

CONSTITUTION OF THE NELSON CIVIC CHOIR INCORPORATED



1 NAME

The name of the Choir is the “Nelson Civic Choir Incorporated” (hereinafter referred to as the “Choir”).

2 OBJECTIVES

The objectives of the Choir are to:

- 2.1 Foster and develop a congenial and supportive environment
- 2.2 Aspire to a standard of excellence in choral singing
- 2.3 Foster the development of singing skills
- 2.4 Advance choral education for our singers and audience

3 POWERS

- 3.1 The Choir will be given the widest possible powers to do all things that are conducive to the pursuance of the Choir’s objectives. Members will be given all relevant information and the opportunity to participate in major decisions that affect the Choir. In addition, major financial decisions affecting the Choir will take place with the majority consent of the Committee and the Choir.
- 3.2 All moneys received by the Choir or by any officer for or on behalf of the Choir will be paid to the credit of the Choir with the bankers of the Choir, and orders drawn on the banking of the Choir will be authorized by any two of the appointed signatories, i.e. Chairperson, Treasurer and Secretary.
- 3.3 Any surplus funds of the Choir may be invested by depositing to the credit of the Choir with any Bank in the name of the Choir or in such investment as the elected officers may from time to time by ordinary resolution determine.

4 MEMBERSHIP

- 4.1 Membership of the Choir will be open and un-auditioned to any person who enjoys singing classical and other works.
- 4.2 The payment of the annual subscription entitles the person to financial membership of the choir. The full amount (as set by the AGM in the prior year - see Rule 6.10) is due, at latest, seven (7) clear days prior to the AGM or as arranged with the treasurer.
Financial membership entitles the person:
 - I. to vote at the AGM and SGMs;
 - II. to be nominated as a committee member;
 - III. to attend all rehearsals, performances and workshops;
 - IV. to be provided with music scores and venue; and
 - V. to perform with the Music Director, an accompanist, musicians, soloists and each other.
- 4.3 Payment of a partial fee entitles the person to sing in the respective concert(s) for which the person has paid and to the rights of financial membership as stated in Rule 4.2.

- 4.4 The Music Director plays a major role in administration, guidance of the choir, concert planning (i.e. selection of musicians, soloists and music), collaboration with Committee, and attends committee meetings as necessary. Decisions of a musical and/or artistic nature (including, but not limited to, publicity, branding, imagery and promotion of a production) shall be made by the Music Director and in consultation with the committee.
- 4.5 Each member commits to being fully prepared for a concert.
- 4.6 A register of attendance at all rehearsals is required for Health and Safety legislation in the event of an emergency. Apologies for non-attendance should be made to the sectional representatives or secretary.
- 4.7 Members commit to supporting each other.
- 4.8 Should there be any conflict refer to the Conflict Resolution Process (Appendix).

5 MEETINGS

- 5.1 Annual General Meeting (AGM): The Choir will hold an AGM once a year in due course after the Annual accounts have been finalized. The date of the meeting will be decided by the Committee. Members will be notified of the meeting with an agenda, financial report, changes to the constitution (if any) and other business, fourteen (14) clear days of the AGM. The financial year will commence 1st January in each year. The Treasurer will present the annual financial statement prepared by a qualified accountant.
- 5.2 Special General Meeting (SGM): An SGM may be called at any time on the decision of a majority of the Committee; or at the request in writing to the Committee by 10 members of the Choir stating the purpose for which such an SGM is required. Notice of an SGM shall be given to all members at least seven (7) clear days prior to the SGM specifying the intended areas of discussion.
- 5.3 Voting: Members who are current in their subscription fees at the time of the AGM or SGM are Treasurer and/or the Committee. Nominations for the committee will be in writing to the Secretary seven (7) clear days prior to the AGM. Each member shall have a vote in person. However, if unable to attend due to an emergency, members can vote via email by prior arrangement with the Secretary. When two or more people are nominated for the same position, then voting will be made by secret ballot. In the case of a tie, the Chairperson has the casting vote which shall be exercised in favour of the status quo. A secret ballot may be held at the request of any member of the Choir. Such a request will be in writing to the Secretary seven (7) clear days prior to the AGM or SGM.
- 5.4 Quorum: The quorum for AGMs and SGMs will be 25% of the financial members of the Choir.

