

# Constitution and By-Laws Of THE MICHIGAN SCHOOL BAND AND ORCHESTRA ASSOCIATION

## CONSTITUTION

### Preamble

Michigan School Band and Orchestra Association is a professional organization composed of instrumental music instructors, founded for the purpose of improving and promoting instrumental music in the schools of the State through a program of clinics, festivals and workshops planned and regulated in a thoroughly democratic manner by the entire membership.

### ARTICLE I

#### Name

##### Section I

The name of this organization shall be the Michigan School Band and Orchestra Association.

##### Section II

A two-thirds affirmative vote, by ballot of the paid-up members (not a two-thirds affirmative vote of members present, but the entire paid-up membership) shall be required to change the name or to affiliate with any organization. Ballots by mail will be accepted.

### ARTICLE II

The purpose of this organization shall be:

- A) To stimulate interest in the study of band and orchestra.
- B) To develop a desire for good music.
- C) To encourage good fellowship and sportsmanship among the members of the Association.
- D) To bring the work of the Association before the State Department of Education, the universities and colleges of the State, and the citizens of the State, in order that it shall gain greater recognition and support.
- E) To cultivate worthwhile leisure activities among boys and girls.
- F) To provide educational meetings for teachers of instrumental music, that the standard of instruction be raised.
- G) To maintain recognition of school administrators and Boards of Education to the effect that instrumental music is an integral and vital part of the school curriculum, and is entitled to recognition as a curricular subject.
- H) To develop a unit in each community which shall serve as a vital force in bringing the people into closer relationship with the schools of the State.

### ARTICLE III

#### Memberships

##### Section I

SCHOOL MEMBERSHIP-School membership shall be granted to any public private or parochial school in the State of Michigan upon payment of current dues.

##### Section II

ACTIVE MEMBERSHIP-Active membership in the Association shall be granted to teachers and directors who are actively engaged in classroom teaching of instrumental music in a school which has a school membership, or in an elementary feeder school of a secondary member school. An active member is entitled to vote and hold office.

##### Section III

ASSOCIATE MEMBERSHIP-Associate membership in the Association shall be granted to supervisors, directors of music, college and university teachers, and musicians who are not actively engaged in classroom music teaching, and who do not distribute goods or services to school music departments for a profit, upon payment of current dues. Associate members are not entitled to vote or hold office.

##### Section IV

INDIVIDUAL MEMBERSHIP-Individual membership in the Association shall be granted to those teachers of instrumental music whose schools do not hold a school membership, upon payment of current dues. Individual members are not entitled to vote or hold office.

##### Section V

HONORARY MEMBERSHIP-Honorary membership shall be granted at the discretion of the Executive Board to college, university, and teacher musicians who have made a significant contribution to the field of instrumental music in the State of Michigan. An Honorary member is not entitled to vote or hold office.

##### Section VI

COMMERCIAL SUSTAINING MEMBERSHIP-Commercial Sustaining membership in the Association shall be granted to commercial firms or individuals distributing goods and services to school music departments for profit, upon payment of current dues. A Sustaining member is not entitled to vote or hold office.

##### Section VII

NON-PROFIT SUSTAINING MEMBERSHIP- Non-Profit Sustaining membership in the Association shall be granted to commercial firms or organizations providing services to school music departments without profit upon payment of current dues. A Non-Profit Sustaining member is not entitled to vote or hold office.

### **Section VIII**

EMERITUS MEMBERSHIP- Emeritus membership, a lifetime membership with all dues paid, may be granted by the Executive Board to teachers retired from teaching instrumental music. A Member Emeritus is not entitled to vote or hold office.

### **Section IX**

COLLEGE STUDENT MEMBERSHIP-This membership entitles the student to attend MSBOA activities and receive some MSBOA publications. These members are not entitled to vote or hold office.

