

**By-Laws of**  
**Maine AHPERD**

**Article I: Name**

**Section 1:** This organization shall be called “Maine AHPERD” herein known as “THE ASSOCIATION.”

**Section 2:** THE ASSOCIATION’s mission is to provide its membership with the latest information and staff development in the areas of health, physical education, recreation and dance.

**Article II: Aims**

**Section 1:** The aims of THE ASSOCIATION shall be:

- a) To promote a wide and informed interest in health, physical education, recreation and dance.
- b) To acquire and disseminate accurate and pertinent information to the membership, schools/agencies and allied professional organizations concerned with health, physical education, recreation and dance.
- c) To provide means of promotion to secure adequate programs to meet the needs of the people of Maine.
- d) To cooperate with, support and promote the non-profit, 501(c)(3) qualified organizations which are organized to promote and encourage physical activity, health, physical education, recreation and dance.

**Article III: Organization and Structure**

**Section 1:** THE ASSOCIATION shall be governed by the Executive Board consisting of the:

**A. Elected Positions by Membership**

President  
President-Elect  
Immediate Past-President  
Discipline Vice Presidents (4)  
Discipline Vice President- Elects (4)  
Recording Secretary  
Treasurer

**B. Positions Appointed by President:**

Student Representative  
Dept. of Education Liaison (1)  
Jump/Hoops for Heart Coordinator  
Discipline Representatives (4)  
APE Representative (1)

**Section 2:** Executive Director shall serve as the Executive Board liaison to all THE ASSOCIATION projects and activities to assure continual progress and continuity from year to year.

**Section 3:** THE ASSOCIATION shall include the following disciplines: Health, Physical Education, Recreation and Dance.

**Section 4:** THE ASSOCIATION shall hold a minimum of 4 business meetings per year, one of which shall be held during the Annual Maine AHPERD Conference.

**Section 5:** The following standing committees shall be maintained by and provide a report to the Executive Board as deemed necessary:

- a. Budget Committee (shall consist of the President, President elect, Immediate Past President, Treasurer and Executive Director).
- b. Nominating Committee (chaired by the Immediate Past President).
- c. Honor Awards Committee (shall consist of at least 3 past Honor Award recipients, and chair(s) appointed by the President).
- d. Advocacy Committee. (chair(s) appointed by the President).
- e. By-Laws Committee. (shall consist of President-elect, Executive Director and other committee members(s) appointed by the President)
- f. Conference Planning Committee. (overseen by Executive Director, chaired by President-elect and shall consist of Conference Coordinator, Discipline VP's, VP elects and Representatives, APE Representative, Student Representative)
- j. Student Committee. (chaired by Student Representative).
- k. Grants Committee. (chair(s) appointed by the President).

**Section 7:** The President shall establish other committees as needed and these committees shall function only for the year they are established unless they are re-appointed by the incoming President.

- a. Fundraising Committee.
- b. Membership Committee.

**Section 8:** All committee members, shall be THE ASSOCIATION members and may be invited to attend certain meetings pertaining to committee duties.

## **Article IV: Membership**

**Section 1:** THE ASSOCIATION shall consist of Professional, Student, Retired and Honorary members.

- a. A person gains membership rights by paying dues annually.

**Section 2:** Professional membership shall be open to all persons actively engaged or interested in one or more of the various aspects of health education, physical education, recreation or dance and shall have voting rights and privileges.

**Section 3:** Student membership shall include those interested or actively engaged in same areas as mentioned in Section 2 and shall have voting rights and privileges.

**Section 4:** Honorary membership shall be limited to those individuals who have been recipients of Maine AHPERD's Highest Praise Honor Award and have voting rights and privileges.

**Section 5:** Retired membership shall include those interested or engaged in same areas as mentioned in Section 2 and shall have voting rights and privileges.

## **Article V: Government**

**Section 1:** The business of THE ASSOCIATION shall be conducted by the Executive Board subject to approval of THE ASSOCIATION as hereinafter provided.

