

Sydney University Marching Band Association (SUMBA)

Constitution

Established 2016

1. NAME and DEFINITIONS

1.1 The name of the Society shall be

“Sydney University Marching Band Association”, also known as “SUMBA”

(Hereinafter referred to as ‘the Society’)

1.2 The following terms unless indicated to the contrary shall mean:

- i) Union: University of Sydney Union
- ii) University: The University of Sydney
- iii) Mail-out: Communication via Email and/or Facebook Message and/or Facebook Post on the Official SUMBA Facebook Page.

2. AIMS

2.1 “The Society” is not-for-profit; meaning: the assets and income of the society shall be applied solely in furtherance of the aims of the society and no portion shall be distributed directly or indirectly to the members of the society except as bona fide compensation expenses incurred on behalf of the society

2.2 The aims of the Society shall be to:

- i) Assemble a marching band that plays a diverse range of music
- ii) Foster social cohesion of its members;
- iii) Provide a social environment for members to play music;
- iv) Provide regular opportunities for members to participate in the society;
- v) Create quality musical experiences for its members and the greater community;
- vi) An open society which does not discriminate on age, musical level, gender, instrument or other factors and;
- vii) Run a fiscally responsible society.

2.3 The Society will undertake the following activities to achieve its aims:

- i) Provide regular performances of the ensemble in unstructured environments e.g. streets, eastern avenue etc.);
- ii) Hold social rehearsals that both prepare the society for performances and increase social cohesion;
- iii) Allow members to suggest music selection and be actively involved in all aspects of the society;
- iv) Use NO audition process and;
- v) Ensure financial responsibility through running a transparent and open group.

3. MEMBERSHIP

3.1 The classes of annual Membership shall be:

i) **Ordinary Membership**

All Members of The University of Sydney Union shall be eligible for *Ordinary Membership* of the Society. Any *Ordinary Member* shall hold one vote at all meetings and elections of the Society at which they are present.

ii) **Associate Membership**

All holders of a current Access Card of The University of Sydney Union other than those who qualify for *Ordinary Membership* shall be eligible for *Associate Membership* of the Society. *Associate Members* are not eligible to hold Executive positions, vote in elections or vote at meetings of the Society.

Honorary Membership

iii)

Honorary Membership can be granted to any person by a two-thirds majority vote at a General Meeting. *Honorary Membership* may be terminated by a two-thirds majority vote at a General Meeting. *Honorary Members* are only eligible to hold Executive positions, vote in elections or vote at meetings of the Society if they qualify for *Ordinary Membership* of the Society.

3.2 Upon payment of a subscription fee, a person shall be deemed an *Ordinary Member* or *Associate Member* of the Society and henceforth be bound by this Constitution.

3.3 Cost of Membership

3.3.a The fee for Membership shall be set at \$5

4. THE EXECUTIVE

4.1 The Society shall have an Executive consisting of seven (7) members:

- i) A President
- ii) A Treasurer
- iii) A Secretary
- iv) A Director of Music
- v) A Vice President
- vi) A Head of Talent Acquisition
- vii) A Head of Events and Planning

4.2 Legacy Executive Position – ‘Immediate Past President’

4.2.a If not re-elected or on completion of their tenure, the ex-President shall assume a legacy executive position ‘Immediate Past President’.

4.2.b The immediate past president has no voting rights except as outlined below. This position has NO voting rights (except in the special circumstance outlined in Section 4.2.e.iv, and as such a membership fee is not required to hold this position.

4.2.c This position does not have to be filled and can only be filled by a President who is resigning early, was not re-elected for a second term, or who has completed a full tenure as president as per Section 4.5.

4.2.d If the outgoing president assumes another position on the Executive (Section 4.1), they concurrently hold the position of Immediate Past President.

4.2.e Powers and Role of the Immediate Past President:

- i) Be used on an ‘as-required’ basis, determined by the Executive;
- ii) Provide leadership, advice, guidance and continuity to aid the Executive
- iii) Chair any meetings should both the president and Vice President be unable to attend

4.2.f Should the Immediate Past President wish to vote in any election or seek another Executive position, they must purchase an Ordinary Membership and must recuse themselves from the position of Returning Officer should they hold it.

