

CONSTITUTION and BY-LAWS

(as approved by the General Membership, August, 2012)



STANDING COMMITTEE ON CONSTITUTION

New York State School Music Association

**THE CONSTITUTION & BY-LAWS
NEW YORK STATE SCHOOL MUSIC ASSOCIATION**

CONSTITUTION

REVISED 2012

ARTICLE I – NAME

This non-profit educational organization shall be known as the New York state School Music Association, as incorporated by the Board of Regents of the State of New York, September 25, 1955, hereinafter referred to as the “NYSSMA” or as the “Association.”

ARTICLE II – PURPOSE

Mission Statement: The purpose of the New York State School Music Association is to advance music education across New York State for its membership and students in member school programs.

ARTICLE III – AFFILIATIONS AND RELATIONSHIPS

Section 1. AFFILIATION. The NYSSMA shall function as the Federated State unit of the National Association for Music Education, hereinafter referred to as the NAFME. County music educators associations and other statewide music associations may affiliate with the NYSSMA as official county units under the conditions outlined in the By-Laws, Article VIII.

Section 2. RELATIONSHIPS. The NYSSMA shall maintain a close relationship with the State Education Department, NAFME, Eastern Division of the NAFME, county music educators associations and other statewide associations.

ARTICLE IV – MEMBERSHIP

Section 1. ACTIVE MEMBERSHIP. Any person concerned with music education or engaged in music teaching may become an Active member of the Association upon payment of the prescribed dues. Active members whose dues are paid shall have the privileges of participation in the activities of the Association, including the rights of voting and holding office, admission to general meetings upon the member’s compliance with registration requirements, and a subscription to the *School Music News*. In accordance with the agreement of Federation, Active members of the Association are also members of the NAFME.

Section 2. STUDENT MEMBERSHIP. Any student regularly enrolled in an accredited college or university in the State of New York, who is not employed as a full-time-teacher, may become a student member of the Association upon payment of the prescribed dues. Student members shall have all the privileges of Active Membership, except the right of voting and holding office. In accordance with the agreement of the Federation, student members of the Association are also student chapter members of the NAFME.

Section 3. RETIRED MEMBERSHIP. Retired membership shall be available to former music educators who are retired from teaching, administrative or research positions in music education and who have been active members of NYSSMA for ten years preceding their retirement, upon payment of the prescribed dues. Retired members shall have all the privileges of active membership, except the right of holding elective office.

Section 4. INSTITUTIONAL MEMBERSHIP. Any institution, firm, or individual desiring to contribute to the support of the educational activities of the Association may obtain an Institutional Membership upon payment of the prescribed dues.

Section 5. HONORARY MEMBERSHIP. Honorary Membership in the Association may be conferred by unanimous vote of the Executive Council. Such membership shall be conferred to individuals in recognition of distinguished service to music education; and shall entitle said members to attend general meetings and functions of the Association and to receive a free subscription to the *School Music News*.

Section 6. SCHOOL MEMBERSHIP. Any public school under one Board of Education or any private school which offers a comprehensive educational program leading to a high school diploma is eligible for a school membership upon payment of the prescribed dues. A School Membership entitles its students to be involved in NYSSMA music festivals according to the Rules and Regulations of the *NYSSMA Manual*, receive information on all appropriate NYSSMA activities, list music positions open in the NYSSMA Job Bank, and participate in NYSSMA-sponsored Awards Program.

Section 7. ASSOCIATE MEMBERSHIP. Music educators that are teaching privately and are not teaching public or private schools, which would qualify for Active Membership, are eligible for an Associate Membership upon payment of prescribed dues. An Associate Member will receive announcements of all appropriate material relating to student activities, receive a copy of the Rules and Regulations from the *NYSSMA Manual* and may list positions open in the NYSSMA Job Bank. An Associate Member is not eligible to vote, hold office, receive the *School Music News* or send students to NYSSMA-sponsored activities. Associate Members must submit students through schools that qualify for School Membership.

ARTICLE V – GOVERNMENT

Section 1. OFFICERS. The officers of the Association shall consist of a President, a First Vice President who shall be the President-Elect, a Second Vice President, a Third Vice President and the Immediate Past-President. These persons shall constitute the Board of Officers.

Section 2. EXECUTIVE COUNCIL. The Executive Council shall consist of the officers named in Article V., Section 1, one Zone Representative from each NYSSMA zone and President of the New York State Student Chapter of NAFME, also called *NAfME-Collegiate/NYSSMA*. The Executive Director and the Editor-Manager of the *School Music News* shall be ex officio members of the Executive Council.

