



BY-LAWS OF THE NEW MEXICO SCHOOL COUNSELOR ASSOCIATION

Chartered Division of the American School Counselor Association

ARTICLE I

NAME AND MISSION

ARTICLE I, SECTION 1. The name of the association shall be the New Mexico School Counselor Association (NMSCA).

ARTICLE I, SECTION 2. NMSCA promotes the image and influence of professional school counselors, empowering them to promote student success in the areas of academic, career, and social/emotional development. The mission of the New Mexico School Counselor Association is to promote excellence and ethical practice in the profession, by providing leadership, support and advocacy for school counselors.

ARTICLE I, SECTION 3. NMSCA is a state association of the American School Counseling Association (ASCA).

ARTICLE II

MEMBERSHIP

ARTICLE II, SECTION 1. Types of membership: This association will include four types of membership: Professional, Student, Retired, and Affiliate.

ARTICLE II, SECTION 2. Requirements of membership: In order to qualify for one of the types of membership, an individual must meet the following requirements for the membership being sought and have paid dues for the current year.

II-2a. Professional Membership: A Professional Member must hold a Master's degree or higher in Counseling or closely related field from an institution that was accredited when the degree was awarded by one of the regional accrediting bodies recognized by the council on postsecondary accreditation. The member must hold a school counselor license issued by the State of New Mexico.

II-2b. Student Membership: A Student Member must be enrolled in a minimum of 6 graduate hours or nine undergraduate credit hours per semester leading toward a degree in counselor or a related field. Verification by the student and the student's professor is required. No person shall be eligible to be or continue as a Student Member who is otherwise eligible to become a Professional Member (i.e. Administrators, Principles, Student Services Director).

II-2c. Retired Membership: Eligible for continued membership at a reduced fee if they have retired from the profession of counseling.

II-2d. Affiliate Membership: Individuals whose interest and activities are consistent with those of the association, but are not qualified for professional membership.

ARTICLE II, SECTION 3. Dues: The Governing Board of NMSCA will vote on membership dues to meet the proposed budget of NMSCA. All members shall be notified once a change in dues is made. The notification will take place by e-mail and by notification in the next newsletter.

ARTICLE II, SECTION 4. Rights and Privileges:

II-4a. Professional, Student, and Retired Members shall be eligible to vote.

II-4b. There shall be no discrimination against any individual on the basis of ethnicity, color, sex, sexual orientation, disabling condition, and/or age.

ARTICLE II, SECTION 5.

II-5a. Severance of Membership: A member's membership may be suspended and the school counselor referred to the New Mexico Public Education Department Ethics Board for any conduct which violates the ASCA Code of Ethics and/or the New Mexico Public Education Standards of Conduct.

II-5b. Process. The Ethics Chair will convene the committee on ethics as needed. The Committee on Ethics shall review any charge of misconduct. The accused shall be given the opportunity to respond to the charges. If the Ethics Committee finds the charges to be substantiated, the committee may refer the misconduct to the appropriate state authorities.

II-5c. The Committee on Ethics: Committee on Ethics shall consist of an Ethics Chair and a minimum of three (3) members, who hold membership in both NMSCA and ASCA.

ARTICLE III

OFFICERS, TERMS OF OFFICE, DUTIES, AND SUCCESSION

ARTICLE III, SECTION 1. Officers: The Officers of NMSCA shall be President, President-Elect, Past President, five Vice-Presidents, Secretary, Treasurer, Legislative Chair, Membership Co-Chairs, Website Chair, Ethics Chair, and Professional Development Chair.

III. 1a. Only Professional and Retired Members shall be eligible to hold an elected office in the Association. President and President-Elect must be members of American School Counseling Association.

III-1b. All officers of NMSCA, except Secretary and Treasurer, shall be elected at large from among eligible members of the association. The Secretary and Treasurer must be members of NMSCA.

ARTICLE III, SECTION 2. Terms of Office: All officers shall abide by the terms of office as outlined below.

III-2a. The President-Elect shall serve a term of one year commencing July 1st to June 30th, after which he/she shall automatically become President.

