

# **NESBA BY-LAWS – Calendar year 2013 – Approved 1/14** Update8/18

## **Article I: Name**

- a. The name of the organization shall be the New England Scholastic Band Association. The abbreviation NESBA used in any other documents or publications will be understood to take the place of the full name of the organization.

## **Article II: Business Year**

- a. A business year in NESBA runs from January 1 to December 31.

## **Article III: Mission Statement**

- a. NESBA was established to engender and maintain enthusiastic interest in the various phases of music, colorguard, percussion ensembles and music education in our secondary schools. NESBA's primary thrust is to provide an atmosphere in which education and musicality are of the utmost importance. Therefore, the core philosophy of NESBA is to provide exceptional performance opportunities for all students, using the marching band activity and competitive performances as a tool in effective music and visual arts education.
- b. It is the intent of NESBA to encourage a spirit of cooperation, dialogue, and sportsmanship amongst Directors, instructors, performers, and support groups. We feel that acceptance of this philosophy will insure that our activities function at the highest level of professional and educational standards.

## **Article IV: Goals**

- a. The goals for NESBA may be further defined as follows:
  1. To promote the performance standards and levels of all performing groups
  2. To strive for excellence in the musical, visual, and performing arts
  3. To stimulate interest, appreciation and understanding of all types of programs
  4. To promote pride, enthusiasm and camaraderie amongst all individuals involved in the competitive arena
  5. To provide a forum for members at all levels of experience to identify areas of mutual concern
  6. To provide scholarship opportunities to all student performers
  7. To encourage the development of a spirit of friendship and cooperation amongst all participants

## **Article V: Government**

- a. Roberts Rules of Order shall be the governing rules for NESBA when a question of order arises. Any member may ask for the formal use of Roberts' Rules at any time.
- b. Final authority rests with the NESBA General Membership. After the annual meeting, the NESBA Executive Board acts on behalf of the NESBA General Membership. (In order to request a full meeting of the NESBA general membership, a letter signed by ten (10) NESBA members in good standing must be presented to the NESBA Executive Board. The NESBA Executive Board will then call a special meeting of the NESBA General Membership within sixty (60) days.
- c. Members in good standing attending any duly noticed meeting shall constitute a quorum for voting.
- d. Only members in good standing will be allowed to cast votes.
- e. All votes shall be by voice unless a motion is made and carried for a vote by paper ballot.
- f. The officers of NESBA will be President, Treasurer, Secretary, Chief Assigning Judge(s), Fall Activities Director, Winter Activities Director, At Large Member(s), and Past President.

g. Nominations and Elections:

1. All positions on the NESBA Executive Board are voted on at the NESBA all-member meeting to be held in June of each year. If a NESBA Executive Board position is vacated prior to the completion of the term, the NESBA President may assign someone to fulfill the remainder of the term in that vacated position. This assignment must be approved by the remaining NESBA Executive Board members via a majority vote.
2. Nominations for the NESBA Executive Board are to be sent to the current NESBA President (or a designee in charge of the election) at least TWO weeks prior to the NESBA June meeting.
3. All positions, except for the position of At Large Member, can be filled by either band/unit directors or non-band/unit directors. But - it is asked that anyone running for any position on the NESBA board be familiar with the organization and have participated within the NESBA community.
4. All elections are decided by simple majority of the quorum at the NESBA June All Member Meeting.

h. NESBA Executive Board Positions:

