

# By-Laws of the Australasian Society of Association Executives

A Public Company Limited by Guarantee

Reviewed 09 February 2015

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## 1. Definitions

### 1.1. Definitions

In these By-Laws, unless there is something in the subject or context which is inconsistent:

**Association** means a not-for-profit organisation (including an industry and professional association, member benefit organisation and charity).

**Not-for-profit organisation** means an entity regarded as a not-for-profit organisation by Australian or New Zealand law.

**By-Laws** means these by-laws as amended or supplemented from time to time.

**Constitution** means the constitution of the Company as amended or supplemented from time to time.

**Company** means Australasian Society of Association Executives.

**Entrance Fee** means the entrance fee payable by Members pursuant to clause 12 of the Constitution.

**Member** means a member of the Company pursuant to the Constitution and Membership has the corresponding meaning.

**Subscription** means the subscription fees payable by Members pursuant to clause 12 of the Constitution.

## 2. Membership

### 2.1. Classes of Membership

The classes of Membership are as follows:

- a. Association Executive member;
- b. Association member;
- c. Association Executive (International) member;
- d. Young Association Professional member;
- e. Board or Committee Participant member;
- f. Life Member;
- g. Temporary Sabbatical Member;
- h. Retired Member;
- i. Student Member;
- j. Business Partner Member;
- k. Subscriber.

### 2.2. Association Executive member

An Association Executive member is an individual who:

- a. is currently employed by a not-for-profit organisation in a senior executive role; or has been employed by a not-for-profit organisation in a senior executive role in the past three (3) months and is currently looking for another role at a not-for-profit organisation;
- b. meets the eligibility requirements for Membership set out in the Constitution; and
- c. has had an application for Membership approved in accordance with the Constitution.

Association Executive members are:

- a. eligible to vote in AuSAE elections;
- b. eligible to sit on Regional Committees;
- c. eligible to sit join Chapters and Special Interest Groups;
- d. eligible to nominate for vacant Co-Opted Director positions on the board; and
- e. eligible to nominate for vacant Regional Representative Director positions on the board.

### **2.3. Association member**

An Association member is a body corporate that:

- a. is a not-for-profit organisation;
- b. utilises the services senior executives (paid staff or volunteers); and
- c. meets the eligibility requirements for Membership set out in the Constitution; and
- d. has had its application for Membership approved in accordance with the Constitution.

An Association member can allocate up to either five (5) or ten (10) staff, depending on the fee paid, who will each receive the benefits of Association Executive members. One is nominated as the Primary Representative. The Primary Representative of an Association member is:

- a. eligible to vote in AuSAE elections;
- b. eligible to sit on Regional Committees;
- c. eligible to sit join Chapters and Special Interest Groups;
- d. eligible to nominate for vacant Co-Opted Director positions on the board, and
- e. eligible to nominate for vacant Regional Representative Director positions on the board.

### **2.4. Association Executive (International) member**

An Association Executive (International) member is an individual who:

- a. meets the criteria to classified as an Association Executive member; and
- b. is currently residing and working outside of Australia and New Zealand.

Association Executive (International) members are:

- a. eligible to vote in AuSAE elections;
- b. eligible to sit on Regional Committees;
- c. eligible to sit join Chapters and Special Interest Groups;
- d. eligible to nominate for vacant Co-Opted Director positions on the board, and
- e. not eligible to nominate for vacant Regional Representative Director positions on the board.

### **2.5. Young Association Professional member**

A Young Association Professional member is an individual who:

- a. is currently employed by a not-for-profit organisation; or has been employed by a not-for-profit organisation in the past three (3) months and is currently looking for another role at a not-for-profit organisation;
- b. aspires to a career in association management;
- c. has not yet attained the age of 36 years;

- d. meets the eligibility requirements for Membership set out in the Constitution; and
- e. has had an application for Membership approved in accordance with the Constitution.

Young Association Professional members are:

- a. eligible to vote in AuSAE elections;
- b. eligible to sit on Regional Committees;
- c. eligible to sit join Chapters and Special Interest Groups;
- d. eligible to nominate for vacant Co-Opted Director positions on the board, and
- e. eligible to nominate for vacant Regional Representative Director positions on the board.

