CONSTITUTION AND BY-LAWS

CONSTITUTION

ARTICLE I – ORGANIZATION NAME

The name of this organization shall be the National Association of Community and Restorative Justice. The acronym for this organization is NACRJ.

ARTICLE II – PURPOSES

This non-profit organization shall foster excellence in the practice, education, research, and training of restorative and community justice. This will be accomplished by providing a professional association for educators, practitioners and others interested in these fields. The primary means to fulfill this purpose are educational and will be carried out through the bi-annual (or annual) the National Conference on Community and Restorative Justice (previously the National Conference on Restorative Justice; hereafter referred to as “The National Conference”), a membership accessible website, and access to relevant information sources. The Association will use principles of social justice, restorative justice and community justice to assist educators, practitioners and others to seek transformation in the ways that justice questions are addressed within the United States. The Association will promote effective forms of justice that are equitable, sustainable and socially constructive.

ARTICLE III – MEMBERSHIP

Section 1. The membership of the NACRJ shall include the following categories: (1) regular members, (2) student members, (3) institutional members, (4) sustaining members, (5) honorary members, and (6) life members.

Section 2. REGULAR MEMBERS: Regular membership shall include any individual paying regular or sustaining membership dues or designated as a regular member by an institutional member, who supports the purposes of the NACRJ as outlined in Article II, and does not fall within, or chooses not to identify with any other categories of membership as defined in Sections 3-6, below.

Section 3. STUDENT MEMBERS: Student membership shall be open to any full time or part time student who is currently enrolled at an institution of higher education who supports the purposes of the NACRJ as outlined in Article II, and whose enrollment is certified or documented by the institution.

Section 4. INSTITUTIONAL MEMBERS: Institutional membership shall be available to any public or private institution which supports the purposes of the NACRJ. An institutional member may designate up to five of its personnel as regular members for a single institutional membership. Where there are multiple locations of the institution in different cities, states or nations, each location must apply individually for institutional membership.

Section 5. SUSTAINING MEMBERS: Sustaining membership shall be open to any person, company, corporation, or partnership interested in or supportive of community justice, restorative justice and the purpose of the NACRJ. The purpose of the sustaining membership is to provide financial support to the NACRJ through the membership fee.

Section 6. HONORARY MEMBERS: Any individual who has served the NACRJ or the fields of community and restorative justice with honor and distinction may be elected an honorary member upon nomination by the Executive Council and unanimous vote of the Board of Directors of the NACRJ.

Section 7. LIFE MEMBERS: Lifetime memberships shall be open to any regular member.
Section 8. APPLICATION PROCEDURES: Application for membership in the NACRJ shall be submitted on the form prescribed by the Executive Director.

Section 9. DUES: The annual dues for all categories of membership shall be set by the Board of Directors upon recommendation by the Advisory Council and the President. Dues are payable annually to the Treasurer by a date approved by the Board of Directors upon recommendation by the President. Nonpayment of dues constitutes termination of membership, and such individuals or institutions must reapply for membership. Reduced membership rates or free memberships and trial memberships may be offered during recruitment drives if recommended by the President and approved by the Board of Directors.

Section 10. VOTING PRIVILEGES: Only regular members of the NACRJ who have paid dues for the current year shall have voting privileges on all matters presented to the membership for a vote. Life members, honorary members and regular members affiliated with an institutional member are included among those who have voting privileges.

Section 11. RESIGNATIONS: Resignations of membership shall be submitted in writing to the Executive Director.

ARTICLE IV - OFFICERS

Section 1. The officers of the NACRJ shall be a President, a First Vice-President, a Secretary, a Treasurer, and Immediate Past President. These officers shall perform the duties prescribed by this Constitution and By-Laws and by the parliamentary authority adopted by the NACRJ, as prescribed in Article IX. Other officers may be added upon amendment of the constitution and by-laws for the NACRJ.

Section 2. The officers of the NACRJ must be regular members eligible to vote and shall be elected in accordance with the rules of election contained in the NACRJ by-laws.

Section 3. No officer except the Treasurer may serve consecutive terms in the same office.

Section 4. Nothing in Article IV, Section 3 shall preclude a person elected to fulfill the unexpired partial term of another officer from running for election to a full term.

Section 5. Officers of the NACRJ shall hold office until their successors shall be duly elected and qualified.

Section 6. The President shall preside at the General Meeting of the membership at the National Conference or at any special meeting of the NACRJ. The President shall work with the Executive Director to manage the day to day activities of the NACRJ and ensure that required reports by the Secretary and Treasurer are prepared in a timely manner. The President serves as the Chairperson for the Board of Directors. The President is responsible for identifying future conference sites and recruiting Lead Organizers. The next conference site and Lead Organizer are to be announced at the National Conference.

