

BY-LAWS

ARTICLE I—NAME

Section 1

This association shall be called The Society of Health and Physical Educators (SHAPE Montana. (hereinafter referred to as SHAPE Montana)

ARTICLE II—RELATIONSHIP TO SHAPE AMERICA and the WESTERN DISTRICT

Section 1

SHAPE Montana shall be represented in the Delegate Assembly of SHAPE America and on the Western District Board.

Section 2

The President of SHAPE Montana or other members of SHAPE Montana, as appointed by the President with the approval of the Board of Directors will represent SHAPE Montana at the Delegate Assembly. The number of individuals representing SHAPE Montana is allocated on the basis of national membership.

Section 3

The President of SHAPE Montana or the Executive Director or a representative in accordance with the Western District Bylaws will represent SHAPE Montana at the Western District level. The President shall also have the ability to appoint a representative.

ARTICLE III—ORGANIZATION

Section 1

SHAPE Montana shall consist of Standing Committees including, but not limited to Governance, Advocacy, Public Relations, Awards, and Finance. Each committee is organized to serve the professional interests of Health & Physical Educators of Montana. Each committee will be headed by a Board Member appointed by the President.

ARTICLE IV—MEMBERSHIP

Section 1

Professional membership shall be open to all persons engaged professionally in Health and Physical Education upon payment of annual dues. Professional members shall have the right to vote and hold office.

Section 2

Student membership shall be open to all students enrolled in professional preparation programs in Health and Physical Education upon the payment of annual dues. Student members shall have the right to vote and hold office as a Student Representative. Student representatives will attend Board of Directors meetings as a voting member.

Section 3

Membership year is from August 1-July 31.

Section 4

Fiscal year is from June 1-May 31

ARTICLE V—EXECUTIVE BOARD/BOARD OF DIRECTORS

Section 1

The SHAPE Montana Executive Board shall consist of 4 voting members: President, President-Elect, Past President; Treasurer and 2 non-voting members; Secretary and Executive Director.

Section 2

The SHAPE Montana Board of Directors shall consist of 11 voting members: President, President-Elect, Past President, Treasurer, Student Representative and 5 Board Members. The Board shall also consist of the following non-voting members; Secretary, Executive Director.

Section 3

It shall be the duty of the Board to take the initiative in formulating policies of SHAPE Montana. The Board shall keep a record of its proceedings and make reports thereof to the membership at the annual convention. The Board of Directors shall adopt all Operating Codes and approve any revisions deemed necessary. Between regular meetings of the SHAPE Montana Board, the Board shall act as the legislative administrative body of SHAPE Montana. Board legislation is subject to review at the regular Business Meetings of SHAPE Montana.

Section 4

The executive Board shall have the discretion to replace any non-functioning member of the SHAPE Montana Board.

ARTICLE VI—OFFICERS

Section 1

President — Duties

It is the duty of the President to:

- Preside at all meetings and enforce all rules and regulations relating to the administration of SHAPE Montana.
- Call meetings of SHAPE Montana Board when deemed necessary or when requested to do so by the Board.
- Appoint members of all SHAPE Montana committees. The President may appoint ad-hoc committees as he/she or the Executive Board deems necessary. The President shall be an ex-officio member of all committees.
- Demonstrate leadership through the coordination of the duties and responsibilities of respective Board members
- Initiate and respond to correspondence in a timely manner with copies of appropriate correspondence to members of the Board.
- Appoint a Secretary to keep written records of the proceeding of the SHAPE Montana Board.
- Appoint an Executive Director as necessary.

Section 2

President-Elect – Duties

It is the duty of the President-Elect to:

- Serve as the presiding officer in the absence of the President.
- Attend the Leadership Development Conference.
- Attend all meetings of SHAPE Montana.

Section 3

Past-President – Duties

It is the duty of the Past-President to

- Serve as an ex-officio member of the Constitution Committee.
- Serve as an advisor to the President.
- Serve as Convention Manager
- Mentor new board members into knowledgeable transition of duties.