## **Article VI: Officers and Duties**

**Section 1:** The officers of THE ASSOCIATION shall be the President, President-Elect, Immediate Past President, VP and VP-Elect for Health Education, VP and VP-Elect for Physical Education, VP and VP-Elect for Recreation, VP and VP-Elect for Dance, Recording Secretary, Treasurer.

**Section 2:** The President shall act as Chairperson at all meetings of THE ASSOCIATION and of the Executive Board, serve on the Eastern District SHAPE America State Advisory Council on a two-year rotating basis, and

- a. The President may succeed himself/herself at the discretion of the Executive Board upon the death or resignation of the President-Elect.

**Section 3:** The President-Elect shall automatically succeed to the office of the President at the conclusion of the next annual THE ASSOCIATION Conference, shall act for the President in his/her absence and in the case of death or resignation of the President, shall succeed the President for his/her unexpired term in addition to the regular term of office which the President-Elect would normally hold.

- a. The President-Elect shall co-chair the Maine AHPERD Conference Planning Committee, serve on the Eastern District SHAPE America State Advisory Council on a two-year rotating basis, and carry out other duties, as may be required by the President and/or the Executive Board.

**Section 4:** Each Discipline Vice President shall act as Chairperson of his/her respective division. He/she shall assume responsibility for activities conducted throughout the year by his/her respective discipline.

- a. The Vice President is responsible for planning the sessions in his/her discipline for the annual Maine AHPERD Conference.

**Section 5:** The Vice President-Elects shall assist the Vice Presidents of their respective disciplines and shall automatically succeed to the office of the Vice President at the conclusion of the next annual Maine AHPERD Conference.

- a. The Vice President-Elect shall act for the Vice President in his/her absence and in the case of death or resignation of the Vice President, shall succeed the Vice President for his/her unexpired term in addition to the regular term of office which the President- Elect would normally hold.

**Section 6:** The Recording Secretary shall keep all records of THE ASSOCIATION and inform members of all proceedings of the Executive Board and other Association activities.

- a. The Recording Secretary is elected for a two year term and may be re-elected for consecutive terms.

**Section 7:** The Treasurer shall act as the custodian of all funds of THE ASSOCIATION; complete all financial transactions keeping accurate records for reporting to the Executive Board and the membership.

- a. The Treasurer is elected for a two year term and may be re-elected for consecutive terms.

**Section 8:** The President, with approval of the Executive Board, shall appoint a member of THE ASSOCIATION to complete the unexpired term of any office caused by death or resignation and not provided elsewhere in the By-Laws.

**Section 9:** The Student Representative shall assist the Conference Planning Committee in planning sessions for the annual Maine AHPERD Conference.

- a. The Student Representative shall be appointed by the President.
- b. The term of office shall be one year and may be reappointed for consecutive terms.

**Section 10:** The Immediate Past-President shall act as Parliamentarian.

## **Article VII: Honor Awards**

**Section 1:** Honor Awards may be given for meritorious service as provided for in the operating code of the Honor Awards Committee.

**Section 2:** Any member of THE ASSOCIATION and/or any school administrator may submit the name of a candidate for an Honor Award to the Chairperson of the Honor Awards Committee for presentation to the committee.

**Section 3:** Honor Awards shall be presented at the annual Maine AHPERD Conference.

**Section 4:** The Honor Awards are:

- a. Worthy of Praise
- b. Distinguished Leadership
- c. Highest Praise
- d. Layperson
- e. Teacher of the Year (Health, Physical Education, Adapted Physical Education, Dance, Recreation)
- f. Outstanding Hoops for Heart/Jump for Heart Coordinator
- g. Outstanding Future Professional

**Section 5:** Other awards may be given for outstanding professional contributions as determined by the THE ASSOCIATION Executive Board.

