

# CONSTITUTION

&

# BYLAWS

**CALIFORNIA ASSOCIATION FOR  
HEALTH, PHYSICAL EDUCATION,  
RECREATION AND DANCE**



REVISED MARCH 2009

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**CALIFORNIA ASSOCIATION FOR HEALTH,  
PHYSICAL EDUCATION, RECREATION AND DANCE**

**CONSTITUTION**

**Preamble**

In a truly democratic society, the general welfare of the individual is of primary concern. In a culture devoted to this ideal, health and education, therefore, assume a position of concomitant stature and/or responsibility.

Within the vast context of organized social, educational, and welfare services, the individual must be given the opportunity to appreciate the heritage of science as it bears upon health and to enjoy the leisure pursuits which are culturally significant to the welfare of the individual. Opportunity must be provided to achieve a measure of self-realization through participation in an array of planned sequential activities, such as games, rhythms and dance, sports and other areas of activities, which are developmentally so important.

Be it hereby resolved that, the California Association for Health, Physical Education, Recreation and Dance is dedicated to promoting the organization and progress of school, community and statewide programs of health, physical education, recreation and dance which will embody such opportunities and which will insure the inclusion of such programs within the most appropriate philosophical and social context of life in California.

## ARTICLE I

### Name

The name of this organization shall be "California Association for Health, Physical Education, Recreation and Dance," or "CAHPERD." hereinafter referred to as the Association.

## ARTICLE II

### Mission/Goals

#### **Section A - Mission**

The mission of the Association is to promote healthful lifestyles through quality education for all populations and provide leadership to school, community and statewide programs in the areas of health, physical education, recreation, dance and other movement-related programs. The Association is an educational organization which will achieve its mission by supporting, encouraging, and providing assistance to members statewide as they initiate, develop, conduct and promote programs of health, physical education, recreation, dance and other movement-related programs.

#### **Section B - Goals**

1. Develop organizational vision, leadership and sound principles and practices to accomplish the mission of the association.
2. Encourage, guide and support professional growth and development in health, physical education, recreation, dance and other movement-related programs based on individual needs, interests and capabilities.
3. Communicate the importance of health, physical education, recreation, dance and other movement-related activities as they contribute to human well-being and growth and development of individuals.
4. Encourage and facilitate research which will enrich health, physical education, recreation, dance and other movement-related activities and disseminate the findings.
5. Develop and evaluate standards and guidelines for personnel and programs in health, physical education, recreation, dance and other movement-related activities.
6. Coordinate and administer planned programs of professional, public and government relations that will improve health, physical education, recreation, dance and other movement-related activities.
7. Develop and implement a variety of programs to promote awareness and sensitivity within the membership of the Association regarding California equity and diversity issues in HPERD professions.

#### **Section C - Distribution of Assets**

The Association shall not contemplate pecuniary gain or profit to the members thereof, and no part of the net earnings shall accrue to the benefit of any of its members or any other individual. In the event of the dissolution of the Association and after paying or adequately providing for its debts and obligations, the Board of Directors shall dispose of any remaining assets exclusively for educational purposes in such manner as may be directed by decree of the Superior Court of the State of California in and for whatever county serves as headquarters upon petition filed for that purpose by the Board of Directors.

## **ARTICLE III**

### **Organization**

The Association shall include geographical districts, each comprised of local professional and future professional regions and units. Each district, region and unit shall be composed of divisions, sections, and affiliate organizations, as hereinafter provided.

## **ARTICLE IV**

### **Membership**

The Association shall consist of members as hereinafter provided.

## **ARTICLE V**

### **Government**

The business of the Association shall be conducted by the House of Regions, the House of Representatives, the House of Delegates, the Board of Directors, and the Administrative Committee.

## **ARTICLE VI**

### **Meetings**

#### **Section A - Annual Business Meetings**

There shall be an Annual Meeting of the General Membership at the time and location of the Annual Conference of the Association.

#### **Section B - Annual Conference**

The Association shall sponsor an Annual Conference.

#### **Section C - Regular Meetings**

There shall be regular meetings of the House of Regions, the House of Representatives, the House of Delegates, the Board of Directors and the Administrative Committee.

#### **Section D - Special Meetings**

The President may, when deemed necessary, call a special meeting of the House of Regions, the House of Representatives, the House of Delegates, the Board of Directors and/or the Administrative Committee. Notices thereof shall state the purpose.

#### **Section E - Quorum**

A quorum, consisting of not less than a majority of the voting members of the House of Regions, the House of Representatives, the House of Delegates, the Board of Directors and the Administrative Committee, or their written proxies, shall be necessary for the official transaction of business at such meetings. No member shall hold more than one voting privilege.

## **ARTICLE VII**

### **Awards**

The Association, in accordance with the provisions of the Operating Code of the Awards Committee, may honor individuals for meritorious service.

## **ARTICLE VIII**

### **Amendment**

The Constitution may be amended by a sixty percent (60%) majority vote of the General Membership of the Association that casts ballots.

