

## **BY-LAWS**

of the

### **County Chief Adult Probation and Parole Officers Association of Pennsylvania**

Approved May 9, 2007; Effective January 1, 2008;

Amendments effective 12/12/2008; 1/1/2012; 1/1/2020; 4/1/2020

#### **Article 1: Preamble**

These By-laws are established by the County Chief Adult Probation and Parole Officers Association of Pennsylvania (Association) for the internal organization, governance, and management of the Association and to facilitate the effective discharge of its powers and duties.

#### **Article 2: Official Title and Organizational Status**

Section 2.1 The name of the Association shall be the County Chief Adult Probation and Parole Officers Association of Pennsylvania and shall be referred to hereinafter as the Association.

Section 2.2 The Association shall be chartered and incorporated as a domestic non-profit corporation under the laws of the Commonwealth of Pennsylvania.

Section 2.3 The duration of the Association shall be perpetual.

Section 2.4 The Association may solicit and receive funds and grants to aid in carrying out its aims and purposes. No funds shall be received without the expressed authorization of the Executive Committee or its designated agent. The Executive Committee authorizes an annual budget that is administered by its designated agent.

#### **Article 3: Vision**

To motivate change and improve offender outcomes. (added January 1, 2020)

#### **Article 4: Mission**

It is the mission of the Association to: (revised January 1, 2020)

- promote the implementation and use of evidence-based practices;
- promote public safety in our communities;
- advance probation, parole and community corrections practices;
- promote appropriate legislation;
- promote communication and exchange of ideas;
- stimulate high standards of training and professionalization of personnel and

agencies;

- promote the provision of quality information to criminal justice decision makers;
- encourage the development of innovative services, research designs, and program evaluation;
- increase community understanding of criminal offenders and seek greater support of strategies proven by research to reduce recidivism.

**Article 5: Annual Assessment**

Section 5.1 The Association shall charge an annual assessment to each county in the Commonwealth of Pennsylvania that has an adult probation and parole department as of December 31, 2006. The annual assessment shall be used by the Association to pay the operating expenses of the Association. The amount of the Annual Assessment shall be determined by the Executive Committee and shall be announced by the President to the Association by June 30<sup>th</sup> of each Calendar Year to be effective January 1<sup>st</sup> of the following Calendar Year.

**Article 6: Membership**

Section 6.1 There shall be three (3) categories of membership as follows:

(a) Full Membership - any chief probation officer/director overseeing a department that provides probation, parole and community corrections services to adult offenders that wishes to pay the membership dues and join the Association. The length of membership shall be for one year, multiple years, or life in accordance with the dues structure established by the Executive Committee. Full members have a vote at all membership meetings and on mail ballots. Full members may serve on committees, chair committees and run for an elected position in the Association.

For purposes of representation on the County Probation and Parole Firearm Education and Training Commission (FETC), the Association may recommend up to two (2) qualified Associate Members as members of the FETC. The recommended representative(s) shall be considered Full Members of the Association during their term(s) on the FETC provided they are members of the Association in good standing.

(b) Associate Membership (Active Employee) - any individual that wishes to pay the membership dues and join the Association. Individuals who might have such an interest include deputy chief probation officers/directors, administrators, supervisors, line officers, students, individuals in professions related to criminal justice (e.g. counseling, social work and law enforcement) and academic professionals in the area of criminal justice. Associate Members are not entitled to vote but are permitted to serve on all committees, chair committees, but not run for an elected position in the Association.

(revised April 1, 2020)

(c) Associate Membership (Retired Employee) - any retired chief probation officer/director, who oversaw a department that provided probation, parole or community corrections services to adult offenders, or any other retired individual who wishes to pay membership dues and join the Association. Associate Members are not entitled to vote or serve on the Executive Committee but are permitted to serve on all other committees.

Section 6.2 Application for Membership: Application for membership in the Association shall be available to anyone regardless of race, creed, color, sex and in accordance with Section 5.1. The Executive Committee is authorized to adopt, modify, and revoke such rules and regulations as it deems necessary with reference to the membership except where specified by the By-laws. (revised January 1, 2020)

Section 6.3 Membership Dues: Membership dues shall be designated by the Executive Committee annually for all categories of membership, payable within sixty (60) days of notification

Section 6.4 Membership Withdrawal: Members wishing to withdraw his/her membership from the Association shall not be entitled to a refund for any portion of the dues paid.

