

**CODE OF PROCEDURE  
NEW YORK STATE PSYCHIATRIC ASSOCIATION, INC.  
(AREA II COUNCIL OF THE AMERICAN PSYCHIATRIC ASSOCIATION)**

**ARTICLE 1 – AUTHORITY**

The New York State Psychiatric Association, Inc. (hereinafter referred to as the “Association”) includes all District Branches of the American Psychiatric Association located in the State of New York. The Association shall function as the Area II Council of the American Psychiatric Association. The authorization to act as the Area II Council and to adopt a Code of Procedure is contained in Article III of the Procedural Code of the Assembly of District Branches, American Psychiatric Association as revised 9, May, 1989. The appropriate sections follow:

**“1. Authority**

The authority for the Assembly to establish geographical areas is defined in the Constitution and By-Laws of the American Psychiatric Association. The Assembly Procedural Code is the authority for the establishment of an Area Council in each of the geographical areas.”

**“7. Area Procedural Code**

Each Area Council shall adopt and be governed by a procedural code which shall include provisions for amendments; nothing therein shall be inconsistent with the Constitution and By-Laws of the American Psychiatric Association not with the Procedural Code of the Assembly. Area Procedural Codes shall contain provisions for recall of the Area Representative and Deputy Representative. Area Council Procedural Codes must be approved by the Parliamentarian of the Assembly prior to final adoption.”

**ARTICLE II – NAME**

This body shall be known as the New York State Psychiatric Association, Inc. and was first incorporated pursuant to the Membership Corporation Law of the State of New York (1966).

**ARTICLE III – PURPOSE AND OBJECTIVES**

**A. The Association shall provide a regional organizational structure at the interface between the Assembly and the District Branches to:**

- 1. Promote relationships between organized psychiatry and the appropriate governmental agencies of the State of New York.**
- 2. Coordinate District Branch committee activities in peer review, membership, ethics, mental health services, insurance, continuing education, federal, state and commonwealth, and any other appropriate activities.**
- 3. Hold scientific meetings and other programs in continuing education that no single District Branch could provide.**
- 4. Provide a forum for discussion of regional issues.**
- 5. Consider action papers from District Branches prior to submission to the Assembly.**
- 6. Review action papers from other Areas during the Assembly meetings at the request of the Rules Committee or the Speaker.**
- 7. Serve as a first “Court of Appeal” for members who are in dispute with their District Branch for any reason, and**

8. Provide financial support when requested by a constituent District Branch for projects of concern and interest to Area members generally.

**B. The Objectives of the Association shall be:**

1. Improve the treatment, rehabilitation, and care of the mentally ill, the mentally retarded and the emotionally disturbed.
2. Promote research and professional education in psychiatry and allied fields and in the prevention of psychiatric disabilities.
3. Advance the standards of all psychiatric services and facilities.
4. Foster the cooperation of all who are concerned with the medical, psychological, social and legal aspects of mental health and illness.
5. Make psychiatric knowledge available to other practitioners of medicine, to scientists in other fields of knowledge, to components of government in New York State and to the public.
6. Promote the best interests of patients and those actually or potentially making use of mental health services.
7. Establish and support standards of psychiatric practice and peer review.
8. Publish appropriate material related to mental health.

**C. To establish liaison with the medical societies in the State of New York.**

- D. The Association is not organized for profit, and no part of the income of the Association shall inure to the private benefit of any donor, member, officer, director, or employee of the Association other than as reasonable compensation for work or services provided; or to the benefit of any other corporation or individual except as an appropriate beneficiary of one or more of the above-state purposes.**

#### **ARTICLE IV – GOVERNING BODY**

**A. The governing body of the Association shall be the NYSPA Council which shall consist of the following members:**

1. NYSPA President and NYSPA Vice President.
2. NYSPA immediate past President.
3. Area II Trustee.
4. MIT Representative and MIT Deputy Representative.
5. ECP Representative and ECP Deputy Representative.
6. Representatives of the New York State District Branches selected in such manner and in such number as authorized by resolution adopted by a two-thirds vote of the NYSPA Council .
7. Chair of the Government Relations Committee and the Chair of the Public Affairs Committee, who shall serve ex-officio, without vote.
8. Elected officers of the APA from New York State during their terms of office as elected officers of the APA, who shall serve ex-officio, without vote.
9. Elected officers of the APA Assembly from New York State during their terms of office as elected officers of the APA Assembly, who shall serve ex-officio without vote.

