

The following revisions to the SDPA By-Laws are presented to the membership for review, discussion, editing and subsequent ratification. The suggested changes are in bold print that is highlighted.

- The Executive Committee voted that the Representative to the Council of Representatives should be a voting officer of the Executive Committee.
- The Student Representative's position on the Executive Committee was also not described well enough.
- We have added an Academic membership, and this needs to be described in the By-Laws.
- Changes are made to reflect more the practical operation of the Executive Committee and Executive Director
- Although not reflected here, the pronouns of s/he and he/she will be changed to the gender-neutral singular pronoun "they".

Please let us know of any other suggestions of changes for consideration.

Thanks for your time to review, comment and vote on these changes.

Mark Perrenoud  
Past-President

**September 2018 proposed changes to the**  
**BY-LAWS of the**  
**SOUTH DAKOTA PSYCHOLOGICAL ASSOCIATION**

Date of Ratification: September 13, 2014

## **ARTICLE I NAME**

The name of the Association shall be the South Dakota Psychological Association (SDPA), sometimes hereinafter referred to as the Association or as SDPA.

## **ARTICLE II STATEMENT OF PURPOSE**

The South Dakota Psychological Association (SDPA) is the only organization in South Dakota which represents the comprehensive interests of psychologists and promotes the profession by serving both its members and the public through high standards of ethical professional practice, education, research, advocacy, and collegiality. The SDPA is affiliated with the American Psychological Association.

## **ARTICLE III MEMBERSHIP**

**Section 1.** The South Dakota Psychological Association shall consist of five classes of members: Members, Associates, Emeritus, Non-Resident, and Student Affiliates. All members of the Association shall be persons who are interested or currently engaged in the advancement of psychology as a science or as a profession, and who have met standards of membership as described below. Members shall be entitled to the rights and privileges of the Association without restriction. Application for membership shall also include evidence that the applicant is engaged in study or professional work that is primarily psychological in nature and is a resident (except Non-Member class), or is employed in, the state of South Dakota, or is a psychologist licensed by the state of South Dakota.

**Section 1a.** Members shall be a) Fellows or Members of the American Psychological Association, or b) licensed psychologists, or c) be eligible for membership in the American Psychological Association. Membership is approved by the Executive Committee. Members shall have all rights and privileges of the Association, including the right to vote and hold elective office. APA membership is encouraged for all SDPA members and is expected for members of the SDPA Executive Committee. Such individuals shall remain as Members as long as dues and assessments are current

and all other evidence of qualification is maintained

**Section 1 b.** Emeritus Members shall be full members and involved in Executive Committee functions at some time in their career, or distinguished service in the advancement of SDPA and professional psychology in the state of South Dakota. Emeritus Members will be entitled to vote, hold elective office and in general participate in all functions of the Association. Emeritus Members shall be those who are so designated by the Executive Committee. Emeritus Members shall be eligible for reduced Association dues.

**Section 1e.** Associate Members shall be those who are a) current status or eligible for election as Associates of the American Psychological Association or, b) who are full members of allied associations that are approved by the Executive Committee, or c) have completed at least two years of graduate work in psychology in a regionally accredited graduate school, or d) have a master's degree in psychology from a regionally accredited graduate school plus a year of acceptable experience in professional work that is psychological in nature. Application for Associate membership may also include evidence that the applicant is devoting full time to professional or graduate work that is primarily psychological in nature and is a resident of or employed in the state of South Dakota. Associate Members may attend all meetings, participate in programs and discussions, but will have no vote until they have held membership in SOPA for three years. Associate Members may not hold an elective office.

#### **Academic member is now offered but not described**

**Section 1d. Academic members shall be those whose primary role in psychology is the teaching, research or training of undergraduate or graduate students of psychology as a faculty member of a South Dakota university.**

**Section 1d.** Non-Resident Members shall be those who do not live in South Dakota, but are psychologists licensed by the state of South Dakota. Membership is approved by the Executive Committee. Non-Resident Members shall have all rights and privileges of the Association, including the right to vote. However, only those who are employed in the state of South Dakota and actively practicing in professional work that is primarily psychological in nature will be eligible to hold office in the Association.

