

NKPORO DEVELOPMENT UNION USA INC CONSTITUTION

Preamble:

We the people of Nkporo Ancient Kingdom in Ohafia Local Government Area, Abia State , Nigeria and members of the Nkporo Development Union, USA (NDU-USA); now residing in the United States of America, having firmly and solemnly resolved to consolidate the unity, development and progress of our community and the USA, with a view to promoting our cultural values and general welfare, for the purpose of effective development of responsible community participation, cooperation and leadership; and to play a worthy role in the community and national development; so as to contribute our quota to the unity, progress and dignity of our fatherland and entire human race, DO HEREBY MAKE, ENACT AND GIVE TO OURSELVES the following constitution:

THE CONSTITUTION:

There shall be a written document containing the fundamental philosophies, purposes, policies and procedures of the union hereinafter referred to as "THE CONSTITUTION". The constitution shall be the binding laws and bye-laws governing the operations, actions and inactions of the union. The constitution shall give legitimacy to the actions and or inactions of the officers and members' of the union; and any of such action (s) and or inaction (s) that is inconsistent with the constitution shall to the extent of the inconsistency be null and void, and of no effect to the union.

Article 1: Name, Motto, Logo, Secretariat and interpretation

Section 1: NAME

There shall be a body known, called, addressed and incorporated as NKOPORO DEVELOPMENT UNION, USA (NDU-USA), hereinafter referred to as "THE UNION" and shall be constituted in accordance with the provisions of the constitution and the laws of the United States of America. The Union's Employer Identification Number (EIN) is 45-4175985.

Section 2: MOTTO

The motto of the union shall be "UNITY, PEACE AND PROGRESS"

Section 3: LOGO

There shall be a logo for the union to represent our cultural values and heritage.

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Section 4: SECRETARIAT

The union shall have a secretariat located at **2660 HAWTHORN AVENUE, UNION, NJ 07083**.

Section 5: INTERPRETATION OF THE CONSTITUTION

In the event of any conflict, as to the interpretation of the constitution, such conflict shall be referred to a constituted five (5) member adhoc committee for the purpose of interpretation only. The committee shall be headed by our legal advisers and shall seek legal and elderly advice on such issues. Their interpretation shall be deemed to be final in accordance with the constitution.

Article 2: Title, Supremacy, Adoption, Commencement date and Amendment:

Section 1: TITLE

The constitution shall be known and cited as the CONSTITUTION OF NKPORO DEVELOPMENT UNION, USA (NDU-USA CONSTITUTION).

Section 2: SUPREMACY

Subject to the general byelaws, rules and regulations of NKPORO COMMUNITY; the LAWS OF ABIA STATE; THE FEDERAL REPUBLIC OF NIGERIA AND THE UNITED STATES OF AMERICA, this constitution shall be SUPREME and its provisions shall be binding on all members of the union. Any law, bye-law and or decision of any branch of the union, individual, group, authority and or persons under the umbrella of the union which is inconsistent with the constitution, shall to the extent of the inconsistency be null and void, and of no effect.

In case of any conflict and inconsistency of the constitution with the laws of the Federal Republic of Nigeria and the United States of America, the laws of the Federal Republic of Nigeria and the United Stated of America shall supersede the union's constitution to the extent of the conflict and or inconsistency.

Section 3: ADOTPTION AND COMMENCEMENT DATE:

The constitution shall be adopted by the union at its national meeting by a two-third (2/3) majority of members present and shall take effect immediately.

This constitution shall be deemed to take effect from the date of adoption and or the registration of the union with the government of the United States of America, whichever is earlier; except the benefit scheme, which shall take effect from the date of adoption.

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Section 4: AMENDMENT:

No addition, alteration, repeal and or amendment (hereinafter referred to as "CHANGE") shall be made to the constitution, rules and regulation of the union for the time being in force, unless a motion for such "CHANGE" had been previously submitted to the appropriate authority and committee of the union and approved by two-third (2/3) majority members in good standing at the national meeting. The motion for "CHANGE" must be in writing, signed by the author and co-signed by at least five (5) members of the union in good standing and addressed to the national secretary of the union. The national secretary shall give notice of the motion for "CHANGE" to all members, at least sixty (60) days prior to the national meeting. There shall be no emergency meeting for any "CHANGE" in the constitution. Subject to the approval of at least two-third (2/3) members of the congress in good standing, the proposed "CHANGE" shall take effect at the end of the national meeting.