**B. The Area II Council shall be a component of the Association and shall consist of the following members:**

- 1. The New York State District Branch delegation to the APA Assembly, selected in such manner as authorized by a two-thirds vote of the NYSPA Council.**
- 2. All other ex officio members of the Area II Council as designated under the provisions of the APA Assembly Code of Procedure.**

#### **ARTICLE V – OFFICERS**

**A. The officers of the Association shall be a President, Vice-President, Secretary, Treasurer, and the immediate-past President.**

**B. 1. The officer shall be a member or fellow in good standing of a constituent District Branch of Area II. Candidates for the office of President and Vice President shall both when nominated and at the time the election takes place (i) be both a member of the NYSPA Council and a member of the Area II Council and (ii) have been a member of the Area II Council at two previous APA Assembly meetings. Candidates for the office of Secretary or Treasurer must be a member of the NYSPA Council at the time of nomination, at the time the election takes place and throughout their term of office as Secretary or Treasurer.**

**2. Officers shall be elected in even-numbered years at the Association meeting preceding the spring meeting of the Assembly of the American Psychiatric Association. Their term of office shall be two years beginning at the close of the Annual Meeting of the American Psychiatric Association.**

**3. The President and Vice-President shall serve a period of two years and may be re-elected for another two years. After two terms as President and two terms and Vice-President (in any order making no more than eight interrupted years in these offices) a period of two years must elapse before re-election to either office is permissible.**

**C. 1. The duly elected President of the Association shall also serve as Area Representative to the Assembly of the American Psychiatric Association for the duration of the designated term. Upon election the President will no longer function as a District Branch Representative, but will serve as chief executive and chief operating officer of the Association. The Area Representative shall serve on the Executive Committee of the Assembly.**

**2. The duly elected Vice-President of the Association shall also serve as Deputy Area Representative to the Assembly of the American Psychiatric Association for the duration of the designated term. Upon election the Vice-President will no longer function as a District Branch representative. The Deputy Area Representative shall serve on the Executive Committee of the Assembly and as the Area Representative to the Rules Committee of the Assembly.**

**3. The duly elected Secretary will serve as the Recorder and Secretary of the Association.**

**4. The duly elected Treasurer will serve as Treasurer of the Association. The Treasurer or agents designated by the Association shall be responsible for the billing and collection of all dues and assessments levied by the Association which shall be presented to the Association no later than its first fall meeting. The Treasurer will have ultimate responsibility to account for all monies.**

**D. Removal from office or censure shall apply to the four elective offices: President, Vice-President, Secretary and Treasurer. Removal from office or censure shall be warranted by misconduct or neglect of duty whether occurring during a meeting or elsewhere. Upon removal from office of the President or Vice-President said officer shall cease to be a member of the Association. Upon removal from office of the Secretary or Treasurer, such officer will continue as District Branch representative but that District Branch will be informed of the Association's action. An officer removed from office shall nevertheless be liable and subject to prosecution according to law.**

The procedure for removal from office or censure shall be initiated by charges preferred in writing by any member of the Association; any District Branch; or by petition of a total of twenty voting members from three or more constituent District Branches of the Association. Upon presentation of charges the President shall appoint a select committee of no less than three members of the Association to investigate the charges and prepare a report wherein it may recommend; removal from office, censure, or no basis for action. If the President itself is the subject of charges, the Vice-President with the agreement of any two remaining members of the Executive Committee shall appoint a select committee. The officer so charged will be presented with a written specification of the charges. At meetings of the select committee, the officer charged may offer evidence in his defense, including statements, documents, and witnesses. These witnesses need not be members of the American Psychiatric Association

The findings of this investigation are confidential and shall be made known to the Association sitting in executive session within sixty days of receipt of the charges, at which time a vote may be taken. Removal from office of censure shall require a two-thirds vote of those present. The officer charged shall be permitted to present evidence and witnesses in defense and make a statement to the Association if the officer so desires. The examination of the select committee report and subsequent vote takes precedence over all other business. Upon an affirmative vote, removal from office shall follow immediately.