**Section 1e.** Student Affiliates shall be persons who are interested in the advancement of psychology as a science and a profession, who are enrolled in an undergraduate or graduate program majoring in psychology, and who are not qualified for other classes of membership. Student Affiliates may attend meetings, participate in programs, and have such other privileges as may be granted by the Executive Committee. Student Affiliates may not vote or hold an elective office in the Association, except for the position of Student Representative to the Executive Committee which is an appointed position without right to vote.

**Section 2.** Each application for membership shall be made in writing, shall present a listing of qualifications claimed by the applicant, and shall be attested to either by the signatures of two members of SDPA or by such collateral evidence as may be produced from recommendations or other credentials as the applicant may offer for investigation.

**Section 1a.** The Executive Committee shall examine each completed application and determine the eligibility of the applicant for admission to the Association on the basis of such review or such other investigation as is deemed necessary. Members, Associates, Emeritus, Non-Resident, and Student Affiliates shall be approved by a majority vote of the Executive Committee.

**Section 2b.** The Secretary-Treasurer **or Executive Director** of the Association shall notify new members of their election to membership status immediately following their ratification. Such approval shall not be effective unless initial dues are paid within two months after notification by the Secretary-Treasurer. The President of the Association shall notify Emeritus Members of their approval.

**Section 2c.** The Executive Committee shall prescribe procedures for application for membership or for transfer of class of membership.

**Section 3.** A member at any class may be reprimanded, censured, suspended, or expelled from the Association for professional misconduct, unethical behavior, or behavior which brings the Association unjustly into disrepute. Due process will be carried out under the relevant Ethical Standards enumerated in the APA Ethical Principles of Psychologists and Code of Conduct.

**Section 4.** Each applicant for membership shall sign a statement indemnifying and holding harmless the South Dakota Psychological Association and its officers for damages resulting from any unfavorable action on his or her application or from disciplinary action or expulsion under the provision of these By-Laws.

**Section 5.** A member may request termination of his or her membership through submission of a letter of resignation for action by the Executive Committee.

**Section 5a.** Membership shall be terminated because of non-payment of assessments and/or dues. Dues shall be declared delinquent by March 1 of each year with suspension of membership for non-payment at the close of the Annual Meeting. At any subsequent time, paying the current and one year's past dues and assessments may reinstate any membership terminated only due to non-payment of dues. If current and delinquent dues are not paid in full by March 1 of the second year of delinquency, the suspended membership is revoked and the individual will have to apply for new membership using the process and criteria for new membership.

#### ARTICLE IV UNETHICAL AND/OR UNPROFESSIONAL CONDUCT

**Section 1.** Termination of membership in the South Dakota Psychological Association for unethical and/or unprofessional conduct shall require a  $\frac{3}{4}$  vote of the Executive Committee. In addition to membership termination procedures enumerated in these By-Laws, complaints regarding unethical and/or unprofessional conduct shall be referred to the Board of Examiners of Psychologists.

**Section 2.** Procedures for removal of a member from membership shall be initiated within one year of the date that the occurrence of one or more of the bases for removal is discovered by SDPA.

**Section 3.** Bases for removal of membership shall include but not be limited to: 1) revocation by a board of psychologist examiners of license to practice psychology; 2) revocation of APA membership or resignation of APA membership for cause as described in the APA bylaws and rule of the APA Ethics Committee; 3) conviction of a felony; 4) unethical or unprofessional conduct.

**Section 4.** If a question as to whether or not a member should be removed is raised, it will be referred to the President. The President shall obtain available information, present it to the Executive Committee, and the Executive Committee shall determine by majority vote whether the matter warrants further review. If a review is warranted, the President shall promptly advise the member in writing of the reason(s) for the possible removal from membership. The member will have thirty days in which to submit in writing any information s/he desires, or to request to resign from SDPA. If the member does not respond within thirty days, the President shall refer the matter to the Executive Committee for decision.

**Section 5.** If the member chooses resignation from SDPA, his/her offer of resignation must be either a) accompanied by acknowledgement of the occurrence of one of the bases for removal from membership, or b) provide a statement of no contest regarding the bases for removal from membership. Any other resignation will not be accepted.

