (2) The Association is a member of the “*Landessportbund Berlin*” (Berlin Sports Federation) and some of its subdivisions (“*Fachverbände*”) which represent sports activities practiced within the Association. The Association accepts their articles of association and regulations.
- (3) The business year is identical to the school year. The year begins on August 1 and ends on July 31 of the following year.
- (4) The Association's colors are blue and white.
- (5) German and English shall be the Association’s equally used business languages.
- (6) The German language version of the Articles of Association is the legally binding version, the English version is secondary.

§ 2 PURPOSE, DUTIES, PRINCIPLES OF ACTIVITY

- (1) The Association’s sporting activities exclusively and directly serve a non-profit purpose in the sense of the section on “tax-privileged purposes” of the German Tax Code (*Abgabenordnung*). Said purpose shall be realized especially through the promotion and practice of athletics, e.g. gymnastics, swimming, taekwondo, soccer and baseball, at the John F. Kennedy School and shall further promote German-American relationships as well as the integration of foreign students. The Association promotes athletic activities for children and young adults including recreational, competitive, and physical fitness sports. The members regularly participate in training sessions and competitions.
- (2) The Association is a charitable organization. It does not primarily pursue its own financial purposes.
- (3) The Association’s institutions (see § 8) perform their duties on a voluntary basis (i.e., unpaid). The executive committee or the boards of the Association’s divisions may submit a request for an expense allowance for a board member according to § 3 no. 26a of the German Income Tax Act (EStG) if it is within the budgetary limits. The extended Executive Committee decides on any remuneration for services performed for the Association.
To perform its administrative tasks, the Executive Committee is entitled to conclude contracts of service or contracts for work as far as the budget allows this.
- (4) The Association’s members working on a voluntary basis have the right to claim reimbursement from the Association for expenses incurred in connection with their activities for the Association, in particular transportation and travel costs, postal charges, phone costs, and similar expenses. The claim for reimbursement of the expenses must be presented within six weeks of their incurrance. Expenses will be reimbursed under the condition that relevant receipts or verifiable documents are submitted.

(5) Funds going to the Association shall exclusively be used for purposes specified in its Articles of Association. Members shall not receive any dividends or any other benefits from the funds of the Association. The Association may not grant favors to any person by means of expenditure which is contrary to the Articles of Association or by paying unreasonably high remuneration.

(6) The Association grants members of all nationalities and population groups equal rights and shall advocate the principle of party political, religious, and ideological tolerance and neutrality.

(7) The Association condemns all forms of violence including physical, psychological, and sexual violence.

§ 3 MEMBERSHIP

The Association's members are:

- a) adult members (18 years old or older)
- b) minors/youth members (up to 18 years old)
- c) honorary members (of outstanding merit to the association)
- d) founding members
- e) temporary members.

§ 4 STRUCTURE

(1) If necessary, an individual division may be established, managing its own budget, for any sporting activity practiced within the Association. The Executive Committee decides on the establishment of a new division and its admission to the Association. The Assembly of Delegates may contest this decision. The divisions themselves do not have legal capacity. Each division shall have its own budget and individually organizes its sporting activities and handles its financial operations, unless otherwise indicated in the Articles of Association and under the proviso that this is in the Association's overall interest. The divisions may conclude contracts binding on the Association only after consultation with the Executive Committee and within the scope of the adopted budget. These Articles apply accordingly to the division meetings as well as to the composition and election of the division boards.

(2) The divisions shall elect a division board, two auditors (see § 15 (2) and the delegates of the Assembly of Delegates (§ 9) for a minimum term of one year. The division board shall consist of a minimum of three members including the division's chairperson, a vice-chairperson, and a treasurer. The term of office of the elected persons shall continue until new elections are held.

(3) The number of delegates of each division shall be proportional to the number of voting members at the annual general meeting of the division. Each 50 voting members, or a subsequent fraction thereof, shall be represented by two delegates. Each division shall also elect a sufficient number of deputies and determine their order of precedence.

(4) Delegates must cast their vote in person.

§ 5 ACQUISITION AND TERMINATION OF MEMBERSHIP

(1) Any natural person may become a member of the Association. Students of the John F. Kennedy School, their parents, and members of the American Embassy as well as their children have priority.