#### **E. Vacancies.**

1. If the President should, for any reason, be unable to perform the duties of the office, the Vice-President shall serve as President until the next meeting of the Association at which time it will vote on whether and/or when a new election shall be held with at least thirty days notice of any such election to its member. If the Association voted to have a new election and the Vice-President is nominated for the office of President and accepts the nomination, then the office of Vice-President shall be deemed to have become vacant.

2. In the event that the office of Vice-President shall become vacant, members of the Association, at least thirty days after notification of the vacancy of the office to Association members, shall elect a representative from a District Branch in Area II to serve for the remainder of the term.

3. In the event that both the President and Vice-President shall be unable to serve in the office the Secretary will assume those powers and duties and serve in the President's stead until the next meeting of the Association, prior to which timely notice of the vacancy will be sent to each District Branch Representative and Deputy Representative, at which time a new election shall be held. Such responsibility will fall to the Treasurer if all three of the above officers are unable to complete their terms of office. The Treasurer shall serve until the next meeting of the Association, after thirty days notice of the vacancies to the Association, when a new election shall be held.

4. In all the above cases, the members of the Association shall be given notice of the impending election. In the event an office falls vacant during a session of the Association, the right to such notice stands, and nominations and elections may be held after thirty days notice to all Association members.

5. If the Secretary or Treasurer shall, for any reason, be unable to perform the duties of office or cease being a member of the NYSPA Council, the NYSPA Council shall at its next meeting elect a member of the NYSPA Council to complete the term of office.

6. Election to complete an unexpired term of office shall not count toward the time spans referred to in Article V, Section B, Paragraph 3.

7. If any of the officers of the Association shall be subject to the sanction of suspension or expulsion for an ethics violation, such determination shall result in the automatic removal from office.

## ARTICLE VI – MEETINGS

A. The President with the consent of the Association shall arrange for the distribution of its calendar of meetings to the member District Branches, so they may plan their meetings accordingly. When practicable, this calendar should be for a twelve-month period, but in any event, for not less than four months. There will be at least four meetings a year.

B. At the call of the President, emergency meetings may be scheduled with not less than two weeks notice to the members of the Association. Such meetings may also be called at the written request of at least four District Branches of the Association.

C. The representatives from any seven district branches of the Association shall constitute a quorum.

D. Any member of the American Psychiatric Association in good standing may attend meetings of the Association and be granted the privilege of the floor at the discretion of the President. Similar courtesies may be extended to invited guests who are not members of the American Psychiatric Association. However, no one other than designated members of the Association (Article IV) may attend executive sessions unless specifically invited to do so by the President or majority vote of the Executive Committee.

## ARTICLE VII – AGENDA

A. Order of Business.

At each meeting the order of business shall include, but not limited to, the following: Call to order, roll call, approval of the Minutes, appropriate reports by officers, guests, committees, area trustee, action papers, unfinished business, new business, adjournment.

B. Deadlines.

Items for inclusion on the Association agenda originating outside the Executive Committee should be received at least one month prior to the scheduled meeting. Upon receipt of such items they will be circulated to the District Branches in time to be received at least two weeks prior to the Association meeting. Items not so received and distributed will be considered under new business on the agenda.

## ARTICLE VIII – VOTING

A. Under ordinary circumstances, the NYSPA Council and the Area II Council shall each act by majority vote of their respective members. A Deputy Member-In-Training Representative or a Deputy Early Career Psychiatrist Representative is authorized to vote only in the absence of the Representative.

B. A vote by strength will be held on any matter if requested by at least one District Branch represented at the meeting. District Branch Representatives will cast the number of votes equal to the official voting membership roster of their District Branch. For District Branches with more than one Representative, each Representative shall cast the number of votes equal to the District Branch voting membership divided by the number of Representatives present from that District Branch present from that District Branch. This number may be voted in one block or split as elected by each Representative. All other Representatives and other voting members of the Association shall cast one vote each. A majority of votes shall be necessary for approval provided that at least three District Branches have cast the majority of their votes in favor of the motion. This may be determined, after the deciding vote, by a formal roll call for the majority vote of each District Branch.