Section 4

Chair Pro Tempore – Duties

-- In the event of the absence of the SHAPE Montana President or President-Elect from any meeting, the Past President or Treasurer, in that order shall preside.

Section 5

Treasurer – Duties

It is the duty of the Treasurer to:

- Receive all dues and money payable to SHAPE Montana and enter such records in the appropriate books. All money payable by SHAPE Montana shall be paid by checks signed by the Treasurer.
- Prepare and have duplicated a complete itemized record of all income and expenses. This written itemized financial record is to be distributed to the membership at the annual meeting and posted on the SHAPE Montana website.
- Keep the treasurer's books up-to-date and balanced with bank statements and have an annual review performed.
- Become bonded.
- Submit annual tax report to SHAPE America.
- Submit board reports for each meeting of the Board.
- Keep record of membership list based on members that have paid their dues for conference and membership.

Section 6

Board Member – Duties

- Attend all Board meetings
- Promote their area of interest and serve as a liaison to the corresponding Western District and national organization.
- Serve on Standing Committee of their appointment.
- Perform duties as designated in the Operating Codes or as assigned by the President.
- Submit board reports for each meeting of the Board.

Upon election to the board, board members will be required to sign up for two committees from the committees listed below along with one of the items from the volunteer list below.

Committees: Choose one committee from each list:

1. Advocacy or Public Relations
2. Finance or Governance

Volunteer List: Choose from one of the following to volunteer your time for:

1. MEA Conference Presentation
2. 1 Day SHAPE Workshop
3. MCEL Conference Presentation
4. Advocacy Day
5. Special Projects established by the Board

Section 7

Student Representative – Duties

- Attend all board meetings.
- Serve as Chairperson for any student sessions at the annual conference.
- Perform all duties as outlined in the Operating Codes or assigned by the President.
- Submit board reports for each meeting of the Board.

ARTICLE VII—NOMINATION AND ELECTION OF OFFICERS

Section 1

Nominations

- The President Board will collect nominations from SHAPE Montana members leading up to and at the annual conference and shall present a slate of candidates for offices at the annual conference business meeting.
- There shall be an opportunity to nominate candidates from the floor prior to elections.
- The President and Past- President shall be responsible for coordinating all election procedures, both electronically and paper ballots.
- Nominations will open at the conclusion of the Conference Business Meeting and close May 1 of the conference year.
- The Board will collect nominations from SHAPE Montana members by May 1 of the conference year and shall present a nomination list electronically to members for voting at the conference business meeting.
- The membership shall have a minimum 30 day notice of the slate of nominations. to be voted on at the business meeting.

--Any position that does not have a confirmed nomination 30 days prior to the conference will be opened for nominations on the floor at the business meeting.

Section 2

Qualifications for Office

-- Each candidate shall be a paid member in good standing with SHAPE Montana.

Section 3

Elections

-- Schedule of Elections:

-- President-Elect shall be elected annually.

-- Board Openings will be elected on a staggered system for 3-year terms.

-- Treasurer will be elected every three years.

Election Procedures

-- All Board openings shall be advertised through Social Media and emails to the membership 30 days before the annual conference.

-- Elections shall be decided in a secret ballot at the time of the annual conference meeting, by a simple majority vote of the active membership. present and voting; otherwise, the two persons with the highest number of votes shall again be voted upon.

-- Officers shall be elected by a majority of votes cast at the annual conference meeting.

-- Results of the elections shall be announced by the President at the annual conference Business Meeting.

-- Failure to properly perform the duties of the office or failure to attend all Board Meetings may be cause for removal from office. Removal from office may be initiated by any active/paid member with a two-thirds vote of the Board.

-- In the event of a tie, a board position will be created for the term and dissolved at the end of said term.

