

Bengali Samiti of Nebraska Bylaws

2016

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ARTICLE I. Name, Office, Mission and Vision

Section 1 Organizational Name

Name of the organization is "Bengali Samiti of Nebraska Inc" hereinafter called as "Bengali Samiti of Nebraska", "BSN" or "Association".

Section 2 Office

The principal office of the Association in the State of Nebraska shall be located in Omaha.

Section 3 Mission Statement

Bengali Samiti of Nebraska is a non-profit 501(c)(3) organization dedicated to promote cultural and social heritage of Bengali speaking living in Nebraska organizing cultural, social, charitable, educational, and recreational programs.

Section 4 Vision Statement

PROMOTE awareness of Bengali identity, its cultural and spiritual heritage. ·

ORGANIZE cultural programs and events involving Bengali and other Indian traditional and contemporary cultural activities. ·

ORGANIZE efforts to maintain and perpetuate Bengali and Indian culture among the youth of Indian origin during the process of their assimilation into the American mainstream.
·

PARTICIPATE in charitable causes through voluntary work and fund raising. ·

FOSTER a spirit of friendship and cooperation between its members through social activities, sports events, musical gatherings, and religious festivals

ARTICLE II. MEMBERSHIP

Section 1 Eligibility

Any person subscribing to the mission of the Association and 18 years or older shall have the right to membership in the Association. The Association shall be non-discriminatory as to member's race, religion, sex, or national origin. The said person shall be a member of the Association upon payment of the current annual membership dues. The Executive Committee shall have the sole authority to determine the eligibility of all applicants for membership.

Section 2 Membership Categories

The following establish the categories of membership in the Association. Categories are established for the purpose of determining applicable dues and fees for activities of the Association and for voting rights defined under Section 5.

1. Individual: Any self supporting person over 18 years of age.
2. Student : Any self supporting person over 18 years of age who is currently enrolled as a full time student in a recognized institution of higher learning.
3. Family: Includes two Individual Members and Youth Members who are children under the age of 18 years living with the parent members.

Section 3 Amend

The Executive Committee of the Association shall have the authority to designate, establish or amend the categories of membership in the Association listed below with written notification to the General Body.

Section 4 Dues and Fees

The Executive Committee shall have the authority to establish the current annual membership dues and admission fee structure. All membership dues are for the fiscal year of the Association and due by 1st January on a non pro-rata and non-refundable basis. Membership will be valid until December 31st of the same year.

Section 5 Voting Privileges

Individual Member: One Vote

Student Member: One Vote

Family Members: Two votes (husband and wife one each). Youth Members will have no right to vote.

Section 6 Revoking Membership

The Executive Committee shall have the authority to revoke membership of any member knowingly or intentionally engage in conduct which is intended to compete with or cause harm to BSN or which, in the opinion of the Executive Committee in its sole discretion, is likely to substantially injure the reputation of BSN. The EC shall investigate the charges and if, in the by two thirds majority vote of the EC, there is probable cause to believe that a basis for revocation of membership may exist, the EC shall place the petition for removal on the agenda for hearing at a EC meeting specially called for such purpose and shall provide the affected member with written and electronic notice of the petition and the hearing date so that such member may have an opportunity to be heard in opposition to the petition. If no quorum is present, the hearing on the petition shall be continued to the next regular meeting of the EC or a special meeting called for such purpose at which a quorum is present and voting. The Secretary of the EC shall notify the affected member of the date, time and place of the continued hearing. After the hearing at which a quorum is present, the EC shall decide by two thirds affirmative vote of those present and voting whether to revoke the membership under question. The President shall notify the affected member of the action of the BOD both electronically and also in written. The decision of the EC shall be final and binding.

Article III. Organizational Structure

The Association will be managed by 13 elected office bearers (called “Executive Committee” or “EC”). The Executive Committee members of the Association shall be:

President,
Vice-President,
Secretary,
Joint Secretary,
Treasurer,
Cultural Chair,
Food Chair,
Youth and Sports Chair,
Fund Raising Chair,
Puja Chair,
Member,
Member,
Member

Each Executive Committee member will have equal voting privilege. The term of the Executive Committee shall be for a maximum of 1 year term aligning with the Association fiscal year. Election process will be followed to elect next Executive Committee members.

