

South Carolina Probation and Parole Association



Constitution and By-Laws

As Amended November 2009

**SOUTH CAROLINA PROBATION AND PAROLE ASSOCIATION
CONSTITUTION AND BY-LAWS**

**ARTICLE I
NAME**

Section 1

The name of this Association shall be the **South Carolina Probation and Parole Association**. The Association shall be incorporated under Title 33, Chapter 31, South Carolina Code of Laws 1976 as amended relating to not for profit corporations generally. Hereinafter, this organization shall be referred to as SCPPA or the Association.

**ARTICLE II
GOALS AND FUNCTIONS**

Section 1

The goals and functions of the Association are to:

- A. Advance progressive probation and parole practices;
- B. Stimulate high standards of training and professionalization of personnel and agencies;
- C. Promote international communication and exchange of ideas;
- D. Promote the provision of quality information to criminal justice decision makers;
- E. Increase public awareness and acceptance of probation and parole as meaningful in the prevention, reduction and deterrence of criminal or delinquent behavior;
- F. Encourage the development of innovative services, research design, and program evaluation.

**ARTICLE III
MEMBERSHIP**

Membership shall be opened to all persons who are interested in and supportive of the Association, who prescribe to the Association's Constitution and By-Laws, and those who pay annual dues.

Section 1

There shall be four types of membership:

- A. Professional Membership
Professional members shall be those persons, including clerical and support staff who are currently employed in or retired from the field of community supervision of offenders and delinquents and from the criminal justice field on a Federal, State or local level. Professional members shall also include those educators and employees who are actively interested in community supervision and criminal justice in South Carolina. Such members shall have the right to vote on all matters arising before the Association and to hold office in the Association.
- B. Associate Membership
Associate membership shall be those persons who are interested in and supportive of the objectives of the Association; however, such a member shall not have the right to vote or to hold office.
- C. Student Membership
Student membership shall be full time students and the student must submit verification of school enrollment to membership chairperson. Such a member shall not have the right to vote or to hold office.
- D. Supporter Membership
Supporting members shall consist of three categories: Corporate Patron, Vendor/Sponsorship, and Supporter. These categories shall include any business, partnership, organization or corporate entity interested in supporting the objectives of the Association. Said members shall not have the right to vote or to hold office.

Section 2

Application shall be made on forms approved by the Board of Directors and accompanied with the annual membership dues. The Board of Directors shall have the power and responsibility to terminate the membership of any Association member for nonpayment of dues or for behavior that conflicts with the Association's Constitution and/or By-Laws or for conduct that is in violation of the Association's code of ethics.

ARTICLE IV DUES

Section 1

The annual dues shall be set forth by the Board of Directors.

Section 2

New member dues, of any status, will be submitted at the time of application for membership. Renewal of dues of a member of any status will be due on a yearly basis in October of each year. If a member joins in a month other than October, the membership dues will be pro-rated to October of the following year.

Section 3

Nonpayment of dues for one year shall be considered resignation from the Association. A member of any category, who is considered resigned by reason of nonpayment of dues, shall be reinstated by the payment of dues for the year in which the reinstatement is requested.

Section 4

All categories of members may petition the Board of Directors for an exemption from or a reduction of dues for the fiscal year of the Association provided such petition is based upon need or illness or hardship. A majority vote of the Board of Directors shall be required to approve such a petition.

ARTICLE V OFFICERS

Section 1

The officers of the Association shall be a President, a President-Elect, a Vice-President, a Past President, a Secretary and a Treasurer.

Section 2

The President shall be the individual who has just completed the term as President-Elect unless under other provisions described herein. It shall be the duty of the President to convene and preside in all meetings, to act as the chairperson of the Board of Directors, and to exercise supervision over the affairs of the Association with the approval of the Board and to perform such other duties as are related to the office. The President or his/her designee shall serve as the representative to the American Probation and Parole Association.