## **ARTICLE IV**

### **Officers**

#### **Section I**

The offices of this organization shall be: President, Vice President-Band and Orchestra, Vice President-Solo and Ensemble, Vice President-Music Selection, Vice President-Jazz Activities, Vice President-Adjudication, Vice President-Orchestral Activities, and Secretary/Treasurer.

#### **Section II**

Only active members of the Association may hold office.

#### **Section III**

Officers of this organization shall be elected for a one-year term at the annual Spring Meeting.

#### **Section IV**

Officers elected in the annual election shall assume office on the first day of July following. They shall serve in office one calendar year from that time.

#### **Section V**

No member may hold the same office more than two consecutive one-year terms.

#### **Section VI**

In the event that an office becomes vacant, the President may appoint a member to act in full capacity in that office until the next general meeting at which time an election shall be held to fill the vacancy for the remainder of that year.

#### **Section VII**

The Executive Board shall be composed of the President, the six Vice Presidents, the Secretary/Treasurer, the two immediate Past Presidents still active members, an Ex-Officio member from the State Department of Education, and the President of each of the Districts of the Association, the geographical boundaries of which are specified in the by-laws.

#### **Section VIII**

An Executive Director is appointed by the Executive Board, and shall be an ex-officio member of that board.

#### **Section IX**

An Assistant Director is appointed by the Executive Board, and shall be an ex-officio member of that Board.

## **ARTICLE V**

### **Meetings**

The meetings shall be at the time specified in the by-laws.

## **ARTICLE VI**

### **Amendments**

Amendments of this constitution shall be made at the Winter meeting of this Association by a two-thirds affirmative vote of the paid-up active members present, provided a majority of the districts are represented and a quorum is present. Proposed amendments shall be presented at the previous business meeting.

## **By-Laws**

(By-Laws Revised May 2020)

## **ARTICLE I**

### **Duties of Officers**

#### **Section I**

President:

- A) It shall be the duty of the President to preside at all meetings of the Association and of the Executive Board.
- B) It shall be the President's duty to make emergency decisions that may arise. That decision will hold until the next meeting of the Executive Board, when the decision shall be confirmed or rejected.
- C) The President shall also call regular and special meetings as provided by the by-laws.
- D) The President shall represent the MSBOA on the Planning Committee of the Michigan Music Conference.
- E) It shall be the President's duty to appoint all committees as delegated at any regular meeting, and as may be necessary, in promoting the work of the Association. Committee Chairs may be active, past, or retired MSBOA members, with the exceptions of the FIC and Music Ed which must be active MSBOA members.
- F) The President shall be an ex-officio member of all committees, but shall not be required to attend committee meetings.

## **Section II**

Vice President-Band and Orchestra:

- A) It shall be the duty of the Vice President-Band and Orchestra to perform all the duties of the President in the event of the President's absence, inability, disability, or resignation, and to assist the President.
- B) The Vice President-Band and Orchestra is the chairperson of the State Band and Orchestra Festival.

## **Section III**

Vice President-Solo and Ensemble:

- A) It shall be the duty of the Vice President-Solo and Ensemble to perform as chairperson of the State Solo and Ensemble Festival.

## **Section IV**

Vice President of Music Selection:

- A) It shall be the duty of the Vice President of Music Selection to perform as chairperson of the Music Selection Committee.

## **Section V**

Vice President of Jazz Activities:

- A) It shall be the duty of Vice President of Jazz Activities to perform as the chairperson of the State Jazz Festival.
- B) The Vice President of Jazz Activities shall promote and coordinate Association activities in the area of jazz music education.

## **Section VI**

Vice President-Adjudication:

- A) It shall be the duty of the Vice President of Adjudication to hire all adjudicators for the state festivals and maintain a list of employed adjudicators throughout the state.
- B) The Vice President of Adjudication shall oversee the adjudicator list and adjudicator workshops.