(2) Membership must be applied for in writing, under acknowledgement of the Articles of Association. Both the relevant division boards and the Executive Committee decide on admissions. In case an application is rejected, the Association is not obliged to state any reasons for the rejection. Membership applications filed by minors require written consent of their legal guardians. By signing the application form, the legal guardians of a minor declare that they will assume all liabilities resulting from the minor's membership.

(3) Membership automatically expires – except for elected members of the Executive Committee – at the business year's end on 31 July. Membership is extended for the following business year by submitting a written statement. Minors need to present a written consent of their legal guardians.

(4) Membership expires in case of

- a) resignation from the Association,
- b) exclusion or cancellation,
- c) death,
- d) dissolution of the Association.

(5) The Executive Committee must be informed about the resignation of membership in writing. Notice of resignation must be given at least four weeks before December 31 or March 31. The regulations of the individual divisions may vary. The date of the termination of membership must be consistent with the fee schedule. There is no entitlement to a refund of paid membership fees.

(6) A reason for cancellation is given if it is evident that the member has either left the school, the city, or the country. If the canceled member reapplies, membership shall be reinstated. Any membership fees still due must be paid.

(7) Upon termination of membership the duty to pay any membership fees accumulated up to that point in time shall remain.

(8) Individuals who have resigned or have been excluded from membership are not entitled to any shares of the Association's assets. Any other claims of resigned or excluded members against the Association must be submitted and asserted in writing by registered mail within three months following the termination of membership.

(9) Temporary membership expires at the end of the previously agreed upon term.

§ 6 RIGHTS AND DUTIES

(1) The members are entitled to participate in events of the Association pursuant to the Association's purpose.

(2) All members shall be obliged to act in accordance with these Articles, other regulations of the Association, and the resolutions of the Assembly of Delegates. All members are committed to mutual respect and comradeship.

(3) Each member or legal guardian of a member (§ 5 (2)) is obliged to pay in advance membership fees and shares in the costs (*Umlagen*) of the Association without any special notification being

required. The Assembly of Delegates and the Division Assembly decide on membership fees, shares in the costs of the Association, and the mode of payment. Shares in the costs of the Association may not exceed the amount of one annual membership fee. The membership fee shall at a minimum equal the amount required by the “*Landessportbund Berlin e.V.*” per member of the Association.

(4) To help organize events of the Association, members or (in case of minors) their legal guardians may be required to support the Association in person, in addition to the financial membership fees, by taking over tasks such as the entry controls required by the “*Berliner Bäderbetriebe*” (Berlin Municipal Pool Operators). The division assemblies are entitled to decide upon such tasks and rules required to organize these events.

(5) Temporary members are obliged to fully pay the relevant fee for temporary members before the period of their temporary membership begins.

(6) All office holders working on a voluntary basis must be members of the Association. If they do not participate in any sporting activity offered by it, they are exempt from the duty to pay membership fees.

(7) The Association is entitled to collect fees for the period of membership at the relevant due date by direct debit based on a SEPA mandate. Each member (or their legal guardian) is obliged to inform the Association of his/her account details and any changes (e.g., IBAN/BIC, new bank account, new address and/or new e-mail account). The Association may announce the date of direct debiting by e-mail. For further details please refer to the Association’s Financial Regulations (*Finanzordnung*).

(8) If direct debiting cannot be carried out for reasons for which the member or his/her legal guardians is/are responsible and requiring the Association to pay non-collection charges, these bank charges shall be borne by the member or his/her legal guardians.

(9) The Association uses and stores the data made available by the members only for fulfillment of the Association’s purpose. The data are stored in internal databases. They are not used for any other purposes and not forwarded to third parties. In the event data are forwarded by willful act or gross negligence, the Association shall be obliged to compensate the damage arising there from.