Section 3

It shall be the responsibility of a President-Elect to serve on the Board of Directors and perform the duties of the President in the event of the absence or incapacity of the latter. In the event that the President shall not serve out the full term for any reason, the President-Elect will succeed to the unexpired term thereof and continue through his or her own term as President. The President-Elect shall chair or appoint the Program Committee chair and shall perform such other duties as prescribed by the Board of Directors. In the event the President-Elect is not able to serve out the full term of office, both a President and President-Elect shall be nominated and elected at the time of the next election.

Section 4

It shall be the responsibility of a Vice President to serve on the Board of directors and assist the President-Elect in the duties prescribed previously. At the end of the term as Vice President the incumbent will progress to the position of President-Elect and will assume the prescribed duties.

Section 5

The Past President shall be the most immediately retired President. The Past President shall perform such duties as prescribed by the Board of Directors. The Past-President shall serve as Chair of Nominations and Elections Committee.

Section 6

In the event that both the President and President-Elect shall be unable to serve or complete their terms of office, the Vice President shall serve as presiding officer of the Association until completion of the next election.

Section 7

It shall be the duty of the Secretary to keep the records of the Association and Board of Directors, and to conduct the official correspondence of the Association.

Section 8

The Treasurer shall be bonded and keep a full record according to standard accounting procedures of all money received and disbursed and shall report thereon at the annual meeting of the Association and shall at all times be prepared to exhibit the books of account to any member of the Association provided a reasonable notice or a desire to examine the accounts is given and to sign checks and drafts on behalf of the Association for disbursement of funds.

Section 9

In the event that either the Secretary or Treasurer shall be unable to complete their terms of office, the Board of Directors shall elect a current Director as successor to serve until the completion of the next election.

Section 10

Each officer shall continue to hold office until replaced by a new duly elected officer. Duly elected officers of the Association shall take office on January 1 following the annual meeting of the Association. No officer shall be eligible to succeed himself or herself in the same office, except that a person elected to an incomplete term to replace an incumbent unable to complete his or her term of office at which time said officer may then be elected to a succeeding full term of office.

Section 11

The term of office of the President, President-Elect, Past President, and Vice President shall be one year. Secretary and Treasurer shall be two years.

Section 12

According to the procedures and safeguards prescribed in these articles, the Board of Directors shall be given power, by majority vote, to suspend from office any officer of the Association should such an action be necessary due to the improper conduct in his or her office or for unethical, unprofessional, or disreputable conduct as defined herein. Due process will be observed in these matters as described herein.

ARTICLE VI FISCAL POLICY, BUDGET, ASSESSMENTS

Section 1

The fiscal year of the Association shall extend from January 1 to December 31.

Section 2

The budget of the Association shall be set and adopted annually by majority vote of those present in voting at the annual business meeting.

Section 3

Prior to the business meeting, the Treasurer will prepare and submit a budget for the fiscal year to the Board of Directors. The Board of Directors will then prepare a proposed budget for presentation to the membership at the annual business meeting. The proposed budget to be presented to the membership for adoption, will be marked with the identifying words "Proposed Budget of the South Carolina Probation and Parole Association for the Fiscal Year, (date) to (date)".

Section 4

The Treasurer shall prepare an itemized financial record of receipts and expenditures incurred in connection with the administration of his or her office and shall submit to a semiannual review by the Finance Committee.

Section 5

The Board of Directors may recommend additional assessments of members, but such recommendations must be approved by a majority vote of the membership of the Association present and voting at a regularly scheduled business meeting, or if by mail ballot, by a majority of those voting provided at least fifty percent of the membership votes.

ARTICLE VII BOARD OF DIRECTORS

Section 1

The management of the Association and all its affairs shall be entrusted to a Board of Directors. The Board shall be composed of the officers of the Association and nine (9) at-large Directors, preferably with appropriate geographical representation and representation of disciplines reflective of membership at large, elected under provisions of Article VIII and IX. All members of the Board of Directors must have member status in the Association and each shall be elected for staggered two year terms. In the event circumstances prevent a Director from completing his or her term in office, the remaining Board of Directors shall elect a successor to serve until the completion of the term of the office of the Director unable to succeed his or her term. No Director shall be eligible to succeed himself or herself in the position of Director, except that a person elected to an incomplete term to fulfill a vacancy on the Board arising because a duly elected Director was unable to complete his or her designated term as Director.

