

Constitution, Bylaws, and Policies: Current

Last updated: 30 October 2022

PREAMBLE

The Constitution states the basic purposes of the organization and the basis of membership. The by-laws provide the basic rules and authority for organizing and maintaining the organization. Policies are rules implemented by the Board. They can be changed by the Board—usually through consultation with the membership—but in ways less cumbersome than by-law changes.

CONSTITUTION

I. This organization shall be known as the Bloomington Community Band.

II. Its purpose shall be:

- To contribute positively to the musical literacy and musical environment of the community it serves, whether local or otherwise.
- To provide opportunity and training for individual musical expression and growth among the membership.
- To reaffirm the community concert band position in American Music.

III. Members

Active membership in the Bloomington Community Band requires a commitment to the mission and vision of the band and payment (or a waiver) of the dues owed that membership year.

IV. Operation as a Non-Profit Organization

The Bloomington Community Band is organized exclusively for charitable, religious, educational, and scientific purposes, including, for such purposes the making of distributions to organizations that qualify as exempt organizations under section 501(c)(3) of the Internal Revenue Code or the corresponding section of any future federal tax code.

No part of the net earnings of the Bloomington Community Band shall inure to the benefit of, or be distributable to its members, directors, officers, or other private persons, except that the Band shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article II. No substantial part of the activities of the Band shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Band shall not participate in or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these articles, the Association shall not carry on any other activities not permitted to be carried on (a) by an association exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or (b) by an association, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

Upon dissolution of the Bloomington Community Band, the Board, after paying or making provisions for the payment of all the liabilities of the Band, shall dispose of all the assets of the Band exclusively for the purposes of the Bloomington Community Band. Assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future tax code, or shall be distributed to the federal government, or to a state or local government, for a specific purpose. Any such assets not so disposed of shall be disposed

of by a Court of Competent Jurisdiction of the county in which the principal office of the Bloomington Community Band 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.

V. Amendments to the Constitution

This constitution may be amended by a vote of the active members in conformance with Article VI of the Bylaws.

BYLAWS

I. Membership

A. Qualifications for membership:

1. Any person 18 years of age or over who is interested in the purpose of the Bloomington Community Band may enter the membership process. Those under 18 who wish to play with the band must be sponsored by an active member and approved by the Board.
2. Anyone who has paid the current membership year's dues (or obtained a waiver) at least 30 days before an election or scheduled referendum on other matters is eligible to vote. Dues are pro-rated for those who join after 31 July.

II. Board of Directors

A. Executive authority:

The executive authority of the Band is vested in a Board of Directors whose duties shall include:

1. Management of the general affairs of the Band, taking all action which is compatible with the best interests of the Band.
2. Management of the financial affairs of the Band, including establishment of an annual budget and the maintenance of financial records.
3. Appointment and dismissal of the Music Director and Associate Music Director.
4. Replacement of members of the Board of Directors who are unable to complete their terms of office.
5. Establishment of a schedule of rehearsals and concerts.

B. Titles and Duties:

The Board of Directors shall consist of the following:

1. Members elected from the active membership:

- Chair, who shall call and preside over Board meetings and general membership meetings and oversee the responsibilities of other Board members.
- Vice Chair and Business Manager, who shall make arrangements for concerts, trips, and substitute for the Chair as needed.
- Publicity Coordinator-Development Officer (combined), who shall promote and publicize all activities of the Band and oversee the printing of handbooks, programs, brochures, advertising matter, and other appropriate material, including the Band's Web site. The Development Officer shall develop and coordinate projects (Annual Concert Program advertising) to raise funds as necessary. (Approved by Board and $\frac{3}{4}$ vote of Membership on 4/22/19)
- Secretary, who shall keep records of all meetings of the Band and Board and maintain other permanent records.

- Treasurer, who shall collect and disburse all monies as approved by the Board and prepare appropriate financial reports.
- Librarian, who shall maintain the music library in good order, keep an electronic record of all the music in the library, and arrange for transportation of the music folders to and from rehearsals and concerts.
- Property Manager, who shall arrange for setting up chairs, stands, and equipment at all rehearsals and concerts, and for transporting equipment to and from the concert sites.
- Personnel Manager, who shall maintain an up-to-date membership list and distribute this list to Band members at the beginning of each calendar year and to each probationary member. The Personnel Manager also maintains a list of probationary members, keeps a record of attendance at rehearsals and concerts, and processes applications from potential members under the age of 18. The Personnel Manager ensures the new member information sheet is kept up-to-date and is distributed as necessary to new members.
- Historian, who shall collect and maintain documents and other artifacts pertaining to the history of the Band.
- Webmaster, who shall promote the Band and communicate information about it to our potential audience and potential members. The webmaster shall provide a means of internal communication with respect to Band business, and maintain the website.

