

## **SECTION II CONSTITUTION**

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### **2.1 ARTICLE I - NAME, PHILOSOPHY AND OBJECTIVES**

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#### **2.1.1 Name**

The official organization name is the New Mexico Activities Association (referred to hereafter as "the NMAA" or "the Association").

#### **2.1.2 Philosophy**

The aims, organization and policies of the Association are based on the philosophy that interscholastic activities, athletics and other co-curricular and extracurricular activities, although a privilege and not a right, are important parts of the educational process; that they should therefore be encouraged, directed and supported by a statewide organization; that the organization's leaders should be representative of the state's schools and that the most important single consideration in the regulation of any school activity must be the welfare and healthy development of students.

#### **2.1.3 Objectives**

The NMAA, a membership led organization, provides leadership in interscholastic athletics and activities, promoting equitable participation and character development.

The objectives of the Association are:

- A.** To approve, promote, direct, as well as regulate and supervise, interscholastic activities (athletic and activities).
- B.** To initiate and pursue policies that safeguard the educational values of interscholastic contests and cultivate ideals of cooperation, friendliness and good sportsmanship among member schools.
- C.** To assure that interscholastic activities remain an integral part of the knowledge, skills, attitudes and proper emotional patterns in youth.
- D.** To prevent the exploitation of youth and of the programs of member schools by special interest groups, firms, organizations and institutions.
- E.** To protect the best interests of the members of the Association in contests and activities under the Association's jurisdiction.
- F.** To establish and unify eligibility rules governing participation in interscholastic contests.

#### **2.1.4 Type of Organization**

The Association is a voluntary, incorporated, not-for-profit educational organization as provided in its Articles of Incorporation and Bylaws, filed with the New Mexico State Corporation Commission.

#### **2.1.5 Official Voters**

The Association is composed of member schools, represented by official voters and under the auspices or supervision of the superintendent/headmaster/CEO of the member school.

### **2.1.6 National Federation Membership**

The Association maintains membership in the National Federation of State High School Associations (NFHS) and adheres to administrative regulations, contest rules, etc. in those sports or activities in which the NFHS serves as the governing body unless amended by the established process.

### **2.1.7 Corporate Duties and Responsibilities**

To accomplish the stated purposes, the corporation is authorized to buy, own, sell, lease, sub-lease, manage and mortgage such real and personal property as may be reasonably necessary; to borrow money, contract for credit, operate such incidental business activities as may be necessary, not for profit, but for carrying out the purposes herein stated; to conduct all other activities consistent with the rules of the Association's Board; to abide by laws, regulations and applicable requirements relating to non-profit corporations; and to comply with and implement provisions of state law or regulations of the State Education Agency governing or applicable to interscholastic athletic or interschool, co-curricular, and extra-curricular activities for which authority has been delegated to the Association.

### **2.1.8 Association-School Relationships**

The administrative head of a school is responsible to the Association for all matters pertinent to interscholastic activities of his/her school.

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## **2.2 ARTICLE II - ORGANIZATION**

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### **2.2.1 Board of Directors**

#### **A. Legal Status and Authority of the Board**

The authority of the Board as the governing body is derived from its Articles of Incorporation and bylaws as a New Mexico not-for-profit corporation, as well as its rules and regulations, subject to the approval of the State Education Agency in accordance with state statutes and State Education Agency regulations.

#### **B. Role and Purpose of the Board**

The Board is responsible for the fair and uniform application of federal, state and local laws as well as the rules and regulations of the Association in the operation of interscholastic activities/athletics within New Mexico schools. The Board serves as a policy-making body of the NMAA and adopts the philosophy and vision of the Association and annually sets the goals of the organization. The Board approves and oversees the fiscal operations of the NMAA. It exercises leadership primarily through the formulation and adoption of policies. The Board hires, sets the duties, evaluates and establishes salaries for the Executive Director. The Board also approves the budget as submitted by the Executive Director as it relates to the salaries of all staff. The Board acts upon items which are to be submitted to the membership through the referenda process.

#### **C. Composition, Procedures and Operational Regulations of the Board**

##### **1. Board Membership**

- a. The Board consists of thirteen (13) voting members. Eight (8) superintendents/private school chief executive officers or headmasters, are elected to represent the four (4) geographically determined areas: two from each area (one from small schools and one from large schools within that area). These individuals are

nominated by the membership in the region and formally voted upon by the schools within that region at the Annual Meeting held in October, or as openings occur.