Article 3: Aims and Objectives of the Union:

The aims and objectives of the union shall be thus:

1. To promote the social well-being of members.
2. To promote unity and harmony among members.
3. To promote, preserve and protect the cultural values, heritage and tradition of Nkporo Community.
4. To educate and promote Nkporo culture among our children in the USA.
5. To facilitate the economic development of Nkporo
6. To create awareness of the activities of the union at home and in the USA.
7. To coordinate meetings, conferences and businesses of the union; and foster cooperation among members
8. To promote and participate in the social and economic activities of our community development in particular and the USA in general.

Article 4: Membership and Members' Registration:

Section 1a: MEMBERSHIP

The membership of the union shall be collectively open to all indigenes of Nkporo by

1. Birth
2. Parentage: Any person whose, at least, one parent or grand-parent was originally a native of any of the eight villages or autonomous communities that constitutes Nkporo.
3. Marriage

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4. Legal Adoption: Membership by adoption shall be in accordance with the adoption laws recognized by the United States of America. An adopting member must present a certified copy of his/her adoption certificate issued by the government authority subject to verification before registration for membership is deemed to be complete.

Section 1b: MEMBERSHIP CLASIFICATION:

Furtherance to article 4, section 1a, there shall be financial and non-financial members of the union. Financial membership include members aged 24years and above who paid the union's registration fee, dues and levies up seventy-five (75%). Non-financial includes, Students, New arrivals to the USA who are within the probation period and all visiting Nkporo indigenes who are senior citizens and or have completed the traditional retirement ceremony (Igboto-nma) in accordance with Nkporo tradition, or who are grandparents and are visiting with their children and are unemployed

Section 2: MEMBERS' REGISTRATION:

All members of the union shall be officially registered upon payment of fifty (\$50.00) dollars registration fee at their local branch level.

Section 3: ACTIVE MEMBERSHIP:

A member shall be in active status in order to be entitled to the rights and benefits under this constitution. To be active, the member shall meet all of the following qualifications:

- i. Attend one or two national conventions in four years
- ii. Participate in at least two telephone conferences every calendar year
- iii. Not owe more than \$400 in arrears, and
- iv. Must be cleared of all financial liability by his or her branch

Article 5: Government of the union, Offices, Officers and Functions:

Section 1: GOVERNMENT OF THE UNION:

The union shall have National and Branch Governments. The national government shall be the umbrella of the union in the United States of America. There shall be three branches of the union namely Nkporo Development Union, Massachusetts (NDUMA); Nkporo Development Union, New York (NDUNY) and Nkporo Development Union, New Jersey (NDUNJ). Both governments shall derive their powers from the constitution of the union.

A. FUNCTIONS OF THE GOVERNMENTS OF THE UNION

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1. NATIONAL GOVERNMENT:

The National government shall

- i. Apply and execute the members' benefit package scheme as contained in the constitution
- ii. Execute all projects of the union in the Nigeria and the USA
- iii. Hold national "MAY" meeting yearly
- iv. Plan and execute the national convention of the union every other August of the year.
- v. Take any other action(s) that may promote the interest of the union. Such action(s) shall be communicated to the BOT and all branch chairmen of the union within thirty (30) days.

2. BRANCH GOVERNMENT:

The Branch government shall

- i. Be responsible for the welcome and registration of new members.
- ii. Be responsible for the collection of national dues, convention levies and any other national levies and remit same to the national treasurer within four (4) months of collection of such money or as needed.
- iii. Be responsible for the implementation of the members' benefit package scheme on behalf of the national government on behalf of the national government as contained in article 12 of the constitution.
- iv. Be responsible for their quarterly branch meetings.
- v. Shall organize branch event(s) with the approval of two-third (2/3) majority of members of the branch present in a meeting.
- vi. Shall attend any other event(s) with the approval of two-third (2/3) majority of members of the branch present in a meeting.
- vii. Take any other action(s) to support their members in addition to national support. And such support shall not undermine the interest of the national union.

Section 2: OFFICES and OFFICERS OF THE UNION:

The union shall establish and maintain the following offices at the national and branch levels:

- a. National president and Branch Chairman/Chair person
- b. National Vice President and Branch Vice Chairman/Chairperson
- c. Secretary

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- d. Assistant Secretary
- e. Financial Secretary
- f. Assistant Financial Secretaries. The Branch Financial Secretary shall be the assistant national financial secretaries.
- g. Treasurer
- h. Provost
- i. Public Relations
- j. Youth Affairs
- k. Women Affairs
- l. Board of Trustees only at the national level.
- m. Legal Advisers

The officers of the union shall be duly elected according to the constitution except for Board of Trustees and Legal Advisers, which shall be on appointment by the national government of the union at the national meeting.

