

NYS AHPERD

By-Laws

Amended:

June 25, 1943. July 20, 1944; November 15, 1945; January 28, 1950; January 27, 1951; January 22, 1956; April 25, 1957; January 20, 1964; January 24, 1966; January 21, 1968; January 8, 1970; February 29, 1972; January 25, 1973; January 17, 1974; January 24, 1975; March 7, 1975; April 13, 1975; May 31, 1975; August 28, 1975; March 15, 1977; January 27, 1979; December 22, 1981; September 1982, June 1983; September 1985; November 1989; November 1992; November 1995, November 1999, April 2001, January 2003; August 10, 2004; March 20, 2007; July 30, 2008; July 29, 2009

BYLAWS
OF THE NEW YORK STATE ASSOCIATION FOR HEALTH, PHYSICAL
EDUCATION, RECREATION AND DANCE, INC.

ARTICLE I
Name

The name of this Association shall be the **New York State Association for Health, Physical Education, Recreation and Dance, Inc.** This shall be a non-profit and incorporated organization.

ARTICLE II
Purpose

The purpose of the Association shall be:

- A. To support, encourage and provide guidance for professionals throughout the State in developing and conducting programs in health, physical education, recreation, and dance.
- B. To encourage and facilitate research which will enrich the depth and scope of each of the related fields and to disseminate the findings throughout the profession.
- C. To facilitate cooperation among the fields of health, physical education, recreation, and dance for their ultimate and mutual prosperity.
- D. To provide such means of promotion as will secure adequate programs in these fields throughout the State.
- E. To cooperate with the American Alliance for Health, Physical Education, Recreation and Dance; the Eastern District Association for Health, Physical Education, Recreation and Dance and professional groups with similar interests.

ARTICLE III
Organization

Section 1 The Association

The Association shall consist of:

- A. Zones: Defined by geographical boundaries as approved by the Executive Council.
- B. Sections: Organized on the basis of professional interests as approved by the Executive Council.
- C. Standing Committees and Ad Hoc Committees, as approved by the Executive Council.

Section 2 Operating Codes

The Association shall function in accordance with the established Operating Codes. Copies of the Association Operating Codes shall be distributed to members of the Board of Directors, members of the Executive Council, and to all Committee Chairs. Copies shall also be kept on file in the Central Office. The Bylaws and Operating Codes Committee, working in conjunction with the Association leadership and Executive Director, is responsible for the development and maintenance of Association Operating Codes.

ARTICLE IV Members

Section 1 Designation

Membership in the Association shall be granted upon payment of annual dues and shall be designated as Professional, Associate, Life, Future Professional, or Retired.

- A. Professional Membership: Any professionally educated person meeting the requirements to teach health, physical education, recreation/leisure education, dance or related fields and/or is primarily engaged in the teaching, coaching or administration of health, physical education, recreation/leisure education and/or dance.
- B. Retired Membership: Any person having met the criteria for professional membership and is now retired as defined by the New York State Retirement System or its equivalent.
- C. Future Professional Membership: Any undergraduate or full time graduate student enrolled in a professional school of health, physical education, leisure/recreation education, dance and/or related fields.
- D. Associate Membership: Any person not meeting the qualifications for professional membership, but who supports these programs.
- E. Life Membership: Granted to those individuals who submitted appropriate dues as defined by the Board of Directors.

Section 2 Membership Privileges

- A. Professional, Associate, Retired, and Life, members shall have the right to vote in the Association.
- B. Professional, Retired, and Life, members shall have the right to hold office in the Association.
- C. Membership shall be effective when annual dues are received and shall terminate one year later.

ARTICLE V Dues

Section 1 Association Dues

The Board of Directors shall establish Association dues.

Section 2 Section Dues

The Council of Administrators (COA) and Coaches Sections shall determine the amount of their dues. COA and Coaches Section dues shall be indicated separately on the membership application. For any changes in said dues the COA and Coaches Sections shall request approval from the Board of Directors.

Section 3 Section Membership Rebates

COA, Coaches and Future Professional Section rebates shall be remitted quarterly by the Association Treasurer when said Sections meet requirements as outlined in Article IX, Section 2, Active Sections.