**Section 6.** If the member chooses to submit in writing any information, s/he must authorize the Executive Committee to obtain information concerning the matter from all appropriate persons and agencies. Failure to authorize release of such information may be considered as one factor in determining the appropriateness of removal of the member from membership.

**Section 7.** The member will not appear personally before the Executive Committee, or call witnesses. The Executive Committee shall consider only information that is submitted in writing.

**Section 8.** The Executive Committee, in consultation with legal counsel (should the Committee choose to seek legal counsel) shall review the available information and shall then decide by a  $\frac{3}{4}$  majority vote whether the member shall be

removed from membership, or be permitted to resign. The President shall advise the member of the decision of the Executive Committee and the basis for the decision. The Executive Committee shall keep appropriate minutes or other records of its decisions. The member shall have no right to appeal the Executive Committee's decision.

**Section 9.** All information concerning removal from membership shall be confidential, except that such information may be disclosed: when compelled or otherwise required by law; to legal counsel of the SDPA; to staff of the SDPA and other duly appointed persons authorized by SDPA to assist in carrying out its functions; to the American Psychological Association, Canadian Psychological Association, and any affiliated state, regional, provincial, or territorial association; to any state, provincial, or territorial licensing and certification board; to the Association of State and Provincial Psychology Boards; to the membership of SDPA; to any party that reported to SDPA an occurrence of one of the bases for the removal of the member; and to other appropriate parties. The above requirement of confidentiality shall not prevent SDPA from responding to any inquiry regarding the membership status of a member who has been removed from membership.

**Section 10.** Records regarding removal from membership and resignation following the occurrence of one of the bases for removal of membership shall be maintained indefinitely.

**Section 11.** If a member who has resigned from membership as described in this Article or has been removed from membership reapplies for membership in SDPA, any decision regarding such reapplication shall be at the sole discretion of the Executive Committee.

## ARTICLE V FINANCES

**Section 1.** The annual dues shall be established by a majority vote of the membership in attendance at the Annual Meeting.

**Section 2.** The fiscal year of the Association shall begin each year on January 1 and conclude on December 31.

**Section 3.** The Executive Director, with oversight by the Secretary-Treasurer, shall prepare an itemized financial record of receipts and expenditures incurred in connection with the administration of the Association and shall submit this to the Membership at the time of the Annual Meeting. The Secretary-Treasurer will also oversee the filing of annual tax records. The Executive Director, with oversight by the Secretary-Treasurer, shall file any required annual reporting to the South Dakota Secretary of State and the American Psychological Association. Records will be retained according to the standard of practice for businesses and federal/state tax guidelines.

**Section 4.** The Executive Committee can request an independent financial audit in any given year should the Committee deem one is indicated. An individual and/or firm with credentials in financial accounting would be secured to conduct the audit.

## ARTICLE VI OFFICERS

**Section 1.** The offices of the Association shall be a President, a President-Elect, a Past President, a Secretary-Treasurer, a Federal Advocacy Coordinator, a Representative to the APA Council or Representatives, a Mental Health Coalition Representative, a Public Education Campaign Coordinator, and a Member-at-Large. Officers must be Members of the Association at the time of election.

**Section 2.** The President shall be the Member of the Association who has just completed his/her term as President Elect. It shall be the duty of the President to preside at all meetings, to act as Chairperson of the Executive Committee, and to exercise supervision over the affairs of the Association with approval of the Executive Committee, and to perform such other duties as are incident to this office.

**Section 3.** The President-Elect shall be a Member of the Association and it shall be his/her responsibility to serve as a member of the Executive Committee and to 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 shall succeed to the unexpired remainder thereof and continue through his/her own term as President. The President-Elect

shall oversee the planning and implementation of the continuing education portion of the Annual Meeting. Ideally the President-Elect has been actively involved with SDPA prior to seeking this office.

**Section 4.** The Past-President shall be the most recently retired President and shall serve as a member of the Executive Committee for the one-year term of this office.