6 COMMITTEE

- 6.1 The affairs of the Choir will be administered by the Committee, which will meet as required. Proper and accurate records will be kept and available upon request to choir members.
- 6.2 Committee members will act consistently with the functions and powers given to them by this constitution and in a judicious and fiscally responsible manner.
- 6.3 The Executive Committee will consist of the Chairperson, Secretary, and Treasurer, as elected by the members at the AGM. (See Appendix 2.)
- 6.4 Other Committee members or Officers may consist of Deputy Chair, Concert Coordinator, Sectional Representatives, Librarian, Grants Officer, Social Coordinator, etc, to be decided at the AGM or co-opted by the Executive Committee.
- 6.5 Committee members shall hold office from one AGM to the next.

- 6.6 Members of the Choir will have the opportunity to attend meetings at the discretion of the Committee.
- 6.7 If any of the following positions become vacant: Chairperson, Secretary, and Treasurer, an SGM is necessary to elect a replacement(s) in due course.
- 6.8 The Committee shall have the authority to fill or co-opt any other vacancy which may occur during the year as needed.
- 6.9 The maximum consecutive term for any member to hold the roles of Chairperson, Treasurer and Secretary will be three years. In exceptional circumstances this can be amended at an AGM or SGM.
- 6.10 An annual subscription will be set by the Committee, a year in advance and ratified at the AGM.

7 CONFLICT RESOLUTION

- 7.1 On receipt of a request from a member or members describing an area of perceived conflict, the Choir's conflict resolution policy and process will be implemented. (See Appendix 1.)

8 ALTERATION OF THE CONSTITUTION

- 8.1 The Constitution may be altered only by a motion of the proposed alteration being sent in writing to the Secretary and to members seven (7) clear days before an AGM or SGM, provided that no alteration, addition, rescission or substitution to the Constitution shall detract from the charitable nature of the Choir.
- 8.2 Any change will be by a majority of 75% of the members present.

9 COMMON SEAL

- 9.1 The control and use of the common seal of the Choir shall be in the hands of the Secretary.

10 WINDING UP

- 10.1 All financial members shall be informed if a resolution is taken at an AGM or SGM to wind up the Choir. A further Meeting should be held after 30 days and before 60 days after the original Meeting to confirm or reject the resolution. A quorum of a minimum of 50% of financial members at this extraordinary meeting will be required. This resolution should be confirmed by a clear majority of those present, in which case, the Choir shall be wound up.
- 10.2 In the event of the winding up of the Choir any remaining property of the Choir shall be distributed either to a charitable organisation with similar objectives within New Zealand, or by Order of the High Court of New Zealand, so that the charitable nature of the Choir shall not be impeached.

11 ENFORCEMENT

- 11.1 The foregoing Constitution shall come into force with effect from 26 April 2022.
- 11.2 As from the above date this Constitution supersedes all previous such documents, which are hereby repealed.

APPENDIX 1

Conflict Resolution Process

A primary objective of the Choir is for its members to sing within a congenial and supportive environment. Thus the Choir expects the behaviour of all members to be in compliance with the Constitution and the Human Rights Act 1993.

The purpose of the Conflict Resolution Process is to provide a quick, effective and consistently applied method to resolve problems, misunderstandings and frustrations that may arise amongst Choir members. When members of the Choir experience situations which they feel they cannot control, they are encouraged to follow the process as stated below:

The Conflict Resolution Process

1. The complainant's responsibilities

To clarify the situation:

- Does the situation cause tension or is it a conflict?
- Can the situation be resolved without help?
- Has anything been done to remedy the situation so far?
- Am I contributing to the conflict? Can I change my behaviour or thinking?
- Is the situation affecting others in the Choir?