4.2.g Their attendance to meetings is not obligatory, unless they hold an Executive position as per Section 4.4

4.3 The Executive shall have power to manage the Society in accordance with this Constitution.

4.4 Attendance of *Executive Members* at Ordinary and General Meetings is obligatory. Any Executive Member who does not attend three consecutive meetings without leave can be dismissed from the Executive by a two-thirds majority vote of those *Ordinary Members* and *Honorary Members* who would otherwise be eligible for *Ordinary Membership* in attendance at an Ordinary Meeting.

4.6 Best Interest Clause

- 4.6.a *Ordinary members* are only eligible to seek nomination to The Executive if they have been an ordinary member of the society for at least four (4) weeks to ensure that the nominee has the best interest of the society as a paramount priority.
- 4.6.b Section 4.6.a is not applicable for the inaugural Executive or any casual vacancies that occur in the first year.

5. DUTIES OF EXECUTIVE MEMBERS

5.1 The President shall:

- i) Plan the Society's activities in consultation with the Executive.
- ii) Devise the strategic vision of the society and ensure its prosperity
- ii) Liaise with the Executive and any Committees formed by the Society.
- iii) Ensure an adequate handover, including any documents and materials, to the following Executive.
- iv) Aid the Musical Director with the musical direction of the group through selection of music
- v) In the event of any tied votes of the executive, have the deciding vote.

5.2 The Treasurer shall:

- i) Maintain the Society's finances in accordance with the C&S Handbook for Treasurers produced by the Clubs & Societies Office of The University of Sydney Union.
- ii) Present to the Annual General Meeting of the Society a report detailing the financial activity and status of the Society.
- iii) Ensure an adequate handover, including any documents and materials, to the following Executive.

5.3 The Secretary shall:

- i) Conduct the correspondence of the Society in consultation with the President and Treasurer
- ii) Book meeting rooms for the Society.
- iii) Keep minutes of the proceedings of all Society meetings.
- iv) Maintain the records and documents of the Society.
- v) Maintain a list of current Members, in accordance with University of Sydney Union Guidelines.
- vi) Maintain the Society's registration with The University of Sydney Union.

5.4 The Music Director shall:

- i) Liaise with the society and judiciously source and/or arrange and/or compose suitable music for society.
- ii) Be able to form and head a committee to aid the production of physical individual parts

5.5 The Vice-President shall:

- i) Help the president wherever needed
- ii) Help the other executives with the smooth running of the society.
- iii) Assume to role of the President in his or her absence.
- iv) Assume the role of any other Executive if the position is vacant or cannot be filled.

5.6 The Head of Talent Acquisition shall:

- i) Help with recruitment of members for the society, especially during, but not limited to, O-Week and O-Day.
- ii) Work with the Secretary to ensure that membership is up to date and paid
- iii) Try to recruit talented musicians whilst ensuring to not breach the inclusivity of the society.

5.7 The Head of Events and Planning shall

- i) Organise and plan any marches with consultation of the rest of the Executive.
- ii) Be the chief organiser of social events with the aid of the President and Treasurer.
- iii) Take care of all logistics in regards to said events and marches with the aid of the Secretary.
- iv) Help the president produce a strategic vision for the society
- v) Come up with creative and innovative ideas for the future.

6. Committees

6.1 Formation and Structure

6.1.a Members of the Executive may create committees to aid them in their duties.

6.1.b The Chair of the committee shall be the member of the Executive who forms the committee

6.1.c The proposed committee must produce a 'Statement of Purpose' with clear aims of the committee.

6.1.d All committees must be approved by the President and Treasurer.

6.1.e Committees must not consist of five (5) members (exclusive of the Chair).

6.2 Committee Membership

6.2.a Committees can be made up of any members of the society.

6.2.b These members do not have to be democratically elected but can be appointed by the Chair of the committee.

6.2.c Committee members can be removed by vote of the executives. If a committee (i) or committee member (ii) is not fulfilling its aims, then:

- (i) The committee can be dissolved by a majority vote of the executives.
- (ii) The committee member can be dismissed from the committee by a majority vote of the executive.