## **2.6. Board or Committee Participant member**

A Board or Committee Participant member is an individual who:

- a. is not currently employed by an not-for-profit on a paid basis;
- b. is currently serving on a not-for-profit board or committee,
- c. meets the eligibility requirements for Membership set out in the Constitution; and
- d. has had an application for Membership approved in accordance with the Constitution.

Board or Committee Participant members are:

- a. not eligible to vote in AuSAE elections;
- b. not eligible to sit on Regional Committees;
- c. eligible to sit join Chapters and Special Interest Groups;
- d. eligible to nominate for vacant Co-Opted Director positions on the board, and
- e. not eligible to nominate for vacant Regional Representative Director positions on the board.

## **2.7. Life member**

A Life member is an individual who:

- a. in the Board's opinion, has made an outstanding contribution to the Association or the field of Association management;
- b. meets the eligibility requirements for Membership set out in the Constitution; and
- c. has had an Life Membership approved in accordance with the Constitution.

Life members are:

- a. eligible to vote in AuSAE elections;
- b. eligible to sit on Regional Committees;
- c. eligible to sit join Chapters and Special Interest Groups;
- d. eligible to nominate for vacant Co-Opted Director positions on the board, and
- e. eligible to nominate for vacant Regional Representative Director positions on the board.

## **2.8. Temporary Sabbatical member**

A Temporary Sabbatical member is an individual who:

- a. is a Member who is not currently employed but is seeking to re-enter the workforce at some time in the future;

- b. meets the eligibility requirements for Membership set out in the Constitution; and
- c. has had an application for Membership approved in accordance with the Constitution.

Temporary Sabbatical members are:

- a. not eligible to vote in AuSAE elections;
- b. not eligible to sit on Regional Committees;
- c. eligible to sit join Chapters and Special Interest Groups;
- d. eligible to nominate for vacant Co-Opted Director positions on the board, and
- e. not eligible to nominate for vacant Regional Representative Director positions on the board.

## **2.9. Retired member**

A Retired member is an individual who:

- a. is a Member who is no longer employed;
- b. meets the eligibility requirements for Membership set out in the Constitution; and
- c. has had an application for Membership approved in accordance with the Constitution.

Retired members are:

- a. not eligible to vote in AuSAE elections;
- b. not eligible to sit on Regional Committees;
- c. eligible to sit join Chapters and Special Interest Groups;
- d. eligible to nominate for vacant Co-Opted Director positions on the board, and
- e. not eligible to nominate for vacant Regional Representative Director positions on the board.

## **2.10. Student member**

A Student Member is an individual who:

- a. is enrolled in a recognised tertiary institution studying to be a not-for-profit executive;
- b. has an interest in working as an executive for a not-for-profit organisation;
- c. is not currently employed by a not-for-profit organisation;
- d. meets the eligibility requirements for Membership set out in the Constitution; and
- e. has had an application for Membership approved in accordance with the Constitution.

Student members are:

- a. eligible to vote in AuSAE elections;
- b. eligible to sit on Regional Committees;
- c. eligible to sit join Chapters and Special Interest Groups;
- d. eligible to nominate for vacant Co-Opted Director positions on the board, and
- e. not eligible to nominate for vacant Regional Representative Director positions on the board.

## **2.11. Business Partner Member**

A Business Partner member is a body corporate that:

- a. supplies goods and/or services to not-for-profit organisations;

- b. is joining for the purposes of promoting their organisation and its goods and/or services to not-for-profit organisations;
- c. meets the eligibility requirements for Membership set out in the Constitution; and
- d. has had its application for Membership approved in accordance with the Constitution.

A Business Partner member can allocate up to either five (5) or ten (10) staff, depending on the fee paid, who will each receive membership benefits. One is nominated as the Primary Representative. The Primary Representative of an Association member is:

- a. not eligible to vote in AuSAE elections;
- b. not eligible to sit on Regional Committees;
- c. eligible to sit join Chapters and Special Interest Groups;
- d. eligible to nominate for vacant Co-Opted Director positions on the board, and
- e. not eligible to nominate for vacant Regional Representative Director positions on the board.