Section 1 President

The President shall be the principal executive officer of the Association and subject to the consent of the Executive Committee. He/She shall in general supervise and control the operational affairs of the association. He/She shall preside at all meetings of the Executive Committee. He/She along with the Secretary may sign any deeds, contracts or other instruments, except in case where the signing and execution thereof shall be expressly delegated by these By-Laws to some other officer of the Association. In general, the President (with active help from the General Secretary and Vice President) shall perform all duties relevant to the Office of the President including presenting the outline of his/her term’s activities, budget for approval by the Executive Committee. The President shall be the registered agent of the Corporation.

Section 2 Vice-President

The Vice-President shall assist the President in executing the duties of his/her office. In the absence of the President, he/she shall preside over all the regular and special meetings of the Executive Committee, and shall perform all duties of the Office of the President. He/she shall succeed the President if the President does not complete his/her term in office. He/She shall also perform all activities related to public relations consisting of broadcasting the activities of the Association, subject to the consent of the Executive Committee.

Section 3 Secretary

The Secretary shall keep minutes of all meetings of the Executive Committee and the General Body. He/She shall attend to the giving and receiving of all notices of the Association and such other books and papers as the Executive Committee may direct. Such notices and minutes shall be open to examination of any member of the Association. Minutes of all meetings shall be distributed to the members of the Executive Committee. He/she shall perform all duties related to membership of the organization. He/she shall solicit new membership, screen and qualify applications for new membership and maintain membership records. Membership fees shall be collected and handed over to the Treasurer for deposit into the Association's bank accounts.

The Secretary shall be responsible for all media communications such as email, social media and website along with the Joint Secretary.

Section 4 Joint Secretary

The Joint Secretary shall assume duties of similar nature to the Secretary. He/She shall attend all committee meetings.

As additional responsibilities Joint Secretary may be responsible for maintaining website updates, event photos and videos and any publishing/printing needs.

Section 5 Treasurer

The Treasurer shall maintain custody and keep account of all money, funds and property of the Association, unless otherwise determined by the Executive Committee. He/She shall render such accounts and present such statements to the Executive Committee as may be required. The Treasurer shall deposit all funds of the Association received by him/her in such bank as the Executive Committee may designate. He/She shall keep the bank accounts in the name of the Association and shall make available for viewing the books and accounts at all Executive Committee and General Body meetings. Such books and accounts shall also be available for viewing at all reasonable times to any member of the Association upon application to the Executive Committee. The Treasurer shall pay out the money as the purposes may require upon the order of the Executive Committee, taking proper voucher thereof. The Executive Committee shall have power by resolution to delegate any of the duties of the treasurer to other officer(s) and may require all bills, notes, checks, vouchers, orders or other instruments to be countersigned. The Treasurer shall be responsible for following all state and federal tax laws. Treasurer will prepare financial reports for submission to the Executive Committee and the General Assembly, a budget for the ensuing fiscal year.

Section 6 Cultural Chair

The Cultural Chair shall be responsible to review all cultural etc. activities and plan for all such activities. The All actions of this committee shall be subject to the approval of the Executive Committee. Cultural Chair may form a Cultural Subcommittee which can suggest/assist Cultural activities, new programs and executing Cultural programs.

Section 7 Food Chair

The Food Chair will be responsible for planning and executing all arrangements for food services and related necessities for relevant events. The committee may plan to serve food through outside caterers, however this should be subject to the approval of Executive Committee. Food Chair may form a Food Subcommittee which can suggest/assist activities related to Food Services.

Section 8 Fund Raising Chair

Fund Raising Chair shall be responsible to plan and supervise the fund raising activities of the Association and formulate such policies for sound financial growth of the Association. It shall have the authority to direct the investment and reinvestment of the funds of the Association with approval of the Executive Committee. Fund Raising Chair may form a Subcommittee which can suggest/assist activities related to fund raising.

Section 9 Youth and Sports Chair

Youth and Sports Chair will be responsible for organizing Sports and Youth related activities. Activities will include organizing annual sports events, regular games for the members, educational activities involving students. Activities also may include organizing group activities for the members such as group trips or Charitable Group Volunteering. Sports and Youth Chair may form a Subcommittee which can suggest/assist activities, new programs and executing activities. All actions of this committee shall be subject to the approval of the Executive Committee.