# BYLAWS

Note: The word “Association” shall be used throughout as reference to the California Association for Health, Physical Education, Recreation and Dance (CAHPERD).

## ARTICLE I

### Membership

*The creation and implementation of a family concept is important in the establishment of a variety of member categories as outlined below. While each category serves those members in a different and unique way, CAHPERD commits to including all in its work and service to the HPERD professions in our state.*

#### **Section A - Categories**

The qualifications and respective categories of membership shall be as follows:

1. Professional Membership: For any person who is employed as a professional with responsibilities, duties and interests in school and community health, physical education, recreation, dance, sports or related areas, and who resides or works within the State of California.
2. Future Professional Membership (Student): Open to full-time undergraduate or graduate students who are preparing for a career in the fields of health, physical education, recreation or dance, and who are not employed on a full-time basis in the profession. Members in this category may not exceed a total of six (6) years and full-time student status must be verified annually. Official verification may come from a faculty member of an educational institution or a copy of a current student course schedule.
3. Transitional Membership: This category is designed to assist in the transition from student fee status to that of a professional. It is available only to those who are completing their final year as a student member of CAHPERD and who are now renewing as a professional during the first year beyond university graduation. It is limited to one time enrollment for one year, with eligibility for renewal in the professional category.
4. Associate Membership: For individuals whose academic training or major portion of their job responsibility is not in health, physical education, recreation or dance, but who is currently involved in some aspect of health, physical education, recreation or dance. This category is also appropriate for HPERD professionals living outside the state of California who want to participate and/or support this organization. Associate members have no rights to vote or hold office in the association.
5. Retired Membership: Open to any retired person who has reached the age of 55 and who has been an individual member of CAHPERD (or related state association) for at least 20 years – the last 5 years as a continuous member of CAHPERD. If continuing to be employed in a related discipline, must be working less than full time. Annual fee is assessed at ½ the professional membership rate and includes all rights and privileges of professional membership.
6. Emeritus Membership: This category is for persons fully retired and who have a record of CAHPERD membership for 30 years or more. Past CAHPERD Presidents are exempt from the 30-year rule and may attain Emeritus status upon full retirement from the professions. Emeritus members pay no annual dues or conference fees.
7. Honorary Life Membership: For persons so honored by the Board of Directors of the Association. Honorary life members are not required to pay dues. Example: Verne Landreth Award recipients.
8. Life Membership (Professional): For individuals who purchased a lifetime membership with a one-time investment of funds.

9. Institutional Membership: This category of membership has frequently been referred to as a Library Membership and it provides a subscription to all periodicals of the Association. It is available only to educational institutions (such as libraries, university departments, public or private schools), and various recreation, health or allied agencies interested in the activities and work of the association. No individual membership privileges or voting status shall be granted with this category of membership.
10. Affiliate Membership: For a business, organization or agency with interests or programs in related Association disciplines and desirous of establishing an official liaison relationship. For example, commercial vendors exhibiting at the annual CAHPERD Conference are extended a one-year courtesy membership in this category.
11. Corporate Membership: For approved vendors or organizations that make a significant financial contribution of \$5,000 or more annually to projects and work of the Association. Guidelines are available upon request.

### **Section B - Dues**

1. All categories of members (except Honorary Life, Life and Emeritus Members) shall pay annual dues as adopted by the Board of Directors-
2. A portion of the Professional Membership dues will be distributed annually to the Association units, regions and districts at a fixed rate per member. All allocations will be recommended by the Administrative Committee and approved by the Board of Directors.
3. The membership year shall coincide with the date that dues are paid and recorded by the Executive Director. Renewals within six months revert back to the original due date and ensure a continuous membership record. Lapses in membership status for periods longer than six months result in a loss of continuous membership and establish a new member renewal date.

### **Section C - Privileges**

1. If in good standing\*, Professional, Future Professional, Transitional, Honorary Life, Life, Retired, and Emeritus members shall be entitled to the following privileges:
  - a. Vote in any General Election and appropriate Unit, Region, and District elections
  - b. Be eligible to serve in elective and appointive offices and committees in the Association.
  - c. Be admitted to and participate in Association meetings.
  - d. Receive publications, announcements, and reports of the Association.
  - e. Attend any Association sponsored, supported or endorsed activity at a reduced registration fee.
  - f. Receive all other Association services available to the membership.
2. If in good standing, Associate, Affiliate, and Corporate members shall have the privileges set forth in subdivisions 1.c, 1.d, and 1.e above.

*\*Members are said to be in good standing when they have met all requirements outlined in a specific membership category and their annual dues are current and paid.*

### **Section D - Application Procedures**

1. Applications for memberships shall be forwarded to the state office of the Association. Honorary Life Memberships shall be obtained only through action by the Board of Directors.
2. All types of membership, with all privileges pertaining thereto become operative when the Executive Director has received the official membership dues and approves the membership application.

## ARTICLE II

### General Membership

#### **Section A - Composition**

All individuals who hold Professional, Future Professional, Transitional, Honorary Life, Life, Retired or Emeritus memberships shall comprise the General Membership.

