



NEBRASKA SCHOOL COUNSELOR ASSOCIATION BYLAWS

(Adopted: May 2009)

ARTICLE I: NAME AND MISSION.

ARTICLE I, SECTION 1. Name. The official name of the division shall be the Nebraska School Counselor Association (NSCA)-a division of the American School Counselor Association. (ASCA). This official name of the division shall be employed in connection with all official business and communication pertaining to the division.

ARTICLE I, SECTION 2. Mission. The mission of NSCA shall be to provide professional development and educational opportunities for professional school counselors. The organization shall be to represent professional school counselors and to promote professional and ethical practices. The NSCA is the foundation to foster and influence a professional relationship and image among school counselors. NSCA empowers professional school counselors to maximize the knowledge, skills, and resources to promote and advocate for student success in the school, home, community and world.

ARTICLE II: MEMBERSHIP

ARTICLE II, SECTION 1. Classes of members. Members shall be in good standing upon payment of dues as provided by Section 3 except as determination of membership as provided in Section 5 as reason of unprofessional conduct. This association shall include five types of membership: Active, Student, Affiliate, Retired and Allied.

II-la. Active Membership. Active members must hold a Masters degree or higher in counseling or the substantial equivalent and meet one or more of the following requirements: be credentialed as a school counselor by the state; be employed as a school counselor or supervisor of school counselors; or be employed as a counselor educator in a graduate program that prepares school counselors and devotes 50% or more of his/her time to counseling and/or guidance activities; or a personnel worker endorsed in guidance and counseling or who meets the current standards for guidance and counseling endorsement as prescribed by the Nebraska State Department of Education; or any individual who meets the qualifications for regular or professional membership in the American School Counseling Association.

II-1b. Student Membership. A student member must be engaged in a planned program of counselor education designed to result in a Masters degree in counseling. They must be enrolled in a counseling program for at least four and one half months of the year and not employed in a full time position or any individual who meets the qualifications for student membership in the American School Counselor Association.

II-1c. Affiliate Membership. Any individual interested in guidance and/or counseling but does not qualify for one of the other memberships.

II-1d. Retired Membership. Members in retirement shall maintain all the privileges of Active membership.

II-1e. Allied Membership. Corporation or businesses interested in supporting the goals of NSCA may become Allied members.

ARTICLE II, SECTION 2. Admission of Members. The Governing Board shall approve members for membership. An affirmative vote of two thirds of the Governing Board shall be required for admission.

ARTICLE II, SECTION 3. Dues. The annual dues shall be recommended by the Governing Board and determined by a majority of the voting members present at the annual business meeting. The Governing Board will set the dues for all categories of membership.

II-3a. Collection. The membership chair or contracted organization/business shall collect all membership dues and applications. The membership chair or contracted organization/business shall then forward dues collected to the treasurer after processing the application.

ARTICLE II, SECTION 4. Voting privileges and procedures. Each active member shall be entitled to one vote on each matter submitted to the members. Student, affiliate, and allied members are not voting members.

ARTICLE II, SECTION 5. Severance of Membership. Association members may be dropped from membership for nonpayment of dues or revocation of license or credential, following procedures described in ASCA policies that address membership. Any member charged with engaging in such conduct shall be given the opportunity to present evidence in his/her behalf through witnesses or otherwise, shall be given the opportunity to confront witnesses against him/herself, and shall have the right to appeal and have a hearing before the NSCA Governing Board whose decision is final. A committee on standards and ethics shall consider any charge made over the signatures of two NSCA members in good standing and have the power to determine whether the charges shall be dropped, whether the accused shall be permitted to resign, or whether the charges are true, however subject to the right of the accused member to appeal to the NSCA Governing Board from any final decision of the committee on standard and ethics.

ARTICLE II, SECTION 6. Nondiscrimination. The Nebraska School Counselor Association does not knowingly engage in or support activities that discriminate on the basis of race, color, sex, religion, national origin, affectional or sexual orientation, disability, or age.

ARTICLE III: NSCA OFFICERS AND GOVERNING BOARD

ARTICLE III, SECTION 1. Governing Board. The officers of NSCA shall be the President, President Elect, President Elect Elect, Immediate Past-President, four Vice-Presidents, Secretary, and Treasurer.

ARTICLE III, SECTION 2. Powers and Functions. The Governing Board shall formulate and recommend policies to the division, review and accept or revise and accept the annual budget, and carry on the affairs of the division. They shall be responsible for developing, promoting, and executing such plans as shall have the approval of the division, for promoting the cooperation and/or affiliation of this group with other organizations having interests and objectives similar or supplemental to this division; provided that such cooperation and/or affiliation shall not weaken or destroy the autonomous existence of this division.

