

NEW MEXICO COUNSELING ASSOCIATION BYLAWS

(Approved by ACA October 2010)



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ARTICLE 1 NAME & MISSION

Section 1. NAME. The name of the association shall be the New Mexico Counseling Association (NMCA). All further references to the Association in these bylaws shall mean the New Mexico Counseling Association. The Association is a branch of the American Counseling Association and is organized in accordance with ACA Bylaws.

Section 2. MISSION. The mission of the Association is to enhance the quality of life in New Mexico by promoting the development of professional counselors, advancing the counseling profession and practice of counseling to promote respect for human dignity and diversity.

Section 3. The Association adheres to, and advocates the highest ethical standards and professional competence of its members. The Association is committed to serve the profession and ensure the public receives the highest quality of professional counseling services.

ARTICLE II MEMBERSHIP

Section 1. Individual Membership. There shall be four classes of individual voting memberships: Professional, Regular, Student and Retired.

- a. **Professional membership** shall hold a masters degree or higher in counseling or closely related field from a college or university that was accredited when the degree was awarded by one of the regional accrediting bodies recognized by the Council and Post-Secondary Accreditation. Professional members must present proof of academic credentials upon request.
- b. **Regular membership** shall include persons whose interests and activities are consistent with those of the Association, but who are not qualified for Professional membership.
- c. **Student membership** is available for students enrolled at least half-time in a college or university program leading towards a degree in counseling or a counseling related field.
- d. **Retired membership** provides for any professional or regular member to change their membership status to retired if they have retired from the counseling profession.
- e. Divisions may set their own membership classes and criteria consistent with ACA requirements.
- f. Members of NMCA agree to follow the ACA Code of Ethics along with standards and ethical codes relevant to the population they are working with.

Section 2. Dues.

- a. Annual Association dues for members shall be established by the Executive Board.
- b. Student and retired members will pay 50% of the dues professional and regular members pay.
- c. NMCA and ACA Membership dues for the president and president-elect will be paid by the Association.
- d. The Association will waive membership dues of past presidents for a period not to exceed five years.

Section 3. Termination. A member may be dropped from membership for conduct contrary to or destructive of the Association's mission according to its Bylaws and ethical standards. All charges of misconduct shall be sent to the ethics committee for resolution. A member may be dropped from membership for nonpayment of dues.

ARTICLE III OFFICERS

Section 1. Designation. The officers of the Association shall be the President, President-Elect, President Elect-Elect, Immediate Past-President, Executive Director and Treasurer. These officers, as well as the Presidents of each division and Chairpersons of each Standing committee shall constitute the Executive Board.

- a. All officers of the Association, except the Executive Director and Treasurer, shall be elected by the Executive Board or Division Boards. They serve for one year terms or until successors are elected. The candidate shall be an Association member in good standing.
- b. The Executive Officers who include the President, President-Elect and Treasurer will convene at the discretion of the President; they do not hold policy making privileges.

Section 2. Terms and Duties of Officers.

- a. The President shall preside at each meeting of the Association and the Executive Board and represent the Association through the ACA as well other organizations. The President is an ex-officio member of each Standing Committee.
- b. The President-Elect shall become President of the Association in the July following the term of the previous President. The President-Elect shall preside in the absence of the President and shall be an ex-officio member of the Financial Affairs committee. The President-elect will serve as liaison to the NM Counseling and Therapy Practice Board.
- c. The President Elect-Elect shall become President-Elect of the Association in the July following the term of the previous President-Elect. The President Elect-Elect shall be chair of the Leadership Development committee.
- d. The Vice-President of Professional Development shall coordinate the Professional Development of the Association.
- e. The Past President shall serve as Chairperson of the Nominating Committee and Chairperson of the Past Presidents Council.
- f. The Treasurer shall represent the Association in assuring that receipt and expenditure funds are in accordance with the directives established by the Executive Board. The treasurer will perform duties customary to the office and such additional duties as may be directed by the Executive Board.
- g. The Executive Director shall be the Secretary of the Association and perform the duties customary to the office of secretary and those directed by the governing board.

Section 3. Affiliation. All elected officers of the Association must be members of ACA and NMCA, and if representing a branch division, the corresponding national division, and must reside in New Mexico.