#### **Section B - Duties**

It shall be the duty of the General Membership to:

1. Effect changes in the Constitution and Bylaws.
2. Elect state officers.
3. Act on any additional matters when so requested by the House of Delegates or the Board of Directors.

#### **Section C - Annual Meeting**

Unless otherwise specified by the Board of Directors, an Annual Meeting of the General Membership shall be held at the Annual Conference of the Association.

#### **Section D - Quorum**

Unless otherwise specified in the call for action, a quorum shall not be specified. All action shall be effected by a majority of the General Membership casting ballots.

#### **Section E - Mail Vote**

A mail vote may be conducted at the request of the House of Delegates. Proposals to be voted upon shall be included in an Association publication and the deadline for receipt of ballots shall be specified. The House of Delegates also shall specify the number of legal ballots that must be received to enact legislation.

## **ARTICLE III**

### **House of Regions**

#### **Section A - Composition**

The House of Regions shall include the following voting members: the five (5) District Coordinators, the five (5) District Coordinator-elects, and the eighteen (18) Regional Representatives, or their written proxies. No member shall have more than one vote.

#### **Section B - Date of Taking Office**

New members of the House of Regions shall take office June 1 of each year.

#### **Section C - Duties**

1. It shall be the duty of the House of Regions to:
  - a. Address the needs and concerns of the members within the Districts, Regions and Units.
  - b. Receive reports from designated committees.
  - c. Initiate and transact the business of the Association, except as provided in Article V, Section C, of these Bylaws.
  - d. Recommend budget proposals to the House of Delegates.
  - e. Elect members of the House of Regions to serve as Recorder of the actions of the House, and Parliamentarian for meetings of the House.
  - f. Elect a member of the Association to serve as Chair or Presider of the meetings of the House.
  - g. Hold at least two meetings during a fiscal year.
2. The Regional Representatives, as members of the House of Regions, shall have the following duties:
  - a. Assist the Units in recruiting new Association members.
  - b. Participate actively in the Association and mentoring of prospective leaders.
  - c. Promote Jump Rope for Heart and Hoops for Heart.
  - d. Communicate on a regular basis with members within their jurisdiction.
  - e. Provide opportunities for members to participate in professional development activities.
  - f. Attend state and district Association meetings and conferences.
  - g. Represent their constituents at House of Regions and House of Delegates meetings and to the general public.
  - h. Conduct an ongoing program of public relations.
  - i. Implement and support Association programs and policies.
  - j. Complete and submit required financial and program reports.

#### **Section D - Quorum.**

Unless otherwise specified in the call for action, a quorum shall not be specified. All action shall be effected by a majority of the House of Regions casting votes.

#### **Section E - Mail Vote**

A mail vote may be taken at the request of the Presider of the House of Regions, or upon request of at least one-third of the voting members of the House. To enact legislation, a majority of those eligible to vote shall cast ballots.

#### **Section F - Management of the House**

A Steering Committee, composed of the five (5) District Coordinators, shall set the meeting agendas.

#### **Section G - Vacancies**

Vacancies in the House of Regions shall be filled in a manner specified by the District or Region in which the vacancy occurs.

## **ARTICLE IV**

### **House of Representatives**

#### **Section A - Composition**

The House of Representatives shall include the following voting members: the Division Vice Presidents, the Division Vice President-Elects, the Section Chairs, and the Section Chair-Elects.

#### **Section B - Date of Taking Office**

New members of the House of Representatives shall take office June 1 of each year.

#### **Section C - Duties**

1. It shall be the duty of the House of Representatives to:
  - a. Address the needs and concerns of members in the area of concern inherent with the office.
  - b. Create or update position papers addressing critical issues and present them to the House of Delegates for ratification.
  - c. Receive reports from designated committees.
  - d. Elect members of the House of Representatives to serve Recorder of the actions of the House, and Parliamentarian at meetings of the House.
  - e. Elect a member of the Association to serve as Chair or Presider of the meetings of the House.
  - f. Recommend budget proposals to House of Delegates.
  - g. Initiate and transact the business of the Association, except as provided in Article V, C of these Bylaws.
  - h. Hold at least two meetings during a fiscal year.
2. Duties of the individual members of the House of Representatives shall include:
  - a. Maintain communication between all sections and divisions.
  - b. Respond to critical issues in their field.
  - c. Conduct programs of advocacy and public relations.
  - d. Manage and conduct projects and activities specific to their field.
  - e. Serve as liaisons to their entities within and outside the Association.
  - f. Assist the State Conference Steering Committee in the development of the yearly state conferences.
3. Division Vice Presidents shall serve on the state Nominating and Election Committee during the year immediately following their terms as Vice Presidents.

#### **Section D - Quorum.**

Unless otherwise specified in the call for action, a quorum shall not be specified. All action shall be effected by a majority of the House of Representatives casting votes.

#### **Section E - Mail Vote**

A mail vote may be taken at the request of the Presider of the House, or upon request of at least one-third of the voting members of the House. To enact legislation, a majority of those eligible to vote shall cast ballots.