Section 3. ADVISORY COUNCIL. The Advisory Council shall be appointed by the President, upon approval of the Executive Council and shall consist of not less than three members

CONSTITUTION / BY-LAWS

Section 4. STANDING COMMITTEES. The standing committees of the Association shall be the Standing Committee on Constitution, the Standing Committee on Finance, the Standing Committee on Resolutions, the Standing Committee of Government Relations, the Standing Committee on Adjudication Festivals and the Standing Committee on Classroom Music. Chairpersons and committee members shall be appointed by the President, upon approval of the Executive Council. Specific charges directed to the standing committee shall come from the President or the Executive Council. The size of each standing committee shall be at the discretion of the President.

Section 5. OTHER EXECUTIVES. Other executives in the Association may be appointed at the discretion of the President, and shall include state chairpersons or special committees, projects, and positions of administrative functions.

Section 6. LEGISLATIVE POWER. The legislative power of the Association shall be vested in the membership and in the Executive Council.

Section 7. TERMS OF OFFICE, CONDITIONS OF ELECTION OR APPOINTMENT. The term of office for the President shall be two years. The term of office for the Immediate Past President shall be two years. The first Vice President, second Vice President and Third Vice President shall be elected by the entire membership and shall serve for a two-year term. The Second Vice President may not serve more than two consecutive terms in that office. The Third Vice President may not serve more than two consecutive terms in that office. The First Vice President shall be elected in the odd years and the Second and Third Vice President shall be elected in even years. The Zone Representatives shall be elected by the membership of their respective zones and shall serve for a term of three years. The Zone Representatives may not serve more than two consecutive terms in that office. In order to provide continuity within the Council, approximately one third of the Zone Representatives shall be elected each year. Elected Officers and Zone Representatives may be subsequently nominated. The Executive Director and the Editor-Manager of the *School Music News* shall be appointed by the Executive Council and shall serve for a term of two years, which shall coincide, with the fiscal year of the Association. They shall be bonded and shall receive an annual salary to be determined by the Executive Council. Other executives appointed by the President shall serve for a term of two years unless otherwise stipulated at the time of appointment. This term may be extended by the succeeding President.

Section 8. ANNUAL ELECTIONS. Elections of Officers and Executive Council members for the Association shall take place by mail ballot during the Fall of the year. The Executive Council shall serve as the nominating committee for officers of the Association. Nominations for Zone Representatives shall be presented by the incumbent representative following a procedure which reflects the wishes of his/her constituent membership. A president of an Affiliated County Organization may also forward a nomination for position of Zone Representative to the incumbent Zone Representative. The slate shall be published in the *School Music News*. Additional nominations may be made from the floor at the general meeting of the NYSSMA to be held prior to September first. Nominations made from the floor for an office of Zone Representative must be made by a member of the respective zone. For mail ballot voting privileges Active and Retired members are defined as individuals who hold NYSSMA/NAFME membership on September first prior to the election. Individuals paying membership dues after September first may obtain ballots upon presentation of proof of such payment to the Executive Director. A majority of votes cast shall elect a candidate. The term of office shall begin on January first following the election.

Section 9. VACANCIES. A NYSSMA member shall be appointed by the President, upon

approval of the Executive Council, to fill the vacancy in any elective office of the NYSSMA until an election is held. In the event the President-Elect office becomes vacant, a NYSSMA member shall be appointed by the President, upon approval of the Executive Council, to that position until a special election can be held.

ARTICLE VI – MEETINGS AND ACTIVITIES

Section 1. THE WINTER CONFERENCE. The Winter Conference and general meeting which may include the Conference All-State concerts, shall be held at a time and place designated by the Executive Council. The First Vice-President, together with the state chairpersons of committees and activities, shall plan and be responsible for the program which may include concerts, demonstrations, discussion groups, exhibits, general meetings, lectures, music reading sessions, recreational events, social events, and workshops.

Section 2. THE SUMMER CONFERENCE. The Summer Conference and general meeting shall be held at a time and place designated by the Executive Council. The Third Vice-President, along with the Council of Music Education Associations (COMEA), Institutional member(s), together with the other state chairpersons of committees and activities, shall plan and be responsible for the program which may include concerts, demonstrations, discussion groups, exhibits, general meeting, lectures, music reading sessions, recreational events, social events and workshops.

Section 3. SPRING EVALUATION FESTIVALS. Spring Evaluation Festivals shall be held in various areas of the State as determined by the Executive Council. These festivals shall provide opportunities for school ensembles and soloists to perform for NYSSMA-approved adjudicators. These festivals shall be conducted in accordance to the NYSSMA Rules and Regulations and plan of classification as described in the current edition of the *NYSSMA Manual*.