Section 6.5 Failure to Pay Membership Dues: Any member who fails to pay annual membership dues within sixty (60) days after such dues are payable shall cease to be a member of the Association. If an Executive Committee position, elected office, or committee position is being held by a member failing to pay dues as required, the member forfeits the position.

Section 6.6 Voting: There shall be one vote per Full Member. Associate Members are not permitted to vote unless a Full Member designates an Associate Member to cast a proxy vote by providing written notification or email notification, including a signed copy of Member Proxy Form, to the Secretary of the Association at or prior to any membership meeting. (revised January 1, 2020)

Section 6.7 Proxy: Voting members of the association may appoint a proxy to vote at general membership and special meetings provided they serve written notice or email notification, including a signed copy of Member Proxy Form, at or before the meeting to the secretary and the proxy is a full member or associate member of the association. (revised January 1, 2020)

#### **Article 7: Executive Committee**

Section 7.1 Composition: The Executive Committee shall consist of the President, the Vice-President, the Secretary, the Treasurer, the Immediate Past President, the three (3) At-Large Members, the Chair of Standing Committees, and the Chair of Ad Hoc Committees. (revised January 1, 2020)

Section 7.2 Responsibility: The Executive Committee shall conduct the business of the Association and have such powers as the Association authorizes.

Section 7.3 Presiding Officer: The President shall be the presiding officer of the Executive Committee. There shall be at least four meetings of the Executive Committee annually.

Section 7.4 Annual Budget: The Annual Budget must be submitted in writing by the Executive Committee to the Association members no later than the first meeting of the Calendar Year.

Section 7.5 Expenditure of Funds: The designated agent may expend such funds within the approved budget as are necessary for the operations of the Association.

**Article 8: Election of Officers**

Section 8.1 Officers: The elected officers of the Association shall consist of the President, the Vice President, the Secretary, the Treasurer, and three (3) At-Large members.

Section 8.2 Qualifications: To qualify for elected office in the Association, the candidate must be a Full Member in good standing, willing and able to fulfill the duties of the office for which nominated and be willing and able to serve in the office for the length of time necessary to fulfill the duties of the office. Any elected officer who fails to continue to meet the qualifications or standards of the office to which they were elected may be terminated upon two-thirds (2/3) vote of the Association at a meeting where a quorum has been established.

Section 8.3 Term of Office: Members elected to the positions of President, Vice President, Secretary and Treasurer shall serve a two (2) year term beginning on January 1<sup>st</sup> of the year following his/her election to the position. No officers shall serve for more than two (2) consecutive terms in the same office.

Members elected to the positions of At-Large Member shall serve a three (3) year term beginning on January 1<sup>st</sup> of the year following his/her election to the position. No officers shall serve for more than two (2) consecutive terms in the same office.

Section 8.4 Vacancies: When a vacancy occurs in the Office of the President, the Vice President shall automatically act in the capacity of the President of the Association for the balance of the term.

When a vacancy occurs in the offices of the Vice President, Secretary, Treasurer, or any of the three Members-at-Large, a special election will be held within 100 days of written notification to the President that Vice President, Secretary, Treasurer, or any Member-at-Large will be unable to serve in the position. If a regularly scheduled election is scheduled and a resignation occurs within 100 days or less of the regularly scheduled election, then the filling of the vacated position(s) will be part of the regularly scheduled election.

Section 8.5 Nominations Committee: Before each election year, a Nominations Committee shall be appointed by the President and approved by the Executive Committee. The Nominations Committee shall recommend to the membership no more than two (2) eligible candidates for each position. The Nomination Committee is to inform the Executive Committee of the slate 30 days before the Association members are notified. All active and eligible voting members shall be notified of the slate of candidates 30 days prior to the membership meeting during which elections will take place. In addition to

the slate of candidates, voting members may make nominations from the floor. The Nominations Committee shall announce the results of the election at the membership meeting.