Section 2

Ex Officio members of the Board of Directors shall be appointed by the Board as directed below. All ex officio members of the Board are nonvoting. The Board shall appoint a Publications Director who shall serve as Editor of the Association's newsletter and shall also edit the publication of other items such as the annual Directory as prescribed by the Board of Directors.

The Board shall appoint a Parliamentarian who shall be responsible for adjudicating all matters of parliamentary procedure at all meetings of the Board of Directors and the Association. The Parliamentarian shall keep a copy of the latest edition of "Robert's Rules of Order Newly Revised" for that purpose.

The Board shall appoint a Historian who shall be responsible for maintaining the archives of the Association. The Historian shall ensure that all documents relating to the history, development, and current functioning of the Association are preserved and filed in such a manner as to be readily available to the Board of Directors and membership of the Association. The Historian may, at the discretion of the Board, be the same individual appointed Parliamentarian. The South Carolina representative to the American Probation and Parole Association affiliate committee shall serve as an ex officio member of the Board when the Association has a member serving in the capacity and providing the representative is not already serving in some other capacity on the Board of Directors.

Any person appointed to an executive position (e.g. Executive Secretary, Executive Director) shall serve as an ex officio member of the Board of Directors.

Any person appointed by the Board to an advisory position (e.g. Service Provider Issue Advisor, Correctional Issues Advisor, Student Issue Advisor, etc.) shall serve as an ex officio member of the Board of Directors.

Section 3

The Board of Directors shall have authority over the property, general and special funds, and the

affairs of the Association and shall take such actions as are deemed necessary for the conduct of the Association.

Section 4

The Board of Directors shall have final approval of all appointments and through the committees and special bodies submitted by the President.

Section 5

The Board of Directors shall hold such meetings as are needed for the efficient conduct of the Association's affairs and shall hold at least three meetings each year.

Section 6

The President shall notify each Board member of the meeting time and place, at least two weeks in advance of the day on which the meeting is to be held.

Section 7

Emergency meetings may be called at the discretion of the President, or when a majority of the Board of Directors makes such a request to the President.

Section 8

The Board of Directors shall have permission to obtain legal advisement when the Board deems it necessary.

Section 9

The Board of Directors shall evaluate all recommendations made by the membership committee. Favorable action by the Board constitutes election to the membership.

Section 10

It shall be the duty of the Board of Directors to appoint individuals to fill vacancies in office as directed elsewhere in these articles. The President may make temporary appointments when necessary to fill an urgent vacancy; such appointment shall be effective until the Board meets and makes the final disposition of the appointment.

Section 11

The Board of Directors is empowered to authorize the President or President-Elect to appoint such special committees or bodies as are needed to carry out the work of the Association.

Section 12

A majority of the Board of Directors shall constitute a quorum; however, actions or positions

taken by the Board shall also require approval of a majority of the entire Board of Directors before implementation, provided that a majority of quorum voting in favor of an action or position does not comprise a majority of the entire Board.

Section 13

According to the procedures and safeguards prescribed in these articles, the Board of Directors shall be empowered, by a majority vote, to suspend from position of Director any Director of the Association should such an action be necessary because of the improper conduct in his or her Directorship or for unethical, unprofessional, or disreputable conduct as defined herein. Due process will be observed in these matters as described herein.

ARTICLE VIII NOMINATION FOR OFFICERS, DIRECTOR AND OTHER ELECTED POSITIONS

The Past President shall convene a Nominations & Elections Committee of four (4) additional members to develop the slate of Directors. The committee members must be members of the Association and shall not be allowed to be nominated to the slate. The committee shall approve the slate and the slate shall be distributed to the membership sixty (60) days prior to the Annual Meeting.