Rebates for the following Sections will be remitted to the Section Fund Account:

- Adapted Physical Education & Sport
- Aquatics Education
- Dance Education
- Elementary/Middle School Physical Education
- Exercise Science/Sports Medicine
- Health Education
- Higher Ed/Professional Preparation
- Recreation/Adventure Education
- Retirees
- Secondary Physical Education

Section 4 Zone Rebates

Zone rebates shall be remitted quarterly by the Association Treasurer when Zones meet requirements as outlined in Article X, Section 2, Active Zones.

ARTICLE VI Officers

Section 1 Officers

The Officers of the Association shall be:

- A. President
- B. President-elect
- C. Past President
- D. Secretary

Section 2 Terms of Office

- A. The President-elect shall serve one year as President-elect, one year as President and one year as Past President.

- B. The Secretary shall serve a two-year term and may be re-elected to a second term.
- C. The Officers shall take office at the Association's Annual Conference.

Section 3 President

The President shall:

- A. Preside at all meetings of the Executive Council.
- B. In collaboration with the Executive Director, plan the Annual Conference.
- C. Make Appointments as provided in Article XII, Committees and Appointments.

Section 4 President-elect

The President-elect shall

- A. Act on behalf of the President in the Presidents' absence.
- B. Be responsible for the oversight and guidance of either the Zone or Section Presidents.
- C. Assist the President when requested

Section 5 Past President

The Past President shall:

- A. Be responsible for the oversight and guidance of either the Zone or Section Presidents.
- B. Assist the President and President-elect when requested.

Section 6 Resignation or death

- A. In the case of resignation or death of the President, the President-elect shall succeed the President for the unexpired term in addition to the term of office for which the President-elect was elected.
- B. In the case of resignation or death of the President-elect, a special election shall be held. The procedures outlined in Article VIII shall be followed.
- C. In the case of the resignation or death of the Secretary, the President shall appoint a replacement for the remainder of that Presidential year. The permanent replacement for the vacancy shall be elected following the procedures of Article VIII.

Section 7 Operating Codes

For a more detailed description of responsibilities, see the Operating Codes for the President, President-elect, Past President and Secretary in the Operating Code Section of this Handbook.

ARTICLE VII Government

The business of the Association shall be conducted by the Officers, Board of Directors, Executive Council, and Committees constituted as hereinafter provided.

Section 1 Board of Directors

- A. Responsibilities

- a. The Board of Directors shall be responsible for the financial and legal matters of the Association.
- B. The Board of Directors shall consist of the following:
 - a. Voting Members
 - i. President
 - ii. President-elect
 - iii. Past President
 - iv. Six Members-at-Large
 - b. Non-Voting member
 - Executive Director
 - Treasurer
- C. Term of Office
 - a. Members-at-Large shall serve a three-year term, with two members being elected annually.
 - b. Members-at-Large shall take office at the Association's Annual Conference.
 - c. In the case of the removal, resignation or death of a Member-at-Large, the Board of Directors shall elect a person, of the same gender, to fill the vacancy; the term of office shall conclude at the end of that Presidential year. The permanent replacement for the vacancy shall be elected following the procedures of Article VIII.
 - d. A voting member of the Board of Directors shall not be the President of a Zone or Section.
 - e. A voting member of the Board of Directors shall not receive a stipend from the Association during his/her term of office.
- D. Meetings
 - a. There shall be a minimum of five meetings per year. The Chair of the Board of Directors may call special meetings.
 - b. The incoming Board of Directors shall meet at the Annual Conference to elect a Chairperson and a Secretary. A member of the Presidential team shall not serve as Chair of the Board of Directors.
 - c. Six voting members shall constitute a quorum. In the event of the absence of the President-elect, President, or Past President due to death, resignation or unusual circumstances, five voting members shall constitute a quorum.
 - d. A majority vote of the quorum shall be required to pass a motion.
 - e. Members-at-large shall serve as non-voting members of the Executive Council.
 - f. A member of the Board of Directors may not serve as a proxy for an Executive Council member.
- E. Minutes
 - a. Meetings shall be recorded and the Secretary shall keep an official book of approved minutes. The Secretary shall submit the minutes to the Central Office for distribution to the Board of Directors and the Executive Council.
 - b. The official minutes shall be open for review by members of the Association.
 - c. Pertinent motions passed by the Board of Directors shall be published in the next publication of the Association.