2. Ex Officio members appointed by the Board:

- The Music Director, who shall be in charge of the musical direction of the Band, including choice of repertoire and seating within sections.
- The Associate Music Director, who shall participate in rehearsals and concerts and substitute for the Music Director as needed.
- The Assistant Treasurer, who shall be primarily responsible for preparing the monthly and annual financial reports. They will also act a check and balance for the principal Treasurer by reviewing monthly bank account ledgers for accuracy. (Approved by the Board on 18 June 2019)

C. Organization:

- Each member of the Board shall have one vote.
- A quorum shall exist when a simple majority of elected Board members are present.
- Active members may address the Board upon request to the Board Chair. Active members may attend Board meetings.

D. Election of Board Members:

1. On or before the first rehearsal in September of each year, the Chair of the Board shall appoint a three-member Nominating Committee (one, and only one, of whom shall be a Board member; all of whom shall be active members of the Band) for the purpose of preparing a slate of candidates.

- Candidates in odd-numbered years will be:
 - Business Manager (Vice Chair)
 - Publicity Coordinator-Development Officer
 - Librarian
 - Historian
 - Webmaster (Approved by the Board on June 13, 2022 and by band vote on June 27, 2022)

• Candidates in even-numbered years will be:

- Chair
- Secretary
- Treasurer

- Personnel Manager
- Property Manager.

2. The Nominating Committee shall present its report at the first rehearsal in October, listing one candidate for each of the positions listed in paragraph 1. above, as appropriate for the current year. All candidates must be active members.

3. At this rehearsal, it shall require a two-thirds majority vote of the active membership present and voting to sustain the recommendation of the Nominating Committee. Lacking the required vote, the Nominating Committee shall be instructed to prepare a revised slate for the following rehearsal.

4. Each elected member of the Board will serve a two-year term, beginning January 1.

5. If for any reason a Board member is unable to complete a term, the Board will appoint a successor from the active membership to serve until the next election.

E. Term Limits for Board Members:

1. BCB Board members may serve no more than two consecutive, two-year terms in one or more positions. Board members who have served two consecutive, two-year terms in any position(s) must sit out for at least one year before being eligible to return to any Board position. However, ex-Board members are eligible to serve on special Board committees as appointed by the Board Chair during their mandatory one-year hiatus. Ex-officio Board members (Director and Associate Director) are completely exempt from this policy. (Amended by $\frac{3}{4}$ vote of members and Board 4/22/2019)

III. Meetings

Meetings of the Board of Directors and meetings of the full Band membership may be called at the request of the Chair of the Board or a majority of the Board. A quorum for a Board meeting is five members. Full Band membership meetings take place only at regularly scheduled rehearsals. Notice of these meetings must be given at a scheduled rehearsal or concert at least one week in advance.

IV. Membership Dues

The Board of Directors may establish membership dues subject to approval by the membership. The Board Chair shall have the power to waive dues in appropriate cases due to financial hardship or for other reasons in the best interests of the Band. The Librarian Intern shall not be assessed dues.

V. Dismissal

Members may be dropped from the roster by $\frac{3}{4}$ vote of the Board of Directors for conduct not compatible with the Band's best interests.

VI. Amendments

A. This Constitution and By-Laws may be amended by a three-fourths vote of active members at a regularly scheduled rehearsal.

B. Previous notice of a proposed amendment to the Constitution and By-Laws, along with a copy of the proposed amendment, must be presented at a duly constituted meeting of the Band membership at least 30 days or three full rehearsals prior to voting.

Constitution and Bylaws approved by the Active Members of the Bloomington Community Band, 9/23/2002, with slight revisions April 19, 2010; Amended 2/20/2012; slightly amended 7/23/2012; Amended 6/18/201; and amended 6/24/21; 6/27/22.