### **2.12. Subscriber members**

A Subscriber member is an individual who:

- a. has an interest in the activities of the Association or not-for-profit organisations;
- b. has not had an application for Membership approved in accordance with the Constitution; and
- c. has “opted-in” to receive a limited range of benefits from the association.

Subscriber members are:

- a. not eligible to vote in AuSAE elections;
- b. not eligible to sit on Regional Committees;
- c. not eligible to sit join Chapters and Special Interest Groups;
- d. not eligible to nominate for vacant Co-Opted Director positions on the board, and
- e. not eligible to nominate for vacant Regional Representative Director positions on the board.

## **3. Regions**

### **3.1. Number of Regions**

Except as varied by a change to the provisions of these By-Laws, there shall be no more than eight regions. As more Asia Pacific nations apply for inclusion as a region, the total of eight shall be maintained through an agglomeration of existing regions.

### **3.2. Eligibility for appointment as a region**

The Board may recognise as regions those geographical areas that are:

- a. a state or territory of Australia, agglomerated to allow other regions to be recognised within the overall limit. At all times there must be at least one Australian region; or
- b. A nation within the Asia Pacific region; and
- c. To be included as a region the state, territory (agglomerated or otherwise) or nation must have at recognition ten persons or organisations who both meet the eligibility requirements for membership in accordance with the Constitution and these By-laws and have applied for membership of the Australasian Society of Association Executives; and
- d. a region must maintain at any time an average over the previous three financial years an annual

membership of ten persons or organisations who meet the eligibility requirements for membership in accordance with the Constitution and these By-laws; however

- e. the initial regions in the first year of the Company's operation with regions shall be:
  - i. The Australian States and Territories configured in the following four regions;
    - (A) Australian Capital Territory and New South Wales
    - (B) Queensland and the Northern Territory,
    - (C) South Australia and Western Australia,
    - (D) Victoria and Tasmania, and
  - ii. the Nation of New Zealand

### **3.3. Purposes**

Each region is established for the purposes of:

- a. serving the Objects and Purposes of the Company as described in Section 5 of the Constitution; and
- b. representing the interests of the Company in the region; and
- c. representing the interests of members of the region within the Company; and
- d. establishing and maintaining a Region Committee; and
- e. nominating a member in that region to serve as a Director of the Company

### **3.4. The Region Committee**

- a. Each Region Committee shall consist of:
  - i. those members of the association who volunteer to join the Region Committee and are approved by the Board; and
  - ii. individuals nominated by the Region Committee for appointment to the Committee, subject to approval by the Board; and
  - iii. Directors of the Company residing in that region; and
  - iv. unless otherwise approved by resolution of the Board, no region Committee shall have more than ten members
- b. The Region Appointment Process shall be conducted annually, commencing in February:
  - i. the Board will invite all members in the region to nominate; and
  - ii. the Company secretariat will forward nominations to the Board for approval; and
  - iii. members of the Region Committee shall hold office commencing immediately following their appointment for a period of 12 months; and
  - iv. the outgoing Region Chair, or if there is no current Region Chair, a nominee of the Board shall convene a meeting of the Region Committee at the earliest opportunity and certainly at least four weeks prior to the Annual General Meeting of the Company; and shall inform all members in the region of the intention to nominate a Region Director for the Company at that meeting.
- c. At their first meeting after approval by the Board the Region Committee shall elect:
  - i. a Region Chair; and
  - ii. a Region Secretary; and