Section 3: FUNCTIONS OF THE OFFICERS:

A. PRESIDENT OF THE UNION:

There shall be an elected president of the union who shall

1. Be the commander-in-chief of the union
2. Preside over the national executive council meeting
3. Preside over all national meetings of the union
4. Promote and direct the affairs of the union
5. Advise the national secretary to summon regular and emergency meetings with the consent of all national executive members of the union
6. Exercise veto power to overrule matters provided such veto represent the popular view of members
7. Take emergency action in an emergency situation, including but not limited to appointing substantive officer(s), and brief all the national executives within 24 hours of such emergency
8. Endorse all approved expenditures by the executive council and or members present at a meeting
9. Liaise with the parent union in Nigeria, all branches of the union and the government of the USA on matters affecting the union
10. Be a signatory to the union's bank accounts and all transactions of the union
11. Not authorize check without the approval of the executive council

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12. Be the spokesperson of the union and can delegate powers on its behalf
13. Only vote to break a tie in national decision making
14. Perform any other duty as the need arises

B. VICE PRESIDENT OF THE UNION:

There shall be an elected vice president of the union who shall

1. Deputize the president in his/her absence
2. Assist the president in daily operations of the union
3. Perform any other duties as may be assigned

C. BRANCH CHAIRMAN/CHAIRPERSON:

There shall be an elected branch chairman/chairperson who shall

1. Be the commander-in-chief of the branch union
2. Preside over the branch executive council meeting
3. Preside over all branch meetings
4. Promote and direct the affairs of the branch union
5. Advise the branch secretary to summon regular and emergency meetings with the consent of all national executive members of the branch union
6. Consult with the branch executive council to exercise veto power to overrule matters provided such veto represent the popular view of branch members
7. Take emergency action in an emergency situation, including but not limited to appointing substantive officer(s), and brief all the branch executives within 24 hours of such emergency
8. Endorse all approved expenditures by the executive council and or members present at a meeting
9. Liaise with the national union and the Massachusetts governments on matters affecting the union
10. Be a signatory to the branch's bank accounts and all transactions of the branch union
11. Not authorize check without the approval of the executive council
12. Be the spokesperson of the branch and can delegate powers on its behalf
13. Only vote to break a tie in branch decision making

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14. Perform any other duties necessary to attain progress and achieve the union's objectives

D. VICE CHAIRMAN/CHAIRPERSON:

There shall be an elected vice chairman/chairperson of the branch union who shall

4. Deputize the chairman/chairperson in his/her absence
5. Assist the chairman/chairperson in daily operations of the union
6. Perform any other duties as may be assigned

E. SECRETARY OF THE UNION:

There shall be an elected secretary of the national and branch government respectively, who shall

1. Be responsible for the daily operations of the secretariat of the union
2. Perform all secretarial jobs of the union
3. Take minutes of all meetings and gatherings of the union
4. Be the custodian of all assets, records and documents of the union
5. Issue notices and bulletins of meetings and other matters of interest to the executive council and members of the union
6. Perform any other duties as may be assigned

F. VICE SECRETARY OF THE UNION:

There shall be an elected vice secretary of the national and branch government, who shall

1. Deputize the secretary in his/her absence
2. Assist the secretary in daily operations of the secretariat of the union
3. Perform any other duties as may be assigned

G. FINANCIAL SECRETARY OF THE UNION:

There shall be an elected financial secretary of the national and branch government respectively, who shall

1. Be the accounts clerk of the union
2. Be responsible for all financial transactions of the union.
3. Prepare annual statement of accounts of the union in accordance with statement of accounting standard for non-profit organization for tax purposes

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4. Issue a receipt to members for their financial transactions with the union at the end of the union's fiscal year
5. Update members on the financial position at every meeting of the union
6. Be signatory to the union's bank accounts
7. Liaise with the treasurer to ensure all monies received are paid into the bank account of the union within seventy-two (72) hours.
8. Take roll-call of members at all meetings of the union.
9. Perform any other duties as may be assigned

H. ASSISTANT FINANCIAL SECRETARY OF THE UNION:

There shall be an elected assistant financial secretary of the national and branch government respectively. The branch financial secretaries shall be the national assistant financial secretaries of the union, who shall

1. Deputize the financial secretary in his/her absence
2. Assist the financial secretary in the daily operations of the union
3. Perform any other duties as may be assigned

I. TREASURER:

There shall be an elected treasurer of the Union, who shall

1. Be custodian of the union funds in accordance with the constitution
2. Make payment for all approved and authorized expenditures
3. Liaise with the Financial Secretary for routine account update
4. Deposit all funds of the union within seventy-two (72) hours of its receipts
5. Maintain a maximum imprest fund of one hundred dollars (\$100.00)
6. Be a signatory to the union's bank accounts
7. Perform any other duties as may be assigned