Section 4

Term of Office

-- All newly elected officers shall take office at the conclusion of the annual conference immediately after the election. This includes attendance at the post-convention board meeting.

-- The President shall serve a three-year term; one year as the President-Elect, followed by one year as President and one year as Past-President.

-- Board positions will be three-year terms.

-- Treasurer will be a three-year term

-- Student Representatives will serve a two-year term if possible with their status as a student.

Section 5

Vacancies

-- In the event of the President's death or resignation, the President-Elect shall finish the remainder of the President's unexpired term. In the event of the death or resignation of both the President and the President-Elect, the Past President shall call a meeting of the Board of Directors who shall then elect among themselves a President who will finish the unexpired term.

-- In the event of the death or resignation of the President-Elect, the Board shall nominate at least two persons for the office, and submit the ballot by email/mail to the members of SHAPE Montana. All ballots must be returned within fifteen days to be eligible for counting by the Executive Director or appropriate designated person appointed by the President. The Executive Director or appointee will tally the votes and present the results at a special meeting of the SHAPE Montana Board for certification of the new President-Elect.

-- Vacancies occurring on the Board shall be filled by the President with the approval of the Board.

ARTICLE VIII – RELATIONSHIP WITH OFFICE OF PUBLIC INSTRUCTION

Section 1

The Office of Public Instruction (OPI) shall receive communication from SHAPE Montana on issues SHAPE has concerns about, would like to advocate on, and/or are seeking counsel on.

ARTICLE IX—APPOINTED POSITIONS

Section 1

Executive Director

The Executive Director will be appointed by the Executive Board after the Nominating Committee submits a recommendation. This appointment is made for a three-year term, contingent upon acceptable annual performance appraisals by the Board of Directors.

Section 2

Montana Representative to the Western District Board

The President, with the approval of the Board, will appoint the State Representative. This will be a two-year term. This person will assist the President in representing SHAPE Montana's interests at the Western District Board meetings and report to SHAPE Montana.

Section 3

Secretary

The Secretary will be appointed by the President with Board approval. This will be a one-year term. This person will prepare minutes of all board and business meetings of SHAPE Montana and provide copies to appropriate members.

Section 4

Student Representative

The Student Representative will be appointed by the President with Board approval. This will be a two year term.

ARTICLE X—COMMITTEES

Section 1

The **Standing Committees** of SHAPE Montana include but are not limited to:

- Governance**
- Advocacy**
- Public Relations**
- Awards**
- Finance**

Section 2

Ad Hoc Committees

--Ad Hoc Committees will be appointed by the President, with Board approval, when deemed necessary. Such committees will be formed for specific purposes and will cease to function as soon as the specific tasks for which they were formed are complete. Examples of such committees may be; **Constitution, By-Laws, Operating Codes Committees or Grant Applications.**

ARTICLE XI—OPERATING CODES

Section 1

Each member of the SHAPE Montana Board, whether elected or appointed, will have an operating code. Appointed positions which do not serve on the Board and Standing Committees will have Operating Codes.

Section 2

All Operating Codes will be approved by the Board. Operating Codes should be kept up-to-date.

ARTICLE XII—MEETINGS OF SHAPE MONTANA

Section 1

Annual Business Meeting

-- There will be at least one business meeting of the SHAPE Montana membership to be held in conjunction with the

annual conference.

- The incoming President will preside over the business meeting and be responsible for preparing the agenda for the meeting with consultation from outgoing President.
- Special meetings of the SHAPE Montana membership may be called at any time by the President with approval of the Executive Board. The membership will be notified one month in advance via email/social media.
- All members of SHAPE Montana will be allowed both voting and speaking privileges.
- The Student Section business/election meeting, if necessary will occur during the annual conference.