- iii. a nominee for election to the Board as Region Director from members of the Company residing in that region. The Region Director may also serve as Region Chair, Region Secretary or as a member of the Region Committee but at nomination need not be serving in any of these roles.
- d. If a casual vacancy occurs in the office of a member of the Region Committee, the Region Committee may appoint a member to fill the vacancy for the balance of the term of office which the member of the Committee would otherwise have served and shall notify the Board of that appointment at the earliest opportunity.
- e. The office of any member of the Region Committee shall become vacant if he or she:
  - i. ceases to be eligible for membership; or
  - ii. becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health; or
  - iii. resigns his or her office by notice in writing to the Region; or
  - iv. is absent without the permission of the Region Committee from two successive meetings of the Committee and the Committee resolves that his or her office be vacated.
- f. Without limiting the generality of the foregoing, the Region Committee shall prepare and submit to the Board a quarterly report of its activities and the activities of any sub-committees and advisory bodies for inclusion in the annual report to members of the Association.

### **3.5. The powers and duties of the Region Committee**

Subject to any other provision of these by-laws, the business and affairs of the Region as described in Section 3.5 shall be managed by the Committee, which may exercise those powers which are delegated to it by regulation.

- a. The main activities of a Region Committee are:
  - i. Member recruitment and retention; and
  - ii. Local event management; and
  - iii. Liaison with agencies and organisations in the jurisdiction with an interest in association management and the work of the Company; and
  - iv. Region administration where not provided by the Company secretariat
- b. Member recruitment and retention
  - i. Membership recruitment and retention is fundamental to the success of AuSAE. The Region Committee's specific functions are:
    - (A) Reviewing Region members' database on a regular basis to ensure accuracy; and
    - (B) Advising of prospective members for the AuSAE database; and
    - (C) Periodically contacting all outstanding potential members on current database for membership uptake; and
    - (D) Following up on invitations to join; and
    - (E) Invite prospective members to events; and
    - (F) Providing a contact point for local member enquiries.
- c. Events
  - i. The Region Committee will compile an annual plan of events and budget in conjunction with the Board. Regions are expected to plan for at least four (4) events per annum all events are to be announced on the website calendar, giving at least 4 weeks notice.



### 3.6. Proceedings of a Region Committee

- a. The Region Committee may meet together for the dispatch of business, adjourn and otherwise regulate its meetings at it thinks fit, provided that:
  - i. ordinary meetings of the Region Committee shall take place at least once every four months; and
  - ii. not less than seven days' notice specifying the place, the day and hour of each meeting shall be given to all members of the Region Committee; and
  - iii. any three members of the Region Committee may require the Region Chair to call a special meeting of the Region Committee; and
  - iv. any member of the Board who is not a member of the Committee shall be entitled to attend any meeting of the Region Committee but is not entitled to vote.
- b. The Region Committee shall cause minutes to be made:
  - i. of all Region appointments;
  - ii. of all appointments to committees and advisory boards as hereinafter provided;
  - iii. of the names of members of the Region Committee present at all meetings of the Committee;
  - iv. of the names of members of the committees and advisory bodies present at meetings of those sub-committees and advisory bodies; and
  - v. of all proceedings at all meetings of the Region Committee and of any sub-committee or advisory body.
- c. Subject to these by-laws, questions arising at any meeting of the Region Committee shall be decided by a majority of votes, and a determination by a majority of members of the Region Committee present at a meeting shall for all purposes be deemed to be a resolution of the Branch Committee. In case of an equality of votes, the chair of the meeting shall have a second or casting vote.
- d. The Chair shall be entitled to preside at any meeting of the Region Committee, or in his/her absence within five minutes after the time appointed for the holding of the meeting, the members of the Region Committee present may choose one of their number to chair the meeting.
- e. Provided that all members of the Region Committee agree, the members of the Region Committee may participate in a meeting of the Committee by means of a conference telephone, closed circuit television or other communications equipment allowing all persons participating in the meeting to hear each other at the same time. Any members of the Committee participating in such a meeting shall for the purpose of these by-laws be deemed to be personally present at the meeting.
- f. If all of the members of the Committee have signed a document containing a statement that they are in favour of a resolution of the Committee in terms set out in the document, a resolution in those terms shall be deemed to have been passed at a meeting of the Region Committee held on the day on which the document was signed and at the time at which the document was last signed by a member of the Region Committee or, if the members of the Region Committee signed the document on different days, on the day on which, and at the time at which, the document was last signed by a member of the Committee. For the purpose of this by-law, two or more separate documents containing statements in identical terms each of which is signed by one or more members of the Region Committee shall together be deemed to constitute on document containing a statement in those terms signed by those members of the Region Committee on the respective days on which they signed the separate documents
- g. The Region Committee may delegate its powers generally to the Region Chair between meetings of

the Branch Committee.