Section 4. AREA ALL-STATE FESTIVALS. Area All-State Festivals shall be held in various places throughout the state as determined by the Executive Council. These programs shall provide opportunities for students to participate in larger and more highly selected performing groups than may ordinarily be found in the individual schools of the area. Intensive rehearsals during the one to three days prior to the concert shall serve as educational sessions for both the participants and the area music teachers. The performing groups, hosts, and conductors for the various organizations shall be selected in accordance with the rules and regulations determined by the Executive Council. The final concert shall be open to the public and a reasonable admission fee may be charged to defray a portion of the expense.

Section 5. NATIONAL AND EASTERN DIVISION CONFERENCES. Through its affiliation with NAFME, the NYSSMA shall participate in National and Eastern Division Conferences. Officers and official delegates, as designated by the President with the approval of the Executive Council, will attend the conferences as official representatives of the Association. A NYSSMA Board of Officers meeting shall be held during the conferences. The membership shall be urged to attend the National and Eastern Conferences.

Section 6. OTHER MEETINGS AND ACTIVITIES. Other meetings and activities needed to further promote the purposes of the NYSSMA may be called or initiated by the President, with the approval of the Board of Officers.

CONSTITUTION / BY-LAWS

ARTICLE VII – FUNDS

Section 1. MONIES RECEIVED. Any monies received from any source whatsoever, except those specifically designated for the *School Music News*, shall be rendered to the Executive Director and properly receipted. The Editor-manager of the *School Music News* shall receive funds specified for that publication.

Section 2. DISBURSEMENT OF FUNDS. Funds of the Association shall be disbursed by the Executive Director in accordance with an annual budget adopted by the Executive Council. The specific funds of the *School Music News* shall be received by the Editor-Manager and then transmitted to the Executive Director for disbursement. The *School Music News* shall be an integral part of the total NYSSMA budget.

Section 3. EXPENSES. Legitimate expenses, as authorized by the President, incurred by NYSSMA Executives in the execution of their duties should be itemized and presented to the Executive Director for reimbursement.

Section 4. AUDITING OF FUNDS. A professional auditor shall be appointed to examine the various accounts of the Association at the completion of the fiscal year, and furnish a triplicate report. One copy is to be filed in the President's Office and two copies in the Executive Director's Office. Immediately following the conclusion of the audit, results will be published in an issue of the *School Music News*.

Section 5. DISPOSITION OF ASSETS IN THE CASE OF DISBANDMENT. Upon dissolution, all assets of the Association shall be rendered to such non-profit organizations qualifying as exempt from federal tax under Section 501(c)(3) of the Internal Revenue Code of 1954 or any successor provision thereto as the Executive Council shall select.

ARTICLE VIII – QUORUMS

Section 1. MEMBERSHIP GENERAL MEETING. A quorum of the Association membership general meeting shall consist of 75 active members.

Section 2. EXECUTIVE COUNCIL. A quorum of the Executive Council shall consist of 11 of its members.

ARTICLE IX – RULES OF ORDER

The latest edition of *Roberts Rules of Order, Revised* shall govern all meetings of NYSSMA.

ARTICLE X – AMENDMENTS

The Constitution may be amended by an approved vote of two thirds of those active members who cast ballots, providing proper notification of said amendment has been made either by publication in the *School Music News*, or by special notice presented to the active membership.

BY-LAWS

ARTICLE I – DUTIES OF OFFICERS

Section 1. **PRESIDENT.** The President shall preside at all meetings and shall be responsible for the general administration of the duties of the chief executive of the Association. In the event of the President's incapacity or absence, the President's duties shall be performed by one of the Vice Presidents. Priority of responsibility for functioning under such circumstances shall be in the following order; First Vice President, Second Vice President, Third Vice President.

Section 2. **FIRST VICE PRESIDENT.** The First Vice President shall be the President-Elect and shall succeed the President in that office. The First Vice President shall assume the duties of the President in the case of disability or absence of the President. The First Vice President shall be the officer responsible for planning the Winter Conference. The First Vice President shall perform such other duties as the President may designate.

Section 3. **SECOND VICE PRESIDENT.** The Second Vice President shall assume the duties of the President in case of disability or absence of the President and First Vice President. The Second Vice President shall generally supervise those areas dealing with Conference All-State organizations, festivals, adjudication and shall perform other duties as the President may designate.

Section 4. **THIRD VICE PRESIDENT.** The Third Vice President shall assume the duties of the President in case of disability or absence of the President, the First Vice President, and the Second Vice President. The Third Vice President shall be the officer responsible for the planning of the Summer Conference and shall be actively involved in areas dealing with curriculum and classroom music. The Third Vice President shall perform other such duties as the President may designate.