Section 10 Puja Chair

The Puja chair shall be responsible for planning and execution of all religious activities. All actions of this committee shall be subject to approval of the Executive Committee. Puja Chair may form a Puja Subcommittee which can suggest/assist Puja related activities.

Section 11 Member

Executive Committee will have three Member positions. Responsibility of a Member will be planning and execution of the existing and new events. A Member will coordinate with all other Executive Committee Chairs to execute events along with the President and the Vice President. A Member will be planning for volunteers and will coordinate with the volunteers.

President may assign a Member to assist a specific chair based on the need in addition to the above responsibilities. A Member may temporarily assume role of a specific Chair in the event when a Chair cannot be active/present for an event.

President also may also assign unassigned responsibilities to a member such as but not limited to such as Website Maintenance and update, arrangement and publishing of event photos and videos, arranging/managing audio/video/lighting equipments for the events to a Member etc.

ARTICLE IV Election

Section 1 Time of Election

An Election Commission, consisting of one members who are not part of the Executive Committee will be formed by the Executive Committee / General Body at least 30 (thirty) days prior to the annual election meeting. Election process will be initiated by November 21st every year. Annual Election meeting must be held before December 31st each year.

Section 2 Term of Officers

All officers will be elected annually as described above. In general all officers shall hold office for a term of one year. No member can be elected to the Executive Committee for more than two consecutive terms.

Section 3 Election Commissioner

Executive Committee will nominate a current member of the Association as the Election Commissioner before November 21st of each year to conduct election process. The commissioner shall be responsible for seeking nominations for all the Executive Committee positions for the Association. Members and family member(s) of the Election Commission shall not be eligible as a candidate for any position in the Executive Committee.

Section 4 Nominations

Executive Committee will provide Election Commissioner list of all existing members of the Association and communication details for each member. Election Commissioner will seek nominations from the members for various positions sending an email communication for various EC positions. Election Commissioner will announce last date of filing nominations, last date for nomination withdrawal and date of Annual Election meeting.

Election process voting cannot be conducted unless one or more nominations are filed for the posts for President, Vice President, Secretary and Treasurer. In case such situation arises Election Commissioner will extend dates for nomination only for the vacant positions of those four positions. Election process voting can be conducted if no nomination filed for one or more of the Executive Committee positions other than the positions of President, Vice President Secretary and Treasurer.

- A member can file nomination for only one EC post. A person can self nominate himself/herself. The election commission shall be responsible for evaluating that such a nominee is eligible to be nominated by the By-Laws of the Association. If not self nomination, acceptance of a nomination is subject to the consent of the nominee. The nominator must obtain the prior consent of the nominee. The nominee (and the nominator) must be a member of the Association in good standing.
- The floor of annual election meeting will not be open for additional nominations at the time of election.

- After last date of filing nominations Election Commissioner will publish list of all the the nominee names (for all the positions) to all the nominees.
- A nominee can Switch Nomination by withdrawing nomination from a position if multiple nominations are filed for the position and by filing nomination for a position for which no nomination is filed.
- Only one Switch Nomination request will be allowed for one vacant position on first request basis. Switch Nomination Request must be sent to the Election Commissioner by email before the last date for nomination withdrawal.
- Election Commissioner will publish final list of nominations for each post to all the members at least seven days prior to Annual Election Meeting. Election Commissioner will hand over all election related communications to the Executive Committee after final list of candidates are published.
- If there is only one nominee for an elected position, then that nominee shall be considered to be elected un –contested. If for all the positions for which election are being conducted all the nominees are elected un-contested then no Election Meeting will be held.

Section 5 Annual Election Meeting

All officers shall be elected by ballot at the annual election meeting unless such a decision is reached unanimously by all members of the Association present at the election meeting. A simple majority vote of those members physically present at the annual meeting shall be necessary to elect the officer. The location of the election meeting will be in Omaha, Nebraska, and/or Lincoln, Nebraska, every year. All nominations will be done with written consent of the nominee before an election is performed. Voting shall be by personal attendance at the annual election meeting. Absentee votes may be cast by registered members of good standing in writing and must be received two days prior to the annual election meeting by any member of the Election Commission.