J. THE PROVOST OF THE UNION:

There shall be an elected provost of the union who shall

1. Be the orderly of the union to enforce orders and disciplines at all times
2. Be protocol officer for the union to protect the constitution and implement decision thereof
3. Collect fines from offenders and late comers

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4. Nominate members upon request to speak at the meetings
5. Perform any other duties as may be assigned

K. PUBLIC RELATION OF THE UNION:

There shall be an elected public relation officer who shall

1. Be the director of the union's events
2. Be the ambassador of union
3. Publish and circulate approved events of the union
4. Plan and organize the union's events in consultation with the executive committee
5. Perform any other duties as may be assigned

L. YOUTH AFFAIRS OF THE UNION:

There shall be an appointed youth leader who shall

1. Oversee the affairs of youths wing of the union
2. Perform any other duties as may be assigned

M. WOMEN AFFAIRS OF THE UNION:

There shall be an appointed women leader who shall

1. Oversee the affairs of women wing of the union
2. Perform any other duties as may be assigned

N. BOARD OF TRUSTEE OF THE UNION:

There shall be appointed five (5)-member Board of Trustee (BOT) comprising Elder(s) and past executive(s). There shall be at least one (1) representative of each branch of the union. The BOT shall

1. Play an advisory role to the union
2. Be the watch-dog to the executive committee
3. Mediate in any issue(s) affecting the union
4. Perform any other duties as may be assigned

O. LEGAL ADVISER OF THE UNION:

There shall be appointed team of legal advisers to the union who shall

1. Represent and advise the union in legal matters
2. Ensure the legal status of the union is up to date
3. Perform any other duties as may be assigned

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Article 6: COMMITTEES OF THE UNION:

There shall be established a Standing and an Adhoc committees of the union

Section 1: STANDING COMMITTEE

This committee shall comprise the following

- a. Executive Committee
- b. Finance and Budget Committee
- c. Welfare Committee

A. Executive Committee:

This shall comprise all elected officials of the union headed by the President/Branch Chairman respectively. The executive committee shall

1. Manage the affairs of the union
2. Ensure smooth operations of the union
3. Call for emergency meeting as the need arise
4. Approve all expenditures of the union in excess of the imprest account.
5. Review and approve the budget of the union
6. Take any action necessary for the progress of the union
7. Take disciplinary action and or suspend or remove from office any officer of the union for gross misconduct and negligence of duty subject to the approval of 2/3 members in a meeting.

B. Finance and Budget Committee:

At the national government, this committee shall comprise the vice president, national treasurer, national financial secretary, branch financial secretaries and two (2) non-executive members.

At the branch government, this committee shall comprise the vice chairman, financial secretary, treasurer and two (2) non-executive members.

The finance and Budget Committee shall

1. Prepare the union's budget for every fiscal year
2. Present proposed budget to executive committee for review and approval

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3. Be notified before withdrawal from the union fund and of any expenditure in excess of the imprest account of one hundred dollars (\$100.00)
4. Conduct internal audit of the books and accounts of the union periodically
5. Perform any other duties as may be assigned

C. Welfare Committee:

This committee shall comprise three (3) members appointed by the national executive. They shall

1. Administer the members' benefit scheme in accordance with the constitution
2. Laisse with branch union to ensure timely administration of members benefit scheme
3. Review the benefit scheme periodically and make recommendation to the national executive to enhance the scheme

Section 2: ADHOC COMMITTEE:

There shall be established adhoc committee from time to time to carry out specific duty (ies) for the progress of the union. The committee stands dissolved upon completion of the assigned duty (ies). Members of adhoc committee shall be appointed or nominated by the congress or by executive committee subject to ratification by the congress of the union. The number of members of the committee shall be determined on case to case basis. Such adhoc committee includes, but not limited to, electoral committee, constitution review committee, convention committee, project committee and education committee.

Article 7: MEETINGS OF THE UNION:

There shall be meetings of the union at both national and branch government.

Section 1: NATIONAL MEETING:

- a. There shall be annual national meeting, herein after referred as "NATIONAL MAY MEETING" which shall be held on the last Saturday of May in a year. The meeting will be hosted by each branch in turns.
- b. The national executive committee shall have at least two (2) physical meetings in a year and as many teleconference call as the need arises.
- c. There shall be a national convention of the union every other year.
- d. The national executive committee shall organize the national convention meeting of the union in August of the year. The date, time and venue shall be determined by the union.

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- e. The national executive committee shall call for emergency meeting as need arises.