Section 7. The First Vice-President shall preside at the General Meeting of the membership at the National Conference or any special meetings of the NACRJ in the absence, disability, suspension or removal of the President. The First Vice-President shall automatically succeed to the office of President should the President be unable to complete the elected term of office. The First Vice-President shall serve as an Ex-Officio (non-voting) member of the Board of Directors. In addition, the First Vice-President shall serve as President for the term following promotion to the office of First Vice-President.

Section 8. The Secretary shall record the minutes of all meetings of the Board of Directors and the General Meeting of the NACRJ membership; forward such minutes to the President and Executive Director for distribution to the officers and the Advisory Council members; prepare a summary of the minutes for the meetings of the Board of Directors and the General Meetings for publication on the NACRJ website. In addition, the Secretary will conduct an annual online search to update the recruitment data base with websites and practitioner organizations oriented
toward restorative and community justice; as well as with higher education institutes and degree programs or certificate programs related to these areas of interest. The Secretary will annually contact these organizations and entities by email with information about the NACRJ, membership and upcoming events.

The Secretary shall also: (a) prepare annual reports for the Executive Director and the Board of Directors; (b) prepare electronic ballots; (c) report balloting results to the Board of Directors, President and the membership; (d) serve as board liaison to standing and ad hoc committees as necessary; and, (e) perform all duties as assigned.

Section 9. The Treasurer shall receive, transfer, and disperse all monies; maintain fiscal records for the NACRJ; and provide periodic financial reports as determined by the Board of Directors. The Treasurer shall prepare and submit all yearly tax statements, as well as an annual written report on the financial status of the NACRJ for President, Board of Directors and the membership. The Treasurer shall also present a financial report at the General Meeting during the National Conference.

Section 10. The Advisory Council shall be composed of at least five members, elected at large, but representing various subfields of community and restorative justice and any regional organizations of the NACRJ. Advisory Council members serve as advisors to the President, Board of Directors and the Executive Director. Advisory Council members shall select a Chair (or Co-Chairs) and a Secretary. The Chair (or Co-Chairs) attend meetings of the Board of Directors as ex-officio members. Advisory Council members communicate with the membership; serve on committees; recruit new members; assist in NACRJ operations; and perform other duties that may be assigned.

Section 11. The Immediate Past President shall chair the Nominations and Elections Committee, select the members of the committee, solicit nominations from the membership, prepare a slate of candidates for bi-annual elections for officers and Board of Directors, oversee the election process, verify election results, report the outcome of the vote to the Board of Directors, and perform all other duties that may be assigned.

Section 12. Any officer may be suspended from office by a two-thirds vote of the Board of Directors and may be removed from office by two-thirds vote of the regular members in a recall election conducted electronically or conducted at the General Meeting held at NACRJ national conferences.

ARTICLE V – MEETINGS

Section 1. GENERAL MEETING: The site of the General Meetings is tied to the location of the National Conference and shall be identified by the President and approved by the Board of Directors. General Meetings may be scheduled several years in advance. Exact dates may be set by the host institution(s) as approved by the Board of Directors.

Section 2. SPECIAL MEETINGS: The President shall have the power to call a Special Meeting of the Officers and Board of Directors upon reasonable notice and in date, place or in a manner mutually acceptable to those involved. The Board of Directors shall have the power to call a Special Meeting of the membership during the National Conference with a minimum of 30 days advance notice through the website.

Section 3. A quorum for membership meetings shall be the number of regular members present and voting. However, no decisions at membership meeting that affects official policies of the NACRJ shall become operative until that decision has been reported to the Board of Directors, referred by the Board of Directors for an electronic vote of the full membership and approved by a majority of the members who vote.
ARTICLE VI - THE BOARD OF DIRECTORS

Section 1. The members of the Board of Directors of the NACRJ include the President, Executive Director, Immediate Past President and four regular members of the NACRJ elected at large. The First Vice-President shall be an ex-officio (non-voting) member of the Board of Directors.

Section 2. The Board of Directors shall have general supervision of the affairs of the NACRJ between General Meetings. The Board of Directors shall set the date, hour, place or a mutually acceptable manner for each meeting, make recommendations to the membership, and perform such other duties as are specified by the Constitution and By-Laws. The Board of Directors shall be subject to the constitution, by-laws and decisions of the membership; and, none of its acts shall conflict with these governing structures.