Section 6 Vacant Executive Committee Positions

In a situation where no nomination was filed for one or more EC positions newly elected Executive Committee members will put best effort to select candidates for each of the vacant positions within first two weeks from that day of new Executive Committee is elected. In case of more than one selection are made for a vacant position by the EC members, a candidate will be elected based on majority voting within the Executive Committee. Voting process within Executive Committee must be completed within first three weeks from that day of new Executive Committee is elected.

Section 7 Vacancy

The Executive Committee may fill any vacancies in an office for the unexpired portion of the term of such office by nominating a member for the position or by election process.

ARTICLE V Meetings

Section 1 Executive Committee Meeting

Regular Executive Committee meetings will be held as needed (as determined by the EC) meeting of the EC shall be held without other notice than these by-laws. The EC may provide for, by resolution, the time and place, within Nebraska, for holding additional regular meetings of the EC without other notice than these by-laws.

Section 2 Annual Meeting

The annual meeting of the General Body shall be held at least once a year which shall also be the election meeting. The out-going President shall give the summary of activities of his term in office and the out-going Treasurer shall give the financial status of the Association.

Section 3 Special Meeting

Special meeting of the General Body may be called by a majority of the Executive Committee or upon the written request of at least twenty five percent of the registered members of the General Body.

Section 4 Notice of Meeting

Written or printed notice of any meeting shall be given to concerned participants not less than ten days prior to date of meeting.

Section 5 Conduct of Meeting

Quorum for a General Body meeting is fifteen voting members or 15% of the total voting membership whichever is less.

Quorum for Executive Committee Meeting will be half of the current Executive Committee Members or 4 Executive Committee members which one is bigger.

ARTICLE VI Finance

Section 1 Fiscal Year

The Fiscal year of the Association shall begin on the first day of January and end on the last day of December each year

Section 2 Compensation

There will be no compensation for services rendered by any members of the Association, including its elected members. Any work done by outside help, e.g. secretarial help, printing, copying, etc. will be paid by the organization if considered appropriate by the Executive Committee. Reimbursement of out-of-pocket expenses of any members of the Executive Committee or regular members will be permitted provided that a Receipt is submitted to the Treasurer of the Association detailing the cause of the expenditure, for which prior permission must be obtained from the Executive Committee.

Section 3 Contracts

The Executive Committee may authorize any officer, employee or other agent of the Association to enter into any contract or to execute and deliver any instrument in the name and on behalf of the Association and such authority may be general or confined to specific instances.

Section 4 Checks, Drafts, Notes

All checks, drafts or other orders for the payment of money and all notes or other evidence of indebtedness issued in the name of the Association, shall be signed by such officer or agent of the Association and in such manner as the Executive Committee may determine from time to time.

Section 5 Indebtedness

The highest amount of indebtedness or liability to which the Association shall at any one time be subject shall not in any case exceed the value of the property owned by it. The members and officers of the Association shall not be liable personally for corporate debts, and their private property shall be exempt from liability thereafter.

Section 6 Auditor

An auditor will be nominated by the Executive Committee for auditing the accounts of the Association every year. Such an auditor will not be a member of the Executive Committee and may have significant experience in accounting.

Section 7 Dissolution

Upon the dissolution of the corporation, the Executive Officers shall, after paying or making provisions for the payment of all the liabilities of the corporation, dispose of all the assets of the corporation exclusively for the purposes of the corporation in such manner, or to such organization or organizations organized and operated exclusively for charitable, educational, community service or scientific purposes as shall at the time qualify as an exempt organization or organizations under section 501 C (3) of the Internal Revenue Code of 1986 (or corresponding provision of any future United States Internal revenue Law), as the Executive Committee shall determine. Any such assets not so disposed of shall be disposed of by the court of Common Pleas of the county in which the principal office of the corporation 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.

ARTICLE VII Amendments

The amendments to the bylaws shall first be communicated to all regular members at the time of issuing a call for the General Assembly meeting. The final decisions regarding changes in policy or bylaws will only be made by the General Body.