Section 5. **IMMEDIATE PAST PRESIDENT.** The Immediate Past President will preside at meetings of the County Presidents' Assembly and shall serve as a liaison between the Executive Council and the county presidents. The Immediate Past President shall perform such other duties as the President may designate.

ARTICLE II – EXECUTIVE COUNCIL

Section 1. **GENERAL DUTIES.** The Executive Council shall administer the business and educational affairs of the Association and shall have the responsibility for its general program of activities. The Executive Council shall serve as the Board of Trustees for the Corporation as chartered by the Board of Regents of the State of New York. It shall keep the members of the Association informed concerning business transacted. It also may recommend amendments to the Constitution and By-Laws, subject to the procedures established for amending same.

Section 2. **CONFIRMATION OF APPOINTMENTS.** The Executive Council shall confirm the appointment of all state chairpersons of committees, projects and positions made by the President. It shall also approve the appointment of all committee personnel made either by the President or by the respective chairperson.

CONSTITUTION / BY-LAWS

Section 3. NOMINATIONS. The Executive Council shall serve as the nominating committee for all elections held by the Association.

Section 4. CONTROL OF FUNDS. The Executive Council will be notified of expenditures exceeding Two Thousand (\$2,000) Dollars, not provided within the approved annual budget.

Section 5. ZONE REPRESENTATIVES. The Zone Representatives, within the Executive Council, shall be responsible for representing the opinions and suggestions of music educators and administrators for their respective areas. They shall also promote and encourage county activities within their respective zones, and shall perform such other duties as the Executive Council may designate. If a Zone Representative cannot attend a meeting of the Executive Council s/he may appoint a NYSSMA member from his/her Zone as a substitute that would hold proxy. Substitutes holding a proxy should seek guidance of the Zone Representative on the issues upon which s/he will be voting. The Zone Representative must notify the President of his/her proxy in writing prior to the meeting they are unable to attend. Zone Representatives appointing a substitute for more than 50% of the meetings per year will be subject to review of their attendance by the Executive Director and may be asked to leave the position at the discretion of the President.

Section 6. NAFME-COLLEGIATE/NYSSMA. President of the NAFME-Collegiate/NYSSMA shall represent NAFME-Collegiate/NYSSMA at all NYSSMA Executive Council meetings and carry out the functions of the NAFME-Collegiate/NYSSMA as stated in its Constitution.

ARTICLE III – THE EXECUTIVE DIRECTOR

The Executive Director shall keep an accurate record of all business meetings of the Association and of the Executive Council and shall conduct the official correspondence of the Association not falling within the specific province of the other officers. Any publication for the general membership must be approved by the President and the appropriate officer prior to distribution. The Executive Director shall maintain a file for forms and programs pertaining to all activities sponsored by the Association. The Executive Director shall be the custodian of all funds of the Association, shall attend meetings of the NYSSMA Finance

Committee and work closely with that group in an ex officio capacity, shall pay all bills which fall within the provision of the budget and others which are approved by the Executive Council, and shall present for publications to the Association a report which has been verified by a professional auditor. The Executive Director shall perform such other duties as the President or Executive Council may direct.

ARTICLE IV – DUTIES OF STANDING COMMITTEES

Section 1. STANDING COMMITTEE ON CONSTITUTION. The duties of the Standing Committee on Constitution, as charged by the President or the Executive Council, shall include periodic review of the Constitution and By-Laws as they relate to current operations of the Association; a review and recommendations to the membership of all resolutions that deal with or will be affected by the membership of all resolutions that deal with or will be affected by the Constitution and By-Laws' advise, the membership on all questions that may arise regarding interpretation of the Constitution and By-Laws and prepare ballots containing proposed amendments to the Constitution and by-Laws to be forwarded to the Executive Director for dissemination to the membership.

Section 2. STANDING COMMITTEE ON FINANCE. The duties of the Standing Committee on Finance, as charged by the President or Executive Council, shall include the review of Association financial statements, and the formulation of budget proposals for each fiscal year; also to recommend and to advise on the budget for sound financial management; and to meet at the discretion of the President for other special considerations as the President may designate. The Board of Officers, Executive Director and Editor-Manager of the *School Music News* shall serve as ex officio members of this committee.

Section 3. STANDING COMMITTEE ON RESOLUTIONS. All resolutions shall be presented to the membership through the Standing Committee on Resolutions. The duties of the Standing Committee on Resolutions, as charged by the President or Executive Council, shall include a review and a recommendation of all resolutions to be brought before the membership at any general meeting. The recommendation will be in the form of "Approved," "Referred," or "Disapproved" resolutions.