Section 3. The President of the NACRJ shall serve as the Chairperson of the Board of Directors.

Section 4. The Board of Directors shall be the policy-making body of the NACRJ subject to the provisions of Article VI, Section 2. It shall fill all offices vacated between elections by using procedures consistent with those defined in Article 1, Section 9 of the By-Laws. It shall prepare an annual budget for the NACRJ. It has the power to appoint, hire, fire and evaluate the Executive Director. The Chairperson shall provide general oversight and assistance to the Lead Organizer and host committee for each National Conference.

Section 5. The NACRJ Board of Directors shall bring together a Council of Elders from the fields of community and restorative justice comprised of pioneers and senior practitioners, academicians and researchers in these fields. A seat on the Council of Elders is an honor based on the respect earned and wisdom gained through that elder’s career. The Council of Elders ensures that the history, core values, principles, lessons learned, and best practices are retained and passed to the next generation of leaders, researchers, academics and practitioners in the fields of community and restorative justice. Sitting on the Council of Elders does not preclude holding other positions of leadership within the NACRJ.

Section 6. Any regular member may submit a proposed resolution, in writing, to the Board of Directors, and it shall be mandatory that the Chairperson include it as an agenda item for consideration at the next meeting of the Board of Directors. Such a resolution must be received at least thirty (30) days prior to a scheduled General Meeting of the membership.

Section 7. Minutes shall be kept of all meetings of the Board of Directors, and its actions shall be reported to the membership at each General Meeting of the membership.

Section 8. A quorum of the Board of Directors shall consist of one-half of the voting members plus one.

ARTICLE VII – SECTIONS, CHAPTERS AND AFFILIATE ORGANIZATIONS

Specialized sections, regional chapters and affiliate organizations may be established upon approval by the Board of Directors. Before sections, chapters and affiliate organizations may be officially established, policies and procedures for their formation, governance and relationship to NACRJ must be developed and approved by the Board of Directors.

Section 1. SPECIALIZED SECTIONS: Specialized sections are composed of NACRJ members with particular areas of interest or specialization in common (e.g., school based restorative discipline, community justice practices, circle processes, victim-offender mediation/conferencing, etc.). Sections are a creation of the NACRJ and all section members must be current members of the NACRJ.

Section 2. CHAPTERS: Chapters are creations of the NACRJ and are geographically related (county, state, region). All active chapter members must be current members of the NACRJ.
Section 3. AFFILIATE ORGANIZATIONS: Affiliate organizations are not creations of the NACRJ. They may be any organization with a compatible mission, interests and values seeking a formal relationship with the NACRJ. Affiliate organizations are not “Institutional” members. Each affiliate organization must maintain one active “Regular” membership for a person in a key leadership position (i.e., officers, board of directors, etc.) each membership year. Through individual membership(s) an affiliate organization may access member web-based resources and express its point of view on governance issues. An affiliate organization may enroll as an “Institutional” member at any time.

ARTICLE VIII – COMMITTEES

Section 1. The NACRJ will maintain the following Standing Committees:
   a. Constitution and By-Laws
   b. Membership
   c. Nominations and Elections
   e. Awards
   f. Budget, Finance, and Audit
   g. Assessments & Evidence Based Practices
   h. Ethics

Section 2. The President may establish various Ad Hoc Committees and appoint their members and chairpersons.

Section 3. The President shall appoint the chairpersons of all Committees.

Section 4. The Immediate Past President shall serve as Chairperson of the Nominations and Elections Committee.

Section 5. The First Vice-President, in conjunction with the chair of each standing committee, shall appoint the members of the respective standing committee.

Section 6. Any member of any standing or ad hoc committee must be a regular member of the NACRJ.

ARTICLE IX - PARLIAMENTARY AUTHORITY

The preferred approach to decision making within the NACRJ is consensus whenever possible as it is consistent the values and principles of both restorative and community justice. When needed, the NACRJ will employ the rules contained in the latest edition of Robert’s Rule of Order as the guiding framework for decision making. The NACRJ may adopt different decision making rules upon proper amendment of the constitution and by-laws.

ARTICLE X - AMENDMENT OF CONSTITUTION AND BY-LAWS

The Constitution and By-Laws may be amended by a two-thirds vote of the active members of the NACRJ voting on the amendment. This vote must be taken in accordance with election policies specified in the By-Laws and adopted by the Board of Directors.

