

SECTION II CONSTITUTION

2.1 ARTICLE I - NAME, PHILOSOPHY AND OBJECTIVES

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; and should therefore be encouraged, directed, and supported by a statewide organization. The association's leaders should be representative of the state's schools and their 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 safeguards 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 member school programs by special interest groups, firms, organizations, and institutions.
- E.** To protect the best interests of the Association members in contests and activities under its 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 member school is responsible to the Association for all matters pertinent to interscholastic activities of his/her school.

2.2 ARTICLE II - ORGANIZATION

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

1. 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.
2. The Board adopts the philosophy and vision of the Association and annually sets the goals of the organization.
3. The Board exercises leadership through the formulation and adoption of policies.
4. The Board hires, sets the duties (except as stated in NMAA 2.2.2), evaluates, and establishes the salary for the Executive Director.
5. The Board oversees and approves the fiscal operations of the NMAA including NMAA 2.4 – Article IV – Fiscal Matters and NMAA Section 5 – Finances.
6. The Board authorizes proposals for amendments (referenda) to the Constitution, Bylaws, and Sports Regulations as stated in NMAA 2.7.

7. The Board oversees classification, alignment, and championships (qualifying, selection, seeding, etc.) as stated in NMAA Section 4 – Classification and Alignment and NMAA Section 7 – Sports Regulations.
8. The Board has the authority to review decisions of the NMAA Appeals Review Committee as stated in NMAA 13.2.

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 their region and formally voted upon by the schools within that region 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 first regularly scheduled meeting of that calendar year.
- 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 first regularly scheduled meeting of the calendar year. 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 first regularly scheduled meeting of the calendar year.
- e. The Chairperson of the Commission also serves as a member of the Board and is affirmed by the Board annually at its first regularly scheduled meeting of the calendar year.

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 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 May/June 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 Board acts as a body in making decisions and taking official action. No individual member of the Board shall be empowered to act on 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 the general public.
- b. The statement of policies is subject to revisions and review and is approved annually by the Board.
- 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 Board of Directors' regular, special, and emergency meetings are conducted in compliance with the New Mexico Open Meetings Act ("OMA"), and the schedule of meetings is published on an annual basis as determined by the Board each June. Hearings by members of the Board of Directors on an Appeal Review Committee decision are not open to the public and are often scheduled on short notice in order to accommodate a particular activity or event.

1. Regular

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

2. Special

The Board may meet at other times 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 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 delivered to the members of the Board not later than five calendar days prior to the meeting.
- c. Items may not be added to the agenda by the Director or by a Board member less than three calendar 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 public and are maintained in the office of the Director. Copies will be furnished within 48 hours of a written request 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. 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, supervise, and authorize 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 from non-bordering states.
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 Appeals Review Committee and Board of Directors on decisions made by the 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 eligibility questions.
5. Investigate and rule on reports of ineligible student participation.

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, spirit, and track and field meets as special qualifying meets.

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

1. Appoints representatives to the 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 concerning budget, audit, and amendments to NMAA Handbook.
4. Administer procedures and select officials for state events/tournaments.

2.3 ARTICLE III - MEMBERSHIP

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 by 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 that the affiliate pay an annual fee to the Association (as determined by the Director) and also requires them 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 or approved by the State Education Agency are required to be an NMAA member in order to participate in athletic or non-athletic activities sanctioned by the Association.

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 or approved by the State Education Agency and which offers two or more years of senior high school work, grades 9-12, is eligible for full membership.

2.3.4 Activity Organizations

Activity organizations may be admitted to the Association if 10% of the membership's high schools agree to participate (See Bylaw 4.2.1) and if approved by the Commission and Board of Directors. A copy of their constitution and bylaws must be submitted. 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 at 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 based on enrollment. An average of 80-day enrollment-count numbers (grades 9-12) for the second and third years prior to the start of a new block and the 40-day enrollment-count numbers just prior to the start of a new block, are utilized to determine the enrollment figure for each school. Each classification of schools is then organized

into districts, when applicable, in order to conduct interscholastic sports. When establishing classifications/districts, procedures and criteria established by the Board are followed. (Section IV)

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 or addition to any action taken or not taken by the Director.