§ 7 PENALTIES

- (1) The Executive Committee may decide on penalties against individual members in case of:
- a) material breach of the obligations stated in the Articles of Association and violation of regulations and resolutions,
 - b) unpaid membership fees amounting to fees usually to be paid for six months despite reminder,
 - c) conduct damaging to the Association, grave violation of the Association’s interests or seriously unsportsmanlike conduct,
 - d) dishonorable behaviour,
 - e) serious violations of the prohibition of violence according to § 2 (7).
- (2) Penalties are:
- a) reprimand,
 - b) temporary suspension from participation in athletic activities and events of the Association,
 - c) exclusion from membership.

(3) In cases listed in § 7 (1) under a), c), d), e) the member concerned must be given the opportunity to give his/her view on the matter before any decision is made. At least ten days before the Executive Committee meets to decide on the penalty, the member must be invited to the meeting in writing. The 10-day deadline starts with the day the notice is mailed.

The person concerned shall be informed of the decision by registered mail with delivery confirmation (*“Einwurfeinschreiben”*). Appeal against the decision to the Assembly of Delegates is permissible. The appeal must be made within three weeks after receipt of the decision in writing by mail to the Executive Committee. The Assembly of Delegates then makes a final decision. The letter informing about the decision is considered to be received three days after mailing it to the relevant person’s last address known to the Association. The right to appeal to court remains unaffected.

§ 8 ORGANIZATIONAL STRUCTURE

The Association has the following institutions:

- a) the Assembly of Delegates
- b) the Executive Committee
- c) the extended Executive Committee
- d) the committees.

§ 9 ASSEMBLY OF DELEGATES

(1) The Association’s highest institution is the Assembly of Delegates.

(2) The Assembly of Delegates consists of:

- a) the extended Executive Committee (§ 12),
- b) one vice-chairperson and one treasurer per division,
- c) the delegates of each division,
- d) the honorary and founding members (§ 13).

(3) Chairpersons, vice-chairpersons, and treasurers of the divisions may be represented by other elected board members of their division.

(4) The most important meeting of delegates is the General Meeting. Its tasks are:

- a) receipt of the Executive Committee’s reports
- b) receipt of the auditors’ report
- c) approval and election of the Executive Committee members
- d) election of the auditors
- e) fixing of basic fees and shares of costs and respective due dates
- f) approval of the budget pertaining to the following year
- g) amendments to the Articles of Association
- h) decision-making on motions
- i) hearing regarding appeal against a penalty (§ 7 (3))
- j) nomination of honorary members according to § 13
- k) election of committee members
- l) dissolution of the Association.

(5) A General Meeting shall be held at least once a year and – if possible – in the fourth quarter of the calendar year.

(6) The Executive Committee shall invite to meetings of the Assembly of Delegates in written form. Members who have provided the Executive Committee with their e-mail address will receive the invitation by electronic mail. Invitations mailed to the member's address last known to the Association shall be sufficient proof that they were sent in a duly and timely manner. The time span between the date of invitation and the date of the meeting must be at least two weeks and maximally four weeks. The invitation to the meeting must include the agenda. Motions for amendments to the Articles of Association must be contained verbatim (i.e., in full length of the text to be changed) in the respective agenda.

(7) The Assembly of Delegates has a quorum regardless of the number of voting members present. Simple majority of the valid votes cast is sufficient for resolutions and elections. Abstentions shall be regarded as votes not cast. A tied vote shall be regarded as rejection.

(8) Amendments to the Articles of Association and changes of the purpose of the Association require a three-quarter majority of the valid votes cast.

(9) Should a present voting member so request, elections must be held by secret ballot. Block voting is admissible upon request of the election official / chair of the meeting and if approved by the Assembly of Delegates.

(10) Motions may be submitted by:

- a) any member entitled to vote or his/her respective legal guardian or
- b) the Executive Committee.

(11) An extraordinary meeting of the Assembly of Delegates must be called by the Executive Committee if it is of interest to the Association or within a period of two weeks incl. a written agenda if at least 20% of the members or their legal guardians demand so in writing stating the purpose and reason for the request.

(12) Motions have to be submitted in writing to the Executive Committee of the Association at least one week prior to the meeting of the Assembly of Delegates. Motions submitted after that shall only be dealt with if a two-third majority of delegates accepts the urgency of the matter. Motions on amendments to the Articles of Association not listed on the agenda are not dealt with. Emergency motions pertaining to amendments to the Articles of Association or to the dissolution of the Association shall be excluded.