Section 4. STANDING COMMITTEE ON GOVERNMENT RELATIONS. The duties of the Standing Committee on Government Relations, as charged by the President or Executive Council, shall include providing information to legislators regarding legislation which affects education; inviting opportunities to consult with public officials on matters affecting education; fostering the establishment and functioning of Local Action Groups' providing information and assistance to the NYSSMA members and supporters, as needed or required.

Section 5. STANDING COMMITTEE ON ADJUDICATION FESTIVAL. The duties of the Standing Committee on Adjudication Festival, as charged by the President or Executive Council, shall include developing and refining rules, procedures and regulations which govern the various NYSSMA Solo/Ensemble Festivals, Major Organization Festivals and Area All-State Festivals; to be responsible for development of the training process of adjudicators for Solo/Ensembles and Major Organization Festivals; process and update information on NYSSMA adjudicators; and report on charges to the President and the Executive Council.

Section 6. STANDING COMMITTEE ON CLASSROOM MUSIC. The duties of the Standing committee on Classroom Music, as charged by the President or Executive Council, shall include developing activities which will promote the Executive Council, shall include developing activities which will promote the importance and value of classroom music in the music programs and schools of New York State, and in the NYSSMA itself; serve as a forum for the exchange of ideas and the coordination of the efforts and activities of classroom music teachers; and report on charges to the President and the Executive Council.

ARTICLE V – DUES AND FEES

Section 1. ACTIVE MEMBERSHIP. The annual dues for active Members shall be the amount specified by the MENC plus the amount specified by the NAFME. This membership fee shall include annual subscriptions to the *School Music News*.

Section 2. STUDENT MEMBERSHIP. The annual dues for Student Members shall be the amount specified by the NAFME for student chapter membership plus the amount specified by the Executive Council of the NYSSMA. The membership will include annual group subscriptions to the *School Music News*.

CONSTITUTION / BY-LAWS

Section 3. RETIRED MEMBERSHIP. The annual dues for Retired Members shall be the amount specified by the NAFME and the Executive Council of the NYSSMA. This membership shall include a subscription to the *School Music News*.

Section 4. INSTITUTIONAL MEMBERSHIP. The annual dues for Institutional Membership shall be the amount specified by the Executive Council of the NYSSMA. This membership shall include a subscription to the *School Music News*.

Section 5. ASSOCIATE MEMBERSHIP. The annual dues for Associate Membership shall be the amount specified by the Executive Council of the NYSSMA.

Section 6. DUES. All Active, Student, and Retired Membership dues are payable on an annual basis to the NAFME headquarters office, or to an officially designated representative of that office. Institutional Membership and Associate Membership dues are payable to the NYSSMA.

Section 7. SCHOOL PARTICIPATION FEE. A participation fee, according to enrollment, shall be required of all schools registering students in any NYSSMA activities. A single fee shall cover all schools as specified in the Constitution Article IV – Membership. These fees shall be specified by the Executive Council of the NYSSMA.

ARTICLE VI – OFFICIAL PUBLICATIONS

Section 1. THE SCHOOL MUSIC NEWS. The *School Music News* shall be the official magazine of the Association. Articles appearing in the *School Music News* shall reflect in general the philosophy of the Executive Council and the membership. The Editor-Manager of the *School Music News* shall be an ex officio member of the Executive Council.

Section 2. NYSSMA MANUAL. The *NYSSMA Manual* shall present the details of the Association's Plan of Music Classification, the New York State rating plan, and the NYSSMA Rules and Regulations which are to be used in connection with all of the NYSSMA sponsored festivals. A revised edition of the Manual shall be published periodically at such time designated by the Executive Council. The *NYSSMA Manual* may be purchased at a cost which shall be determined by the Executive Council.