F. Operating Code

- a. For a more detailed description of responsibilities, see the Operating Code for the Board of Directors, in the Operating Code Section of this Handbook.

Section 2 Executive Council

A. Responsibilities

The Executive Council shall:

- a. Determine policies, other than legal and financial, which pertain to the Annual Conference, membership, activities of the Zones and Sections, publications and such other matters as may affect the Association.
- b. Approve policy necessary to conduct the business of the Association, including amendments and revisions to the, By-Laws and Operating Codes.
- c. Receive reports and act on recommendations from the Officers, Zone and Section Presidents, the Board of Directors and Committees.

B. The Executive Council shall consist of the following:

a. Voting Members

The officers of the Association

1. President
2. President-elect
3. Past President
4. Secretary
5. Section Presidents
6. Zone Presidents

b. Non-Voting Members (Ex Officio)

1. Board of Directors member
2. Treasurer
3. Executive Director

C. Term of Office

Terms of office are designated as follows:

- a. Officers (one year)
- b. Zone and Section Presidents (two years)
- c. The Future Professionals Section President will serve a one year term
- d. Terms begin at the Association's Annual Conference

D. Meetings

- a. The Executive Council shall meet five times per year. The President may call special meetings.
- b. The President of the Association shall preside at all Executive Council meetings.
- c. The Secretary of the Association shall record the official minutes.
- d. A majority of the voting members of the Executive Council shall constitute a quorum.
- e. Each member of the Executive Council shall be entitled to one vote with the exception of the Future Professional Section President and the Future Professionals Section Advisor who shall share one vote.
- f. A voting member may name a proxy by so indicating in writing, to the Association Secretary prior to the convening of the meeting. In an emergency the Association President may sign a proxy form on behalf of a Zone/Section President.

- g. A proxy shall be a member in good standing and hold membership in the appropriate Section or Zone; in the case of the Future Professionals Section advisor role, a professional member may serve as proxy.
 - h. Neither a member of the Board of Directors nor a NYS AHPERD employee may serve as a proxy to the Executive Council.
- E. Operating Code
- a. For a more detailed description of responsibilities, see the Operating Code for the Executive Council in the Operating Code Section of this Handbook.

ARTICLE VIII Elections

Section 1 Nominations

The Chairperson of the Nominating Committee shall invite the names of nominees by contacting members of the Board of Directors and the Executive Council as well as placing an advertisement on the Association web site and in the most appropriate Association publication.

Section 2 Nomination Committee

The Nominating Committee shall submit a slate to the Executive Council for approval. The slate shall consist of two names for each position of President-elect, Secretary and vacancies on the Board of Directors.

Section 3 Incomplete Slate

If the Nominating Committee is unable to select two candidates for any position, with the approval of the Executive Council, one candidate and a line for a write-in candidate shall be placed on the ballot.

Section 4 Introduction of Candidates for President-elect

The candidates for the position of President-elect shall be invited to address the Executive Council at the spring meeting and their expenses funded from the Association budget.

Section 5 Election Committee

Once the slate of candidates is approved, a ballot shall be prepared by and disseminated from the Central Office. Included with the ballot shall be biographical information and a photograph of each candidate. The Election Committee shall certify the ballots. The Chairperson of the Election Committee shall report the results to the President, the Chair of the Board of Directors and the Executive Director.

Section 6 Voting

Ballots shall be disseminated to all current Professional, Associate, Retired and Life members, as well as, the President and President-elect of the Future Professional Section. Voting results shall be retained for one year.

Section 7 Voting Results

The candidate receiving a majority of the votes cast shall be elected. In case of a tie vote, the Executive Council shall elect the Officer or member of the Board of Directors from the tied candidates.

Section 8 Notification

The President shall notify, in writing, those candidates elected to office as well as the nominees who were not elected.