**Section 5.** The Secretary-Treasurer shall be a Member of the Association and it shall be his/her duty to keep the records of the Association and Executive Committee, and to have custody of all the funds of the Association. The Secretary-Treasurer shall serve a term of three years. The Secretary-Treasurer shall perform all duties subject to the control of the Executive Committee. The Secretary-Treasurer shall conduct the official correspondence of the Association, issue calls and notices of meetings and nominations for office. The Secretary-Treasurer, with assistance from the Executive Director, will collect and receive, or provide for the collection and receipt of all monies in any manner due to or received by the Association. S/he will oversee the deposit of funds in such bank or other places of deposit as from time to time may be designated by the Executive Committee. S/he will sign checks, drafts and disburse funds on behalf of the Association, including the payment of income taxes. The Secretary-Treasurer, with assistance from the Executive Director, will keep a full record of all money received and all money disbursed and shall report thereon at meetings of the Executive Council and at the Annual Meeting of the Association. S/he shall at all reasonable times exhibit his/her books of accounts to any member of the Association. The Secretary-Treasurer shall perform such other duties as from time to time may be assigned to him/her by the Executive Committee.

**Section 6.** As long as the Practice Organization of the American Psychological Association maintains the position of Federal Advocacy Coordinator (FAC), the Association shall choose an individual for this position by popular election to be held in conjunction with the elections for the Officers of the Executive Committee of the Association. This individual shall serve for three years in the position of FAC, with the right of succession. The FAC will inform the Association membership of relevant federal legislative activity and represent the Association at the State Leadership Conference of APA.

**Section 7. State Representative to APA Council of Representatives (COR): The SD Representative to the APA Council of Representatives, represents SDPA at the APA Council of Representatives. APA's Council of Representatives is the legislative body that has the sole authority to set policy and appropriate APA's budget. It is composed of elected members from state, provincial or territorial psychological associations, APA divisions, and the APA Board of Directors. COR meets twice a year in conjunction with the APA Annual Conference and Practice Leadership Conference. The Association shall choose an individual for this position by popular election to be held in conjunction with the elections for the Officers of the Executive Committee of the Association. This individual shall serve for three years in the position SDPA representative to COR. The COR Representative would inform SDPA members of any pending APA legislative issues and provide representation of SDPA positions to APA Council of Representatives. The representative attends two national COR meetings just before the APA Annual Conference and the Practice Leadership Conference.**

**Section 7.** The Public Education Campaign Coordinator (PEC) shall be a Member of the Association. The Association shall choose an individual for the position of PEC by popular election to be held in conjunction with the elections for the Officers of the Executive Committee of the Association. The PEC shall serve a term of three years. The duties of the PEC are to increase the understanding of psychology as a behavioral science, demonstrate the value of the psychology profession in a variety of settings, including research, clinical and organizational, and raise awareness of psychology as a science, technology, engineering and mathematics (STEM) discipline. The PEC uses outreach efforts to encourage access to psychological services.

**Section 8.** The Mental Health Coalition Representative shall be a Member of the Association. The Association shall choose an individual for the position of Mental Health Coalition Representative by popular election to be held in conjunction with the elections for the Officers of the Executive Committee of the Association. The term of office shall be for three years. The duty of the Mental Health Coalition Representative is to serve on the South Dakota Mental Health Coalition. This is a committee comprised of representatives of organizations representing licensed mental health service providers in South Dakota. The purpose of the Coalition is to provide a forum for communication and coordination between mental health provider groups regarding state legislation and other issues of mutual impact. This

includes reviewing legislative session actions that impact mental health provider or client groups and decide if such actions are supported or opposed. The Mental Health Coalition Representative will advise the membership of matters of importance to psychologists and client groups.

**Section 9.** The Member-at-Large shall be a Member of the Association. The Association shall choose an individual for the position of Member-at-Large by popular election to be held in conjunction with the elections for the Officers of the Executive Committee of the Association. The term of office shall be for three years. The duties of the Member-at-Large is to support and encourage membership in the Association, to act as a liaison between the Membership and the Executive Council, and any other duties as defined by the Executive Committee.

**Section 10.** The term of office for the Member-at-Large, Federal Advocacy Coordinator, **Council of Representatives,** **Public Education Campaign Coordinator** and Mental Health Coalition Representative shall be for three years and set to begin in staggered years so that none of the three officers is elected for full term during the same year.