6.3 Dissolution of a Committee

- 6.3.a If a committee is not fulfilling its aims as per the Section 6.1.c, the President can dissolve the committee.
 - 6.3.b The President must allow thirty (30) days for the committee to prove that they are fulfilling their aims. After which, if the President is satisfied the committee should still be dissolved, can exercise this right.
 - 6.3.c The President's decision can be appealed and only overturned by a majority vote by the Executive or by a petition of the smaller 15 ordinary members or 40% of ordinary members.
 - 6.3.d A majority of the Executive can move a vote of no confidence of a committee, to instigate its dissolution. The committee must be given thirty (30) days to prove that dissolution is unnecessary. A majority vote of the Executive after this period can either uphold or overturn the original vote.
- 6.4 Ultimately, the Chair of the committee, is responsible for the decisions of the committee, and as such holds the deciding vote, or seek the President to decide on an action.
- 6.5 Committees must report all intended actions to the Executive to determine whether or not they can proceed.

7. ORDINARY MEETINGS

- 7.1 The Society shall hold an Ordinary Meeting at least once every 5 weeks during semester (teaching period, Weeks 1-13).
- 7.2 Ordinary Meetings shall be called by the President, Secretary or Vice-President, or by the Secretary forthwith upon receipt of the written application of at least twenty percent (20%) of the *Ordinary Members* of the Society.
- 7.3 At least three (3) days notice of the time and place of an Ordinary Meeting shall be given in one of the recognised publications of The University of Sydney Union and, if possible, the Society notice board and, if possible, by a mail-out to all Members. (A mail-out is understood to include communication by e-mail.)
- 7.4 The President shall chair Ordinary Meetings. In the absence of the President, another *Executive Member* shall chair the Meeting.
- 7.5 Quorum at Ordinary Meetings shall be five (5) *Ordinary Members* if the Society's current membership is no greater than seventy (70) *Ordinary Members*, or ten (10) *Ordinary Members* if the Society's membership is greater than seventy (70) *Ordinary Members*. Quorum must include not less than three (3) *Executive Members*.
- 7.6 The agenda for an Ordinary Meeting shall include:
1. Apologies and leaves of absence
 2. Minutes of the previous meeting
 3. Correspondence
 4. Reports of *Executive Members*
 5. General Business
- 7.7 An Ordinary Meeting of the Society has power to carry motions relating to the affairs of the Society by a simple majority vote of those members present and voting, including:
- i) Giving direction to the Executive
 - ii) Determining the use of the finances and other assets of the Society
 - iii) Instituting Committees for any purpose of the Society and co-opting Society members onto any Committee
 - iv) Dismissing *Executive Members* under 4.4 of the Constitution

8. GENERAL MEETINGS

- 8.1 The Society shall hold General Meetings as required during semester (teaching period, Weeks 1-13).
- 8.2 The Secretary may at any time, for any worthy purpose, call a General Meeting, and shall do so forthwith upon receipt of the written application of twenty percent (20%) of *Ordinary Members* of the Society stating the purposes for which the meeting is called. The business debated at a General Meeting shall be confined to the purposes named in the notice.
- 8.3 Except as provided in Clause 9 and 11, the Secretary shall give at least seven (7) days notice of the time and place of a General Meeting through one of the recognised publications of The University of Sydney Union and, if possible, the Society notice board and, if possible, by a mail-out to all members. (A mail-out is understood to include communication by e-mail.)
- 8.4 Quorum at General Meetings shall be the lesser of one-third of the *Ordinary Members* or fifteen (15) *Ordinary Members*. If within thirty minutes from the time appointed for the meeting a quorum is not present, the meeting shall be dissolved.
- 8.5 The procedure at all meetings shall follow the normal rules of debate.
- 8.6 The agenda for a General Meeting shall include:
1. Opening and welcome
 2. Apologies and leaves of absence
 3. Minutes of the previous meeting
 4. Business arising from the minutes
 5. Correspondence
 8. Motions on notice
 8. Reports of *Executive Members*.
 8. Other reports
 9. General business
 10. Date of the next meeting
- 8.7 A General Meeting of the Society has the same powers as an Ordinary Meeting, and may also carry the following motions on notice relating to the affairs of the Society by a two-thirds majority vote of those members present and voting:
- i) Granting *Honorary Membership*
 - ii) Repealing motions and the effect of motions carried at an Ordinary Meeting
 - iii) Amending the Constitution
 - iv) Dismissing *Executive Members* for reasons other than that in 4.4 of the Constitution, provided that the *Executive Member* is given reasonable right of reply
 - v) Dissolving the Society.
- 8.8 Vacant executive positions may be filled at a General Meeting following the ordinary procedures for election as per Section 10 of this constitution

9. ANNUAL GENERAL MEETING

9.1 The Society shall hold an Annual General Meeting annually in the month of **October**

9.2 The Annual General Meeting shall be convened for the following purposes:

- i) to receive a report and statement of accounts for the preceding financial period
- ii) to elect an Executive for the ensuing term
- iii) to transact any other business, notice of which shall be duly submitted to the Secretary

9.3 The Secretary shall give at least fourteen (14) days' notice of the time and place of the Annual General Meeting in one of the recognised publications of The University of Sydney Union and, if possible, the Society notice board and, if possible, by a mail-out to all members. (A mail-out is understood to include communication by e-mail.)