ARTICLE III, SECTION 3. Qualifications. All officers shall be voting members of the division and of the NSCA, in good standing for the preceding two years, and shall be present members of NCA. The President and President-Elect must be members of ASCA.

ARTICLE III, SECTION 4. Duties of Officers.

III-4a. President. During his/her term of office the President shall be the principal executive officer of the division, chairman of the Governing Board, and shall preside at all general meetings. He/she shall represent the division at the NCA Governing Board. The President, with the approval of the Governing Board, shall appoint all necessary committees and shall perform such other duties as are incidental to the office and as may be properly required by vote of the Governing Board. The President-Elect shall serve as a member of the Governing Board.

III-4b. President Elect. The President-Elect shall serve as a member of the Governing Board. In the event the President shall not complete a full term, for any reason, the President-Elect shall succeed to the unexpired remainder, thereof, and continue through his/her own term. In the event that the President-Elect should be unable to complete the president's unexpired terms, thereof, the Governing Board shall call for a special election of the President and the President-Elect to serve until the annual election. The President-Elect shall act in place of the President at all Governing Board meetings, which the President is unable to attend.

III-4c. President Elect Elect. The President Elect- Elect shall serve as a member of the Governing Board. He\She shall perform such duties as shall be directed by the Governing Board. The term of office shall be for one year. The President Elect- Elect shall automatically become President Elect one year after the commencement of his\her term of office as President Elect- Elect.

III-4d. Immediate Past President. The immediate Past President shall serve as a member of the Governing Board. He/she shall perform such duties as shall be directed by the Governing Board. The term of office shall be for one year following expiration of his/her presidential term.

III-4e Vice Presidents. The Vice Presidents of the division shall be responsible specifically for generating interest and activities within their respective work settings.

III-4f. Secretary. The Secretary shall serve as an appointed member of the Governing Board and shall be a voting member of the Board. He/she shall keep the records of all meetings of the division as well as the minutes of the Governing Board. He/she shall assist in conducting the official correspondence of the division and shall issue calls and notices of meetings. The Secretary shall send via mail or email the minutes of all Board meetings to all Board members within 30 days after the meetings.

III-4g. Treasurer. The Treasurer shall serve as the appointed member of the Governing Board and shall be a voting member of the Board. He/she shall collect dues and disburse funds of the division, subject to the approval of the President, shall keep a complete financial record and submit a complete fiscal year report, be responsible for having an annual review of the books by an auditing committee appointed by the President, whereby, the report will be presented to the Governing Board, and shall perform other duties as may be directed by the Board. The Treasurer shall meet on the new proposed budget with the President prior to the budget being presented to the full Board. The Treasurer will submit a copy of the quarterly financial report to the President for review. The Treasurer will maintain a checking account in the name of the Nebraska School Counselor Association.

ARTICLE III, SECTION 5. Additional Appointments. The Governing Board may appoint other positions as needed.

ARTICLE III. SECTION 6. Nominations, Elections, and Terms

The President and four Vice-Presidents shall be elected annually by secret ballot, by mail, or at the annual business meeting. The procedures used shall be determined by a majority of the Governing Board.

III-6a. President. The President shall appoint a nominating committee consisting of three voting members of the division to select two candidates for each elective office for the division.

III-6b. All officers of the division. All officers of the division, except the Secretary and Treasurer, shall be elected at large from among the individual members of the division.

III-6c. President Elect. The President-Elect shall automatically become President of the division one year after the commencement of his/her term of office as President-Elect, or upon the death or resignation of the President. The President and President-Elect shall

serve terms of one year and shall not be subject to re-election except that the President-Elect succeeding to the office of President.

III-6d. President Elect Elect. The President-Elect-Elect shall automatically become President-Elect one year after the commencement of his\her term of office as President-Elect, or upon the death or resignation of the President-Elect. The President-Elect-Elect shall serve a one year term and shall not be subject to re-election.

III-6e. Secretary and Treasurer. The Secretary and Treasurer shall be appointed by the President with the approval of the Governing Board, and shall serve a concurrent term with the President who appoints them.

III-6f. Vice Presidents. There shall be four Vice-Presidents elected at large: elementary, middle, and/or junior high, secretary, and post secondary. A person elected to a position of Vice-President shall be employed as a counselor in the work setting to be represented.