ARTICLE IX ELECTION OF OFFICERS, DIRECTORS AND OTHER ELECTED POSITIONS

Section 1

Notification of Election Ballots shall made to the Association membership at least sixty (60) days prior to the Annual meeting. Election Ballot Notification and voting may be accomplished through electronic means as provided by the Board of Directors.

Section 2

The ballot shall contain the names of each nominee for each position. There shall be a place provided for write-in candidates.

Section 3

All ballots shall be validated by requiring at least the name and return e-mail address of the voting Association member. The Nominations and Elections Committee will verify the validity of each ballot before tabulating the vote.

Section 4

All votes shall be tabulated in the presence of not less than three members of the Nominations

and Elections Committee, and all ballots shall be retained until all elected individuals have been installed. The nominee for each elective position who receives a majority of the votes cast for that position shall be declared the winner of the election.

Section 5

In the event that a member of the Board of Directors is subsequently elected or appointed to a concurrent office in the Association, he or she will be required to resign from the previous position so as to create a vacancy on the Board to be filled in the appropriate manner.

Section 6

Following ratification of the constitution and by-laws, the first ensuing election for the Association will require nominations for the positions of President, to serve the 1990 term; President-Elect; Secretary, to serve a two year term; and the Treasurer, to serve a one year term.

Section 7

Provisional officers shall be considered persons elected to an incomplete term under Article VII, Section I and entitled to the provisions as described therein.

Section 8

The results of the election shall be announced at the Annual fall meeting of the Association.

ARTICLE X MEETINGS

Section 1

The annual meeting of the Association shall be held during the fourth quarter of the fiscal year for the transaction of business and presentation of training, workshops, exhibits and other items of interest to the Association.

Section 2

Upon the vote of two-thirds of the members of the Board of Directors, a special meeting of the membership at large must be called. Written notice must be mailed to all members not less than two-weeks prior to the date of such a special meeting.

Section 3

All meetings of the Association and all meetings of the Board of Directors shall be conducted according to the latest edition of "Roberts Rules of Order Newly Revised".

ARTICLE XI
STANDING COMMITTEES OF THE ASSOCIATION

Section 1

The President shall draw up a list of proposed committee members and chairpersons and submit it to the Board of Directors for approval at the first meeting of the Board after assumption of office.

Section 2

The Chairpersons of Standing and Ad Hoc committees shall report annually the activities, deliberations, and recommendations of the committees to the general membership via written reports to the President.

Section 3

The committees of the Association shall consist of standing committees and such special committees as may be established by the Board of Directors and or the Association. The standing committees of the Association shall be:

*Legislative Affairs
Committee:*

This committee shall provide information relative to legislation of special interest to the profession for the benefit of the public; shall monitor other legislation affecting the welfare and safety of the general public; shall keep the membership regularly informed about legislative issues; shall recommend intervening action to the Board of Directors in instances in which the public welfare or safety or the welfare or safety of the profession is at stake. It shall be composed of at least four members of the Association appointed by the Board of Directors.

Membership Committee:

This committee shall consist of at least four members appointed by the Board of Directors. It shall be the duty of this committee to receive applications for all categories of membership, to examine the information submitted, and to make recommendations, accompanied by the necessary data regarding each application, to the Board of Directors in accordance with the requirements set forth in these Articles.

It shall be responsible for mailing annual dues statements, collecting annual dues, maintaining current dues records, recruiting new members, maintaining a current membership list, and sending new members a copy of the current directory and a congratulatory letter upon election to membership.

Nominations and Elections

Committee:

This committee shall consist of the Past-President who shall serve as chairperson, and at least three other members appointed by the Board of Directors from the membership of the Association. This committee shall be responsible for supervising the balloting connected with nominations and elections. It shall be responsible for counting all ballots of the Association. The Chairperson of this committee shall ascertain that a nominee is willing to let his or her name appear on the election ballot.

Program Committee:

This committee shall consist of at least one Board member, who shall serve as Chairperson, and at least three other Association members appointed by the Board of Directors. It shall be responsible for making arrangements for the annual meeting and for professional programs to be held at the time of the annual meeting.