#### **Section F - Management of the House**

A Steering Committee consisting of the six (6) Vice Presidents shall set the meeting agendas.

#### **Section G - Vacancies**

If a vacancy occurs in the House of Representatives, it shall be the duty of the President, with the approval of the Board of Directors, to appoint a successor.

## ARTICLE V

### Board of Directors

#### **Section A - Composition**

The Board of Directors shall include voting and non-voting members.

1. Voting members shall include the President, who shall serve as Chair, the immediate Past President, the President-Elect, the Division Vice Presidents, the District Coordinators, the Chairs of the Future Professional and Retired Members Sections and the Chairs of the House of Regions and House of Representatives.
2. Non-voting members shall include the Executive Director, the Parliamentarian, the Treasurer, and the Chairs of the Foundation and the Strategic Planning Committee.

#### **Section B - Date of Taking Office**

Members shall take office June 1 of each year and serve concurrent with their terms of office in the Association.

#### **Section C - Duties**

1. Supervise and direct the affairs of the Association, subject to the limitations and restrictions provided by the Bylaws and Constitution.
2. Appoint and remove the Executive Director of the Association, approve a contract of employment, and adopt policies that prescribe duties, compensation, working conditions, and benefits of support staff.
3. Approve the financial policies and annual operating budget, supervise receipts and expenditures and insure proper procedures for the safekeeping and accounting of all funds of the Association.
4. Determine the time and place of meetings of the Association, the House of Regions, the House of Representatives, the House of Delegates, the Board of Directors and such other professional meetings and conferences as may be sponsored by the Association.
5. Approve the chairs and other persons of the standing and ad hoc committees as appointed by the President and designate to whom they shall report.
6. Provide for the maintenance of a complete record of the meetings of the House of Regions, the House of Representatives, the Board of Directors, and the House of Delegates, for the maintenance of membership records, and for the preparation of annual reports, finances and activities.
7. Determine policies governing the administrative services and publications.
8. Establish new geographical boundaries and/or modify existing ones.
9. Approve or revoke charters for Regions and for professional and future professional (student) units of the Association.
10. Determine disposition of funds of inactive units, regions, and districts.
11. Approve the liaison relationship of statewide or national organizations or agencies with the Association.
12. Submit a copy of all action items of the Board of Directors to voting members of the House of Delegates within 10 days following the December and June meetings.
13. Hold at least four meetings during the fiscal year.
14. Exercise and perform such other duties as may be prescribed elsewhere in the Bylaws.

#### **Section D - Quorum.**

A majority of those eligible to cast ballots shall be required to be present for the conduct of business.

**Section E - Mail Vote**

A mail vote may be taken at the request of the President, or upon request of at least one-third of the voting members of the Board of Directors. To enact legislation, a majority of those eligible to vote shall cast ballots.

**Section F - Management of the Board**

The President and Executive Director, in consultation with the Administrative Committee, shall set the meeting agenda.

**Section G - Vacancies**

It shall be the duty of the President to appoint successors for vacancies in appointed positions. Vacancies in elected offices shall be filled as provided elsewhere in these Bylaws.

## ARTICLE VI

### House of Delegates

#### **Section A - Composition**

The House of Delegates shall include voting and non-voting members.

1. Voting members shall include the voting members of the House of Regions, the House of Representatives, and the Board of Directors. The President shall serve as Chair.
2. Non-voting members shall include the Executive Director, the Treasurer, the Parliamentarian, the Foundation Chair, the Chairs of Standing and Ad Hoc Committees, representatives of affiliated organizations and/or agencies, and other designated liaisons.

#### **Section B - Dates of Taking Office**

New members of the House of Delegates shall take office June 1 of each year.

#### **Section C - Duties**

1. Initiate and transact any business of the Association, except as provided in Article V, Section C of these Bylaws.
2. Review the slate of proposed officers and, if desired, nominate additional persons to run for office.
3. Recommend changes in financial policies or budget allocations to the Board of Directors through the Administrative Committee.
4. Exercise veto power over actions of the House of Regions and the House of Representatives upon a majority vote of the entire voting membership of the House. All vetoed items are to be returned to the House of origin.
5. Exercise veto power over actions of the Board of Directors, excluding those dealing with financial, legal and personnel issues, upon a majority vote of the entire voting membership of the House.
6. Elect an interim President in the case of death or incapacity of the President, the President-Elect and the immediate Past President.
7. Approve Section status for the General Division.
8. Receive reports from assigned committees.
9. Recommend action items to be referred to the General Membership for a vote.
10. Initiate and/or ratify position papers and resolutions.
11. Hold at least two meetings during the fiscal year.

#### **Section D - Quorum.**

A majority of those eligible to cast ballots shall be required to be present for the conduct of business.

#### **Section E - Mail Vote**

A mail vote may be taken at the request of the President, or upon request of at least one-third of the voting members of the House. To enact legislation, a majority of those eligible to vote shall cast ballots. If the action calls for a veto, then two-thirds of those eligible to vote shall cast ballots.

#### **Section F - Management of the House**

The President, in consultation with the Presiders of the House of Regions and the House of Representatives, shall set the agenda.