Section 4. Presentation. The President Elect-Elect shall be presented at the Annual Meeting. S/he shall automatically accede to office on the first day of the fiscal year following election by the Board. The Executive Director and Treasurer shall be appointed and serve at the pleasure of the Executive Board.

Section 5. Term of Office. Transfer of officers will occur at the annual Leadership Development Institute (LDI). Officers shall hold office for one year or until a successor takes office.

Section 6. Replacement. In the event of the death, incapacitation or resignation of any officer the Executive Board shall select a successor to serve until the next regular election.

ARTICLE IV STANDING COMMITTEES

The Association shall have the following standing committees that shall be constituted in three classes so that only one-third of each committee is replaced annually. Committees shall consist of one representative from each Division and/or board volunteers; at least 5 members will make up each committee.

Section 1. NOMINATING COMMITTEE: This committee will annually submit to the Executive Board a slate of nominees for President-Elect-Elect, and any other open office.

Section 2. ETHICS COMMITTEE: This committee shall review any charges of misconduct and report their recommendations regarding membership to the Executive Board.

Section 3. GOVERNMENT RELATIONS COMMITTEE: The committee shall address legislative issues which either promote, or are in conflict with the position of NMCA as determined by the Executive Board and reviewed annually through its membership. The Executive Board will appoint the Chair of this committee.

Section 4. LEADERSHIP DEVELOPMENT COMMITTEE: This committee shall be in communication with the membership of the Association for leadership development and membership growth. The President Elect-Elect will chair this committee.

Section 5. FINANCIAL AFFAIRS COMMITTEE: shall include the Treasurer and a chair appointed by the Executive Board. The Financial Affairs Committee shall review the financial affairs of the Association and the Treasurer will submit a budget to the Executive Board prior to the beginning of the fiscal year.

Section 6. SPECIAL COMMITTEES: The President shall have the authority, with the approval of the Executive Board, to designate additional, time-limited, committees as needed to conduct the activities of the association.

ARTICLE V EXECUTIVE BOARD

Section 1. Executive Board. The Executive Board shall be the policy making body of the Association.

Section 2. Composition. The Executive Board shall be composed of the following members of the Association: President, President Elect, President Elect-Elect, immediate Past-President, and Vice- President for Professional Development, Executive Director and Treasurer, one elected member of each Association Division as well as the Chairpersons of each Standing Committee.

Section 3. Quorum. A quorum of the Executive Board shall consist of a majority (51%) of those mentioned in Section 2.

Section 4. Function. The function of the Executive Board shall be to:

- a. formulate policies and recommend such policies to the membership for consideration;
- b. act for the membership in necessary matters during the interim between meetings;
- c. approves the annual budget presented for adoption at the LDI.

Section 5. Limitations on Activities. The Association is organized and shall be operated exclusively for charitable and education purposes within the meaning of sections 501(c)(3) of the Internal Revenue Code. No part of the net earnings of the Association shall inure to the benefit of or be distributable to the members of the Executive Board, Officers, Divisions, committee members, members of the Association, other private individuals, or organizations organized and operated for a profit (except that the Association shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distribution in furtherance of the purposes as hereinabove stated).

Section 6. Removal from office can occur with or without cause and requires a two-thirds vote.

Section 7. The Association's status as a Branch of ACA may be voluntarily withdrawn only in compliance with ACA Bylaws, policies and procedures adopted by the ACA Governing Council

ARTICLE VI BRANCH DIVISIONS

Section 1. Branch divisions shall be eligible for consideration for chartering upon the completion of requirements set forth in these Bylaws or in policies of this Association, provided that the branch division has already been granted a charter from its corresponding ACA division or contingent upon the granting of its charter by its corresponding ACA division. All members of the branch division must maintain active membership in the branch association.

Section 2. Each recognized division shall consist of at least 15 members, an elected board, and shall elect one representative to serve on the NMCA Executive Board.

Section 3. All elected officers of the Branch division shall be members of NMCA and ACA.

Section 4. No division shall be organized or operated except in accordance with the Bylaws of NMCA. Division Bylaws and revisions will be reviewed for acceptance by NMCA every five years.