ARTICLE XI - INTERPRETATION OF CONSTITUTION

In case of a question on the meaning of any language in this document, the questions shall be referred to the Chair, Constitution and By-Laws Committee for interpretation of the language and/or provision in question. An interpretation of the provision in question shall be documented in writing and included in the official records of the NACRJ. Additionally, if the Board of Directors deems it appropriate or necessary the written interpretation shall be formally filed with Secretary as an appendix to the Constitution and By-Laws.
ARTICLE XII – DISSOLUTION OF THE ASSOCIATION AND DISTRIBUTION OF ASSETS

In the case of dissolution of the NACRJ any remaining assets after paying or adequately providing for the debts and obligations of the corporation, the remaining assets shall be distributed for one or more exempt purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code and the corresponding section of any future federal tax code. In the spirit of the purpose of the NACRJ assets should be distributed to a public university, college, or private non-profit organization engaged in the education or practice of community and/or restorative justice in order to continue advancing the development of theory, research and practice of these related fields of justice.
BY-LAWS

ARTICLE I – ELECTIONS

Section 1. INCORPORATION INTO CONSTITUTION AND BY-LAWS FOR THE NACRJ: The elections process is defined in the by-laws and are incorporated into the constitution upon formal approval. Subsequent amendments to the Constitution and By-Laws that affect the elections process will be incorporated upon approval into the constitution and by-laws to guide future elections.

Section 2. ELECTION OF THE FIRST SLATE OF OFFICERS: The election of the first slate of Interim Officers, Interim Members of the Board of Directors and Interim Advisory Council will be at the first General Meeting of the membership during the 4th National Conference on Restorative Justice held in June 2013. These officers will guide the NACRJ during the interim period from June 2013 until the first formally elected slate of officers are installed during the 5th National Conference on Community and Restorative Justice in 2015. Those individuals holding interim offices that would otherwise be term limited are eligible for reelection to those positions. Thereafter term limits will be in effect and staggered terms for At-Large members of the Board of Directors will be initiated.

Section 3. SUBSEQUENT ELECTION OF OFFICERS: The First Vice-President, the Secretary, Treasurer, and at-large members of the Board of Directors and the Advisory Council shall be elected via an electronic ballot by majority vote of regular members of the NACRJ as specified by Constitution Article IV, Section 2, casting valid ballots. The first formal election under the constitution and by-laws will occur no later than 90 days in advance of the 5th National Conference on Community and Restorative Justice in 2015.

Section 4. TERM OF OFFICE: First Vice-President: The First Vice President will serve two years in that capacity upon election and two years as President, the latter office being held by virtue of the original election as First Vice-President without subsequent election.

Section 5. TERM OF OFFICE: Secretary: The Secretary shall serve a term of three years.

Section 6. TERM OF OFFICE: Treasurer: The Treasurer shall serve a term of three years. The Treasurer may serve consecutive terms.

Section 7. TERM OF OFFICE: Advisory Council Members: Members of the Advisory Council will serve two year terms but may be elected to consecutive terms by regular members. Staggered terms of service for Advisory Council members may be established by the Board of Directors without amendment to the by-laws.

Section 8. TERM OF OFFICE: The four at-large members elected to the Interim Board of Directors (2013-2015) shall serve two year terms. Following the first formal election under the constitution and by-laws in 2015 those elected to the Board of Directors will serve three year, staggered terms with two members elected in one cycle and the other two members elected in the following year. To initiate the staggered cycle in 2015, two of the four at-large members will be selected at random to serve a one year term. They may be reelected the following year. Once the staggered terms are established at-large members of the Board of Directors may not serve consecutive terms but may be re-elected after a break in service.

Section 9. MID-TERM REPLACEMENT OF VACANT ELECTED POSITIONS: Should an elected Officer or member of the Board of Directors vacate their elected position in mid-term the Executive Committee will recruit a replacement nominee and submit that nomination to the Board of Directors for approval and appointment. A vacancy in the Advisory Council officers will be filled by a current member recruited and approved by the Advisory Council.

Section 10. NOMINATIONS AND ELECTIONS COMMITTEE: (1) A Nominations and Elections Committee shall be appointed by the Immediate Past President, immediately after leaving the office of President, to conduct the any up-coming elections. The Nominations and Elections Committee shall consist of five (5) Regular Members and the
Immediate Past President who shall serve as Chair. The appointed members shall represent a variety of subfields within community and restorative justice in order to make the Nominations and Elections Committee broadly representative of the diverse interests within the NACRJ. During the interim period of 2013-2015 the person serving as a place-holder for the Immediate Past President on the Board of Directors will chair the Nomination and Elections Committee for the 2015 election process.