§ 10 ELIGIBILITY TO VOTE AND TO BE ELECTED

(1) Members aged 18 and older have the right to vote and to stand for election.

(2) Youth members are entitled to vote and to stand for election if they are (at least) 16 years old on the day of the relevant election. Youth members require written permission of their legal guardians to assume an office. Youth members are not eligible to be elected to Executive Committee positions as listed in § 11 (4). For members under 16, the right to vote is exercised by their legal guardians. A legal guardian may be elected as delegate (§ 4 (2)). If only one legal guardian appears in the name of a member, he/she is authorized by the other to vote. Youth members under the age of 16 are not eligible to be elected.

(3) Upon termination of membership prior to the end of the business year, all rights of an elected member or his/her legal guardian to exercise his/her office expire.

(4) Voting shall only be done in person.

(5) Members not being delegates may attend the meetings of the Assembly of Delegates as guests.

(6) The President and the Vice-president shall be elected from among those Association members who are citizens of either the United States of America or the Federal Republic of Germany. The President and the Vice-president shall be of different nationalities, being either U.S. or German citizens.

(7) Temporary members are not entitled to vote and cannot be elected.

§ 11 THE EXECUTIVE COMMITTEE

(1) The Executive Committee consists of:

- a) the President
- b) the Vice-president
- c) the Treasurer
- d) the Vice-treasurer
- e) the main Sports Officer and
- f) the Secretary.

(2) Members of the Executive Committee can only be elected from among the Association's members. Election of each office will be conducted separately. The members of the Executive Committee are elected by the Assembly of Delegates for a two-year term. They remain in office until a new Executive Committee is elected.

(3) The Executive Committee shall fulfill its duties in compliance with the Articles of Association and the resolutions of the Assembly of Delegates. Resolutions are adopted with a simple majority. A quorum exists if at least 50% of the members are present. In case of a tie, the President or – if absent – the Vice-president will cast the deciding vote. The Executive Committee organizes and supervises the business of the Association and the work of the divisions and reports to the Assembly of Delegates. The Executive Committee is entitled to set up committees for specific purposes. It may issue binding regulations. Invitations to meetings of the Executive Committee must be sent out via e-mail at least one week prior to the relevant meeting. The members of the Executive Committee may waive observance of this period of notice for invitations.

(4) Legal representatives according to § 26 German Civil Code ("*Bürgerliches Gesetzbuch*") shall be:

- a) the President
- b) the Vice-president
- c) the Treasurer
- d) the Vice-treasurer

In and out of court the Association is represented by the President or the Vice-president along with the Treasurer or Vice-treasurer.

(5) The President or a representative appointed by the President shall chair the Assembly of Delegates. Minutes must be taken at the meetings of the Assembly of Delegates, the meetings of the Executive Committee and the meetings of the extended Executive Committee and signed by the President or his/her representative as well as by the Secretary.

(6) On a member's request, the Executive Committee may – in justified cases – defer, reduce or waive membership fees of a member.

§ 12 THE EXTENDED EXECUTIVE COMMITTEE

- (1) The extended Executive Committee consists of:
- a) the members of the Executive Committee (§ 11)
 - b) the chairpersons of the divisions
and, if elected by the youth assembly and confirmed by the Assembly of Delegates:
 - c) the main youth officer
and, if elected by the Assembly of Delegates:
 - d) the main press officer
 - e) the main media officer
 - f) the child protection officer
 - g) the security officer
 - h) the funding resources officer and
 - i) at least two members at large.

As coopted members, the Assembly of Delegates may elect:

- j) a representative of the John-F.-Kennedy School
- k) a representative of the sports department of the John-F.-Kennedy School
- l) a representative of the Embassy of the United States of America.

(2) The members of the extended Executive Committee, with the exception of the main youth officer and the chairpersons of the divisions, shall be elected by the Assembly of Delegates for a two-year term. They remain in office until a new extended Executive Committee is elected.