## **Section VII**

Vice President-Orchestral Activities:

- A) It shall be the duty of the Vice President of Orchestral Activities to perform as chairperson of the Middle Level String Orchestra Clinics.
- B) The Vice President of Orchestral Activities shall promote and coordinate Association activities in the area of string music education.

## **Section VIII**

Secretary/Treasurer:

- A) It shall be the duty of the Secretary/Treasurer to keep a record of the proceedings of general meetings and meetings of the executive board.
- B) The Secretary/Treasurer shall perform whatever correspondence relative to the Association that should be required.

## **Section IX**

Past, Past President:

- A) The Past, Past President shall serve as the chairperson of the MSBOA Futures Committee and shall call meetings of that body when deemed necessary.
- B) It shall be the duty of the Past, Past President to serve on The Michigan Music Conference Planning Committee.

## **Section X**

Immediate Past President:

- A) The Immediate Past President shall represent MSBOA on the Executive Board of the Michigan Music Conference.
- B) It shall be the duty of the Immediate Past President to serve as the Chairperson of the Nominating Committee.

## **Section XI**

Executive Director:

- A) It shall be the duty of the Executive Director to assist the Officers in the administration of Association affairs.
- B) The Executive Director will maintain accurate and up-to-date membership lists.
- C) The Executive Director shall represent MSBOA on the Michigan Music Conference Executive Board.
- D) Subject to the limitations, controls and delegations the Executive Board may impose, the Executive Director will: (a) Have custody of all funds, securities, valuable papers and other assets of this Association, (b) Provide and maintain full and complete records of all the assets and liabilities of this Association in accordance with forms and procedures prescribed by the Association.

## **Section XII**

Assistant Director:

- A.) It shall be the duty of the Assistant Director to assist the Executive Director.
- B.) The Assistant Director will report to the Executive Director and the Board.

## **Section XIII**

Executive Board:

- A) The Executive Board shall perform such legislative duties as cannot be properly brought before the membership due to the set time of meetings.
- B) Meetings of the Executive Board shall be called at the authorization of the President.
- C) It shall be the duty of the Executive Board to:
  - 1) Enforce all rules and regulations of the Association.
  - 2) Interpret the constitution.
  - 3) Appoint such committees as may be provided in the constitution or delegated to them.
  - 4) Arbitrate any difficulties which may arise.
  - 5) Exercise such emergency powers as may be necessary to properly conduct the business of the Association.
  - 6) Provide for the annual audit of the Secretary/Treasurer's accounts.
  - 7) Require the officers who handle Association funds to furnish adequate bond, the same to be paid from the treasury of the Association.

## **ARTICLE II**

### **Districts**

#### **Section I**

The organizing of each district shall be left to the band and orchestra directors of the district who shall select a President. The District President is a member of the Executive Board of the Association. In the event that any district is not organized or is in the process of organizing, the Executive Board will be empowered to appoint a president in order that the district will have a representative on the Executive Board.