Section 9 Operating Codes

For a more detailed description of their responsibilities, see the Operating Code for the Election Committee and Nominating Committee, in the Operating Code Section of this Handbook.

ARTICLE IX Sections

Section 1 Designation

A Section shall be defined as an organized interest group approved by the Executive Council.

The Sections shall include:

- Adapted Physical Education and Sport
- Aquatics
- Coaches
- Council of Administrators
- Dance
- Elementary/Middle School Physical Education
- Exercise Science/Sports Medicine
- Future Professionals
- Health Education
- Higher Education/Professional Preparation
- Recreation/Adventure Education
- Retirees
- Secondary Physical Education

Section 2 Active Sections

Active Sections shall be defined as those meeting all of the criteria listed below in order to receive membership rebates from the Association:

- A. Holds a membership meeting at the Annual Conference.
- B. Conducts a minimum of four workshops or presentations at the Annual Conference specific to their interest group.
- C. Elects a President every two years; in the case of the Future Professionals Section, the Presidential rotation occurs annually.
- D. Publishes a minimum of two Section Newsletters during the school year.
- E. Annually submits the following documents to the Central Office
 - a. Statements of all financial holdings
 - b. Annual audit report by an independent auditor, if necessary.

- F. Has a current Operating Code on file in the Central Office.
- G. Submits all other pertinent information as requested by the President or Central Office.

Section 3 Inactive Section

- A. An inactive Section is one that does not meet the criteria listed in Section 2 above.
- B. Resolution of Inactive Status
 - a. Once declared *Inactive*, no further membership dues reimbursements will be paid.
 - b. Said dues reimbursements will be held in escrow until such a time as the *Inactive* status has been resolved.
 - c. Section funds held in escrow may be used by the Central Office to insure the continuation of services to said Section.
 - d. The Leadership of NYS AHPERD is responsible to assist the Section in rehabilitation from the *Inactive* status.
 - e. During rehabilitation from the *Inactive* status, if needed, funds held in escrow may be used to support the rehabilitation.
 - f. Once the Section has been declared *Active*, Membership dues reimbursements (minus funds used in the rehabilitation process) held in escrow will be forwarded to the Section.
 - g. The Leadership of NYS AHPERD will review the mid-year Section Checklist, to determine the return to *Active* status.

Section 4 Membership

- A. A Section shall have the right to establish qualifications for membership provided such qualifications do not violate the Association's Bylaws.
- B. A Section may levy dues in addition to the regular Association dues as prescribed in Bylaws Article V, Dues.

Section 5 Establishment of a new Section

The establishment of a new Section occurs through Executive Council approval.

Section 6 Meeting of the Section Presidents

Section Presidents shall meet during the regularly scheduled meetings of the Executive Council to conduct their business, exchange ideas and formulate recommendations or resolutions to be brought to the Executive Council for action. A member of the Presidential team shall chair these meetings and summarize the recommendations for the Executive Council.

Section 7 Funding

- A. Section Dues:
Section dues shall be distributed quarterly by the Association Treasurer to an active Section as defined in Section 2 above.
- B. Conference Funding:
Section Presidents may submit a conference funding request to the Board of Directors during the budget development process.

Section 8 Program Planners

Each Section shall appoint at least one representative to the Conference Program Planning Committee for the purpose of planning for the Association's Annual Conference.

Section 9 Section Leadership Structure

When possible, Section Boards shall minimally consist of a President-elect, President, Past President, Secretary, Treasurer, and Program Planner.

Section 10 Term of Office

- A. Section Presidents shall serve a two-year term of office.
- B. The incoming Section President and Section Officers shall assume official duties at the Annual Conference.

Section 11 Minutes and Newsletters

The official minutes from the annual Section business meetings shall be attached to the Section Checklist and copies of all Section Newsletters shall be kept on file at the Central Office.

Section 12 Eliminating a Section

The Executive Council, after due hearing, may eliminate a Section for violation of the Association's Bylaws or for failure to meet its membership obligations.

Section 13 Operating Code

For a more detailed description of the responsibilities of Section Presidents, see the Operating Code Section of this Handbook.