- b. One (1) member serves as an at-large representative and is appointed for a three year term by the President and affirmed by the Board at its next January meeting.
- c. Two (2) members are appointed: One from each of the two member public school districts with the largest K-12 student enrollment and affirmed by the Board annually at its January meeting. These two district superintendents and the member schools within their districts are not eligible to vote in the election of the representative from within their assigned regions.
- d. One (1) member is appointed by the New Mexico State School Boards Association (NMSBA) for a one-year term and affirmed by the Board annually at its January meeting.
- e. The Chairperson of the Commission also serves as a member of the Board and is affirmed by the Board annually at its January meeting.

## **2. Qualifications**

Members of the Board must be currently employed superintendents/headmasters/CEOs of a member school in good standing with the organization as determined by the Board. (The School Boards Association and Commission representatives are not required to hold the position of superintendent/headmaster/CEO).

## **3. Term of Office**

- a. The term of office for elected members and the at-large appointee of the Board is three years, providing a good standing status by the member school at which they are employed is maintained, regardless of position. The anniversary date for terms is January 1 of each year.
- b. Elected and at-large positions shall be up for election/appointment respectively on a rotating basis of three positions per year. Elections shall take place at the Annual Meeting in October, or as openings occur.
- c. A vacancy occurring within the member-at-large and/or the NMSBA positions are filled by appointment through the Board.

## **4. Officers**

- a. The president and vice president are elected by the Board from within that group of thirteen voting members. The chairperson of the Commission is not eligible to serve as an officer of the Board.
- b. At the first regular Board meeting in January of every odd year, the President and Vice-President shall be elected for two year terms. Unfilled terms as officers are filled at the next regular meeting of the Board.

## **5. Committee of the Whole**

The Directors act as a body in making decisions and in taking official action. No individual member of the Board shall be empowered to act in matters which require approval of the entire Board.

## **6. Adoption of Policies**

- a.** The Board maintains a written statement of policies for the information and guidance of employees, students and members of the general public.
- b.** The statement of policies is subject to revisions and review from time to time and approved annually by the Board at its summer meeting.
- c.** Amendments to policies may be suggested by members of the Board, or by the Director, and discussed by the Board at a regular meeting.

## **D. Meetings**

The NMAA complies with the Open Meetings Act, and the schedule of meetings is published on an annual basis as determined by the Board each January.

### **1. Regular**

Regular meetings of the Board are scheduled four times a year and are published in the Master Calendar of Events.

### **2. Special**

The Board may also meet at such other times as deemed necessary to transact any business that may come before the meetings. Notice of special meetings are provided to the news media at least three (3) days before the scheduled meetings.

### **3. Emergency**

The Board may also hold emergency meetings. Notice of emergency meetings is given to the news media at least twenty four (24) hours prior to the meeting.

### **4. Closed Meeting or Executive Session**

If any meeting is closed pursuant to the exclusions contained in the Open Meetings Act, the closure:

- a.** If made in an open meeting, shall be approved by a majority vote of a quorum of the Board, the authority for the closure and the subject to be discussed shall be stated with reasonable specificity in the motion calling for the vote on a closed meeting; the vote shall be taken in an open meeting; and the vote of each individual member for or against closure shall be recorded in the minutes. Only those subjects announced or voted upon prior to closure by the Board may be discussed in a closed meeting, and
- b.** If called for when the Board is not in an open meeting, shall not be held until public notice, appropriate under the circumstances, stating the specific provision of the law authorizing the closed meeting and stating with reasonable specificity the subject to be discussed, is given to the members and to the general public.

### **5. Agenda**

- a.** The President and the Director are responsible for preparing and distributing the agenda. A report containing supporting information should accompany the agenda.

- b. The agenda is mailed or delivered to the members of the Board not later than three days prior to the meeting.
- c. Items may not be added to the agenda by the Director or by a Board member less than five working days (addendum agenda) prior to the meeting except in the case of an emergency. Emergency is defined as unforeseen circumstances that, if not addressed immediately by the Board, would likely result in injury or damage to person or property or substantial financial loss to the Board.
- d. Individuals wishing to appear before the Board or to have a topic listed on the agenda for the Board's consideration shall write a letter to the President and Director five (5) working days in advance of the regular meeting, stating the request. The final agenda is available to the Board, member schools and the media upon request minimally 24 hours in advance of the regularly scheduled starting time of the meeting as well as at the meeting site.
- e. The official records of the Board are maintained in the office of the Director and they are public. Copies will be furnished within 48 hours of a written request being submitted to the Director.