(3) If a member of the Executive Committee or a person listed in § 12, 1 c) through i) resigns from office during the term, the extended Executive Committee may vote for a member of the Association to take over the duties of the vacant office in an acting capacity. In case of the resignation of the youth officer, a prior hearing with the youth officer assembly has to take place. Only one vacant position on the Executive Committee (§ 11 (4)) may be filled in such a temporary manner. In case of two or more vacancies, the Executive Committee (§ 11) must call an extraordinary meeting of the Assembly of Delegates to decide how to fill the vacant positions.

(4) In case one position could not be filled by elections for the Executive Committee, the procedure described in the first sentence of the above section (3) can be applied.

(5) Chairpersons of divisions may be represented by another member of the division board belonging to that same division.

(6) Invitations to meetings of the extended Executive Committee shall be sent out by the Executive Committee by e-mail at least two weeks prior to the relevant meeting. The invitation shall include the meeting's agenda.

(7) Decisions of the extended Executive Committee are taken by simple majority. A quorum exists if at least 50% of its members are present. In case of a tie, the President or – in case of his/her absence – the Vice-president shall have the deciding vote. The extended Executive Committee supports the

Executive Committee's work, prepares the draft budget and presents it to the Assembly of Delegates, adapts – if needed – the provisions of the Financial Regulations, and decides on expense allowances for work done for the Association.

§ 13 HONORARY MEMBERS

(1) With a two-third majority of the voting members present, the Assembly of Delegates may appoint persons of outstanding merit as honorary members of the Association. Honorary members are appointed for life. They have the right to vote and do not have to pay membership fees.

(2) Founding members and honorary members shall have equal status.

(3) Honorary members and founding members shall have the right to vote in the Assembly of Delegates.

§ 14 THE YOUTH TEAM

(1) The youth team of the Association consists of the youth members (§ 3) and their elected representatives in the Association.

(2) The main youth officer shall be elected by the division's youth officers and shall be confirmed by the Assembly of Delegates.

(3) The youth team shall establish its own regulations in compliance with the Association's articles and regulations. Issues of the Association's youth members are laid down in the regulations of the youth team.

§ 15 AUDITORS

(1) The Assembly of Delegates shall elect at least two auditors for a two-year term. The auditors may not be members of the extended Executive Committee or a committee set up by the Executive Committee.

(2) The office of the auditor may be held by a member who is at least 18 years old. A legal guardian representing a member who is a minor may also be elected as an auditor of the Association.

(3) At least once during the business year, the auditors must review the records and accounts of the Association, including its bookkeeping and receipts. They must report to the Executive Committee in writing.

(4) They are also authorized to audit the accounting of the Association's divisions.

(5) The auditors shall report to the Assembly of Delegates. In the case of proper financial management, the auditors apply for discharge of the Treasurer and of the other members of the Executive Committee.

§ 16 FINANCES

The finances of the Association and the divisions are governed by the Financial Regulations. The extended Executive Committee shall decide on the Financial Regulations. In case of amendments to the existing Financial Regulations, members must be informed by e-mail. On request, the Assembly of Delegates may decide on binding regulations differing from those proposed; otherwise it confirms the amended regulations.

§ 17 DISSOLUTION

(1) The dissolution of the Association requires an extraordinary meeting of the Assembly of Delegates held for this purpose. A 3/4 majority of those members present and eligible to vote is required to approve such a resolution.

(2) Liquidators are the President and the Treasurer. The Assembly of Delegates may appoint two other members as liquidators.

(3) In case the Association is dissolved or the tax-privileged purpose according to § 2 of these Articles of Association is lost, the assets of the Association exceeding existing liabilities go to the *Landessportbund Berlin e. V.* The *Landessportbund Berlin e. V.* is bound to use these funds solely and directly for measures promoting sports activities as stipulated in the German Tax Code ("*Abgabenordnung*").

§ 18 EFFECTIVE DATE

These Articles of Association have been passed in the version presented on January 23, 1997, by the Membership Meeting of the *Sport-Club John-F.-Kennedy-Schule Berlin e.V.*, changed and rewritten on January 17, 2001, and changed by the Assemblies of Delegates on June 25, 2002; December 3, 2003; December 5, 2006; March 13, 2010; and on June 18, 2013. They come into effect upon registration in the German Register of Associations ("*Vereinsregister*").