Section 2: BRANCH MEETING:

- a. The branches shall hold at least four (4) general meetings in a year. The date, time and venue shall be determined by each branch.
- b. The branches shall report its activities to the national government during the "MAY" meeting and convention meeting or as the need arise.
- c. The branch executive committee shall call for emergency meeting as the need arises.

Section 3: Quorum:

The following shall constitute the quorum of the union meeting which applies to the National as well as the branches.

- a. At least fifteen (15) members of the union present. At least five (5) members of the executive present
- b. At least ten (10) members of the union present at an emergency meeting
- c. At least five (5) executive committee members present

Article 8: DISSOLUTION OF GOVERNMENT OF THE UNION AND HANDOVER

The government of the union stands dissolved at the end of their tenure of offices in accordance with article 9 sections 3a and election shall be conducted thereafter. The out-going government shall oversee the smooth transition of government and shall hand over all properties and documents of the union to the incoming government within seventy-two (72) of their dissolution or at a date agreed by the congress.

Article 9: ELECTION, ELIGIBILITY, TENURE OF OFFICE AND BY-ELECTION.

Section 1: ELECTION

There shall be the union election of officers into the following offices:

- a. President of the national union and Chairman of the branch union
- b. Vice President and Vice Chairman of the union
- c. Secretary of the union
- d. Assistant Secretary
- e. Financial secretary of the union

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- f. Assistant National Financial Secretary and Assistant Branch Financial Secretary
- g. Treasurer of the union
- h. Public relation of the union
- i. Provost of the union

The union shall constitute an electoral committee of three (3) members for the purpose of election only. The electoral committee shall conduct the election in accordance with the provision of this constitution.

A. Electoral rules and regulations

- a. A three (3) member election committee shall be constituted by the union to conduct election and by-election
- b. All executive offices shall be elected
- c. Election shall hold at the convention meeting, except for by-election. Branch election shall hold at the branch meeting
- d. No electoral campaign shall be necessary
- e. Candidates for elections must be financially cleared by the union. Candidates shall not be indebted for more than a year
- f. Candidates for election shall be nominated by a member and supported by at least two (2) other members in accordance with the constitution
- g. There shall be three (3) nominees for offices with “vice” and two (2) nominees for offices without “vice”
- h. Election shall be won by SIMPLE MAJORITY VOTES. Where there is “a tie”, a run-off election shall be conducted only in respect of those at par. Subsequent ties shall be determined by the electoral committee through SECRET BALLOT SYSTEM and subject to the approval of the congress.
- i. There shall be a by-election to fill any vacant executive office of the union
- j. Voting shall be by OPEN-SECRET BALLOT system
- k. Each member is entitled to one (1) vote only
- l. A member may nominate him/herself for election

Section 2: ELIGIBILITY

The following constitute eligibility for all executive offices of the union and must be adhered to by all members of the union and candidates for election.

- a. All registered members have a right to vote. Only members, twenty-four (24) years and above can be voted for
- b. A registered member can nominate a candidate for election.

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- c. Candidates for election into the offices of the President and Chairman must be at least thirty-five (35) years of age and possess at least a high school diploma/its equivalent
- d. All candidates for election must be of sound mind and of impeccable character; must not have been convicted of offence(s)/crime(s); and must be committed member of the union. " A committed member is one who has at least seventy-five (75%) attendance of the union's regular meetings and is not indebted to the union for more than a year of the union's annual dues"
- e. No officer(s) shall hold a branch and national office concurrently
- f. All candidates for election must have 75% attendance of the union's regular meeting, unless waived by the at least two-third (2/3) majority of the congress
- g. All candidates for election must not be indebted to the union for more than a year

Section 3: TENURE OF OFFICES

- a. The tenure of office for all executive officers shall be four (4) years and no officer (s) shall hold a particular office for more than two (2) consecutive terms of eight (8) years maximum.
- b. Any officer(s) shall be removed and or impeached for gross misconduct and violation of the constitution of the union. Gross misconduct include (but not limited to), misappropriation, embezzlement, abuse of office and gross negligence.
- c. An officer may elect to resign his/her office in good faith with three (3) months' notice in lieu of resignation. Such notice shall be subject to the approval by the congress
- d. A vote of no confidence may be passed on the government of the union, if found guilty of non-performance, abuse of office and gross violation of the constitution. Thereafter, the tenure of office of the said government stands terminated and dissolved
- e. The tenure of office of an elected officer shall end and or be terminated by reason of insanity, death, incapacitation, and or other reasons that may be against the union's interest.
- f. The tenure of office non-elected officer(s) of the union shall be four (4) years, subject to re-appointment based on good performance. He/she shall be removed from office for non-compliance and non-performance and or other reasons that may be against the union's interest.