(1) The Nominations and Elections Committee shall canvass the general membership to obtain suggestions for candidates, and it may on its own initiative consider possible nominees.

All candidates shall be contacted by the Committee to determine their willingness to serve if elected and requested to provide such materials as the Committee requires for the electoral process.

It shall present to the Board of Directors, a slate of candidates for all offices to be elected. The slate of candidates will include no more than two nominees for each office. However, when, in the judgment of the Committee two candidates for a position cannot be identified the Committee shall explain this discrepancy to the Board of Directors. The Board of Directors may authorize the election with less than two candidates for every position, however regular members will be provided an opportunity to write in candidate of their choice. The Nominations and Elections Committee will establish procedures governing the nominating process.

(2) The slate presented by the Committee shall require approval by the Board of Directors; the Board is the final authority on the names of candidates to be on the ballot for each office, except as provided by Section 10 (3), Article One below.

(3) In addition to the candidates approved by the Executive Board, any regular member may have his or her name appear on the official ballot if he or she has the written endorsement of at least fifty (50) regular members of the NACRJ. In order to be placed on a ballot petitions supporting the candidacy of a member must be received by the Chair of the Nominations and Elections Committee at least 60 days prior to any scheduled election. Upcoming elections will be posted on the NACRJ website.

(a) Upon receipt of petitions in support of a member, the Chair shall examine and judge the authenticity of each petition to determine that the candidacy has the support of at least fifty (50) members.

(b) Upon determining that a member has the required number of required endorsements, the Chair shall report the name to the Board of Directors for inclusion on the official ballot.

(c) The name of the member shall be included on the ballot, without action or approval by the Board, as an addition to those approved by the Board of Directors.

(d) All petitions shall be presented by the Chair of the Committee to the Board of Directors and held until such time as the results of the election are officially promulgated.

Section 11. ELECTION PROCEDURES: With the exception of in person votes taken at the General Meeting of the membership at each National Conference all elections will be conducted using an electronic, on-line, means of voting that allows regular members qualified to vote anonymously. The ballot shall include the names of the candidates for each office and a space for write-in candidates. The specific voting period will be defined by the Board of Directors but may not be less than two full work weeks and not more than four full work weeks. No member may vote more than once in any given election. A simple majority of voting members is sufficient for election to office or decision on a ballot initiative.

(1) The electronic ballot shall include brief biographical summary and brief statement of each candidate’s goals for that office should they be elected.
(2) As a means of certifying voting membership each eligible voting member will log-in to the web-based site using their membership number. This will allow them to access the ballot. Their membership number will not be linked in any way to the recorded vote.

(3) The NOMINATIONS AND ELECTIONS COMMITTEE will Tabulate the results of the election and notify the Officers, Board of Directors and Advisory Council of the results directly and the entire membership through the website.

(4) If no candidate for an office has received a majority of the valid ballots cast, a runoff election shall be held. Such ballot shall include only the two persons who receive the highest number of votes on the original ballot. A period not exceeding thirty (30) days shall be allowed for conducting an electronic, web-based, runoff election. The Nominations and Elections Committee shall certified the results of the runoff election and notify the leadership and the members as prescribed in Section 9 (3) above. Electronic records of the votes will be retained for 180 days.

(5) Anyone wishing to contest the election results must submit a formal, written petition to the Board of Directors within 180 days of the vote in question for a recount. The Board of Directors will allow a recount when the election results are contested but they are also the final arbiter of those results. The Board of Directors may declare an election is null and void because of voting irregularities and may authorize a new web-based election or an election from the floor of the next General Meeting at the National Conference or a Special Meeting called by the Board of Directors.

Section 12. AMENDMENT PROCEDURES:

(1) Amendments to the elections procedures may be made only by the procedure specified in Article X of the Constitution. However, nothing in the Election Procedures or Article X shall be deemed to preclude modification of purely administrative or clerical procedures or details by the Nominations and Elections Committee or the Board of Directors necessitated for effective and efficient operation of election procedures. In such cases, the decision of the Board of Directors shall be final, subject to the provisions of Article XI, Interpretation of the Constitution.

(2) Proposed amendments to the Constitution and Bylaws must be approved by the Board of Directors shall be submitted by the Secretary to the membership using the same procedures provided for in Article I, Section 9, insofar as applicable. Amendments may be submitted at any time as determined by the Executive Board.

ARTICLE II – DUES

Section 1. ANNUAL DUES for the NACRJ shall be recommended by the President and approved by the Board of Directors.

Section 2. Regular Members must pay annual dues appropriate for a type of membership defined under Constitution to be considered as being considered in good standing.