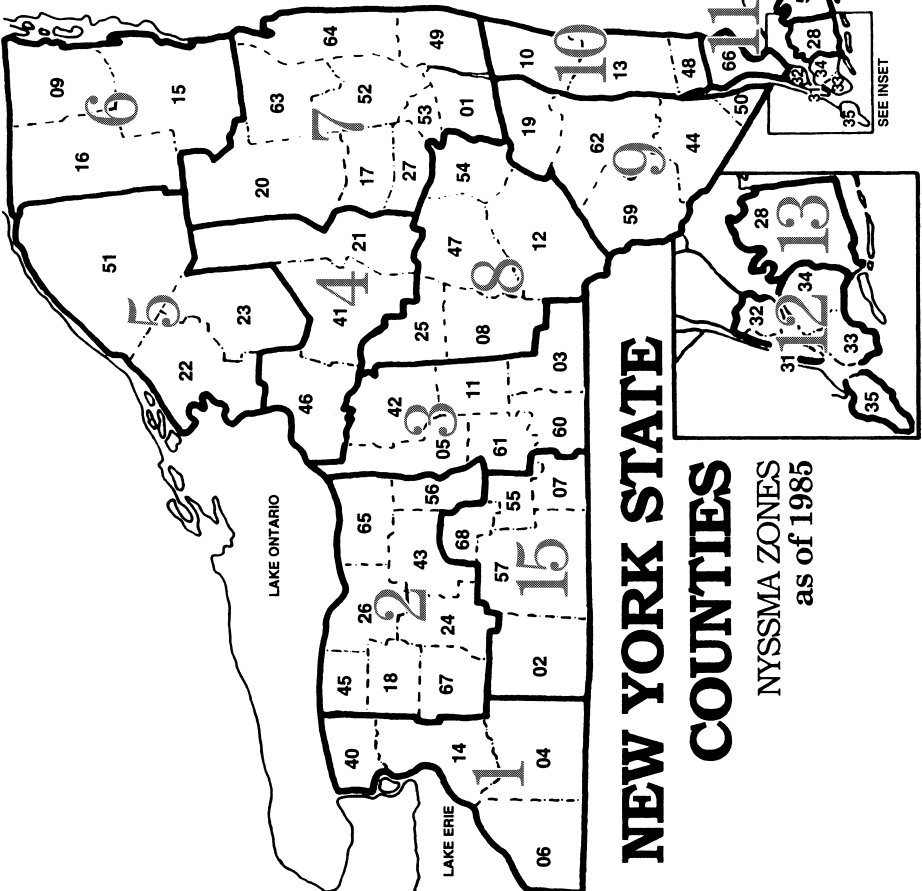
Section 3. OTHER PUBLICATIONS. Other bulletins, pamphlets, directories, brochures or books furthering the cause of music education and promoting the purposes of the Association, as set forth in Article II of the Constitution, may be published with the consent of the Executive Council.

ARTICLE VII – NYSSMA ZONES

- Zone 1 WESTERN NEW YORK**
Cattaraugus, Chautauqua, Erie, Niagara
- Zone 2 GENESEE REGION**
Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming
- Zone 3 CENTRAL TRI-CITIES REGION**
Broome, Cayuga, Cortland, Onondaga, Tioga, Tompkins
- Zone 4 OSWEGO-MOHAWK VALLEY REGION**
Herkimer, Oneida, Oswego
- Zone 5 ST. LAWRENCE REGION**
Jefferson, Lewis, St. Lawrence
- Zone 6 NORTHERN NEW YORK**
Clinton, Essex, Franklin
- Zone 7 CAPITAL DISTRICT REGION**
Albany, Fulton, Hamilton, Montgomery, Rensselaer, Saratoga, Schenectady, Warren, Washington
- Zone 8 UPPER SUSQUEHANNA REGION**
Chenango, Delaware, Madison, Otsego, Schoharie
- Zone 9 CATSKILL REGION**
Greene Orange, Rockland, Sullivan, Ulster
- Zone 10 HUDSON VALLEY REGION**
Columbia, Dutchess, Putnam
- Zone 11 WESTCHESTER**
Westchester
- Zone 12 NEW YORK CITY**
Bronx, Kings, New York, Queens, Richmond
- Zone 13 NASSAU COUNTY**
Nassau
- Zone 14 SUFFOLK COUNTY**
Suffolk
- Zone 15 SOUTHERN TIER**
Allegany, Chemung, Schuyler, Steuben, and Yates

County numbers are New York SED BEDS county numbers

40 14 06	45 18 67	20 63	20 63	66	ZONE 11 WESTCHESTER
04 06	26 24	17 52	64	32	ZONE 12
06	24	17	64	32	BRONX
06	24	17	64	32	NEW YORK
06	24	17	64	32	RICHMOND
06	24	17	64	32	KINGS
06	24	17	64	32	QUEENS
06	24	17	64	32	ZONE 13
06	24	17	64	32	MASSAU
06	24	17	64	32	ZONE 14
06	24	17	64	32	SUFFOLK
06	24	17	64	32	ZONE 15
06	24	17	64	32	YATES
06	24	17	64	32	SCHUYLER
06	24	17	64	32	STEARNS
06	24	17	64	32	ALLEGANY
06	24	17	64	32	CHEMUNG



NEW YORK STATE COUNTIES

NYSSMA ZONES
as of 1985

ARTICLE VII – AFFILIATIONS

Section 1. COUNTY AFFILIATIONS. The affiliated county music educator’s organizations shall promote the welfare of the NYSSMA and the NAFME, and shall cooperate in music education activities as set forth in the NYSSMA Constitution. The affiliation shall have been officially requested by two-thirds majority members at a regular meeting of the county organization. The request for affiliation, along with a copy of its constitution, shall be submitted to the Executive Council of the NYSSMA by the Immediate Past President for official approval. The affiliated county music educator’s organization shall support the national and state organizations by encouraging their members to hold membership in the NAFME and the NYSSMA. Presidents of county music education organizations shall be members of NAFME/NYSSMA.