*Presidential Advisory
Committee:*

This committee shall be composed of the Past-President, who serves as Chairperson, and all other past presidents of the Association. It may serve in an advisory and consultive role to the President and to the Association. It may be assigned other specific duties at the discretion of the Board of Directors.

Awards Committee:

This committee shall consist of one member of the Board of Directors who shall serve as Chairperson, and at least three other members of the Association. It shall be responsible for soliciting nominations and selecting candidates for such awards as may be designated by the Board of Directors. These awards shall be established by the Board for the purpose of recognizing contributions to the advancement of community supervision as a professional within the State of South Carolina. These awards will be considered on an annual basis; however, any or all of the awards may be deferred until another year if suitable recipients cannot be identified.

Finance Committee:

This committee shall consist of one member of the Board of Directors who shall serve as Chairperson, and at least two (2) other members of the Association. It shall be responsible for examining the books of the Treasurer pursuant to Article VI, Section 4, and to submit a written report to the President and the Board of Directors at least thirty (30) days prior to the Annual Meeting.

By-Laws Committee:

This committee shall consist of one member of the Board of Directors who shall serve as Chairperson, and at least three (3) other members of the Association. It shall be responsible for annually reviewing the Constitution and By-Laws and to propose whatever revisions appear necessary to the Board of Directors.

ARTICLE XII DIVISIONS

Section 1

The Association may provide a divisional structure for its membership. These divisions shall elect officers and conduct activities under the general review of the Board of Directors. The Divisional structure shall be as follows:

1. Division #1 - Nine Counties
Greenville, Pickens, Oconee, Anderson, Abbeville, Greenwood, Saluda, McCormick, Edgefield
2. Division #2 - Eight Counties
Spartanburg, Cherokee, York, Lancaster, Chester, Union, Laurens, Newberry
3. Division #3 - Seven Counties
Richland, Lexington, Aiken, Fairfield, Kershaw, Calhoun, Orangeburg
4. Division #4 - Twelve Counties
Chesterfield, Marlboro, Darlington, Dillon, Florence, Marion, Horry, Williamsburg, Georgetown, Lee, Sumter, Clarendon
5. Division #5 - Ten Counties
Berkeley, Dorchester, Charleston, Colleton, Beaufort, Jasper, Hampton, Allendale, Bamberg, Barnwell

Section 2

Divisions shall be recognized and given approval by the Board of Directors when twenty-five (25) or more of those with status in the Association petition to form a division with the purpose of undertaking special programs, projects, and activities. The division must submit its Constitution and By-Laws and a list of officers and members for approval by the Board of Directors.

Section 3

Divisions shall provide the Board of Directors annually with a current membership list, list of officers, amendments to its Constitution and By-laws, and minutes of meetings. A report of expenditures and income shall be submitted quarterly to the Board of Directors. The Board of Directors shall review and evaluate divisional budgets and programs annually to assure their consistency with overall SCPPA policy.

Section 4

Divisions may annually be allocated specific sums for the activity by the SCPPA Board of Directors.

Section 5

Dues and special assessments may be established by a division. They will be collected by the SCPPA Treasurer or a committee designated by the Board of Directors and transmitted to divisional treasurers with appropriate accounting procedures.

Section 6

SCPPA membership in one of four categories is a requirement for divisional participation.

Section 7

Divisions may be abolished by the Board of Directors if its memberships fall below twenty five (25) members or the division's policies or practices deviate significantly from the Association's purpose and policies.

Section 8

The division Chairperson will serve as an ex-officio member on the Associations Board of Directors unless otherwise elected to the Board of Directors.

ARTICLE XIII RIGHTS OF DUE PROCESS

Section 1

Persons accepted to any category of membership in the Association shall be bound by the Code of Ethics set forth in Article XIV.

Section 2

The Code of Ethics of the Association shall include the Code of Ethics established by this Association in Article XIV and Rights of Due Process as established by this Association in Article XIII.