ARTICLE X Zones

Section 1 Designation

The Zones of the Association shall be defined by geographical boundaries approved by the Executive Council and shall include:

- Capital (O)
- Catskill (E)
- Central North (E)
- Central South (E)
- Central Western (O)
- Nassau (E)
- New York City (E)
- Northern (O)
- South Eastern (O)
- Suffolk (E)
- Western (O)

* see Section 6 below

Section 2 Active Zones

Active Zones shall be defined as those meeting all of the criteria listed below in order to receive rebates from the Association Treasurer:

- A. Holds a minimum of four membership meetings per year.
- B. Publishes a minimum of two Zone Newsletters annually during the school year.
- C. Conducts a Zone Conference or Workshop annually.
- D. Elects a President every two years (See Section 6 below).
- E. Annually submits the following documents to the Central Office by a date established by the Board of Directors:
 - a. Statements of all financial holdings
 - b. Annual audit report by an independent auditor if necessary
- F. Has a current Operating Code on file in the Central Office.
- G. Submits all other pertinent information as requested by the President or Central Office.

Section 3 Inactive Zone

- A. An inactive Zone is one that does not meet the criteria listed in Section 2 above.
- B. Resolution of Inactive Status
 - a. Once declared *Inactive*, no further membership or JRFH rebates will be paid.
 - b. Said rebates will be held in escrow until such a time as the *Inactive* status has been resolved.
 - c. Zone funds held in escrow may be used by the Central Office to insure the continuation of services to said Zone.
 - d. The Leadership of NYS AHPERD is responsible to assist the Zone in rehabilitation from the *Inactive* status.
 - e. During rehabilitation from the *Inactive* status, if needed, funds held in escrow may be used to support the rehabilitation.
 - f. Once the Zone has been declared *Active*, membership and JRFH rebates (minus funds used in the rehabilitation process) held in escrow will be forwarded to the Zone.
 - g. The Leadership of NYS AHPERD will review the mid-year Zone Checklist, to determine the return to *Active* status.

Section 4 Zone Selection

- A. Members shall identify one Zone, either where they live or work, with which they wish to affiliate.
- B. Members may affiliate with an active Zone if their Zone of choice is inactive.

Section 5 Zone Leadership Structure

Local Zone Boards shall minimally consist of; a President-elect, President, Past President, Secretary, Treasurer and, when possible, members representing Sections as delineated within the Executive Council structure.

Section 6 Terms of Office

- A. Zone Presidents shall serve a two-year term, with five Zone Presidents taking office in the (O) odd years and the other six in the (E) even years. Presidents of the Zones marked with an (O) in Section 1 above shall take office in the odd years.
- B. Incoming Zone Presidents and Zone Officers shall assume official duties at the Association's Annual Conference.

Section 7 Minutes and Newsletters

The official minutes from all Zone meetings shall be attached to Zone Checklists and copies of all Zone Newsletters shall be kept on file at the Central Office.

Section 8 Meeting of Zone Presidents

Zone Presidents shall meet during the regularly scheduled meeting of the Executive Council to conduct business, exchange ideas and formulate recommendations or resolutions to be brought to the Executive Council for action. A member of the Presidential Team shall chair the meetings and present recommendations to the Executive Council.

Section 9 Eliminating a Zone

The Executive Council after due hearing, may eliminate a Zone for violation of the Association's By-Laws or for failure to meet its membership obligations.

Section 10 Operating Code

For a more detailed description of the responsibilities of Zone Presidents, see the Operating Code Section of this Handbook.

ARTICLE XI Affiliated Organizations

Section 1 Membership

Organizations having professional interests similar to the Association may be granted affiliate status.

ARTICLE XII Committees and Appointments

Section 1 Designation

- A. Committees shall be designated as:
 - a. Standing Committees
 - b. Ad Hoc Committees
- B. The President of the Association may make Appointments as deemed necessary to conduct the business of the Association
 - a. Committee members and Appointments shall be members of NYS AHPERD.
 - b. All Committees and Appointments shall report to the President and make reports to the Executive Council.