## ARTICLE IX – COMMITTEES, SUB-COMMITTEES, TASK FORCES, MEMBER-IN-TRAINING REPRESENTATIVE AND DEPUTY REPRESENTATIVE, EARLY CAREER PSYCHIATRIST REPRESENTATIVE AND DEPUTY REPRESENTATIVE AND LIAISON REPRESENTATIVES

**A. Committees, sub-committees, task forces and posts of liaison representatives may be appointed by the President as the business of the Association may require. The composition may include any member of the District Branch in the Area, and members serve during the term of the President who appoints them. Task forces shall be discharged when their task has been completed.**

**B. The following are standing committees of the Association: Executive, Nominating and Administrative.**

**C. The Executive Committee shall be composed of the President, Vice-President, Secretary, Treasurer, Area Trustee, and the Immediate-Past President. In addition, elected officers of the APA or the APA Assembly shall also serve, during their terms of office, as members of the Executive Committee ex-officio, without vote. Meetings may be convened on 24 hour notice for matters requiring immediate action. If this is not feasible, telephone conferences may be held at the discretion of the President.**

**D. The Executive Committee, with the addition of the chief administrative staff person and specifically invited members of Association or staff, shall function as the Administrative Committee to assist the President on and ad hoc basis including preparing the Agenda for Association meetings.**

**E. The Nominating Committee shall be formed after the regular election of the officers of the Association as provided under Article V, Section B, Paragraph 2. It shall be comprised of five members who shall serve the same term of office as the Area Representative. Two members, one of whom shall be a past President of the Association, shall be appointed by the President. The two members selected by the President shall each be from different District Branches. The remaining three members shall be elected by the Association and no two of these three members elected by the Association shall be from the same District Branch. The election of the three members elected by the Association shall take place at the first meeting of the Association after the regular election of the officers of the Association. The Chair of the Nominating Committee shall be the member selected by the President who is the past President of the Association. No members of the Nominating Committee shall be selected or proposed as a candidate for any elective office during their tenure. Any vacancy in the Nominating Committee shall be filled by the President in the case of members appointed by the President or by the Association in the case of members elected by the Association. In the event of a vacancy in the members of the committee elected by the Association that occurs between meetings of the Association, the President shall fill the vacancy and the member appointed by the President shall serve only until the next meeting of the Association. The Nominating Committee shall seek the recommendations of officers and members of the District Branch for all positions. The Nominating Committee:**

**1. Shall nominate a slate of officers of the Association: President, Vice-President, Secretary, Treasurer, to be presented to the representatives at a meeting at least thirty days prior to the meeting fixed for the election in even years.**

**2. Shall nominate an Area Selectee and Alternate Selectee for the election by the Association to serve on the Nominating Committee of the Assembly of District Branches. Nominations of Selectees shall take place each year and shall be presented at a Association meeting at least one month prior to the Annual Meeting. Election shall take place at the Association meeting preceding the Annual Meeting of the American Psychiatric Association. The Association may vote to instruct the Selectee.**

**3. Shall nominate three voting members for the office of Area Trustee of the American Psychiatric Association. These nominations shall be presented to the Association for approval prior to being forwarded to the President of the Nominating Committee of the American Psychiatric Association. Two of these names shall be designated by the Committee as nominees and a third as alternate in the event that one of the nominees should become unavailable.**

**4. Shall propose three candidates for appointment to the National Nominating Committee of the American Psychiatric Association. These candidates shall be presented to the Association for approval prior to being forwarded to the APA President-Elect.**

5. Shall recommend to the President names of suitable appointees to the Assembly Membership Committee.

6. Further nominations for any of the above positions may be made by petition signed by fifty voting members of the Area and received by the Secretary prior to the meeting at which the election shall be held. According to usual parliamentary procedures, further nominations may be made from the floor. Elections will follow usual voting procedures. All persons nominated by petition or from the floor shall meet all requirements for nomination for such positions as set forth herein.

**F. Member-In-Training Representative and Member-In-Training Representative.**

1. The Member-In-Training (hereafter referred to "MIT") Representative of the Association shall also serve as the Area II MIT Representative to the Assembly of the American Psychiatric Association and the MIT Deputy Representative of the Association shall also serve as the Area II MIT Deputy Representative to the Assembly of the American Psychiatric Association.

2. The MIT Representative and MIT Deputy Representative shall each be a Member-In-Training in good standing of a constituent District Branch of the Association and shall each serve a term of one year beginning at the close of the Annual Meeting of the American Psychiatric Association.