Section 2. OTHER STATEWIDE MUSIC ASSOCIATION AFFILIATIONS. The affiliated statewide organizations shall promote the welfare of the NYSSMA and the NAFME, and shall cooperate in music education activities as set forth in the NYSSMA Constitution. The affiliation shall have been officially requested by a two-thirds majority of members at a regular general meeting of the statewide music organization. The request for affiliation, along with a copy of its constitution, shall be submitted to the Executive council of the NYSSMA by the chairperson of the Council of Music Education Association (COMECA) for official approval. The statewide music organizations shall support the NAFME and the NYSSMA by encouraging their members to hold membership in the NAFME and the NYSSMA. Presidents of statewide music education organizations shall be members of NAFME/NYSSMA. The COMECA, chaired by an appointed NYSSMA member to the NYSSMA Advisory Council by the President with the approval of the Executive Council, shall represent the statewide music organizations in bringing concerns to the Executive Council of the NYSSMA.

ARTICLE IX – AMENDMENTS

The By-Laws may be amended by an approved vote of two-thirds to those active members who cast ballots, providing proper notification of said amendment has been made either by publication in the *School Music News* or by special notice presented to the active membership.

ARTICLE X – THE DEAN L. HARRINGTON FUND

An internal fund, to be known as the DEAN L. HARRINGTON FUND, will be maintained in the amount of Ten Thousand (\$10,000) Dollars. The accrued interest shall be used for worthy projects, as determined by a committee appointed by the President. Such projects shall be approved by the Executive Council. All transactions and communications regarding such projects shall carry the name, “*Dean L. Harrington Fund.*”

ARTICLE XI – SCHOLARSHIP

An internal fund for other monies contributed in the names of Vivienne Anderson, Robert Campbell, and other NYSSMA members as approved by the NYSSMA Executive Council, shall be used for scholarship, as determined by a committee appointed by the President.

THE MUSIC CODE OF ETHICS

An agreement defining the jurisdictions of professional musicians and school musicians. Listed below is the **Music Code of Ethics** as proposed and adopted by the New York State Conference of Musicians and the New York State School Music Association.

This is an agreement defining the jurisdiction of professional musicians (performers and private teachers) hereafter referred to as PROFESSIONAL MUSICIANS, and professional music teachers (elementary through university levels), hereafter referred to as MUSIC EDUCATORS.

Music Educators and professional musicians alike are committed to the general acceptance of music as an essential factor in the social and cultural growth of our society. Music educators contribute to this endeavor by fostering the study of music among students in an effort to encourage their interest, understanding, and possible participation in music for the present and as a lifelong avocation or career. Professional musicians contribute to this endeavor through their performances which provide inspiration and example for aspiring student musicians, and non-performing students who will hopefully become active patrons of music throughout their lives. This unanimity of purpose is further exemplified by the fact that a great many professional musicians devote a portion of their time to music instruction, and a great many music educators are, or have been, actively engaged in the field of professional performance. The members of high school symphonic orchestras and bands look to the professional organization for example and inspiration; they become active patrons of music in later life. They are not *content* to listen to a twelve-piece ensemble when an orchestra of *symphonic* proportions is necessary to give adequate performance. These former music students, through their influence on sponsors, employers, and program makers have a beneficial effect upon the prestige and economic status of the professional musician. Since it is in the interest of the music educator to attract public attention to his/her program for the purpose of increasing public awareness, understanding, and support of such programs, and since it is in the interest of the professional musician to create more opportunities for employment at increased remuneration, it is possible that upon certain occasions some incidents might occur in which the interest of the members of one or the other group might be infringed upon, either from lack of forethought or lack of ethical standards among individuals or groups. In order to establish a clear understanding as to the limitations of the fields of professional music and music education in New York State, the following statement of policy is recommended to those serving in their respective fields.

A. MUSIC EDUCATION – Instruction and Performance

It is a primary purpose of all the parties signatory hereto that the music educator shall have the fullest protection in his/her efforts to promote and manage all aspects of music instruction within their respective schools. It is recognized and accepted that all music instruction, as defined below, will be performed by music educators who hold proper state certification and are employed by the school system in which they work. Under the heading of MUSIC EDUCATION – INSTRUCTION, the following shall be included:

- All general classroom instruction in grades K-12.
- All individual instrumental or vocal lessons.
- All small instrumental ensemble or small vocal group instruction.
- All major or large group instruction, i.e. band, chorus, orchestra.