**Article 9: Meetings**

Section 9.1 Place of Meetings: Meetings of the Association shall be held in State College, Pennsylvania unless another place within the Commonwealth of Pennsylvania is designated.

Section 9.2 Regular Meetings: Regular scheduled meetings will normally be held every three (3) months, with a minimum of three (3) meetings per year. At the first membership meeting following the election, the newly elected officers shall be installed. The Executive Committee will establish the agenda for each regular meeting of the Association and the Secretary/Executive Director shall give notice of the agenda to the Association Members and Associate Members prior to the meeting.

Section 9.3 Special Meetings: Special meetings of the Association may be called for any purpose by the President with the approval of a majority of the Executive Committee or upon written request to the President by a majority of members present at a regular scheduled meeting.

Section 9.4 Executive Committee Meetings: Regular scheduled meetings of the Executive Committee will be held prior to the regular scheduled membership meetings. Special meetings of the Executive Committee may be called for any purpose by the President.

Section 9.5 Quorum: Quorums for the Association membership meetings will require a simple majority of the total number of voting members in attendance. A quorum is also required in order for any voting item presented at a membership meeting. (revised January 1, 2020)

Section 9.6 Voting Conflicts: Any member of the Association who, by voting, would be voting on a matter that would result in a conflict of interest, shall abstain from voting on such matter, refrain from participating in any discussions concerning such matter, and, prior to the vote being taken on such matter, publicly announce and disclose the nature of his or her interest as a matter of public record.

Section 9.7 Rules of Order: Meetings of the Association shall be conducted in accordance with Roberts Rules of Order for Parliamentary Proceedings.

Section 9.8 Minutes of Meetings: Written minutes shall be kept of each open meeting and, after approval by the Association, shall be made available for public inspection and copying. (revised January 1, 2020)

**Article 10: Committees**

The President, with the approval of the Executive Committee, shall appoint the chair and designate the other members of the committee.

All Full Members and Associate Members are eligible to participate in standing or Ad Hoc committee deliberations, offer motions and vote on standing or Ad Hoc committee business. (revised January 1, 2020)

A majority of the members of a standing or special committee shall constitute a quorum for the transaction of business.

The President of the Association shall be an *ex officio* member of all standing or special committees and shall have the authority to vote on any or all standing or special committee business.

The following standing committees are established: (revised January 1, 2020)

- Section 10.1 Evidence Based Practice Committee – responsible for planning, promoting the implementation and use of EBP in the county adult probation parole system, including seeking funding opportunities, collaborating with state agencies, and monitoring quality assurance and integrity of EBP initiatives;
- Section 10.2 Policy and Legislative Committee – responsible for reviewing and maintaining the by-laws of the Association; monitoring and disseminating relevant legislative issues to the membership; and responsible for reviewing current standards in adult probation and making recommendations to the general membership;
- Section 10.3 Training and Education Committee – responsible for all statewide training issues and making recommendations to the general membership; reviewing the Basic Training Academy (BTA) curriculum, speakers, and monitoring feedback from participants; responsible for making recommendations to the Pennsylvania Firearm Education and Training Commission; provide recommendations regarding topics and speakers for the annual conference;
- Section 10.4 Inter-County Affairs Committee – responsible for mutual agreements between counties and promoting effective relationships; responsible for the development of recommendations and policies regarding the transfer of supervision of adult offenders between counties in the Commonwealth;
- Section 10.5 Communications Committee – responsible for reviewing information currently collected under PBPP annual county report; provide recommendations to PBPP regarding information collected in county report; review and provide recommendations to improve and update the Association website.
- Section 10.6 Ad Hoc Committee - In addition, the President, with the approval of the Executive Committee may establish such Ad Hoc committees, and appoint an Ad Hoc committee chair, as deemed necessary in the interest of the Association. An Ad Hoc committee is considered a provisional committee established to conduct work for a specific task or objective. The Ad Hoc committee shall disband subsequent to the completion of the task or achievement of the objective. The chair of the Ad Hoc committee shall become a member of the Executive Committee for the period of time the Ad Hoc committee exists.