## **6. New Member Orientation**

Each new Board member is provided an orientation program under the direction of the Director. Included shall be an updated copy of policies and procedures, the current budget and such other documents as the Director deems essential to the operation of the NMAA. The Director sets aside time to answer any questions arising from the study of these documents, and cooperates fully in assisting new members to become informed and active.

### **2.2.2 Executive Director - Duties and Responsibilities**

The Executive Director (herein referred to as "Director") is employed by the Board to perform the duties and responsibilities as listed below:

#### **A. General**

- 1. Attend to official duties of the Association, as designated by the Board, and as provided for in the Constitution, Bylaws and Regulations of the Association.
- 2. Recommend employment of professional staff (Associate Directors) for approval by the Board. The Director shall employ, retain and/or dismiss classified and discretionary positions (Assistants to the Director, clerical, administrative assistants, general operational personnel, etc.)
- 3. Faithfully implement and interpret the Constitution, Bylaws and Regulations and decide disputes between member schools/organizations (interpretations and decisions are subject to review as provided herein).
- 4. Serve as an ex-officio member of the executive committee of each affiliated/member organization.
- 5. Impose sanctions and/or suspend schools or participants when necessary, subject to review as provided herein.
- 6. Perform duties as may be necessary on behalf of and/or for the Board.

7. Implement long- and short-term financial planning for the Association.
8. Develop, manage and supervise, including authorization for any financial transactions relative to major building projects and the growth of Association assets.
9. Provide long-range planning relative to the structure of the organization, inclusive of various national and statewide trends in terms of demographics, policy development, implementation and management, including legal considerations.
10. Establish and maintain relationships as a representative of the NMAA with various national, state and local organizations as well as other populations, including writing for publication, various speaking opportunities, attendance at meetings, conventions and other gatherings which promote such relationships and involvement. This includes but is not limited to serving on various boards, committees and other groups as may be applicable. Participation within the National Federation of State High School Associations framework, among other organizations, is principally included in this grouping.

**B. Other, As Provided In the Constitution**

1. Receive applications for membership from schools and/or organizations, activities, professional organizations, etc. and place them in districts where applicable.
2. Determine which schools are eligible to vote on each item, subject to review by the Board.
3. Process referenda.

**C. Other, As Provided in the General Bylaws**

1. Receive applications for approval of state level contests and activities.
2. Receive and act on requests for extended out-of-state travel by school teams.
3. Contract for a Certified Public Accountant to audit the financial records of the Association.
4. Investigate and take action on protests and complaints.
5. Receive appeals to Review Committee on decisions made by Director.
6. Conduct, handle and supervise all financial transactions of the Association on behalf of the NMAA Board of Directors. This includes, but is not confined to the supervision and administration of payroll, payables, receivables and any other financial matter relative to conducting the business of the Association.

**D. Other, As Provided In the Athletic Bylaws**

1. Act on requests for sanctioning of interstate meets/tournaments/festivals/competitions.
2. Direct district and state athletic contests.
3. Help settle disagreements over playing postponed games.
4. Rule on petitions submitted for eligibility of students, as well as on other questions on eligibility.

5. Investigate and rule on reports of ineligible students being played.

**E. Other, As Provided In the Sports Regulations**

1. Have jurisdiction over NMAA qualifying tournaments/meets (district and state) including activity as well as athletic events.
2. Conduct procedure for selecting judges/officials for state meets/events.
3. Act on requests for sanctioning swimming and diving and track and field meets as special qualifying meets.

**F. Other, As Provided In the Junior High/Middle School Division**

1. Process ballots for election of Junior High/Middle School Committee.
2. Process referenda votes by the junior high/middle school division.

**G. Other, As Established By Precedent**

1. Supervise revision of Handbook and other official documents.
2. Prepare materials and present draft for Budget and Audit Committees.
3. Present reports to the Board and the State Education Agency: budget, audit, and amendments to NMAA Handbook.
4. Administer procedures and select officials for state events/tournaments.