Section 4: BY-ELECTION

There shall be a by-election to fill any vacancy in the executive offices of the union and any elected officer through by-election is deemed to have assumed his/her office at the

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commencement of the incumbent government of the union. There shall be no extension of his/her office thereafter.

Article 10: FINANCE, FINANCIAL YEAR AND BANKING

Section 1: FINANCE

The finance of the union shall include the sources and application of her fund. Fund(s) made to the union are nonrefundable.

Section 1a: SOURCES OF FUND

- a. Members Registration
- b. Annual Dues. The annual dues for the national government shall be one hundred (\$100.00) per financial member while the branch government shall determine their respective annual dues. All annual dues are subject to review from time to time
- c. Convention levy of fifty (\$50.00) dollars per financial member. This levy shall be subject to review from time to time
- d. Special Levies as may be determined from time to time
- e. Fines/Penalties as may be determined from time to time
- f. Fund raising/Donations/Pledges/Gifts from members and or the general public
- g. Members' contributions for any emergency as may be determined from time to time
- h. And any other legal means as the need arises

Section 1b: APPLICATION OF FUND

- a. The union's fund shall be applied for administrative and developmental purposes only
- b. The union's fund shall be applied only towards the promotion of her goals and objectives as set forth in the constitution; and no portion of thereof shall be paid and

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or transferred directly or indirectly by way of salary, wages, dividend, bonus, profit and or any other means to any member(s) whatsoever

- c. All expenditures, in excess of the union's imprest account, must be approved by the executive council and or members of union present at a meeting.

Section 2: FINANCIAL YEAR

The union's financial year shall be January 1st to December 31st of the year.

Section 3: BANKING

The union shall operate bank account in a reputable and nationally accessible bank in the USA. All funds collected for the union shall be deposited into the bank account within seventy-two (72) hours of (i.e. three (3) days) of its receipt.

Article 11: SPECIAL CLAUSE: APPLICATION OF FUND

- a. In the event of the dissolution of the branch (es) of the union, the assets (including fund) of the branch (es), after satisfying all liabilities and or debts shall be transferred to the national union in the USA.
- b. In the event of the dissolution of the national union (NDU-USA), the assets (including fund) of the national union after satisfying all liabilities and or debts, shall be transferred to the PARENT BODY of NDU-USA in Nkporo, Ohafia Local Government Area, Abia State, Nigeria. Alternatively, upon a special resolution of the union, it shall be transferred to organizations (Selected by the BOT) exclusively for charity. Education or scientific purposes, whose activities are similar to NDU-USA, In accordance with the Section 501c of the USA internal revenue code of 1986 as amended.
- c. No officer/member shall receive any payment/benefit/compensation/reward/bonus for services rendered to the union except for refund of approved out of pocket expenses while on active duty
- d. The union shall be responsible for expenses incurred by an officer/member who sustains injury in the cause of discharging his/her duties

Article 12: MEMBERS BENEFITS SCHEME, FUNDING, QUALIFICATION AND ADMINISTRATION:

The following shall be known as members benefit scheme (hereinafter called the Benefit Scheme) and shall accrue to registered member of the union in good standing.

Section 1.A: THE BENEFITS SCHEME (NATIONAL)

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- a. **New Members:** A new member shall be granted one (1) year probation to get settled in the USA. He/she shall be qualified for benefit upon completion of registration and payment of all dues. During the probation period, the new member shall accrue a prorated benefit of fifty percent (50%) of the actual benefits due to members.
- b. **Death:** When a member dies in the USA, the union shall be responsible as follows:
 1. For all expenses at the funeral home, limited to one month before transporting of the body to Nkporo or burial here in the USA. Additional funeral expenses after one month shall be the responsibility of the family or next of kin.
 2. For all transport expenses of the body to the burial destination in Nkporo, or mortuary in Nigeria, or cemetery in the USA, as may be requested by the family.
 3. To delegate the deceased's branch to liaise with the deceased's family to organize the funeral and wake or service of song, and to support the branch with \$500. Furthermore, to enhance the attendance of members from all branches, the responsible branch and family are encouraged to conduct viewing/funeral services the same day.
 4. To delegate a non-relative member to escort the remains of the deceased to Nkporo for burial
 5. Pay the travel expenses of the delegate for the trip and reimburse the delegate's out-of-pocket expense up to, but not exceeding five hundred (\$500.00) dollars. Any additional expenses by the delegate must be pre-approved by the National Executive Council.
 6. Where a member dies outside the USA, the union shall be likewise responsible for the burial expenses as if the member died in the USA
- c. **Death of a member's child:** Where the death is of a member's child in the USA, the union shall support the bereaved family with the sum of two thousand dollars (\$2,000.00), provided the child is under the age of 26 years.
- d. **Death of a member's parent:** Where the deceased is the father or mother or sibling of a member (s), the union shall through the member's branch pay a condolence visit to the family in accordance with Nkporo tradition and no financial benefit shall accrue from the union, but it shall be up to the member's branch to give financial support as the branch may determine.
- e. **Death of other relatives:** Where the deceased is other family relative not otherwise mentioned above (including but not limited to grandparent, stepparent and step-grandparent) the union shall through the branch pay a condolence visit to the family in