III-2b. The President shall serve a term of one year commencing July 1st to June 30th, after which he/she shall automatically become Past President.

III-2c. The Past-President shall serve a term of one year commencing July 1st to June 30th, after which he/she may run for another position on the governing board, or serve on a committee if they so choose.

III-2d. The Five Vice Presidents shall each serve two-year terms. They shall be responsible for generating interest and activities within the following areas: elementary (including pre-school), middle, secondary, charter, and professional outreach. A person elected to a position of Vice-President shall be employed as a counselor in the work setting to be represented. The Elementary and Professional Outreach Vice-Presidents terms will end in odd-numbered years. The Secondary, Middle, and Charter Vice-Presidents terms will end in even numbered years. Vice Presidents may be re-elected for additional terms.

III-2e. The Treasurer and Secretary shall serve a one-year term. The Treasurer and Secretary may be re-elected for additional terms.

III-2f. In the event that any other elected officer cannot complete his/her term, the President will appoint an interim officer until the next election cycle.

ARTICLE III, SECTION 3. Duties of Officers:

III-3a. During the term of office, the President shall serve as the presiding officer of NMSCA, shall be a representative on the NMCA (New Mexico Counseling Association) Board of directors as a non-voting member, and shall represent the Association at the ASCA Delegate Assembly.

III-3b. The President-Elect shall assume the duties of President in the absence of the President and shall represent the Association at the ASCA Delegate Assembly. If the President-Elect is unable to serve as the Delegate to the ASCA Delegate Assembly, the Past President will be appointed with the approval of the Governing Board. The President-Elect shall work closely with the President in all aspects of the organization. The President-Elect shall serve as Parliamentarian.

III-3c. The Treasurer shall work with the membership chairperson as well as take charge of all funds of the organization and shall make disbursements to cover financial obligations of NMSCA including discretionary funds (not exceeding \$100) for President expenditures. The Treasurer shall submit an annual report to NMSCA. The Treasurer shall submit an annual report to the NMSCA Governing Board at Crossover Board Meeting. At any point, the Governing Board can request an audit of records.

III-3e. The Secretary shall take minutes of the Governing Board and shall handle other correspondence and duties as directed by the President.

III-3f. The five Vice Presidents shall be responsible for generating interest and activities within their respective areas.

ARTICLE III, SECTION 4. Succession: The President-Elect shall automatically become President of the Association if the President is unable to complete the term. In the event a President-Elect should resign or be unable to complete the term, or the President's unexpired term, the Past President of the Governing Board shall assume the position of chairperson of the Governing Board until the Governing Board appoints a qualified member to fill any such vacancy.

ARTICLE IV

GOVERNING BOARD

ARTICLE IV, SECTION 1: Composition: The Executive/Governing Board shall be composed of the President, President-Elect, Past President, five Vice Presidents, Secretary, Treasurer, Legislative Chair, Website Chair, Ethics Chair, and Professional Development Chair.

ARTICLE IV, SECTION 2: Powers and Functions with the duties of the Executive/Governing Board shall be to conduct the business affairs in the operation and function of the Association. It is desirable that members of the Executive/Governing Board be elected from various areas of the state to facilitate the operation.

ARTICLE IV, SECTION 3: Voting Members: Members of the Executive/Governing Board.

ARTICLE V

NOMINATION AND ELECTION OF OFFICERS

ARTICLE V, SECTION 1: Nominations: The President shall appoint a Nominating Committee at the last quarterly board meeting before the crossover. The Nominating Committee will prepare a slate of candidates for the election.

ARTICLE V, SECTION 2: Election of Officers: An election shall be held after the last quarterly board meeting and; before the crossover board meeting by email ballot.

ARTICLE VI

NEWSLETTER

ARTICLE VI, SECTION 1: Purpose: The association shall publish a newsletter or journal to keep the membership informed of significant happenings in the state and at the national level.

ARTICLE VII

MEETINGS

ARTICLE VII, SECTION 1: Meetings: There shall be at least one meeting of the general membership and four Executive/Governing Board meetings each year.