3. The Members-In-Training of the Association shall elect the MIT Deputy Representative. A MIT Nominating Committee composed of the President, the MIT Representative, the MIT Deputy Representative, and such other members of the Association appointed by the President shall solicit nominations, review the applications and recommend a slate of two nominees to the Executive Committee for approval for the placement of the ballot. The nominees approved by the Executive Committee shall be placed on a ballot mailed to all MITs in Area II. A Tellers Committee appointed by the President shall tabulate the ballots and notify the President of the nominee receiving the simple majority of the votes cast.

4. At the end of the MIT Deputy Representative's term of office, the MIT Deputy Representative shall commence to the position of MIT Representative.

5. Should the MIT Representative be unable to perform the duties of office, the MIT Deputy Representative shall perform the duties of that office until such time as the MIT Representative can resume the office or the Association authorizes the assumption of the office of MIT Representative by the MIT Deputy Representative.

6. Should the MIT Deputy Representative be unable to perform the duties of office or the MIT Deputy Representative assume the office of MIT Representative pursuant to paragraph (5) above, the Executive Committee shall determine whether to leave the post vacant until the next election, conduct another election for MIT Deputy Representative or appoint the runner-up in the MIT Deputy Representative election to the position of MIT Deputy Representative.

**G. Early Career Psychiatrist Representative and Early Career Psychiatrist Deputy Representative.**

1. The Early Career Psychiatrist (hereafter referred to as "ECP") Representative of the Association shall also serve as the Area II ECP Representative to the Assembly of the American Psychiatric Association and the ECP Deputy Representative of the Association shall also serve as the Area II ECP Deputy Representative to the Assembly of the American Psychiatric Association.

2. The ECP Representative and ECP Deputy Representative shall each be an Early Career Psychiatrist in good standing from a constituent District Branch of the Association and shall each serve a term of two years beginning in even-numbered years at the close of the Annual Meeting of the American Psychiatric Association.

3. At the end of the ECP Deputy Representative's Term of office, the ECP Deputy Representative shall succeed to the office of ECP Representative.

4. The ECP Deputy Representative shall be appointed by the Association at a meeting of the Association prior to the Annual Meeting of the American Psychiatric Association. The ECP Committee shall recommend to the Executive Committee one or more ECP psychiatrists in Area II for the position of ECP Deputy Representative. The Executive Committee shall review the recommendations and submit its recommendation to the Association for its action.

5. Should the ECP Representative be unable to perform the duties of the office, the ECP Deputy Representative shall perform the duties of that office until such time as the ECP Representative can resume her/his office or the Executive Committee authorizes the ECP Deputy Representative to assume the office of ECP Representative.

6. Should the ECP Deputy Representative be unable to perform the duties of his/her office or should the ECP Deputy Representative assume the office of ECP Representative pursuant to paragraph (5) above, the Executive Committee shall request from the ECP Committee names of one or more Area II ECP psychiatrists for appointment as ECP Deputy Representative. The Executive Committee shall review the recommendations and submit its recommendation to the Association for its action. The newly appointed ECP Deputy Representative shall complete the unexpired portion of the ECP Deputy Representative's term and then shall succeed to the office of ECP Representative as provided for in paragraph (3) above.

#### ARTICLE X – FUNDS

The financial support of the Association and its activities shall be provided by the District Branches or their membership, in the form of assessments on the basis of a budget submitted to each District Branch President, Representative and Deputy Representative at least two months in advance of each fiscal year and subsequently approved by the Association.

The Budget shall provide:

- A. Funds for the publication of THE BULLETIN.
- B. Funds for the operation of the Association, and
- C. Special funds for purposes approved by the Association other than those mentioned above.

#### ARTICLE XI – AMENDMENTS

Amendments to this Code of Procedure shall be approved by two-thirds vote of the voting members of the NYSPA Council present provided that the proposed amendment has been distributed to the members of the NYSPA Council at least two months before the meeting at which it is to be voted on.

#### ARTICLE XII – MISCELLANEOUS

In the case of the dissolution of the Association, all its remaining assets will be distributed to the District Branches proportionately. All matters not covered by the Code of Procedures shall be governed by Roberts Rules of Order as periodically revised.

Revised: October 15, 2011