## ARTICLE VII

### Administrative Committee

#### **Section A - Composition**

The Administrative Committee shall consist of the President, the Past President, the President-Elect, the Treasurer, and the Executive Director, who shall serve in an ex-officio non-voting capacity.

#### **Section B - Date of Taking Office**

Elected members of the Administrative Committee shall take office June 1 of each year.

#### **Section C - Duties**

The primary function of the Administrative Committee is to make recommendations to the Houses and the Board of Directors. Other duties include:

1. Serve the needs of the membership.
2. Respond to internal and external matters of the Association.
3. Coordinate the functions of the Association.
4. Propose agenda items for meetings of the Board of Directors and the House of Delegates and refer items for the proposed agendas of the House of Regions and the House of Representatives.
5. Propose direction and programs that meet the needs of the membership.
6. Develop and monitor Association budgets.
7. Monitor the progress of committees and Association programs.
8. Serve as representatives of the Association to other groups.
9. Meet at least four times each fiscal year prior to the meetings of the Board of Directors. Other meetings may be held as determined by the President and Executive Director, or if requested by at least three members of the Administrative Committee.

#### **Section D - Quorum.**

A majority of those eligible to cast ballots shall be required to be present for the conduct of business.

#### **Section E - Management of the Committee**

The President and the Executive Director shall set the agenda.

## ARTICLE VIII

### Officers

#### **Section A - Officers**

1. The elected state officers of the Association shall consist of the President, the immediate Past President, the President-Elect, the Division Vice Presidents and Division Vice Presidents-Elect, representing Health Education, Physical Education, Recreation, Boys and Men's Athletics, Girls and Women in Sport, and Dance respectively.
2. Other elected officers shall include District Coordinators, Regional Representatives, Unit Presidents, and Section Chairs of the General Division.

#### **Section B - Duties**

1. The President shall preside over meetings of the House of Delegates and the Board of Directors, and shall perform such other duties as are customarily executed by the office.
2. The Past President shall chair the Nominating and Election Committee. In the event of the incapacitation, resignation, or death of the President, the Past President shall provide the leadership and conduct of the business of the Association normally provided by the President. The Past President shall supervise the General Division.
3. The President-Elect shall perform duties as may be assigned by the President. In the event of the incapacitation, resignation or death of the President and the Past President, the President-Elect shall provide the leadership and conduct of the business of the Association normally provided by the President. In the temporary absence of the President, the Past President and the President-Elect, the House of Delegates shall select a member to serve as President.
4. The Division Vice Presidents, under the general direction of the Chair of the State Conference Steering Committee, shall be responsible for organizing a program for their divisions for the Association annual conference and shall act as chairs of the standing committees which bear the title of their divisions. Division Vice President-Elects shall be the Vice Chairs of said committees respectively, and shall assist the Vice Presidents in carrying out their duties and functions.
5. Other duties of these and other officers shall be set forth in their respective operating codes or job descriptions.

#### **Section C - Nominations and Elections**

1. The Association Nominating and Election Committee shall be approved by the President at least nine months prior to the Annual Conference. The committee shall be composed of eight members: the immediate Past President, who shall serve as Chair; one member-at-large, appointed by the President and the six divisional nominating committee chairs, who shall be the immediate Past Vice Presidents of their respective divisions. It shall be the duty of this committee to select at least two nominees for the office of the President-Elect.
2. A Nominating Committee shall be appointed for each of the six divisions (Health Education; Physical Education; Recreation; Boys and Men's Athletics; Girls and Women in Sport, and Dance) by each of the Vice Presidents. The immediate Past Vice President of the respective division shall serve as chair. It shall be the function of each of these committees to submit to the Chair of the Nominating and Election Committee the names of at least two nominees for the position of Vice President-Elect of that division no later than August 1 of each year.

3. Nominations for the elected state officers of the Association shall be made by the Nominating and Election Committee no later than September 1. The Committee shall present the slate to the House of Delegates for its consideration at the September meeting of the House. Nominations from the floor may be made at that time. In the event the slate is not completed, the House of Delegates may authorize the Nominating and Election Committee to complete it no later than November 10. Returned absentee ballots shall be postmarked no less than twenty (20) days before the start of the annual state conference.
4. The Chair of the Nominating and Election Committee shall submit the names of all nominees for office to the Executive Director who shall verify their eligibility. Upon verification, the Chair shall submit the names and vitae of each nominee and an absentee ballot to be printed in an Association publication. This information shall be distributed to the General Membership no later than November 30 of each year.
5. The President-Elect and the division Vice President-Elects shall be elected at the Annual Conference of the Association by the General Membership. A majority of the votes cast by members, who are present or by absentee ballot, shall be necessary to elect. The new officers shall take office June 1st and shall hold office for one year.

## ARTICLE IX

### Staff

#### **Section A - Executive Director**

There shall be an Executive Director who shall function with the direction and consent of the Board of Directors. The Executive Director shall be selected by the Board of Directors for a term to be set by the Board and shall be paid financial compensation in a reasonable amount set by the Board. The Executive Director shall serve within the terms and conditions as established by the employment contract between the Association and the Executive Director.