#### **Section II**

- District 1. Counties of Manistee, Wexford, Missaukee, Mason, Lake, Osceola, Oceana, Mecosta, and the northern two-thirds of Newaygo.  
District 2. Counties of Emmett, Cheboygan, Presque Isle, Charlevoix, Antrim, Otsego, Leelanau, Benzie, Grand Traverse, Kalkaska and Crawford.  
District 3. Counties of Huron, Tuscola, Genessee, Lapeer and Sanilac.  
District 4. Counties of Livingston and Oakland, excluding the areas east of both Highways I-75 and M-24.  
District 5. Counties of Isabella, Midland, Gratiot, Clinton, Shiawassee, Saginaw and the portion of Bay County south of a line extending the southern boundary of Gladwin County.  
District 6. Counties of VanBuren, Berrien and Cass.  
District 7. Counties of Muskegon, Montcalm, the southern third of Newaygo, and the portions of Ottawa, Kent, and Ionia counties north of the 43rd parallel excluding the corporate limits of Grand Rapids.  
District 8. Counties of Eaton, Ingham, Jackson, Hillsdale and Lenawee.  
District 9. Counties of Montmorency, Alpena, Oscoda, Alcona, Roscommon, Ogemaw, Iosco, Clare, Gladwin, Arenac, and the portion of Bay County North of a line extending the southern boundary of Gladwin County.  
District 10. Counties of Allegan, Barry, and the portions of Ottawa, Kent and Ionia counties south of the 43rd parallel, including the corporate limits of Grand Rapids.  
District 11. Counties of Kalamazoo, Calhoun, St. Joseph and Branch.  
District 12. Counties of Washtenaw, Monroe and that portion of Wayne County west and south of the corporate limits of Detroit.  
District 13. Counties of Chippewa, Mackinac, Luce, Schoolcraft, Delta and Alger.  
District 14. Counties of Keweenaw, Houghton, Ontonagon, Gogebic, Baraga, Iron, Dickinson, Marquette, and Menominee.  
District 15. The area within the corporate limits of Detroit. (Includes Hamtramck and Highland Park)  
District 16. Counties of Macomb, St. Clair, that portion of Oakland County east of Highways I-75 and M-24, Grosse Pointe and Harper Woods. (This includes the following in Oakland County: Hazel Park, Madison Heights, Avondale, Rochester, Lake Orion, Oxford, Troy).

## **ARTICLE III**

### **Membership**

#### **Section 1**

SCHOOL MEMBERSHIP-School membership shall be granted to any public, private, or parochial school in the State of Michigan upon payment of current dues as stated in these by-laws. Such membership shall be limited to secondary schools established according to law, for the purpose of general education.

#### **Section II**

ACTIVE MEMBERSHIP-Active membership in the Association shall be granted to teachers and directors who are actively engaged in classroom teaching of instrumental music in a school which has a school membership. An active member is entitled to vote and hold office. Any member who wishes to resign shall forfeit all right to the title and the funds and property of the organization.

#### **Section III**

ASSOCIATE MEMBERSHIP-Associate membership in the Association shall be granted to supervisors, directors of music, college and university teachers, and professional musicians who are not actively engaged in classroom teaching, and who do not distribute goods or services to school music departments for a profit, upon payment of current dues. Associate members are not entitled to vote or hold office.

#### **Section IV**

INDIVIDUAL MEMBERSHIP-Individual membership in the Association shall be granted to those teachers of instrumental music whose schools do not hold a school membership, upon payment of current dues. Individual members are not entitled to vote or hold office.

#### **Section V**

HONORARY MEMBERSHIP-Honorary membership shall be granted at the discretion of the Executive Board to college, university and teacher musicians who have made a significant contribution to the field of instrumental music in Michigan. An Honorary member is not entitled to vote or hold office.

#### **Section VI**

COMMERCIAL SUSTAINING MEMBERSHIP-Commercial Sustaining membership in the Association shall be granted only to commercial firms or individuals distributing goods and services to school music departments for a profit upon payment of current dues. A Sustaining member is not entitled to vote or hold office

#### **Section VII**

NON-PROFIT SUSTAINING MEMBERSHIP- Non-Profit Sustaining membership in the Association shall be granted to commercial firms or organizations providing services to school music departments without profit upon payment of current dues. A Non-Profit Sustaining member is not entitled to vote or hold office.

#### **Section VIII**

EMERITUS MEMBERSHIP-Emeritus membership is a lifetime membership with all dues paid, may be granted by the Executive Board to teachers retired from teaching instrumental music. A Member Emeritus is not entitled to vote or to hold office.

#### **Section IX**

COLLEGE STUDENT MEMBERSHIP-This membership entitles the student to attend MSBOA activities and receive some MSBOA publications. A College Student member is not entitled to vote or hold office.