1. **President:** This person is responsible for all by laws, rules, policies and procedures of the organization. The president is to maintain relationships with all units and is to ensure that the philosophy and educational plans of the organization are always met. The president will also work with the Executive Board in maintaining the fiscal health of the organization. This includes overseeing the development of and adherence to a yearly budget and spending plan. The president will also enter into contracts and bids for all events that have the name of NESBA attached to them. (Stipend position)
2. **Treasurer:** Will maintain the fiscal health of the organization and be responsible for the formulation of a yearly budget and associated spending plan. The Treasurer will be the first signer for all checks and invoices that come to the organization. The treasurer will also be the main contact in relation with the Executive Board, for all financial transactions at any event that has the NESBA name attached to it. Other duties include- tax prep, expense reimbursements and collecting dues and fees for the organization. (Stipend position)
3. **Secretary:** Will maintain minutes to all meetings and also be an assistant to the treasurer for booking meetings and events. The secretary will be responsible for membership correspondence, recording of attendance at all organizational general body meetings, and will assist the Executive Board with any duties that may be required at any event that holds the name NESBA to its title. (Stipend position)
4. **Chief Assigning Judge(s) (CAJ):** This position will be held by one or more persons for band, guard and percussion. The intent of this position is to maintain an affiliation free base upon which judges are assigned to evaluate all performances that have the name NESBA in them. The CAJ will use the resources available to him or her to use as many local judges as needed to fulfill assignments and when possible use travel funds to secure judges from our national data base. If this position is divided into multiple people per season, each person will be eligible to cast one vote at all meetings. However, no one person can vote more than once on any issue. (Stipend position)
5. **Fall Activities Director:** This position will handle all aspects of the marching band season and be the main coordinator at the Fall Marching Band Championships. In conjunction with the full Executive Board, this position will make sure that member bands receive show location, judge and any other important details for each event. This position will work in tandem with the CAJ to make sure all shows have proper staffing. (Stipend position)
6. **Winter Activities Director:** This position will handle all aspects of the winter percussion and guard season and be the main coordinator at the Winter Finals events. In conjunction with the full Executive Board, this position will make sure that all member units receive proper show information, judge and any other important details to have a successful event. The position will work in tandem with the CAJ to make sure all shows have proper staffing. (Stipend position)
7. **At Large Member(s):** There will be FOUR elected positions. Each will represent a segment of the population involved in the organization. 1 Winter Guard, 1 Winter Percussion and 2 Band Directors. The person interested in

running should be an active band director or unit director and have at least caption head level experience from the organization they represent. These positions will represent the organization at any local and state events and could be a source of mentoring for new directors within the organization. The at large position(s) is also asked to assist with events and promoting the philosophy of the organization. (Non Stipend)

8. **Past President:** The past president will assist the new president and any new board members with a seamless flow of information regarding all aspects of the organization. (Non Stipend)

#### **Article VI: Changes to By-Laws and Rules of the organization**

- a. The President will serve as the Rules Committee Coordinator
  1. The Coordinator will receive all COMPLETED proposals and prepare for distribution to the Executive Committee members.
  2. Incomplete proposals will immediately be returned to the submitting individual without any further review. If necessary, the Coordinator would contact the submitting individual for any clarifications or further information.
  3. The Coordinator will also seek input from the various members of NESBA if required.
- b. Proposals for By-Laws changes:
  1. The formalized Rules/Policy Proposal Form is the only tool of choice for By-Law change proposals.
  2. Any instructional member or band/unit director of an active band/guard/percussion ensemble (must have competed in a NESBA sanctioned show) the previous fall / winter or an active judge of NESBA may submit a rules proposal for review by the Executive Committee.
  3. The sponsoring band/unit director or judge must sign the completed Proposal Form.
  4. Proposed changes to organization By-Laws must be submitted 30 days prior to the June general body meeting.
  5. The Executive Board will review all By-Law change proposals and determine which will be sent to the general body for vote.
  6. Proposals that are adopted which require judging field trials/judging system modifications shall be referred to the Judges/instructors for implementation and trial. These changes are subject to a new vote of adoption upon full evaluation.
  7. Each Voting Member / School/Organization will be allowed to cast one deciding vote for the proposal.
- c. Proposals for contest rules changes:
  1. The formalized Rules/Policy Proposal Form is the only tool of choice for contest rule change proposals.
  2. Any instructional member or band/unit director of an active band/guard/percussion ensemble (must have competed in a NESBA sanctioned show) the previous fall / winter or an active judge of NESBA may submit a rules change proposal for review by the Executive Committee.
  3. The sponsoring band/unit director or judge must sign the completed Proposal Form.
  4. Proposed changes to contest rules must be submitted 30 days prior to any of the meetings scheduled above.
  5. The Executive Board will review all By-Law change proposals and determine which will be sent to the general body for vote.

6. Proposals that are adopted which require judging field trials/judging system modifications shall be referred to the judges/instructors for implementation and trial. These changes are subject to a new vote of adoption upon full evaluation.
  7. Each Voting Member /School will be allowed to cast one deciding vote for the proposal.
- d. Voting on proposals at General Body Meetings
1. Proposals as moved forward by the Executive Board (based on the schedules listed below), will be moved forward to the General Body for a vote.
  2. Proposals receiving a favorable majority vote of the membership will be scheduled for implementation based upon the recommended time frame outlined in the proposal.