Under the **Code of Ethics** it is recognized and accepted by all parties signatory hereto that all music, as defined below, to be performed by elementary, middle, or secondary school groups or individuals, shall be performed in connection with non-profit, non-commercial and non-competitive enterprises. Under the heading of MUSIC EDUCATION/PERFORMANCE following shall be included:

- **SCHOOL FUNCTIONS** – initiated by the schools, are part of a school program, whether in a school building or other building.
- **COMMUNITY FUNCTIONS** – organized in the interest of the schools strictly for educational purposes.
- **SCHOOL EXHIBITS** – prepared as a part of the school district’s courtesies for educational organizations or education conventions being hosted by the districts.
- **EDUCATION BROADCASTS** – which have the purpose of demonstrating or illustrating pupils’ achievements in music study, or which represent the culmination of a period of study and rehearsal. Included in this category are local, state, regional and national school music festivals and competitions.
- **CIVIC ASSOCIATIONS** – of local, state or national patriotic interest, of sufficient breadth to enlist the sympathies and cooperation of all persons such as those held by the American Legion, and Veterans of Foreign Wars in connection with their Memorial Day services. It is understood that affairs of this kind may be participated in only when such participation does not, in the least, usurp the right and privilege of local professional musicians.
- **BENEFIT PERFORMANCES** – for local charities such as the Welfare Federations, Red Cross, hospital, etc. when and where local professional musicians would likewise donate their services.
- **EDUCATIONAL CIVIC SERVICES** – that might beforehand be mutually agreed upon by the school authorities and official representatives of the local professional musicians.
- **AUDITION RECORDINGS** – for study purposes made in the classroom or in connection with contest or festival performance by students, such recordings are to be limited to exclusive use by the students and their teachers, and are not to be offered for general sale to the public through commercial outlets. This definition pertains only to the purpose and utilization of audition recordings and not to matters concerned with copyright regulations. Compliance with copyright requirements, applying to recording of compositions not in the public domain, is the responsibility of the school, college, or educational organization under whose auspices the recording is made

B. PROFESSIONAL MUSIC – Performance and Instruction

Under the **Code of Ethics**, it is further recognized and accepted that is a primary purpose of all parties signatory hereto that the professional musician shall have the fullest protection in his or her efforts to earn their living from the playing and rendition of music. The field of entertainment shall be the province of the professional musician. Under the heading of PROFESSIONAL MUSIC PERFORMANCE, the following shall be included:

- **CIVIC PARADES** – (where professional marching bands exist), ceremonies, exhibitions, community center activities; regattas, non-scholastic contests, festivals, athletic games, activities or celebrations, and the like; national, state and country fairs.

CODE OF ETHICS

- Functions for the furtherance, directly or indirectly, of any public or private enterprise; functions by Chambers of Commerce, Boards of Trade and commercial clubs or associations.
- Any occasion that is partisan, political, or sectarian in character or purpose.
- Functions of clubs, societies, and civic or fraternal organizations.

Under the **Code of Ethics**, it is further recognized and accepted that the professional musician may wish to devote a portion of his/her time to music instruction. Since it is the primary function of the music educator to provide music instruction to school students, it is hereby agreed to by all parties signatory hereto that the professional musician may provide instruction to school students under the following guidelines. Under PROFESSIONAL MUSICIAN – INSTRUCTION the following shall be included:

- All requests by professional musicians for student lesson referrals shall be directed to the appropriate music educator.
- The professional musician will not actively solicit school students for lessons on school premises during in-school performances.

The professional musician shall not seek to use elementary, middle, or secondary school facilities for the purpose of giving lessons for which he/she is receiving a fee unless specifically approved by the local school board, or with the knowledge and approval of the music educator(s) of the building or district involved

C. DEFINITION OF TERMS

Statements that funds are available for professional musicians to teach in the elementary, middle or secondary schools without proper state certification, or that certified music educators cannot be obtained, or that the school does not intend to employ certified music educators for new or expanded programs, should not be accepted by the professional musician as a reason for the professional musician to assume all or part of the music educator's job.

Statements that funds are not available for the employment of professional musicians, or that if the talents of amateur musical organizations cannot be had, or professional musicians are to play without remuneration of any kind, are all immaterial, and such statements are not to be accepted as a reason for the playing of competitive engagements by any school unit.

ACCEPTED AND PERMISSIBLE – any engagement that might hereafter be mutually agreed to be the respective organizations.

D. PROCEDURE

If any question arises in regard to any of the functions stated above, contact a local union official having jurisdiction in that area and the NYSSMA zone representative. Any violation of the above **Code of Ethics** should be reported by the professional musician to the President of the New York State Conference of Musicians, and by the music educator to the President of the New York State School Music Association.