POLICIES

I. Rehearsals and Concerts

A. Rehearsals will be held on Monday evenings.

B. Members are expected to exercise common courtesy to avoid disruptions, for example, when late at rehearsals and concerts.

C. Bring a music stand to rehearsals and concerts, and, as needed, a folding chair.

D. In sections where there is more than one part, a section leader will have the responsibility to see that all the parts are covered, i.e., at least one player on each part.

E. Members are expected to attend rehearsals and concerts as regularly as possible.

- If a member of the Band cannot attend rehearsal or a scheduled concert, they are expected to notify the Band Personnel Manager by emailing bcbpersmgr@gmail.com, texting 1-812-329-2511 or notifying their section leader. (Approved by board vote 4/18/2022). Unless excused, failure to do so for three consecutive rehearsals will result in the member's suspension of membership. Notification will be by the Personnel Officer or Section Leader. (Approved by board vote 11/24/2022).

F. For outdoor concerts, a decision not to play based on weather at that location will be made by the Music Director one hour before the scheduled start of the concert.

G. The standard uniform for the Bloomington Community Band is the current band shirt, black pants, skirts, capris, crop pants, etc. For indoor concerts, long pants and black shoes and socks will be worn. For outdoor concerts, musicians may wear black shorts and may choose the color of their shoes or sandals, but black is encouraged. Except for religious head-coverings, no headgear may be worn for indoor concerts other than holiday concerts where appropriate seasonal caps may be worn. Solid black hats or visors with no visible emblems or adornments other than the official BCB logo are allowed.

H. Each year the Board will approve a list of concerts.

I. Audience appeal and nature of the venue are important considerations in the selection of repertoire.

J. The concertmaster is the clarinet player who holds the first chair in that section. (Approved by the Board 2/20/2012)

II. Fund raising: Major fund raising projects involving extensive member participation shall be subject to approval by a majority vote of the membership.

III. Other Responsibilities of Members:

A. Members in good standing (those who have been with the band for three consecutive rehearsals) may take their music folder home for practice purposes after advising their section leader. Folders must be returned by the next rehearsal or concert. (Approved by board vote 4/4/2022).

B. Each player should be on the lookout for persons in the community to invite to become Band members. Encourage them to come with you to a rehearsal and/or provide the Music Director or Personnel Manager with the names and phone numbers so official invitations can be extended.

C. A prospective new member under 18 years of age is to be referred to the appropriate section leader. The section leader must request the Board of Directors to approve or reject the prospective member no later than the fourth rehearsal following the initial date of attendance.

IV. The Bloomington Community Band and its members accept the limitations and privileges implied by the United States Copyright Code (Title 17) and the Fair Use Clause. The following are acceptable reasons for copying music in the Band's possession:

- facilitating page turns,
- enlarging small print,
- replacing damaged originals,
- ensuring all musicians have access to a part,
- supplementing editions that are permanently out of print.

(Approved by the Board 9/19/2005)

V. Loan of music to other organizations.

A. The Bloomington Community Band shall not loan its music to other organizations, but may, at the discretion of the librarian, and within the terms outlined above, provide assistance to other organizations by way of photocopies.

B. At the discretion of the librarian, and within the terms outlined above, other musical organizations may request assistance with replacement parts. Reimbursement for photocopies and postage are expected, as applicable.(Approved by the Board 9/19/2005)

VI. Website policies.

The guidelines for the Bloomington Community Band website are general. Broadly speaking, the intent for the web site is that it should reflect the purpose of the Bloomington Community Band as an organization as stated in our constitution:

- To contribute positively to the musical literacy and musical environment of the community it serves, whether local or otherwise.
- To provide opportunity and training for individual musical expression and growth among the membership.
- To reaffirm the community concert band position in American Music.

Specifically, the web site should be used as a promotional tool for communicating information about the band to our potential audience and potential members. Also, it can serve the band itself to provide a means of internal communication with respect to band business. Hopefully, links to sites of interest to band audiences and members helps reaffirm the community concert band position in American music.