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accordance with Nkporo customs and tradition. No monetary benefit shall accrue whatsoever

7. Where a retired member of the union dies outside the USA, the union shall support the family with the sum of five hundred (\$500.00) dollars
- f. Retirement: A member who retires at the full social security age shall be accorded a full right of membership, provided:
1. The member send s in a letter of the fact of his retirement
 2. Pays off his or her past dues
 3. Be subject to half of members' dues (a retiree is still an income earner as he or she receives pension, social security or other incomes)
- g. Disability: A disabled member shall not be subject to annual dues/levies from the time of disability. For recognition of disability to ensure, the disabled member shall:
1. Shall write and advice the union of the fact of his/her disability
 2. Call the financial secretary and pay off or make plans to pay off his or her arrears of dues/levies.

Section 1.A.2: Complaint: When a member makes a complaint of any personal and or family violence/dispute to the union and formally requests that the union mediates or intervenes, the union shall investigate the compliant without prejudice and form an arbitration panel to make peace between/among parties involved.

Section 1.A.3: Insurance: For the time being, the union shall not provide a group life insurance to members. Members are encouraged to purchase individual life insurance.

1.B: THE BENEFITS SCHEME (BRANCH)

- a. **Birth:** When a member gives birth or adopts a child, the branch shall visit the family on behalf of the union and make a donation of one hundred (\$100.00) dollars. For an indebted member(s), the said one hundred (\$100.00) shall be applied to his/her debt to the union and the balance, if any, shall be given to him/her.
- b. **Wedding:** Member(s) shall notify the union through invitation that he/she is getting married. The notification shall be accompanied with a bottle of hot drink and twenty (\$20.00) dollar worth of kolanut. Thereafter, the union shall honor the invitation and support the member(s) with the sum of two hundred (\$200.00) dollars. For an indebted member(s), the said two hundred (\$200.00) shall be applied to his/her debt to the union and the balance, if any, shall be given to the member(s).

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Section 2: FUNDING OF THE BENEFITS SCHEME

All financial members of the union shall be responsible for the funding of the benefit scheme. All levies of the benefit scheme are subject to review as time demands. Each financial member shall pay

1. A one-time benefit-foundation levy of thirty (\$30.00) dollars
2. Benefit levy of fifty (\$50.00) dollars a year
3. Emergency benefit levy as may be determined from time to time

Section 3: QUALIFICATION FOR BENEFIT SCHEME

1. All registered members of the union are qualified as applicable to their membership classification.
2. All non-financial members are not qualified with the exception of retired and or disabled members.
3. All financial members are qualified subject to their full payment of all financial obligations prior to the application of the benefit scheme.
4. For an indebted qualified member(s), the said benefit scheme shall be applied to his/her debt to the union and the balance, if any, shall be given to the member(s).

Section 4: ADMINISTRATION OF THE BENEFITS SCHEME

The national executive council shall oversee the benefit scheme to ensure fair disbursement of the benefit fund to ensure accountability.

1. The national executive council shall appoint a three-member administrative committee (hereinafter called the WELFARE COMMITTEE) to administer the benefit scheme. The appointees shall be ratified in a national meeting of the union
2. The tenure of the appointed Welfare Committee members shall be two (2) years and no appointee shall serve more than two (2) consecutive terms of four (4) years
3. A "benefits scheme bank account" shall be operated in nationally accessible banking institution. And the President and the chairman of the Welfare Committee shall be the signatory to the account. All funds raised for the benefit scheme shall be deposited into the bank account within seventy-two (72) hours of its receipt
4. The welfare committee shall administer the benefits, in accordance with the constitution of the union, within seven (7) business days

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5. The welfare committee shall review the benefits scheme periodically and make recommendation to the national executive council to enhance the scheme.
6. The books and records of the welfare committee shall be audited upon completion of their tenure.

Article 13: BYELAW

The national and or branch union reserves the right to make byelaw(s) to address issues not enshrined in the constitution as it affects the union respectively. And such byelaw shall be approved by at least two-third (2/3) majority of members in a meeting. Any byelaw that is inconsistent with this constitution shall be null and void to the extent of its inconsistency, and of no effect to the union.