#### **Article VIII: Communications**

**Section 1:** The Newsletter of THE ASSOCIATION shall be the official publication and shall be distributed to the members of the Association a minimum of 4 times a year. The Newsletter will come out in hard copy one time per year and all other in the year editions will be electronic and sent out by email.

- a. It may be sent to other selected persons and other state newsletter editors.

**Section 2:** THE ASSOCIATION will have a website, maintained by a Webmaster as an additional means of communication with the membership.

#### **Article IX: Amendments**

**Section 1:** Any member of THE ASSOCIATION may propose an amendment to the By-Laws. This proposed amendment must be submitted, in writing, to the Recording Secretary who in turn shall present it to the Executive Board for consideration.

**Section 2:** A vote of the majority of the Executive Board members shall constitute approval.

**Section 3:** If a proposed amendment is approved by the Executive Board it is then submitted to the membership of THE ASSOCIATION for final approval or disapproval.

**Section 4:** A vote of two-thirds of the general membership present at the annual business meeting is required to amend By-Laws.

## **Article X: Election of Officers**

**Section 1:** Prior to the annual business meeting, the Executive Board and the Chairpersons of committees will submit recommendations to the Nominating Committee, which will solicit acceptances from prospective candidates.

**Section 2:** At the annual business meeting, the Nominating Committee shall submit to the membership a slate of candidates for the offices of President-elect, Vice President-Elect for Health, Physical Education, Recreation and Dance, and every other year Recording Secretary and Treasurer.

**Section 3:** At the annual business meeting, nominations may also be made from the floor providing the person nominated from the floor had previously agreed to accept if elected.

- a. The President-Elect shall serve a period of one year and shall not succeed himself/herself in the same office except as provided for in Article VI, Section 2.
- b. Each of the Vice-President-Elects shall serve for a period of one year and shall not succeed himself/herself in the same office except as provided for in Article VI, Section 5.
- c. The Recording Secretary and Treasurer shall serve for a period of two years and may succeed themselves indefinitely at the discretion of THE ASSOCIATION membership.
- d. The President, with the approval of the Executive Board, shall appoint a member of THE ASSOCIATION to complete an unexpired term.

## **Article XI: Executive Board**

**Section 1:** Administrative control and executive authority of THE ASSOCIATION shall be vested in the Executive Board. All Executive Board members elected by the membership must be members of THE ASSOCIATION. It is recommended that Executive Board members be members of SHAPE America.

**Section 2:** It shall be the duty of the Executive Board to oversee the hiring of the Executive Director; put into effect the rules and regulations passed by the members; and take official action in emergency situations between meetings of the membership.

- a. The Executive Board shall meet a minimum of four times during the year giving two weeks' notice for each meeting.
- b. Due notice of all meetings shall be provided to each Board Member. Notification may be made by written notice sent by regular mail or email; oral notification by telephone is permissible for situations requiring a special meeting.
- c. Special meetings of the Board may be called by the President.
- d. In lieu of special meeting, the President may present a vote by phone and/or e-mail to the Executive Board on special issues that require immediate action. The issue

must be capable of being understood by the Executive Board without a meeting on the issue.

**Section 3:** A quorum of the Executive Board shall be present to conduct business at any board meeting.

- a. Fifty percent plus one constitutes a quorum.

## **XII: Executive Committee**

**Section 1:** The Executive Committee shall consist of the President, President-Elect and Past President along with the Executive Director as an ex-officio member. All Executive Committee members shall be SHAPE America members.

**Section 2:** The Executive Committee shall meet a minimum of five times annually.

**Section 3:** It shall be the duty of the Executive Committee to oversee the development of THE ASSOCIATION budget, plan the Annual Leadership Workshop, set the agendas for the Executive Board meetings and other responsibilities as designated by the President.

## **Article XIII: Executive Director**

**Section 1:** Candidates will be interviewed by the hiring committee made up with representation from the Executive Board and the general membership.

- a. This hiring committee will be appointed by the President and President-Elect with approval of the Executive Board.