III-6g. Term of Office. The term of office of any elected officer of the NSCA shall be from July 1st to June 30th.

III-6h. Vacancies. If the Presidency should become vacant, the President-Elect shall complete the remainder of the unexpired term in addition to his\her own prescribed term of office. Vacancies in the office of President-Elect, President Elect- Elect, or a vice president occurring between annual meetings shall be filled through appointment by the President with approval of the Governing Board. The President may request this approval by mail ballot. If the President-Elect is unable to fill the President's position, the current President may complete another term with the approval of the Governing Board.

ARTICLE III, SECTION 7. ASCA Delegate Assembly Representation.

III-7a. The President shall select Nebraska division representatives to the ASCA Delegate meeting with the approval by the Governing Board.

III-7b. Division representatives must be professional members of ASCA.

III-7c. A state division shall submit to the credential chairman of the ASCA the names and addresses of its representatives to the delegate assembly.

ARTICLE IV. MEETINGS.

ARTICLE IV, SECTION 1. Regular meetings. A regular annual meeting of the Governing Board may be held without further notice than by this bylaw, immediately before and at the same place as the annual meeting of the members. The Governing Board may provide by resolution the time and place for the holding of the additional meetings of the board without other notice than such resolution.

ARTICLE IV, SECTION 2. Special meetings. Special meetings for the Governing Board may be called by or at the request of the President or any Board member. The person or persons authorized to call special meetings of the Board may arrange any place for holding such meetings.

ARTICLE IV, SECTION 3. Notice. Notice of any special meeting of the Governing Board shall be given at least two days previously by written notice delivered personally or sent by mail or email to each Board member at his/her address as shown by the records of the division.

ARTICLE IV, SECTION 4. Quorum. One third of the Governing Board shall constitute a quorum for the transaction of business and any meeting of the Board.

ARTICLE IV, SECTION 5. Manner of Acting. The act of the majority of the Governing Board members present at a meeting at which a quorum is present shall be the act of the Governing Board, unless the act of the greater number is required by law or by these bylaws.

ARTICLE V: COMMITTEES

ARTICLE V. SECTION 1. Standing and Special Committees. The committees of the division shall consist of special committees appointed by the Governing Board and standing committees that may be deemed necessary. All committees shall report annually to the Governing Board and at the annual meeting of the membership. A special committee shall serve until, in the opinion of the Board, the purpose is accomplished. A standing committee member shall serve for a period of one year following the time at which his/her appointment is announced. The NSCA President shall, with the approval of the Governing Board, appoint committee chairpersons. Chairpersons of all committees shall attend meetings of the Governing Board when requested to do so. The following shall be the standing committees: Programs, Membership, Publications, Nominations and Elections, Professional Standards and Ethics, Bylaws, Government Relations, Professional Recognition, and Technology. At each board meeting, all committees shall submit a written report of their activities to the members of the Governing Board and a copy of the report shall be filed with the Secretary.

ARTICLE V, SECTION 2. Powers and Functions.

V-2a. Program Committee. This committee shall be the responsible for setting up and implementing long-range program of activities including special projects.

V-2b. Membership Committee. This committee shall be responsible for the promotion of interest in membership, and for the approval of application of memberships. This committee shall serve in an advisory capacity to the Governing Board in problems of membership, maintain the membership role, and keep the treasurer informed of the current status of dues payments of members.

V-2c. Publication Committee. News of interest should be sent to state and national journals and newspapers. This committee shall publish any other periodicals and materials necessary for the proper communication of the activities of the division.

- V-2d. Nomination and Election Committee.** This committee conducts impartial nominations and election procedures for the election of the officers of the division.
- V-2e. Professional Standards and Ethics Committee.** The responsibility of this committee shall be to increase the level of professional personnel practices by the division members through:
1. Initiating and coordinating a program of educational activities to increase members' understanding of ethical and professional issues and practices.
 2. Reviewing all instances where a division member is charged with unprofessional conduct.
 3. Recommending appropriate disciplinary action to the Governing Board when a member is found to be in violation of established canons of professional conduct.
- V-2f. Bylaws Committee.** The bylaws committee shall review the Chapter and Area of Specialty Bylaws changes and make recommendations to the Governing Board. This committee shall:
1. Receive all proposals for amending and revising the Bylaws and make additional proposals if deemed necessary.
 2. Study the proposed changes and transmit to the Governing Board for its consideration all such proposed amendments with or without a recommendation at least 30 days prior to the next Board meeting.
 2. Receive proposed amendments which originate at the Board meeting and are approved for Mail Ballot. Said proposal amendments shall be sent no less than 60 days following the date of presentation with a written recommendation to Board members for a vote.
- V-2g. Government Relations Committee.** The Government Relations Committee shall study current legislation of state and national scope that affects counselors in Nebraska. They will correspond (and direct members to correspond) with our representatives in government and become knowledgeable about pertinent legislative matters to keep NSCA informed and develop a coordinated program to promote beneficial legislation.
- V-2h. Professional Recognition Committee.** The Professional Recognition Committee shall solicit nominations to include outstanding school counselors and outstanding contributors to the field of guidance. The committee will select winners using criteria approved by the Governing Board, present awards at the annual conference, publicize the awards and submit credentials of award recipients to ASCA.
- V-2i. Technology Committee.** The Technology Committee shall provide a variety of resources that will help school counselors integrate technology into current programs. They will maintain the NSCA website. They shall help organize technology workshops, review new software, and maintain a list of useful websites to share with other counselors.