**Section 11.** Each Officer shall continue to hold office until a new, duly elected officer replaces him/her. Newly elected officers of the Association shall take office each year immediately after their election, or immediately following the Annual Meeting.

**Section 12.** In the case of the death, incapacity, or resignation, or should an Office become vacant for any reason, the Executive Committee shall by majority vote elect a successor to serve until the next Annual Meeting of the Association. If one or two years remain before the position's next scheduled election, the successor shall fill the position until the term ends.

**Section 13.** The Executive Committee shall be empowered by a 3/4 vote to suspend from office any officer of the Association should such an action seem urgently necessary to the well-being of the Association, whether the reason be for improper conduct of his/her office or for personal conduct which brings the Association or the profession of psychology in disrepute.

## **ARTICLE VII EXECUTIVE COMMITTEE**

**Section 1.** The Executive Committee of SDPA shall consist of the following members: President, Past President, President Elect, Secretary/Treasurer, Federal Advocacy Coordinator, **Representative to the Council of Representatives** Mental Health Coalition Representative, Public Education Campaign Coordinator, one Member-at-Large, **Student Representative** and paid staff designated by the Executive Committee. These officers will be the Administrative Board for the Articles of Incorporation with the State of South Dakota. The Executive Committee may also appoint ex officio members, who shall be allowed the right of debate but shall not be given voting privileges. Ex-officio Executive Committee members will include, but are not limited to, the American Psychological Association Council Representative, Division chairs, the student representative; and the Business of Practice Network Representative,

**Section 2.** Voting privileges, of one vote each, will be granted to the President, President-Elect, immediate Past President, Secretary-Treasurer, **Council of Representatives** Federal Advocacy Coordinator, Mental Health Coalition representative, Public Education Campaign Coordinator, and Member-at-Large. Paid staff and **Student Representative** shall not have voting privileges.

**Section 3.** The Executive Committee shall have general supervision of the affairs of the Association. The Executive Committee is responsible for the hiring of the Executive Director and maintaining a contract for services. All actions of the Executive Committee shall be subject to review and appropriate action by the Association at its Annual Meeting.

**Section 4.** The President of the Association shall be Chairperson of the Executive Committee and the Secretary-Treasurer of the Association shall perform the duties of secretary to the Executive Committee.

**Section 5.** Meetings of the Executive Committee shall be called by the President at his/her discretion or at the request of two or more members of the Executive Committee. The Committee is expected to meet at least quarterly and must meet at least two times per year. It is expected that at least one meeting of the Executive Committee will be face-to-face. Other meetings may occur, and business completed, through use of conference phone calls or use of electronic

media.

**Section 6.** A majority of the Executive Committee membership shall constitute a quorum.

**Section 7.** Members of the Association may attend any meetings of the Executive Committee except those specifically designated as executive sessions.

## **ARTICLE VIII NOMINATION AND ELECTION OF OFFICERS**

**Section 1.** All nominations and election procedures are the responsibility of the Executive Committee. The Executive Committee shall determine that all nominees are eligible and willing to hold office prior to voting. Eligible nominees shall be Members in good standing.

**Section 2.** The Secretary-Treasurer with assistance from the Executive Director, shall issue a call by mail to all Members of the Association for nominations for elective positions to be filled. The nomination forms shall provide spaces for listing at least two names for each elective position to be filled.

**Section 2a.** The mailing of the nomination forms may occur through USPS or through use of electronic media. The forms will be mailed 60 days prior to the Annual Meeting. Nominations need to be returned to the business office of the Association within 30 days.

**Section 3.** The Executive Committee or Executive Director shall prepare an election ballot that will be presented at the Annual Meeting. Additional nominations for each open office will be taken from the members in attendance at the Annual Meeting. Following the close of nominations for all open offices, elections will immediately be held. Officers will be elected by majority vote of Members present.

**Section 4.** Should a written election ballot to be completed by Members present at the Annual Meeting be required, a member of the Executive Committee shall tally the ballots. In the event of a tie vote for any office or position, the winner shall be chosen by a game of chance chosen by the Executive Committee.