9.4 The Annual General Meeting shall be held between 9am and 9pm at a place on a campus of The University of Sydney during semester (teaching period, Weeks 1-13). The Annual General Meeting shall be chaired by the President or an *Executive Member* not standing for election to any position.

9.5 Quorum at the Annual General Meeting shall be the lesser of one-third of the *Ordinary Members* or fifteen (15) *Ordinary Members*.

9.6 The agenda for the Annual General Meeting shall include:

1. Opening and welcome
2. Apologies and leaves of absence
3. Minutes of the previous meeting
4. Business arising from the minutes
5. Correspondence
7. Motions on notice
7. Annual Reports
 - 7.1 President
 - 7.2 Treasurer
 - 7.3 Secretary
 - 7.4 Other Executive Members
8. Election of the Executive
9. General business

10. ELECTIONS

- 10.1 The Executive shall be elected annually at the Annual General Meeting / Annual Elections in the month of October each year.
- 10.2 Only *Ordinary Members*, and *Honorary Members* who would otherwise be eligible for *Ordinary Membership*, shall be eligible to be candidates for election or to vote in the election.
- 10.3 The term of the Executive shall commence immediately following the close of the Annual Election Meeting and conclude at the close of the Annual Election Meeting in the following year.
- 10.4 The Secretary shall give at least fourteen (14) days' notice of the time and place of the annual elections in one of the recognised publications of The University of Sydney Union and, if possible, the Society notice board and, if possible, by a mail-out to all Members. (A mail-out is understood to include communication by e-mail.). The notice shall state:
- i) the day on which nominations open, which shall be at least **twenty-one (21)** days before the day of the elections;
 - ii) the day and time on which nominations close, which shall be seven (7) days before the election;
 - iii) the time, date and venue of the election;
 - iv) that only *Ordinary Members*, and *Honorary Members* who would otherwise be eligible for *Ordinary Membership*, shall be eligible to be candidates for election or to vote.

10.5 Nominations

- 10.5.a To be eligible to run for an Executive position a candidate (any ordinary member, who meets the Constitutional requirements), must make a written self-nomination, addressed to the Secretary, accompanied by a written endorsement (through which the nominee is seconded) by another ordinary member during the period in which nominations are declared open (Section 10.4).
- 10.5.b A maximum two-hundred (200) word statement must accompany the written nomination. The statement should outline:
- i) The desired position
 - ii) Any past experience
 - iii) Skill set
 - iv) Why they want the position.
- 10.5.c The Secretary shall publish the nomination list with nominees' statements in a mail-out to all Members. This must occur the day after nominations close.
- 10.5.d No nominations shall be accepted during the AGM.
- 10.5.e If a submitted nomination is in breach of any section of the Constitution it will be pointed out to the nominee if alterations can be made to fix this breach.
- 10.5.f Should there be no possible fix to the nomination the Secretary shall notify the nomination and exclude the nomination from the publication of nominees as per Section 10.5.c.

10.6 Returning Officer

- 10.6.a Before an election the Executive shall nominate a suitable person, not being a candidate for election, to act as Returning Officer. The Returning Officer shall be charged with the conduct of the election, and may appoint suitable persons, not being candidates for election, as Deputy Returning Officers.
- 10.7 The Clubs & Societies Manager shall serve as Electoral Arbiter and shall receive any appeals against the decisions of the Returning Officer.

10.8 Methods of Voting

- 10.8.a Voting shall be by secret ballot at the meeting, and shall be by First Past the Post.
- 10.8.b If a voting member is unable to attend the meeting they may vote in writing by giving their sealed vote to the Secretary before the meeting, which shall remain sealed and only opened by the Returning Officer
- 10.8.c There shall be no voting by proxy allowed except as provided is 10.8.b.
- 10.9 The General Body of the Society may, in a General Meeting, elect any *Ordinary Member* of the Society to fill any casual vacancy that may occur in the Executive. (A casual vacancy occurs when an Executive Member is dismissed from the Executive or resigns before the term of office has expired.)