**Article 11: Committee Chairs**

Chairs are responsible to recruit members to serve on their respective committee. Committees shall have a minimum of three persons (including the chair) all who must be a current member in good standing. Committee chairs are required to hold committee meetings a minimum of two times per calendar year (either in person, phone, or video). Committee Chairs are required to attend membership meetings and report committee activities to the general membership. Committee Chairs must be a chief, deputy chief or supervisor in good standing and shall serve for two years prior to appointment of a new chair by the President or reappointment of the existing chair. (revised January 1, 2020)

**Article 12: Duties of Officers**

Section 12.1 President - the President shall be the presiding officer of the Association. The President shall be an *ex-officio* member of all committees except the Nominations committee.

Section 12.2 Vice President - the Vice President shall assume the responsibilities of the President in the absence of the President. He/she shall assume whatever duties are assigned by the President.

Section 12.3 Secretary - the Secretary shall be responsible for oversight of all records of the Association with the exception of financial and membership records and shall ensure the proper maintenance of the records of all official meetings of the general membership and the Executive Committee. He/she shall ensure issuance of special and regular meeting notices and act upon all communications as directed by the President. The Secretary is to ensure that the general membership is provided with written copies of resolutions and by-law amendments adopted by the Association.

The Secretary duties at special or general membership meetings include: (a) reading minutes, any letters received and the text of motions; (b) recording motions and amendments, and; (c) drafting minutes of meetings.

Section 12.4 Treasurer - The Treasurer is entrusted with the custody of the Associations funds and shall be responsible for ensuring the maintenance of all financial records of the Association. The Treasurer shall ensure the preparation of an Annual Financial Report, dated as of December 31<sup>st</sup>, and other financial reports as directed by the Executive Committee, and shall ensure the submission of all financial records for an annual audit. This report will include all information related to sources of funds including other sources of funding such as grants, contracts, etc.

Section 12.5 At-Large Members - there shall be three (3) At-Large members who are responsible for assisting and advising the Executive Committee.

**Article 13: Executive Director**

Section 13.1 Appointment - the Executive Committee, with the approval of the general membership of the Association, may establish a position of Executive Director to assist in the conducting of business of the Association. The Executive Director shall be an

independent contractor responsible to the President and the Executive Committee of the Association.

Section 13.2 Duties - the duties of the Executive Director shall include, but not be limited to, assisting the President and Executive Committee in planning, budgeting, organizing and directing the Association.

**Article 14: Amendments**

Section 14.1 Amendments - Amendments to the By-Laws may be proposed to the Policy and Legislative Committee by the general membership of the Association in writing. The Policy and Legislative Committee will submit the amended By-Laws to the Executive Committee for their consideration. The Executive Committee then presents the proposed amendments to the general membership at the next membership meeting.

Section 14.2 Voting on Amendments - Any amendments to the By-Laws must be voted on at a membership meeting and shall require two-thirds (2/3) majority of those present and voting. The effective date of the amendment shall be contained in the amendment. The vote of the members is binding on the Executive Committee. Notification of the passed amendment(s) will be disseminated to the Association members and associate members.

**Article 15: Immunity and Indemnification**

Section 15.1 Immunity of Officers - any officer of this Association, to the fullest extent permitted by law, shall have absolute immunity from civil liability, damages or any other relief for any action taken or statement made in connection with the activities described in these Bylaws while acting as an officer of this Association.

Section 15.1 (a) The above shall not apply if the officer has breached or failed to perform his duties as outlined in section 10, and

Section 15.1 (b) The breach or failure that eliminates the officers immunity entails self-dealing, willful misconduct or recklessness.

Section 15.1(c) No officer of this Association shall have immunity for actions taken in violation of a criminal statute.

Section 15.1 (d) No officer of this Association shall have immunity for failure to pay any taxes required by law.

Section 15.2 Indemnification of Officers - All persons who are or were officers of the Association shall be indemnified by the Association to the fullest extent permitted by law. The Association shall indemnify its officers against all expenses and liabilities reasonably incurred by or imposed on them in connection with any proceedings to which they have been or may be made parties, or any proceedings in which they may become involved by reason of being or having been an officer of the Association, even if no longer in the position that gave rise to the expense or liability.