Section 2 Standing Committees

- A. Standing Committees shall:
 - a. Be appointed by the President, with the exception of the Conference Site Selection Committee, Conference Program Planning Committee, Jump Rope For Heart/Hoops For Heart Committee and the Distinguished Service Award Committee.
 - b. Be approved by the Executive Council.
 - c. Represent working groups whose assignment extends beyond the President's term of office.
- B. Standing Committees shall include:
 - a. Awards Committees
 - i. Distinguished Service Award Committee
 - ii. Health Education Awards Committee
 - iii. Teacher/Professional of The Year Committee (TOY/POY)
 - iv. Jay B. Nash Outstanding Major Award Selection Committee
 - v. Bernard E. Hughes Recognition Award Selection Committee
 - b. Conference Committees
 - i. Conference Site Selection Committee
 - ii. Conference Program Planning Committee
 - c. Association Operations Committees
 - i. Bylaws and Operating Code Committee
 - ii. Jump Rope For Heart/Hoops For Heart Committee
 - iii. Necrology Representative
 - d. Association Elections Committees
 - i. Nominating Committee
 - ii. Election Committee

Section 3 Membership

With the exception of the Distinguished Service Award, Conference Site Selection, Conference Program Planning, and the Jump Rope for Heart Committees, the following procedures for membership apply:

- A. The committee shall consist of six members.
- B. Each member shall be appointed for a period not to exceed three years.
- C. One-third of the membership shall be appointed each year.
- D. The Chairperson shall be appointed by the President for one year and may be re-appointed.

Section 4 Distinguished Service Award Committee

- A. The Distinguished Service Award Committee shall be comprised of the five immediate Past Presidents, each serving a five year term.
- B. The Chairperson shall be the Past President serving the fifth year on the Committee.

Section 5 Conference Site Selection Committee

- A. The Conference Site Committee shall report directly to the Board of Directors.
- B. The Executive Director and the Conference Director shall comprise the Committee with the Executive Director serving as Chairperson.

Section 6 Conference Program Planning Committee

- A. The Conference Program Planning Committee shall be comprised of at least one representative from each Section, appointed by the Section President, to plan programs for the Annual Conference.
- B. The Conference Director shall Chair this committee.

Section 7 Jump Rope For Heart/Hoops for Heart Committee

- A. The Jump Rope For Heart/Hoops for Heart Committee shall be comprised of a representative from each Zone, appointed by the Zone President.
- B. The Chairperson shall be appointed by the Association President.

Section 8 Ad Hoc Committees and Appointments

- A. Ad Hoc Committees shall be appointed and Presidential Appointments shall be made by the President of the Association and shall terminate at the conclusion of the President's term of office.
- B. Members of President's Committees and Presidential Appointments shall be Association members in good standing.
- C. Ad Hoc Committees may be appointed as the President deems necessary:

Section 9 Operating Codes

For a more detailed description of responsibilities for the Association's Committees and Appointments, see the Operating Code Section of this Handbook.

ARTICLE XIII Awards, Citations and Scholarships

Awards, citations, and scholarships may be given for meritorious service as provided in the Association Operating Codes.

ARTICLE XIV Publications

Section 1 Official Publications

The official publications of the Association shall be determined by the Board of Directors and approved by the Executive Council.

Section 2 Zone and Section Publications

Zones and Sections shall prepare a minimum of two publications each school year.

ARTICLE XV
Rules of Order

The most recent edition of Robert's Rules of Order, shall govern all meetings of the Board of Directors and the Executive Council.

ARTICLE XVI
Amendments

Section 1 Procedure

Amendments to these Bylaws shall be reviewed by the Bylaws and Operating Code Committee and the Board of Directors prior to being presented to the Executive Council for a vote.

Section 2 Voting

- A. After thirty days written notice, motions to amend shall be presented for a vote at an official meeting of the Executive Council. In case of an urgent situation, electronic mail may be used between official meetings.
- B. At an official meeting, two thirds of votes cast shall be required for the approval.
- C. When electronic voting is used, two-thirds of the entire Executive Council is required for approval.

Section 3 Publication of Amendments

All adopted amendments shall be published in the next NYS AHPERD publication.