10.10 Ties

10.10.a Should the vote result in a tie between candidates the Returning Officer should first, if they have not already, appoint a Deputy Returning Officer, who shall recount the votes to check for any errors.

10.10.b Should an error have been made the Deputy Returning Officer shall declare the winner of the election.

10.10.c Should no error have been made, the vote shall be redone.

10.10.d Should the vote be redone more than twice, the Chairperson may call for the nominees to ask questions, in line with standing orders, from the members present at the meeting, in order to help change the outcome of the vote. The Chairperson is forbidden from asking their own questions.

11. ALTERATION TO THE CONSTITUTION and CONSTITUTIONAL INTERPRETATION

- 11.1 This Constitution may be amended by a two-thirds majority of those *Ordinary Members* and *Honorary Members* who would otherwise be eligible for *Ordinary Membership* in attendance at any General Meeting, provided that:
- i) Written notice of proposed changes has been given to the Secretary not less than seven (7) days before such a meeting,
 - ii) The said changes do not contravene The University of Sydney or The University of Sydney Union guidelines,
 - iii) The Secretary has given at least fourteen (14) days notice of those proposed changes to all Members through one of the recognized publications of The University of Sydney Union and, if possible, the Society notice board and, if possible, by a mail-out to all members (A mail-out is understood to include communication by e-mail.),
 - iv) A copy of the amended constitution, and minutes of the meeting at which the amendments were made, are presented to the Clubs & Societies Manager of The University of Sydney Union within fourteen (14) days of the meeting,
 - v) The amendments are approved by the Clubs & Societies Committee and ratified by the Board of The University of Sydney Union.
- 11.2 Constitutional amendments do not become effective until approved by the Clubs & Societies Committee and ratified by the Board of The University of Sydney Union.

12. ASSETS AND FINANCES

- 12.1 All property of the Society shall be vested in the Executive, and shall be dealt with in such manner as directed by the Society in an Ordinary Meeting.
- 12.2 The Society shall maintain a bank account.
- 12.3 All payments of the Society shall be by cheque, signed by at least two members of the Executive, one of whom must be the Treasurer.
- 12.4 The finances of the Society shall be maintained in accordance with the C&S Handbook for Treasurers produced by the Clubs & Societies Office of The University of the Sydney Union, and submitted for audit by the Clubs & Societies Auditor immediately following the Financial Year End of the Society in the month of August each year.
- 12.5 Notwithstanding anything contained in this Constitution, all assets and funds of the Society shall be used solely to further the Objects of the Society, and no portion of those funds shall be paid or distributed to members of the Society except as compensation for out-of-pocket expenses.
- 12.6 The financial year of the Society shall run from the 1st September to the 31st August following.

13. DISSOLUTION

- 13.1 The Society may be dissolved by resolution of a two-thirds majority vote of those members present and voting at a General Meeting. If on the dissolution there remain any monies or property, they shall, with the consent of the Clubs & Societies Office, be transferred to a cultural, charitable or educational organization as the Society in a General Meeting may resolve.
- 13.2 The Secretary shall give at least fourteen (14) days notice of the time and place of such a General Meeting through one of the recognized publications of The University of Sydney Union and, if possible, the Society notice board and, if possible, by a mail-out to all members. (A mail-out is understood to include communication by e-mail.)

14. INACTIVITY

- 14.1 The Society shall be deemed inactive after any continuous six month period in which that the Club or Society has remained unregistered. If upon inactivity there remains any monies or properties, the Clubs & Societies Auditor and the Clubs & Societies Manager shall become signatories of the Society account and the Clubs & Societies Office shall control such properties and held in trust. After a further six month period, all money will be deposited into a USU-administered trust account, and will be returned to the Club should it reform. After a total of eighteen months inactivity, all Society funds will be transferred to the USU general account.

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15. RECOGNITION

- 15.1 The Society shall comply with all requirements of The University of Sydney and The University of Sydney Union for recognition as a registered Society of The University of Sydney Union.

This Constitution was adopted on the 8th day of March, 2018.

President's Signature 

Secretary's Signature 