Section 3

It shall be an ethical violation for any Officer, Director, incumbent in other election position, or member of any class to represent himself or herself as a spokesperson for the Association, or to present a position, or to advocate an action as if representing the Association, unless such authority shall have been specifically delegated to that individual by these Articles or by the Board of Directors. In no instance will the Board of Directors authorize representation of the Association contrary to any of these Articles.

Section 4

Complaints or charges concerning unethical, unprofessional or disreputable conduct as heretofore described or malfeasance in office or elective position made against any Officer or Member in elective position may be considered by the Board of Directors, provided that the complaint or charge is presented in writing and is signed by the individual bringing the complaint to the Board. The Board shall then investigate the complaint or charge according to the procedures, and subject to the restrictions and safeguards described above except as follows:

- A. The accused party may not participate in the deliberations as a member of the Board of Directors, if the accused holds such a position.
- B. Should the President stand accused, the President-Elect shall serve as ad-hoc Chair of the Board of Directors for purposes of the investigation and disposition of the matter.
- C. The accused shall continue to serve in the position to which elected (except for those pertaining to these procedures) until disposition of the complaint or charge by the Board is completed, at which time the accused party may be continued in office, removed from office, or made subject to other penalties appropriate to members of the Association.

ARTICLE XIV CODE OF ETHICS

Section 1

The South Carolina Probation and Parole Association expects of its members unflinching honesty, respect for the dignity and individuality of human beings, and a commitment to professional and compassionate service. To this end we subscribe to the following principles.

Relationships with clients, colleagues, other professions and the public --

- A. Members will respect and protect the civil and legal rights of all clients.
- B. Members will serve each case with appropriate concern for the client's welfare and with no purpose of personal gain.
- C. Relationships with colleagues will be of such character as to promote mutual respect within the profession and improvement of its quality of service.
- D. Statements critical of colleagues or their agencies will be made only as these are verifiable and constructive in purpose.
- E. Members will respect the importance of all elements of the criminal justice system and cultivate a professional cooperation with each segment.

- F. Subject to the client's rights of privacy, members will respect the public's right to know, and will share information with the public with openness and candor.
- G. Members will respect and protect the rights of the public and victims.

Section 2

Professional conduct and practices --

- A. No member will use his or her official position to secure privileges or advantages himself.
- B. No member will act in his or her official capacity in any matter in which he or she has personal interest that could in the least degree impair his objectivity.
- C. No member will use his or her official position to promote any partisan political purposes.
- D. No member will accept any gift or favor of a nature to imply an obligation that is inconsistent with the free and objective exercise of his or her professional responsibilities.
- E. In any public statement members will clearly distinguish between those that are personal views and those that are statements and positions on behalf of an agency.
- F. Each member will be diligent in his responsibility to record and make available for review any and all case information which could contribute to sound decisions affecting a client or the public safety.
- G. Each member will report without reservation any corrupt or unethical behavior which could affect either a client or the integrity of the organization.
- H. Members will not discriminate against any client, employee or prospective employee on the basis of race, gender, creed or national origin.
- I. Each member will maintain the integrity of private information; he or she will neither seek personal data beyond that needed to perform his or her responsibilities, nor reveal case information to anyone not having proper professional use for such.
- J. Any member who is responsible for agency personnel actions will make all appointments promotions or dismissals only on the basis of merit and not in furtherance of partisan political interests.

ARTICLE XV AMENDMENTS

Section 1

Amendments to the Constitution and By-Laws shall be proposed at any regularly constituted meeting of the Association by a vote of a majority of the members present, or at a Board of Directors meeting by a majority vote of the Board. Proposed amendments shall be presented to the general membership by mail ballot initiated within thirty (30) days of the meeting at which the amendment is proposed.

Section 2

The polls shall be declared closed thirty (30) days from the date of mailing the ballot to the members. The amendments must be approved by two-thirds of the members voting, as long as fifty (50) percent of the membership vote on the amendment.