Consistency of style for all BCB web pages should always be the goal. Pages should conform to World Wide Web Consortium (W3C, <http://www.w3.org/>) accepted best practices. Simplicity in visual page design is another worthy goal. Lastly, the site should be easy to navigate, with quick load time for all pages.(Approved by the Board 10/17/2005)

VII. Dues

A. Dues of \$36 will be assessed on July 1st of each year. A full year of active membership in the band and its affiliated groups is covered by a \$36 payment during July. Members of the affiliated groups who do not play with the BCB will also have dues assessed on July 1. Dues will not be assessed for musicians who fill in occasionally to cover absences nor to those who play with us three months or less in one fiscal year. The same applies to the affiliated groups. Those seeking membership after July 31st of a given year will pay three dollars per month for the months remaining in the fiscal year.

B. "The Board Chair shall have the power to waive dues in appropriate cases due to financial hardship or for other reasons in the best interests of the band." (from the BCB By-Laws) A request for waiving of dues must be addressed in writing to the Board Chair and will be held in confidence.

C. Notice will be sent out by e-mail once a year to a current list of active members.

D. The dues policy does not preclude special collections. Payments made in excess of dues will be counted as donations. The Treasurer sends receipts for dues. The Secretary sends receipts/Thank you notes for the excess amounts made as donations.

(Approved by the Board 10/15/2007 and accepted at a full Band membership meeting on October 29, 2007; Amended 2/20/2012, 5/20/19, 6/24/2019, and 6/24/2021)

VIII. Small Musical Groups within the Bloomington Community Band

From time to time, smaller musical groups may be formed by member(s) of the BCB. Upon petition from the founding BCB member(s) of a smaller musical group, the BCB Board of Directors will consider the establishment of a subsidiary relationship with the group. If approved by the Board under the terms of this policy, the subsidiary group will then fall under the governance of the Board and be subject to the rights and responsibilities of BCB band members.

- All income from performances by the subsidiary group will be given to the Bloomington Community Band.
- Normally, regular members of a subsidiary group are not to be paid. If a substitute player must be hired for a vacancy in a paying job, the payment to the player will be deducted from any proceeds.
- The group will be covered by the BCB's liability insurance policy.
- The royalties from music performed by the group for which there is income will be reported by the BCB to BMI and be covered by the BCB's annual payment through the Association of Concert Bands.
- The subsidiary group will provide all relevant information to facilitate payment of the royalties.
- Each subsidiary group will be listed on the BCB's web site and have its own web page that shows its relationship with the BCB regarding revenue and provides instructions on how to book the group.

(Approved by the Board, March 24, 2014)

IX. Policy Regarding Underwriting Named Chairs in the Bloomington Community Band

This policy provides an opportunity for donors to underwrite a "named" chair. The named chair is a way to recognize a sizeable financial contribution to the BCB and the person for whom the chair is named.

Each named chair will require a minimum \$5,000 from the underwriter. The contribution may be used as the Board of Directors determines.

No money from the underwriter is to be paid to the person occupying the named chair.

The underwriter's name will be placed in the season program.

Chairs will be named as the underwriters see fit, not necessarily to be assigned to the section leader's or principal's chair. An awards committee is to select the named chairs recipients.

(Approved by the Board April 21, 2014; amended June 23, 2014)

X. Policy Regarding Minimum Playing Standards for Members

All new members of the band join under an initial assessment period of eight rehearsals where the new member is present. (This assessment period should include encouragement and support from the section leader and conductor(s) especially when a new member is struggling.) New players not meeting minimum standards of musicianship following this assessment period should be sustained only as long as their interest is intense and they are making definite progress. If, in the opinion of the conductors and section leader, a player is considered deficient after the assessment period, the conductor(s) and section leader will bring the matter to the attention of the Board, who will determine what action needs to be taken. This could include suggesting private lessons or tutoring, or a decision to ask the new member to return when skills have improved. (Approved by the Board April 20, 2015)

XI. Policy Regarding Use of the Vanguard Investment Funds

Earnings from the BCB investment fund will be transferred to the operating budget on an annual basis. The amount transferred will be 5% of a twelve-quarter moving average of the fund value. An affirmative vote of seven members of the Board is required for withdrawals in excess of this amount.

(Approved by the Board July 20, 2015)

XII. Policy Regarding Stipends for the Music Director and the Graduate Student Library Assistant

Compensation for the positions of Music Director and Music Library Graduate Student Assistant is normally taken from the BCB Endowment proceeds. They are to be funded at a minimum of \$4000/annum for the Music Director and \$1000/annum for the Library Assistant.

(Approved by the Board August 17, 2015)