#### **Section B - Responsibilities**

The Executive Director shall have the following responsibilities:

1. Serve as the general manager of the Association subject to the control of the Board of Directors.
2. Be responsible for statewide membership promotion.
3. Be responsible for the receipts, disbursement, and accounting of all Association funds.
4. Supervise and direct the activities, operation, services, and personnel of the state office.
5. Attend all meetings of the Board of Directors and, when requested, the House of Delegates, and assign staff to serve as recorders for each of these groups.
6. Oversee the implementation of policies and programs as initiated by the Board of Directors and the House of Delegates.
7. Act as chief negotiator and signatory for all Association agreements and contracts.
8. Provide professional leadership on statewide projects.
9. Serve as a consultant or ex-officio member of Association committees.
10. Render such reports and keep such records as are needed.
11. Coordinate all correspondence pertaining to the business of the Association.

#### **Section C - Assistants**

With the approval of the Board of Directors, the Executive Director may recruit, train, employ, discharge and otherwise create a staff of assistants that may be required for the efficient performance of assigned duties, making such financial arrangements with such assistants as deemed appropriate within the available funds allocated to the function by the Association budget.

## ARTICLE X

### **Foundation for the Promotion of Healthy Lifestyles**

#### **Section A - Governance**

The Foundation shall be a self-supported substructure of the Association organized to support the Association through fundraising activities as directed and approved by the Association. The Foundation shall be subject to the control and direction of the Association Board of Directors, which may provide that the activities of the Foundation be conducted by a Board of Trustees appointed by the Association Board of Directors, on the recommendation of the Administrative Committee. The Board of Trustees of the Foundation may adopt such governance documents for the Foundation as it sees fit, including Bylaws.

#### **Section B - Description**

The CAHPERD Foundation for the Promotion of Healthy Lifestyles (hereinafter referred to as the Foundation) is a non-profit structure of the Association.

#### **Section C - Function**

It shall be the function of the Foundation:

1. To receive tax deductible donations to support activities and projects in schools and communities designed to encourage persons of all ages to adopt healthier lifestyles.
2. To solicit and receive by gift, devise or otherwise, monies and property, real and personal, to be held, managed, and used for activities and projects of the Association.

#### **Section D - Administration**

The business of the Foundation shall be conducted by a Board of Trustees appointed by the Board of Directors of the Association upon recommendation of the Administrative Committee. The Board shall be comprised of up to fifteen (15) voting members and six (6) advisory members. Trustees may serve no more than three consecutive terms. Initial appointments shall be for staggered, three (3) year terms. Vacancies on the Board of Trustees shall be filled through recommendations of the remaining Board members to the Administrative Committee.

#### **Section E - Committees and Advisors**

The Board of Trustees may appoint committees. The charge to such committees shall be stated in the resolution and powers shall be limited to this charge.

#### **Section F - Finances**

The Administrative Assistant of the Foundation shall:

1. Be the principal custodian of the funds and accounts of the Foundation; be responsible for the collection of revenues; and be responsible for the payment of expenses.
2. Prepare financial reports as may be required by the Board of Trustees, the governing bodies of the Association, and/or state and federal statutes.

#### **Section G - Operating Code**

Further duties and responsibilities of the Foundation, the Board of Trustees and the employee(s) of the Foundation shall be set forth in an operating code.

#### **Section H - Seal**

The seal of the Foundation shall serve as the official symbol of the Foundation and shall not be replicated without approval of the Board of Trustees.

## ARTICLE XI

### Committees

#### **Section A - Types of Committees**

There shall be Standing Committees and Ad Hoc Committees.

1. Standing Committees: There shall be the following standing committees: Awards, Constitution and Bylaws, Editorial Board, Governance and Structure, Investment, Jump Rope for Heart, Legislative, Membership, Nominations and Elections, Office, Publications, Public Relations, Resolutions/Position Statements, Scholarships and Strategic Planning. The structure and function of standing committees shall be stated in their respective operating codes.
2. Ad Hoc Committees: Ad Hoc committees and other annual event committees are indefinite in number and are appointed for relatively specific duties. They must have a written charge from the President or President-Elect. They need not have codes, but the written charge must be on record with the Governance and Structure Committee.

#### **Section B - Appointment of Chairs**

The President shall appoint chairs of committees, except for the State Conference Steering Committee and the Fall Physical Education Steering Committee Chairs and Managers, who will be appointed by the President-Elect for his or her presidency. All appointments must be approved by the Board of Directors. The President should make every effort to seek the widest representation possible.

#### **Section C - Status of Committees**

Committee chairs may attend Association meetings at their own expense, or with Association funding upon invitation and/or approval by the President, but will not be voting members.

## ARTICLE XII

### Units, Regions and Districts

#### **Section A - Composition**

Units, Regions and Districts shall be components of the Association.