**Section 5.** The Executive Committee shall make announcement of the election results at the Annual Meeting. Newly elected officers not present at the time of election will *be* notified within one week following the Annual Meeting.

**Section 6.** The student representative(s) will be a documented graduate student in psychology at a South Dakota University or a South Dakota resident in graduate psychology through a nontraditional program of study that would lead to licensure as a psychologist in South Dakota. They will be chosen from those nominated by the membership or their department of psychology and selected by the Executive Committee. More than one student may serve as the Student Representative.

## **ARTICLE IX MEETINGS.**

**Section 1.** The Association shall hold an annual business meeting at a time and place to be determined by the Executive Committee. The meeting will be publicized to the Membership at least forty-five (45) days in advance. The Members in attendance at the Annual Meeting shall constitute a quorum.

**Section 2.** The Executive Committee, on thirty (30) days' notice to the Membership, may call additional meetings of the Association.

**Section 3,** A special meeting may be called by the Executive Committee on the request of twenty percent (20%) of the voting Members in good standing who have filed a petition with the Secretary/Treasurer requesting such a meeting together with the reasons therefore. Upon receiving the petition, the Executive Committee shall convene the special meeting within sixty (60) days.

## **ARTICLE X DIVISIONS AND COMMITTEES**

**Section 1.** The Association allows for the formation of Divisions that are specific to a particular focus or set of concerns. Division members will establish their own policy and procedures. The chair of a Division may participate on the Executive Committee with right of debate but shall not be given voting privileges. Actions of a Division must be communicated to the Executive Committee for discussion, or approval (if needed), prior to any action being taken.

**Currently there is Division I, the Division of Professional Practice.**

**Section 2.** The committees of the Association shall consist of standing committees and such special committees as may be established by the Association and/or the Executive Committee.

**Section 3.** The President shall appoint chairs and personnel of the committees as needed to carry out the goals of the Association. The President is responsible for providing committees with a statement of purpose, specific guidelines, reports due, and budgetary considerations.

**Section 4.** The personnel of the committees shall serve for the term of the President (one year) unless otherwise provided for.

**Section 5.** Unless otherwise specified in these By-Laws, the duties of the various committees shall be outlined by the Executive Committee. The Executive Committee may request an annual report before the Annual Meeting from each Division/committee and may request a report prior to an Executive Committee meeting.

#### ARTICLE XI STAFF

**Section 1.** The Executive Committee shall have the power to solicit applications for, evaluate applicants, hire, and dismiss an Executive Director for the Association.

**Section 2.** The duties of the Executive Director of the Association shall be established by the Executive Committee and specified in a contract agreed upon and signed by both parties. The Executive Committee shall oversee the activities of the Executive Director to ensure that duties are conducted in a satisfactory manner. **Hiring and** dismissal of the Executive Director requires a majority of the votes of the Executive Committee.

#### ARTICLE XII DUES AND ASSESSMENTS

**Section 1.** Dues shall be set by the majority of the voting Members present at a business meeting of the Association. Changes in dues shall be proposed by the Executive Committee and voted on by the Association Members.

#### ARTICLE XIII AMENDMENTS

**Section 1.** Amendments or revisions to these By-Laws shall be proposed at any regularly constituted business meeting of the Association with a majority of the Members present voting in favor of the proposed amendment/revision. The Executive Committee may also propose an amendment/revision with a majority vote of the Executive Committee voting in favor of proposing the amendment/revision.

**Section 2.** Notification of proposed changes will be mailed to Members through USPS or electronic media. The ballot shall be closed thirty (30) days following the date of mailing.

#### ARTICLE XIV RATIFICATION

**Section 1.** Any voting on business matters of the Association that is accomplished through use of electronic media will be ratified at the next scheduled business meeting of the Association. This includes business meetings of the Executive Committee.

**Section 2.** Ratification of these By-Laws shall become effective by a majority vote of Members voting. The amendment or revision must be approved by two-thirds of the eligible Members voting, as long as fifty percent (50%) of the eligible Membership votes on the amendment or revision.

**Section 2a.** Upon ratification, these By-Laws supersede and replace any previously existing South Dakota



Psychological Association By-Laws documents.