#### **Article VII: General Body Meeting Schedule**

- a. June Meeting - Officer Elections, By-Law changes, Recap of previous Fall and Winter seasons, Discussion for the Good of the Organization.
- b. January - Winter Meeting – Winter season discussions, Winter Schedule review, Discussion for the Good of the Organization.
- c. September - Fall Meeting- Fall Season discussions, Fall schedule review, Discussion for the Good of the Organization.

#### **Article VIII: Order of Business for the Annual Meeting (September)**

- a. Welcome
- b. Roll Call
- c. Secretary and Treasurers Reports
- d. Elections
- e. Review of each season (depending on what season just ended and which is beginning)

#### **Article IX: Executive Board Meeting Schedule**

- a. Executive Board meets monthly if necessary.

#### **Article X: Membership and Fees**

- a. The membership dues for the calendar year will be \$400.00 for one unit, \$450.00 for 2 units, and \$500.00 for 3 or more units. (e.g. a school or organization with a band, winter guard, and winter percussion ensemble will pay \$500.00 for the calendar year).
- b. NESBA will send each school an invoice for dues and all championship event payments. The address or emails that will be used will be the one from member profiles as listed on the website. It is expected that this information will be kept up to date. The treasurer will hold most invoices until the September or January general body meetings and hand out there as well as long as there is ample time between the start of the season and the meeting. The treasurer shall be the contact for all questions.
- c. Additional Fall Fees:
  1. There will be an additional registration fee of \$125.00 for all bands for **each** NESBA field competitions that the band registers for (payable to the show host).

2. A \$300.00 registration fee for the NESBA Championship Finals will also be charged to each band registered for the event. (Payable to NESBA).

d. Additional Winter Fees:

1. There will be an additional registration fee of \$75.00 per unit for each NESBA winter competition that the unit registers for (payable to the show host) Maximum \$150.00 per show per organization.
2. Each unit is required to sell one (1) general admissions ticket (\$15.00) per student, per unit. (e.g. if you have 10 members in your unit, you must sell 10 tickets for a total of \$150.00).

**Article XI: Other Membership obligations**

- a. All members must provide signed NESBA documentation ensuring compliance with the following requirements:
  1. Compliance with your School/Organization CORI policy
  2. Compliance with your School/Organization Insurance coverage
  3. Compliance with your School/District and/or WGI policy for membership
- b. Championship participation and approved membership requires that all above membership requirements have been fulfilled.

**Article XII: Dissolution**

- a. Upon the dissolution of the corporation and after the payment or the provision for the payment of all the liabilities of the corporation, the board of directors will dispose of all of the assets of the corporation exclusively for the purposes of the corporation or to the organizations that are then qualified as tax-exempt organizations under section 501(c)(3) of the Internal Revenue code. Any assets not so disposed of will be disposed of by a court of jurisdiction in the county in which the principal office of the corporation is located.

**Article X111: Removal**

- a. Any member of the Executive Board may be removed from office by the Executive Board for cause after reasonable notice and opportunity to be heard. The member shall be provided with at least two days written notice of the meeting delivered by postage paid first class mail or email provided by the Member to the Executive Board. At the meeting the Member shall be provided the opportunity to address the Executive Board prior to any vote. In order to be removed, two thirds of the Executive Board members present at the meeting must vote for removal. After removal, the President may appoint a Member of NESBA in good standing who meets any qualifications for the position to fulfill the balance of the term of the vacated position.

As used here in the term "for cause" shall mean:

-Breach of any material duty or obligation under the Articles of Organization, By Laws or policies of NESBA

-A guilty plea, plea of nolo contendere or conviction of any misdemeanor (other than traffic violation), felony, or any crime involving fraud, dishonesty or misappropriation

-Willfully or recklessly engaging in misconduct that causes or will cause material harm to NESBA, including to the reputation or mission of NESBA; or

-Willfully engaging in act that constitutes a conflict of interest with NESBA without the prior approval by the Executive Board by a vote at a meeting after full disclosure.