Section 2

Executive Board/Board of Directors

-- There will be five meetings annually of the SHAPE Montana Board. These shall occur as follows:

1. Post-Convention Meeting
2. Fall Retreat/Meeting
3. Winter Meeting
4. Spring Meeting at Conference Location
5. Pre-Convention Meeting/Convention Set-Up

- Notification of meeting date, site and time, will be sent at least one month in advance of meeting.
- Agenda for meeting will be sent out no later than one week before meeting.
- A quorum for Board meetings will be half of the voting members plus one.
- Candidates for office, when appropriate, will be sent an agenda for the Post-Convention Board meeting.
- When deemed necessary, the President may call a special meeting of the Executive Board. Upon two-thirds vote of the executive Board, the President shall convene the Board of Directors.

Section 3

Manner of Acting

-- A majority of the votes entitled to be cast on a matter, whether by the membership or the Board of Directors, shall be necessary for adoption unless a greater proportion is required by the Constitution or the Bylaws, which require a two-thirds vote approval for change.

Section 4

Emergency Voting by Mail/Email

-- Any action, which may be taken at a meeting of members, may be taken without a meeting by mail/email vote conducted in such a manner as the Board of Directors shall determine. Voting by mail/email will only be employed as an emergency procedure. At least two weeks must be allowed to distribute and collect votes. Those members voting on an officially conducted mail/email vote of the SHAPE Montana membership shall constitute a quorum.

ARTICLE XIII—ANNUAL CONVENTION

Section 1

A Conference will be conducted annually.

Section 2

Convention site will be determined by the executive committee.

Section 3

The annual conference will be conducted under the general supervision of the Convention Manager, when appropriate. The program and schedule will be coordinated by the Past-President and the Conference Planning Committee

Section 4

Publicity and advertising for the conference will take place at least one month prior to the conference. Program topics, speakers, schedules, cost and housing should appear on SHAPE Montana website, social media outlets and print media.

ARTICLE XIV—NEWSLETTER/WEB PAGE

Section 1

The PR Committee along with the Executive Director will maintain/direct the information to be published on the website or in the newsletter and will direct the proper individuals as to the posting of this information.

ARTICLE XV—SHAPE MONTANA AWARDS

Section 1

SHAPE Montana may honor individuals for meritorious service in the profession of Health and Physical Education or in allied fields by such awards as may be approved by the Board.

ARTICLE XVI—FINANCES

Section 1

The fiscal year of SHAPE Montana is June 1 through May 31

Section 2

The proposed annual operating budget for the upcoming fiscal year shall be prepared by the Treasurer and submitted to the Board for review and action at the Pre-Convention Board Meeting.

Section 3

The current fiscal year operating budget shall be prepared by the Treasurer and Finance Committee and submitted at the spring board meeting for review and action.

Section 4

Members of the Board and individuals in appointed positions will carry out their assigned responsibilities in accordance with the General Financial Guidelines and approved budget allocations.

Section 5

All authorized expenses of SHAPE Montana will be paid by the Treasurer in accordance with the General Financial Guidelines and approved budget allocations. Expenses above approved budget amounts must be authorized by the Board before they may be expended and paid by the Treasurer.

ARTICLE XVII—RULES OF ORDER

Section 1

Questions of procedure shall be decided according to *Robert's Rules of Order*, newly revised, unless provided in the Constitution and Bylaws.

ARTICLE XVIII—AMENDMENTS

Section 1

Proposed amendments to the Constitution and/or Bylaws must be submitted in writing to the President for review. The President shall submit all proposed amendments to the Board for approval.

Section 2

Upon approval by the Board, all proposed amendments to be acted upon at the Annual Business meeting will be distributed to the membership via mail/email/social media at least 30 days prior to the annual Business meeting.

Section 3

An affirmative vote equivalent to two-thirds of the members attending the annual Business meeting will be required for approval of proposed amendments.

Revised: 1975, 1979, 1985, 1988, 1990, 1992, 1993, 1994, 2001, 2004, 2008, 2013, 2014, 2015, 2017, 2018, 2022,2023