#### **Section B - Unit Charter**

1. A charter for a professional unit of the Association shall be issued by the Executive Director when the following provisions have been met:
  - a. The unit has at least ten current members.
  - b. A petition for a unit charter is submitted to the Executive Director, with a copy to the District Coordinator and the Regional Representative.
  - c. The petition must be accompanied by a list of officers of the unit, a copy of its constitution and bylaws, and a description of the unit's boundaries.
  - d. The name of the unit may not be the same as, nor confusingly similar to, the name of another chartered unit in the state.
  - e. The Association Board of Directors must approve the petition of the unit.
  - f. The unit must file for an identification number with the Internal Revenue Service.
2. A unit may have its charter revoked by action of the House of Regions if it fails to meet all of the following qualifying standards for three consecutive fiscal years.
  - a. A minimum of 10 members in "good standing."
  - b. Annual Program Report, including a list of officers, has been submitted for at least one of the last three years.
  - c. Annual Financial Report, including the current signature names on all bank accounts, has been submitted for at least one of the last three years.

#### **Section C - Regions.**

Regions, comprised of one or more contiguous Units within a District, shall be formed to more effectively promote the welfare of the Association.

1. A charter for a region of the Association shall be issued by the Executive Director when the following provisions have been met:
  - a. A petition for a region charter is submitted to the Executive Director, with a copy to the District Coordinator and the Unit President(s).
  - b. The petition is accompanied by a list of officers of the region and a copy of their constitution and bylaws.
  - c. The name of the region is not the same as, nor confusingly similar to, the name of another chartered entity in the state.
  - d. The Association Board of Directors approves the petition of the region.
  - e. The Region files for an identification number with the Internal Revenue Service.
2. A region may have its charter revoked by action of the House of Regions if it fails to meet all of the following qualifying standards for three consecutive fiscal years.
  - a. Annual Program Report, including a list of officers, has been submitted for at least one of the last three years; and
  - b. Annual Financial Report, including the current signature names on all bank accounts, has been submitted for at least one of the last three years.

### **Section D - Districts**

Districts, comprised of a number of Units and Regions, shall be formed to more effectively promote the welfare of the Association. It is recommended that such groups (1) accept the geographical boundaries established by the Association and (2) adopt a form of organization, which seems best among the units, the regions, the districts, and the state organization. Their primary function shall be to act as discussion centers and clearing houses for officers of units within the several regions and districts of the state. Each district may conduct an annual district conference. When the annual state conference assembles within a given district, the state and district conferences may be combined.

### **Section E - Governance**

Each district, Region and unit of the Association may make its own constitution, elect its own officers, and manage its own affairs, provided its constitutions and bylaws contain the following minimum provisions:

1. Name and geographical boundaries of the organization.
2. Statement of purposes and acknowledgement of its status as a component of the Association
3. Fiscal year, terms of office, etc., corresponding to those of the Association.
4. Officers and their duties, methods of election, term of office, vacancies, and quorum.
5. Provisions for divisions, sections, and standing committees the same as those of the Association, as needed.
6. Provisions for meetings: (a) unit: recommended at least four times a year; (b) regions: determined by regions and (c) district: annual conference and other meetings.
7. Provisions for amending the constitution and bylaws.
8. Annual financial and program reports are filed with the state office.
9. Procedures for collection, expenditure, reporting and safeguarding of funds reflect established Association guidelines, state and federal non-profit requirements and accepted legal and ethical standards

### **Section F - Appointments**

It is recommended that unit presidents, regional representatives and district coordinators, immediately upon assuming office, appoint chairs for sections, standing and other committees comparable to those of the Association and include these in the official list of officers which is sent to the Executive Director.

## **ARTICLE XIII**

### **Divisions, Subdivisions and Sections**

#### **Section A - Composition**

The Association shall consist of divisions, subdivisions, and sections as follows:

1. Health Education Division  
Subdivisions: School Health Education, Community Health Education, Health Services, and Safety.
2. Physical Education Division
3. Recreation Division  
Subdivisions: Aquatics, Intramural Sport, Outdoor Recreation, School/Community Recreation
4. Boys and Men's Athletics Division
5. Girls and Women in Sport Division
6. Dance Division
7. General Division:  
Sections: Adapted Physical Education, Administration/Supervision, Early Childhood/Elementary Physical Education, Future Professionals, Higher Education, Middle School, Multicultural Dynamics and Retired Members

#### **Section B - Operating Code**

Each division and section shall have an operating code. It shall have a functional committee consisting of comparable Vice Presidents and chairs of districts, regions and units for purposes of coordinating and improving the effectiveness of the work of the Association at all levels or organizations.

#### **Section C - Activities**

Each division and section shall present or sponsor at least one program in connection with the annual conference of the Association. A business meeting of each division and section shall be held at the conference to present an annual report and, for sections, to elect officers.

#### **Section D - Sections**

Establishment of additional sections of the General Division may be made as in either "1" or "2" below.

1. A petition to the House of Delegates by at least 25 members in good standing. Such a petition to include:
  - a. An approved operating code of the proposed section.
  - b. An elected chair of the section and, if desired by the petitioners, other officers.
  - c. A list of meaningful projects, which demonstrate justifications for the section's proposed existence.
2. Recommendation by the Past President as supervisor of the General Division and approval of the House of Delegates, subject to the acceptance within one year by the House of Delegates of "a," "b," and "c" above.