## **Article XIV: Meetings**

**Section 1:** The annual THE ASSOCIATION Conference shall be held each year. At this time there shall be an annual business meeting in which all members present shall be permitted to participate and vote.

- a. Special meetings of the general membership may be called by the President and/or Executive Board to allow general membership to vote on an issue, which requires immediate action.
- b. Due notice of all meetings shall be sent to each member with as much lead time as possible. Notification may be made by written notice sent by regular mail or email; oral notification by telephone is permissible for situations requiring a special meeting.
- c. A quorum shall be determined by the members present. Fifty percent plus one constitutes a quorum.
- d. In lieu of special meeting, the President may, with the approval of a quorum of the Executive Board, present a vote by phone and/or e-mail to the membership on special issues that require immediate action. The issue must be capable of being understood by the membership without a meeting on the issue.

## **Article XV: Rules of Order**

**Section 1:** *Robert's Rule of Order* shall govern all meetings of THE ASSOCIATION.

## **Article XVI: Finance**

**Section 1:** The annual dues of THE ASSOCIATION shall be recommended by the Executive Board to general membership and voted on at the annual business meeting.

**Section 2:** The fiscal year shall be from June 1 to May 31.

**Section 3:** Upon dissolution, all of the assets of THE ASSOCIATION shall be turned over to such nonprofit organizations qualifying as exempt from federal tax under Section 501(c)(3) of the Internal Revenue Code of 1954 or any successor provision thereto as the then Board of Directors shall select.

**Section 4:** No part of the net earnings of THE ASSOCIATION shall inure to the benefit of any member, sponsor, donor, creator, director, officer, employee, or without limitation any other private individual or to the benefit of any corporation, organization, any part of the net earnings of which insure to the benefit of any private individual; provided, this shall not prevent payment of reasonable compensation for services actually rendered to or for THE ASSOCIATION and affecting its purposes. THE ASSOCIATION shall not divert any part of its income or corpus to any member, sponsor, donor, creator, director, officer, or employee; by lending any part of its income or corpus without receipt of adequate security and a reasonable rate of interest; by paying any compensation in excess of reasonable allowance for salaries, or other compensation for personal services actually rendered; by making any purchase of security or other property for more than adequate consideration for money or money's worth; by selling any substantial part of its securities or other property for less than adequate consideration for money or money's worth; or by engaging in any other transaction which either, directly or indirectly, results in such diversion of its income or corpus. THE ASSOCIATION shall not make any accumulation of its income, unreasonable in amount or duration, or use any income for purposes other than the objectives hereinbefore set forth or invest any income in any manner as to jeopardize the fulfillment or carrying out of its objectives. THE ASSOCIATION shall not devote a substantial portion of its activities to carrying on propaganda or otherwise attempting to influence legislation, and in no event shall THE ASSOCIATION engage in any legislative activities other than those in direct furtherance of THE ASSOCIATION's stated objectives. THE ASSOCIATION shall not participate in or intervene in any political campaign on behalf of any candidate for public office. In general, THE ASSOCIATION shall not act in any way or engage in any activity which might affect its right to full tax exemption or the right of donors to THE ASSOCIATION to full tax deduction for their contributions to THE ASSOCIATION, and THE ASSOCIATION shall be so operated as to be entitled to and receive all tax exemptions, federal or local, which may from time to time be granted to charitable, scientific, or educational associations or foundations. No part of the net earnings of THE ASSOCIATION shall be used for the benefit of, or to the advantage of any member, sponsor, donor, creator, trustee, officer, employee, or without limitation, any other private individual. No part of the net earnings shall be used for the benefit of any corporation or organization in which any

private individual might benefit, or in which a substantial part of the activities of such corporation or organization is the carrying on of propaganda or otherwise attempting to influence legislation, provided that this restriction shall not prevent payment of reasonable compensation for services actually rendered to or for THE ASSOCIATION in effecting its purpose.

Approved November, 2015