ARTICLE VII NOMINATIONS AND ELECTIONS

Section 1. Election of officers shall be held annually and transfer of officers will be held at Leadership Development Institute (LDI) as indicated in Article IX, Section 3.

Section 2. The nomination, selection and announcement of candidates for the election of President-Elect of the Association shall occur during the annual conference event.

Section 3. Election will be conducted by ballot and majority vote.

ARTICLE VIII FINANCES

Section 1. Annual dues shall be determined by the Executive Board.

Section 2. The Executive Board shall approve an annual budget.

Section 3. No appropriation of Association funds shall be made except as authorized by the Executive Board. The approval of an annual budget shall constitute authorization for the Treasurer to spend funds up to the limits of specific line items.

Section 4. All Divisions shall submit an annual budget and fiduciary reports to the Executive Board. Each Division shall transmit to the President of the Association the names of the officers upon their election or appointment. Each division shall also transmit a written annual report to the NMCA President, no later than July of each year. The annual report shall indicate the degree to which annual goals have been met, future plans, and needed financial documentation for the fiscal year ending.

Section 5. The fiscal year and the governance year of the Association shall be the same as the fiscal year of ACA.

ARTICLE IX MEETINGS

Section 1. The Association will conduct an Annual Meeting of Association members which shall take place during the annual conference event, typically scheduled during the fall. The President, on recommendation of the Executive Board, shall call additional meetings of the Association members.

- a. Association members in attendance at the meeting shall constitute a quorum to do business at the meeting.
- b. The President, officers, committee chairs and Division Presidents shall provide an oral report to the Association.

Section 2. Meetings of the Executive Board.

- a. The Executive Board shall meet at least quarterly. The President or Executive Director will provide a reminder of the meeting by email at least 2 weeks in advance of the meeting. A meeting agenda will be provided by email at least one week prior to the scheduled meeting by the President.
- b. Meeting dates will be established at the Leadership Development Institute. Cancellation or rescheduling of meetings due to inclement weather or an emergency will be made by the President. The Executive Director will be responsible for contacting Board members by email and/or telephone.
- c. Special meetings may be called only in an emergency determined by the President or the Executive Board. Only business for which the special meeting was called for can be transacted.

Section 3. Leadership Development Institute (LDI) is held in conjunction with a regular quarterly scheduled Board meeting and includes the transfer of officers. Outgoing officers of the Executive Board provide a written report to the Executive Director. Incoming officers provide a strategic plan for the upcoming year. Professional Leadership Development shall be facilitated by the President.

Section 4. Electronic and other distance meetings shall be conducted at the discretion of the President or the Executive Board.

ARTICLE X PARLIAMENTARY AUTHORITY

Section 1. Robert's Rules of Order, Newly Revised, (edited by Henry M. Robert III and William J. Evans and published by Perseus-HarperCollins) shall govern the proceedings of the Association except where otherwise specified.

ARTICLE XI NONDISCRIMINATION

Section 1. Nondiscrimination

There shall be no discrimination against any individual on the basis of ethnic group, race, religion, gender, sexual orientation, age, record of public offense, and/or disability.

ARTICLE XII BYLAWS

Section 1. Amendments to the Bylaws.

These Bylaws may be amended by a two-thirds majority of the Executive Board at a regularly scheduled meeting.

- a. Proposed amendments may be originated by the Executive Board or presented at the Annual Conference by a Division, or by any individual member. In the case of an individual member the proposed amendment shall be presented with the signatures of at least fifty members in good standing.
- b. All such proposed amendments must be submitted in writing to the Executive Board at least 2 weeks prior to the meeting at which the change may be considered.

Section 2. Policies and Procedures.

Supplementary policies and implementation guidelines for these Bylaws are found in the NMCA Policies and Procedures Manual.

ARTICLE XII STATEMENT OF DISSOLUTION

Upon the dissolution of the association, after paying or adequately providing for the debts and obligations of the organization, the remaining assets shall be distributed to a nonprofit fund, foundation, association, or corporation organized and operated exclusively for the purposes specified in section 501c3 of the Internal Revenue Code and which has established its tax-exempt status under that section.