#### **Section E - Subdivisions**

Divisions may establish subdivisions in the following manner:

1. The Vice President of the Division will determine the need for a special emphasis within the discipline.
2. The Vice President will appoint a chair and other officers, as needed.
3. The Vice President will add or amend the division code to include the purpose, procedures, duties, duration, etc., of the subdivision.

Subdivisions may become sections of the General Division if and when they meet the Bylaws criteria for sections, and comply with the code of the General Division.

## ARTICLE XIV

### Representation - Other Organizations

#### **Section A - AAHPERD and Southwest District AAHPERD**

1. The President, Executive Director, and the President-Elect, in this order, shall serve as active representatives to the Representative Assembly of the American Alliance for Health, Physical Education, Recreation and Dance (AAHPERD). Other active representatives to which the state Association may be entitled shall be appointed for one-year terms by the President, with the approval of the Board of Directors.
2. The President and President-Elect shall serve as representatives of the Association on the Board of Directors of the Southwest District AAHPERD. The Executive Director shall serve as an ex-officio, non-voting member. Other representatives shall be appointed by the President with the approval of the Board of Directors.

#### **Section B - Other Related Organizations - Liaison**

1. The President, with the approval of the Board of Directors, shall, not later than forty-five days after assuming office, appoint representatives to all approved organizations with which the Association has established a liaison relationship. These representatives shall make written reports to the House of Delegates through the President.
2. The President may, with the approval of the Board of Directors:
  - a. Invite an organization in a related field to appoint a liaison representative to serve in a non-voting capacity in the House of Delegates.
  - b. Appoint a member as liaison representative of the Association to such an organization, upon invitation.
3. Representatives of the Association are free to express opinions and may provide information as advisable, but may not commit the Association nor express an official position of the Association unless empowered by the Board of Directors to do so.

#### **Section C - Affiliate Member - Regulations**

1. Each Affiliate may designate one person to serve as a liaison to the House of Delegates.
2. An Affiliate organization may present or sponsor a program in connection with the annual conference, subject to approval of the State Conference Steering Committee.

## ARTICLE XV

### Use of Name and Logo

Use of the Association name and/or logo is subject to the approval of the Executive Director within policies established by the Board of Directors and regulations set forth in the Constitution/Bylaws, Articles of Incorporation and/or other governing documents which define the Association as a non-profit educational association.

## **ARTICLE XVI**

### **Finances**

#### **Section A - Composition**

The financial affairs of the Association shall be administered by the Executive Director, subject to the approval of the Board of Directors.

#### **Section B - Fiscal Year**

The fiscal year of the Association begins on the first day of June of each year and ends on the last day of May the following year.

#### **Section C - Audit**

The financial accounts of the Association shall be reviewed at the conclusion of each fiscal year, and shall be audited at the end of every third year and upon the replacement of the Executive Director and/or the Associate Director of Finance.

#### **Section D - Treasurer's Report**

The Treasurer shall make a report at each meeting of the Board of Directors and the annual business meeting of the House of Delegates and the Association.

## **ARTICLE XVII**

### **Equal Opportunity**

The Association shall provide equal opportunity to all persons to participate in activities sponsored, supported or endorsed by the Association, without discrimination on the basis of color, religion, age, gender, national origin, sexual orientation, disability or handicap.

## **ARTICLE XVIII**

### **Rules of Order**

The rules contained in Robert's Rules of Order Newly Revised shall govern the Association in all cases where they are not contrary to articles of the Constitution and Bylaws. It shall be the duty and responsibility of the Parliamentarian to interpret such Rules of Order.

## **ARTICLE XIX**

### **Amendments**

#### **Section A - Submission of Proposed Changes**

Proposed changes to these Bylaws may be submitted by

1. Any voting member of the Association to the Board of Directors, or
2. By any Association unit, region, district, subdivision, division, section and/or committee to the Board of Directors.

#### **Section B - Disposition of Proposed Changes**

The Board of Directors shall review the proposal and shall either recommend that it be forwarded to the House of Delegates or that it be returned to the proposer. If a proposal is returned, the Board of Directors shall indicate the reason for its return; e.g., lacks sufficient rationale, appears to be inconsistent with the purposes of the Association, or is inconsistent with the Bylaws or Constitution of the Association.

#### **Section C - Notification to General Membership**

1. The proposal shall be submitted to the Chair of the Constitution and Bylaws Committee, no later than October 1 to develop appropriate language for the Bylaws.
2. In concert with the Committee, the Chair of the Constitution and Bylaws Committee shall develop language and a sample ballot and include instructions for casting an absentee ballot. This information shall be forwarded to the Association office no later than November 15.
3. This information shall be distributed to the General Membership no later than November 30.

#### **Section D - Action by the General Membership**

These Bylaws may be amended by a sixty percent (60%) majority vote of the General Membership that casts ballots.