If the situation is deemed a conflict, the conflict must be defined:

- What exactly is the problem?
- What options are there? Do I need to take the issue further?
- Can I resolve it alone?

If deemed feasible, plan to talk to the other person/people who generate the conflict:

- Plan a meeting
- What needs to be said?
- Find a quiet, private, respectful place to meet.
- Invite the member/s who cause the conflict to meet with you to discuss the issue.
- If needed, invite someone along to support you/advocate for you.

At the meeting:

- Remain calm, be open minded, listen, be respectful and accountable for your words and actions.
- Talk through the issue with those involved.
- Be open to compromise.
- With everyone's agreement, make a plan that will alleviate the conflict.
- Take notes, and have both parties sign off on the plan.

If not feasible to talk to the other party, or if talking does not resolve the conflict, contact the appropriate sectional representative or another appropriate person.

2. The Sectional Representative's (SR) or Other Appropriate Person Responsibilities:

- Outline and discuss the options with the complainant(s) and maybe suggest alternative pathways.
- In agreement with all involved, set a date, time and mutually safe environment to meet with the complainant and all involved in the conflict. Inform both groups that they may have support people.
- Allow time for each party to adequately prepare.
- Ensure each party has the support required.
- Chair the meeting, striving to keep the meeting calm and respectful, ensuring that each member has adequate opportunity to speak and is listened to.
- Ask for solutions and work through what needs to happen.
- Make a plan and ensure all parties agree.
- Record the plan, and ensure both parties sign off on the plan.

3. In the event of an unresolved conflict, or if it is not feasible or appropriate for the SR to chair a meeting, involved members may be asked to participate in a closed Committee meeting to discuss how the conflict can be resolved, in keeping with the Choir's established objectives (see the Constitution point 2).

4. If still unresolved, the Committee will decide on the next step.

The primary objective of the Choir is to sing in a congenial and supportive environment.

For your information

Bullying and harassment create conflict.

Bullying is repeated and unreasonable behaviour directed towards a Choir member or group within the Choir that can lead to physical or psychological harm. Bullying can be verbal, written, physical or psychological.

Bullying is not a one-off or occasional instance of forgetfulness, rudeness or tactlessness. Nor is the setting of high performance standards, constructive feedback or legitimate singing advice bullying. A warning received following a bout of undesirable behaviour is also not bullying.

Harassment is any unwanted and unwarranted behaviour that a person finds offensive, intimidating or humiliating and is repeated, or significant enough as a single incident, to have a detrimental effect upon a member's dignity, safety or well-being. It may constitute unwelcome comments or physical contact or attention. It may be expressed in verbal, written, physical, or psychological terms.

Other Causes of Conflict may be clashes of personal values, pressure, a lack of skills, or a lack of information, or misinformation.

APPENDIX 2

Notes for incoming Chairperson and Committee:

“By accepting the role as Chairperson, an individual undertakes to serve the interests of others, not to advance his/her own opinions, and by remaining impartial, help the committee express its common will or agreement.” - excerpts from Mark von Dadelszen’s, ‘Members Meetings’ 2012, pages 25-26

Serving the interest of the Choir applies to all members of the Committee.

Notes regarding Patron:

The Patron is an honorary appointment in recognition of, and gratitude for, past services to the Choir and does not confer a legislative role. The appointment and review of the role of patron is made at the discretion of the Committee and in consultation with the Choir annually at the AGM.

REFERENCES

NZ Acts of Parliament

Westminster Parliamentary Procedure

Incorporated Societies Act 1904, and subsequent commission finding (2017)

Charitable Societies Act

Mark von Dadelszen’s Members’ Meetings, 3rd Edition, Lexis Nexis NZ Limited, 2012