2.4 ARTICLE IV - FISCAL MATTERS

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, 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.

2.5 ARTICLE V - ANNUAL MEETING

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. (Section V)

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 comply with the Open Meetings Act and the notice requirement set forth by the Board.

2.5.2 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.

2.6 ARTICLE VI - RIGHT OF APPEAL

2.6.1 Right of Appeal

A member school may appeal any decision of the Director, with respect to any matter relating to student eligibility of which a student or member school is aggrieved. Such appeals must be brought by the member school to the Appeals Review Committee ("Appeals Review Committee" or "Review Committee"). Such appeals shall be heard "de novo" in accordance with the rules and procedures contained in this Section and Section 13.1 of this Handbook. Appeals of sanctions that have been reviewed and upheld by the Director may be appealed directly to members of the Board of Directors in accordance with the rules and procedures contained in Section 13.2 of this Handbook.

NOTE: This right of appeal applies to final written decisions made by the Director regarding eligibility, sanctions, or other matters on which the Director has authority. It does not apply to decisions made as part of the process or to informal communications by the Director prior to issuing a final written decision.

2.6.2 Appeals Review Committee Appeal Process

Procedurally, an appeal to the Appeals Review Committee must be initiated by a member school by submitting a Request for Appeal to Appeals Review Committee form to the Director along with the forms and information listed in Section 13.1.2 of this Handbook. Failure to appeal within the time specified in Section 13.1.2 constitutes a waiver of any right of appeal. Documents or records provided after the deadlines included in Section 13.1.2 will not be considered. The NMAA shall schedule the appeal hearing and shall notify the member school and, when the appeal relates to transfer eligibility, shall notify the student's sending (prior) school of the hearing date, place (login information or telephone call in number), and time in accordance with Section 13.1 of this Handbook. Notice shall be provided in writing and conveyed electronically.

Hearings will be conducted telephonically or via Zoom or similar platform, at the discretion of the Appeals Review Committee. Evidence and testimony at Review Committee meetings/hearings shall be informal but shall follow generally accepted rules and procedures for ensuring due process. Copies of all records that were provided to the Director must be given to the Appeals Review Committee. Additional records submitted with the Request for Appeal to Appeals Review Committee form may be presented to the Appeals Review Committee, and the member school may present a statement on its position relating to the appeal. Testimony that will be heard includes testimony by the member school Athletic Director or other representative, and may include testimony by the affected student, the student's parent or guardian, or other person with first-hand knowledge of the facts and issues to be presented, as determined by the member school, and, if the appeal relates to transfer eligibility, if the sending (prior) school objects to a finding of eligibility, a written statement from the sending school, and, if requested, testimony of a representative of the sending school. Members of the Appeals Review Committee may ask the member school representative and any of the other witnesses questions relating to the matter appealed. Records and information, including testimony, not provided to the Appeals Review Committee by the deadlines included in Section 13.1.2 either prior to or during the Appeals Review Committee hearing, will not be allowed in a subsequent appeal to the Board.

2.6.3 Appeals from Review Committee

Decisions of the Appeals Review Committee may be appealed to members of the Board of Directors in accordance with the rules and procedures included in Section 13.2 of this Handbook. Such appeals shall be on the record. Testimony, documents or records not included in the record will not be considered.

ARTICLE VII - AMENDMENTS

2.7.1 Proposal

Amendments to the Constitution, Bylaws, and Sports Regulations must be approved by the Board of Directors before being presented to the member schools for a referenda vote and approval as required by 2.7.4. Amendments to Alignment and Classification (Section IV) are under the direction and purview of the Board of Directors.

2.7.2 Official Voter - Delegate

At the beginning of each year, the administrative head of each member 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.

2.7.3 Voting

Member schools, through their official voter and superintendent, are permitted to vote upon regulations and other matters pertaining only to the activities in which they participate. Voting 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. 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. Voting is by written ballot and must be received within 15 calendar days after posting on the NMAA website.

2.7.4 Approval

Approval of amendments to the Constitution requires a 2/3 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 subject to review by the Board, determines which schools may vote.

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.

2.7.5 Emergency Provision

The Board may make necessary, temporary bylaw changes, effective until the administration of a referenda vote.