## ARTICLE IV

### Dues

#### Section 1

SCHOOL MEMBERSHIP-Any secondary school meeting requirements for school membership as defined in Article III, Section 1. Payment of the fee grants Active Membership to all instrumental music teachers employed in the school.

School Membership - \$375 before Sept. 20, \$415 after Sept. 20  
Dual Membership - \$550 before Sept. 20, \$630 after Sept. 20

ASSOCIATE MEMBERSHIP-As defined in Article III, Section III  
\$ 75.00

#### Section III

INDIVIDUAL MEMBERSHIP-As defined in Article III, Section IV  
\$ 75.00

#### Section IV

COMMERCIAL SUSTAINING MEMBERSHIP-As defined in Article III, Section VI. Fee entitles each Sustaining member to a mailing list of the membership, and the privilege of sending one representative to Association meetings  
\$ 200.00

#### Section V

NON-PROFIT SUSTAINING MEMBERSHIP As defined in Article III, Section VII. Fee entitles each Non-Profit Sustaining member to a mailing list of membership, and the privilege of sending one representative to Association meetings.  
\$ 75.00

#### Section VI

COLLEGE STUDENT MEMBERSHIP-This membership entitles the student to attend MSBOA activities and receive some MSBOA publications. These members are not entitled to vote or hold office.  
\$ 10.00

## ARTICLE V

### Meetings

#### Section I

The annual business meetings and all other meetings are to be called by the President.

#### Section II

The Executive Board shall meet at least three times a year at the discretion of the President.

#### Section III

The Association shall meet at least two times a year.

#### Section IV

The Fall and Winter Executive Board/General Membership Meetings shall include an evaluation and recommendation for changes in festival rules to be voted upon at the Spring General Membership Meeting. Festival rule changes must be initiated at the Fall or Winter meeting, and must pass a final vote of confirmation by the Executive Board and General Membership at the Spring Meeting.

#### Section V

The Spring General Membership Meeting will include final action on all festival rules changes or clarifications for the following year.

## ARTICLE VI

### Quorum

#### Section I

A quorum for the general meetings shall consist of all members present at a meeting called officially, by written notice, emailed at least one week prior to the proposed meeting.

#### Section II

Ten members of the Executive Board shall constitute its quorum for the transaction of business.

## ARTICLE VII

### Election of Offices

#### Section I

The President shall appoint a representative nominating committee chaired by the immediate Past President.

#### Section II

The nominating committee shall report to the membership at the Winter meeting. All nominees should have served on the Executive Board at a previous time.

### **Section III**

All officers are to be elected at the annual Spring meeting. They shall take office and active administration as of July 1 following.

### **Section IV**

No member may hold the same office more than two consecutive one-year terms. **In the event of special circumstances, the State Executive Board shall consider modifications to the term limits.**

### **Section V**

All officers shall be elected by ballot by majority vote of the official members present. Where there is but a single candidate for an office, the rules may be suspended, with the consent of two-thirds of the membership present, the President then instructing the Secretary/Treasurer, or some other person, to cast a unanimous ballot for the candidate.

### **Section VI**

Nominations from the floor can be made at the Winter and Spring State Meetings.

## **ARTICLE VIII**

### Festivals

The Association shall administer festivals for Band and Orchestra and for Solo and Ensemble groups at the State level. The Association sponsors such events because it is felt that these festivals provide a unique educational experience and are motivating for both students and directors.

## **ARTICLE IX**

### Amendments

These by-laws may be amended at any general meeting of the organization by a two-thirds affirmative vote, a quorum being present.

## **ARTICLE X**

### Parliamentary Procedure

All meetings of the Association shall be conducted according to Roberts Rules of Order.

## **ARTICLE XI**

### Dissolution clause

Upon the dissolution of corporation, assets shall be distributed for one or more exempt purposes within the meaning of section 501 - (c) (3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by the Court of Common Pleas of the county in which the primary office of the organization is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes. (Adopted Spring 1989)