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**2.3 ARTICLE III - MEMBERSHIP**

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**2.3.1 General**

- A. Member schools and organizations are subject to and bound by provisions of the Constitution, Bylaws and Regulations of the Association, as promulgated through the referenda process and/or the Board. Member institutions have a responsibility to educate student participants, coaches, advisors, sponsors and other appropriate persons with regard to Association rules, regulations, policies as well as legislation that could affect them. Further, members should monitor their compliance with Association rules, regulations, policies and administrative edicts as established through the NMAA processes.
- B. There are two categories of membership: regular and affiliate. A regular member must be of approved status through the State Education Agency, be willing to submit to NMAA rules, sign a membership contract initially, and pay appropriate fees established through the Handbook, the sanctioning process and/or the Board. Application for membership shall be made to the Director.
- C. Schools may apply for and receive affiliate member status, providing they satisfy NMAA requirements and State Education Agency accreditation. These requirements include, but are not limited to signing a membership contract obligating that school to rules, policies and regulations of the Association, within the official NMAA manuals and/or policy documents. This level of membership requires an annual fee paid to the Association (75% of that for full members) and is required to submit to deadlines, rules and procedures relating to sanctioned participation by the NMAA. Affiliate members are not allowed to participate in post-season play or tournament series.

- D. Regular members may not participate against non-member schools under any circumstances. Affiliate members may not play a non-member school that is otherwise eligible for regular or affiliate membership status (i.e., has achieved State Education Agency accreditation or as an affiliate met the requirements established by the NMAA to achieve membership in this category).

**NOTE:** A signed NMAA Membership Contract is required.

### **2.3.2 Junior High/Middle Schools**

Schools accredited by the State Education Agency that are eligible are required to be members in order to participate in athletic or non-athletic activities sanctioned by the Association, providing the high school they feed is an NMAA member.

Middle schools and junior high schools have no vote in the election of officers for the Association.

### **2.3.3 High Schools**

Any New Mexico high school, public or non-public, which is accredited by the State Education Agency and which offers two or more years of senior high school work, grades 9-12, is eligible for membership.

### **2.3.4 Activity Organizations**

Activity organizations may be admitted to the Association by submitting a copy of their constitution and bylaws and a letter of application to the Director. Activity organizations have no vote in the election of officers for the Association.

### **2.3.5 Method of Application**

A school may become a member of the Association by making application for membership (in a letter from the administrative head) and paying the prescribed service fees/dues. The payment of such service fees/dues and/or declaring in a sport(s) or activity in the beginning of the school year constitutes a binding agreement upon the member school to be subject to and bound by the Constitution, Bylaws, and Regulations of the Association.

### **2.3.6 Classification of Schools**

Member schools are divided into classifications for athletic purposes. Placement into classifications is based on the eightieth (80<sup>th</sup>) day's enrollment in grades 9 through 12 in the first year of each two-year block for the subsequent two-year block. Each classification of schools is then organized into districts and/or regions, when applicable, in order to conduct interscholastic sports. When establishing classifications, districts and/or regions, procedures and criteria established by the Board are followed.

### **2.3.7 Discipline and Suspension**

Violation of the Constitution, Bylaws or Regulations of the Association by a member school/organization or its employees/agents subjects the offending school/organization to discipline such as reprimand, restriction, probation, fine or suspension by the Director. The Board may take action in lieu of any action taken or not taken by the Director.



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**2.4 ARTICLE IV - FISCAL MATTERS**

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**2.4.1 Revenue**

Funds for the operation of the Association are derived from service fees/dues, percentages of gate receipts in playoffs, various tournaments, corporate/individual donors, a nominal non-athletic/academic fee, interest on investments, fines and assessments, among other revenue as determined by the Director subject to approval by the Board.

**2.4.2 Budget**

The Board approves the budget on an annual basis.

**2.4.3 Fiscal Year**

The fiscal year is July 1 through June 30.

**2.4.4 Dissolution or Liquidation**

Upon dissolution or liquidation of the Association, and after discharge or satisfaction of outstanding obligations and liabilities, the Board shall determine the use of the remaining assets of the Association in accordance with State Law.

**2.4.5 Non-Profit Status**

No part of the net earnings of the Association shall accrue to the benefit of, or be distributable to, its members, officers or other private persons, except that the Association shall be authorized to pay reasonable compensation for services rendered and to make payments and distribution in furtherance of the purposes set forth in the Constitution.