ARTICLE VII, SECTION 2: Governance of Meetings. Unless otherwise specified in the Bylaws, Robert's Rules of Order shall govern the proceedings of the meetings of the Association.

ARTICLE VIII

BUSINESS AFFAIRS OF THE ASSOCIATION

ARTICLE VIII, SECTION 1: Fiscal year: The fiscal year begins July 1st and ending the following June 30th.

ARTICLE VIII, SECTION 2: Property of the Association: In the event the Association should be dissolved, none of the property shall be distributed to any members. All property shall be transferred to such organization, as the Executive/Governing Board shall determine to have purposes and activities most nearly compatible with those of the Association.

ARTICLE VIII, SECTION 3: Adoption and amendments of Bylaws:

VIII-3a. Amendments to the Bylaws may be adopted by a vote of a majority of current members present at the annual meeting or responding to a mail or Internet ballot. Proposed amendments to the bylaws must be published at least 60 days before the voting date.

VIII-3b. Amendments to the Bylaws may be proposed by the Executive/Governing Board or by petition of 15% of the current membership of the Association.

ARTICLE IX

LOCAL CHAPTERS

ARTICLE IX, SECTION 1: The Association may include one or more local chapters, each of which shall consist of at least 15 members of the Association in good standing. No local chapter shall be organized or operated except in accordance with the Bylaws of the Association.

ARTICLE IX, SECTION 2: A local chapter shall be free to conduct its affairs, but shall do so only in compliance with the Bylaws of the Association.

ARTICLE X

OPERATIONAL STRUCTURE

ARTICLE X, SECTION 1: Committees:

X-1a. The committees of the Association shall consist of standing and special committees. With the approval of the Executive/Governing Board, the President shall appoint special committees to serve during the President's term of office.

X-1b. Standing committees. The standing committees shall be:

(a) Bylaws- Reviews the Bylaws of the Association at least once every four years and makes recommendations concerning revisions to the Board.

(c) Finance- Annually reviews the fiscal responsibilities of the Board as deemed by the Treasurer in accordance with Article III, section III-3d of these bylaws.

(d) Nominations and Elections: Annually follows guidelines for selecting candidates for election to the Association's Board in accordance with Article V, section 1 and 2 of these bylaws.

(e) Conference: Annually plans the Association's conference under the guidance of the Professional Development Chair.

(f) Membership: Annually reviews the awareness, access, and incentives for recruiting, involving, and retaining members under the guidance of the Membership Co-Chairs.

Article XI

INDEMNIFICATION

Article XI, Section 1. Definition: The Association shall indemnify each member of the Governing Board and each of its officers for the defense of civil or criminal actions or proceedings as hereinafter provided and, notwithstanding any provision in these By-Laws, in a manner and to the extent permitted by applicable law.

Article XI, Section 2. Insurance: The Association shall have power to purchase and maintain insurance on behalf of any agent of the Association against any liability asserted against or incurred by the agent in such capacity or arising out of the agent's status as such whether or not the Association would have the power to indemnify the agent against such liability under the provision of this Article.

Article XI, Section 3. The Association shall indemnify each of its directors and officers, as aforementioned from and against any and all judgments, fines, amounts paid in settlement, and reasonable expenses, including attorney's fees, actually and necessarily incurred or imposed as a result of such action or proceedings, or an appeal therein, imposed upon or asserted against him or her by reason of being or having been such a director or officer and acting within the scope of his or her official duties, but only when the determination shall have been made judicially or in the manner provided, that he or she acted in good faith for the purpose which he or she reasonably believed to be in NMSCA's best interests and, in the case of criminal action or proceeding, in addition, had no reasonable cause to believe that his or her conduct was unlawful. This indemnification shall be made only if the Association shall be advised by its' Governing Board acting (1) by quorum consisting of Governing Board members who are not parties to such section or proceedings upon a finding that, or (2) if a quorum under (1) is not obtainable with due diligence, upon the opinion in writing of independent legal counsel that, the Governing Board or officer has met the foregoing applicable standard of conduct. If the undergoing determination is to be made by the Governing Board, it may rely as to all questions of law on the advice of independent legal counsel.