Article 14: RULES AND REGULATIONS

For the purpose of this constitution, rules and regulation shall mean rules governing the union and the penalty for non-compliance. These include (but not limited to) the following:

1. Attendance of national and branch meetings shall be at least seventy-five (75%) in a year
2. There shall be a bi-annual convention of the union. Members shall be encouraged to participate fully. The convention dues shall be reviewed from time to time
3. Absenteeism and lateness shall be discouraged
4. Members shall accord respect to the union's constituted authority. Any form of disrespect to the authority shall attract disciplinary action as will be determined by the disciplinary committee subject to the approval of two-third (2/3) majority of the congress.
5. Members shall respect each other. Any form of disrespect during meeting shall be treated as disrespect to the union, and shall attract disciplinary action as shall be determined by the disciplinary committee subject to the approval of two-third (2/3) majority of the congress.
6. Leakage of the union's official secret. Member(s) shall not reveal any official secrets of the union to non-member(s). Any member(s) found guilty of leaking official secrets and or working against the goodwill of the union shall be liable to:
 - a. Fine as may be determined by the union.
 - b. Suspension for a period of time.

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- c. Tender a written letter of apology to the union upon recall from the suspension.
7. All officials shall discharge their duties constitutionally. Any official found guilty of non-performance of duty shall be suspended and or impeached from office by at least two-third (2/3) majority of the congress.
8. Embezzlement/Misappropriation/Misapplication of the union fund and or property. Any member/official found guilty of the afore-mentioned shall be liable to:
 - a. Refund/Return same in full within a specified time period
 - b. Failure to comply with subsection 8a, the union reserves the right to use any available means to recover same in full. In addition, the parent body of NDU-USA and the member's family at Nkporo, Abia state, Nigeria shall be in writing.
 - c. Hold no office of the union.
 - d. Refund 50% of the cost of recovering the fund and or property.
9. Criminal Act. Member(s) shall refrain from any form of crime capable of tarnishing the image of the union. Such crime includes (but not limited to) stealing, rape and sexual misconduct, illicit drug, harm or cause the death of anyone and official sabotage. Any member found guilty of any crime by the USA and or Nigeria government authorities shall be made to face the laws of the USA and or Federal Republic of Nigeria.
10. Fighting. Fighting is highly prohibited during our meeting. Members are advised to seek redress with the appropriate authority. Any member(s) found guilty of fighting shall:
 - a. Pay a fine as may be determined by the disciplinary committee.
 - b. Tender a written letter of apology to union
 - c. Be suspended upon failure to comply with subsection 10a & b.
11. Members are advised to refrain from noise making during meeting. The president/chairman shall have the discretionary power to impose penalty for unruly behavior during meeting.
12. Members who reside outside the three main branches of the union are advised to affiliate/identify with branch closer to him/her and or of his/her choice.
13. Any member who contravenes any section or part of the constitution of the union shall be reprimanded and made to pay the violation penalty within sixty (60) days. Any failure to comply, he/she shall be suspended indefinitely during which he/she loses all union rights and privileges.

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Article 15: DISSOLUTION OF THE UNION

In the event of the dissolution of the branch (es) of the union, the assets (including fund) of the branch (es), after satisfying all liabilities and or debts shall be transferred to the national union in the USA.

In the event of the dissolution of the national union (NDU-USA), the assets (including fund) of the national union after satisfying all liabilities and or debts shall be transferred to the PARENT BODY of NDU-USA in Nkporo, Ohafia Local Government Area, Abia State, Nigeria. OR upon a special resolution of the congress, it shall be transferred to organization(s) (to be selected by the BOT) exclusively for charity, education or scientific purposes, whose activities are similar to NDU-USA aims and objectives, in accordance with the Section 501c (3) of the USA internal revenue code of 1986 as amended OR any future corresponding laws of the USA.

Article 16: OATHS

All officers of the union shall take oath of allegiance of members of the union and oath of office to the union.

Section 1: OATH OF ALLEGIANCE OF MEMBER OF THE UNION

I, -----, do hereby, solemnly swear and affirm that I shall be faithful, law abiding and bear true allegiance to the union, that I shall preserve, protect, project and defend the constitution of NDU-USA, the laws of the Federal Republic of Nigeria and the United State America. So help me God.

Section 2: OATH OF OFFICE OF THE UNION

I, -----, having been duly elected/appointed as ----- of the union, do hereby, solemnly swear and affirm that I shall be faithful, law abiding and bear true allegiance to the union; that I shall discharge my duty (ies) and perform my lawful function (s) honestly, to the best of my knowledge and ability in accordance with the constitution of the NDU-USA. So help me God.

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