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**2.5 ARTICLE V - ANNUAL MEETING**

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**2.5.1 State Meeting**

An annual meeting of the Association is held at a time and place designated by the Director in collaboration with the President. Each school must be represented at the annual meeting by its official voter or the Superintendent's designee or the school is assessed a fine. (Dues, fines and assessments are determined annually by the Board.)

Special meetings of the membership may be called by the Director or President, and must be called by the Director or President upon written request of 25% of the member schools.

Annual/aggregate school meetings of the Association intend to comply with the Open Meetings Act and the notice requirement set forth by the Board.

**2.5.2 Official Voter - Delegate**

At the beginning of each year, the administrative head of each school appoints, with local Board of Education approval, the official representative (Official Voter) of the school to vote on matters pertaining to official Association business. The Official Voter represents the school at Annual Meetings of the Association.

### **2.5.3 Voting**

Member schools are permitted to vote upon regulations and other matters pertaining only to the activities in which they participate or belong. Voting at the Annual Meeting is limited to member high school representatives based upon their school's assigned basketball district alignment. Ballots for referenda voting are made available to NMAA member schools through the NMAA's web page, and the Superintendent and Official Voter validate the vote utilizing the NMAA on-line voting/password system. When voting, if schools cannot be identified by participation declaration, the Director shall determine which schools shall be eligible to vote, subject to review by the Board.

### **2.5.4 Quorum**

Representatives of a majority of member schools constitutes a quorum for the transaction of business at the Annual Meeting or any called meeting of the membership.

### **2.5.5 Fall Orientation Meeting**

A meeting of schools may be called by the President or the Director at the beginning of the academic year for the purpose of orientation to the Association's Constitution, Bylaws, and Regulations.

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## **2.6 ARTICLE VI - RIGHT OF APPEAL**

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### **2.6.1 Right of Appeal**

Any decision of the Director, in which a student, employee, or school is aggrieved, may be appealed to a Review Committee. This applies to eligibility rulings and sanctions imposed by the Director to a member school only. Such appeals/hearings shall be heard "de novo." (See Section XIII)

**NOTE:** This does not apply to interpretations and communications other than an official letter from the Director or any other decision made as a part of the process.

### **2.6.2 Appeal Process**

Procedurally, the initial appeal must be initiated by a letter from the school of the aggrieved party. The letter must request the decision be reviewed by the Review Committee and must be sent to the Director, postmarked within ten (10) calendar days of the date of mailing of the Director's decision. Failure to appeal within the time specified constitutes a waiver of any right of appeal.

Evidence and testimony at Review Committee meetings/hearings shall be informal, but shall follow generally accepted rules and procedures for ensuring due process. All evidence for consideration must have been submitted with the initial petition. New evidence shall not be allowed unless it was not in existence at the time of the decision by the Director or although in existence at the time, it was not discovered.

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## **2.7 ARTICLE VII - AMENDMENTS**

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### **2.7.1 Proposal**

Amendments to the Constitution, Bylaws, and Sports Regulations must be proposed in writing, at least 20 calendar days prior to the Annual Meeting of each year; by the Board; or by 25% of the eligible member schools. Member schools shall be notified 15 calendar days prior to each Annual Meeting.

**Exception:** The Board may act to authorize referenda on an emergency basis at any time through the year. In such cases, notice through the Annual Meeting process would not be applicable.

### **2.7.2 Voting**

Voting is by written/electronic ballot following the Annual Meeting of each year or whenever determined by the Board that an emergency ballot shall be authorized. The return ballot must be received within 15 calendar days after posting on the NMAA web site.

### **2.7.3 Approval**

Approval of amendments to the Constitution requires a majority vote of voting member schools.

Approval of amendments to the Bylaws requires a majority vote of voting member schools.

Approval of amendments to the Sports Regulations requires a majority vote of all eligible voting member schools. When the amendment affects only certain member schools, only they vote. When voting schools cannot be identified by participation declaration, the Director determines which schools may vote, subject to review by the Board.

The Association's Articles of Incorporation and Bylaws may be amended and filed with the State Corporation Commission in accordance with the Nonprofit Corporation Law.

### **2.7.4 Emergency Provision**

The Board may make necessary, temporary bylaw changes, effective until the Annual Meeting in the next odd-numbered year.