ARTICLE VI: AMENDMENTS OF BYLAWS

ARTICLE VI, SECTION 1. Amendments. Except as provided in Section 2 and 3, the Board may make amendments to these bylaws. An amendment presented in writing to all members of the division by mail at least 30 days in advance of the Board meeting may be adopted by a plurality vote of the Board members present at such meeting.

ARTICLE VI, SECTION 2. Mail Ballot. If, in the judgment of the Governing Board, action upon proposed amendment is desirable for the next annual meeting, it may be taken through a mail ballot following presentation of the amendment to the address of all voting members of the division. If a plurality of the voting members returning ballots within the succeeding thirty days vote affirmatively, the amendment shall be adopted.

ARTICLE VI, SECTION 3. An amendment first proposed at any meeting of the full membership shall be voted upon by email or mail ballot after thirty (30) days following the date of the proposal.

ARTICLE VI, SECTION 4. Publication. The Bylaws and Policies of NSCA shall be published in their entirety periodically and shall be available to any member upon request.

ARTICLE VII. BUSINESS AFFAIRS OF THE ASSOCIATION

ARTICLE VII, SECTION 1. Fiscal Year. The fiscal year shall be from July 1 to June 30.

ARTICLE VII, SECTION 2. Property of the Division. In the event the division shall be dissolved, none of its property shall be distributed to any of the members. Instead, all of its property shall be transferred to such organization or organizations as the Governing Board determine to have purposes and activities most consistent with those of the division.

ARTICLE VII, SECTION 3. Parliamentary Authority. The parliamentary procedure for the meetings of NSCA shall be the Roberts Rules of Order Revised (by Henry Martin Robert III) and shall govern the proceedings of the Association not otherwise specified in the bylaws.

ARTICLE VIII: INDEMNIFICATION.

ARTICLE VIII, SECTION 1. The Association shall indemnify each member of the Governing Board and each of its officers, as described in Article III, for the defense of civil and criminal actions or proceedings as hereinafter provided and, notwithstanding any provisions in these Bylaws, in a manner and to the extent permitted by applicable law.

ARTICLE VIII, SECTION 2. The Association shall indemnify each of its Governing Board members as aforesaid, from and against any and all judgments, fines, amounts paid in settlement and reasonable expenses, including attorney's fees, actually and necessarily imposed upon or asserted against him or her by reason of being or having been such a director or officer and acting, within the scope of his or her official duties, but only when the determination shall have been made judicially or in the manner hereinafter provided that he or she acted in good faith for the purpose which he or she reasonably believed to be in the best interest of the NSCA and, in case of criminal action or proceeding, in addition had no reasonable cause to believe that his or

her conduct was unlawful. This indemnification shall be made only if the Association shall be advised by its Governing Board acting (1) by quorum consisting of Governing Board members who are not parties to such action or proceedings upon a finding that, or (2) if a quorum under (1) is not obtainable with due diligence, upon the opinion in writing of an independent legal counsel that, the Governing Board or officer has met the foregoing applicable standard of conduct. If the undergoing determination is to be made by the Governing Board, it may rely, as to all questions, of law on the advice of independent legal counsel.

ARTICLE VIII, SECTION 3. Every reference herein to a member of the Governing Board or officer of the Association shall include every member and officer thereof or former member and officer thereof. This indemnification shall apply to all judgments, fines, amounts in settlement, and reasonable expenses described above whenever arising allowable as above-stated. The right of indemnification herein provided shall be in addition to any and all rights to which any NSCA member or officer might otherwise be entitled and the provisions hereof shall neither impair nor adversely affect such rights.