- h. All acts done by any meeting of the Region Committee or of a sub-committee or advisory board or by any person acting as a member of the Region Committee shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment of a person to be a member of the Region Committee or of the sub-committee or advisory board, or to act as a member of the Region Committee, or that a person so appointed was disqualified, be as valid as if the person had been duly appointed and was qualified to be a member of the Region Committee or of the sub-committee or advisory board.

### **3.7. Sub-regions, sub-committees and advisory bodies**

- a. the Region Committee may also delegate any of its powers or functions to one or more committees of such member or members of the Region Committee as it thinks fit. Any committee so formed shall comply with any directions that may be imposed by the Region Committee, and subject thereto shall have power to coopt any voting member or members of the region
- b. If the Region Committee establishes any sub-committee as a standing committee it shall advise the Board as to its name, powers, functions and membership.
- c. The Region Committee may also appoint one or more advisory bodies consisting as it thinks fit. Such advisory bodies shall act in an advisory capacity only. They shall conform to any regulations that may be imposed by the Committee or the Board.
- d. The chair of any sub-committee or advisory body shall be appointed by the Region Committee, but if at any meeting the chair is not present within five minutes after the time appointed for the holding of the meeting, the members of the sub-committee or advisory body present may choose one of their number to chair the meeting.
- e. A sub-committee or advisory body shall regulate its meeting in accordance with any directions that may be imposed on it by the Region Committee. Subject thereto a sub-committee or advisory body may meet, adjourn and otherwise regulate its meetings as it thinks fit.
- f. Each sub-committee and advisory body shall:
  - i. present a report to each ordinary meeting of the Region Committee, together with copies of the minutes of its proceedings; and
  - ii. prepare and submit to the Region Committee a report of its proceedings for each year.
- g. Questions arising at a meeting of a sub-committee or advisory body shall be determined by a majority of votes of the members present and voting. In the case of an equality of votes, the chair, in addition to his or her deliberate vote (if any) shall have a casting vote.
- h. Provided that all of the members of a sub-committee or advisory body agree, the members may participate in a meeting of the sub-committee or advisory body by means of a conference telephone, closed circuit television or other communications equipment allowing all persons participating in the meeting to hear each other at the same time. Any member of a sub-committee or advisory body participating in such a meeting shall for the purposes of these by-laws be deemed to be personally present at the meeting.
  - i. Notwithstanding anything herein provided, the officers of the Region Committee referred to in Section 3.4 (c) of this by-law shall be entitled to attend, speak and vote at any meeting of a committee or advisory board.

### **3.8. Finances**

- a. The Board shall determine the annual budget for the Company on a national basis, in part based on the submissions of Region Committees. The setting of membership rates and allocation of funds for Region activities will be at the discretion of the Board; and

- b. All monies received by the Region shall, forthwith upon receipt, be paid into the Association bank account, and details of all such receipts shall be retained by the Region Committee in such manner as may be prescribed by the Board; and
- c. No Region Committee is to establish or maintain and local bank accounts; and
- d. The Committee shall in all respects comply with the rules for the time being prescribed by regulation for the financial management of the Association.

### **3.9. Policy: Election of Regional Directors**

This By-Law should be read in conjunction with the Constitution of the Australasian Society of Australian Executives (AuSAE), with particular reference to section 35.

Specifically this Policy addresses the appointment of a Regional Director. Section 35.4 of the constitution states:

#### *Regional Director*

- a. *Each Region shall appoint one of their Members to the office of Regional Director, in accordance with the procedure set out in the By-Laws.*
- b. *All Regional Directors will, by virtue of the office of Regional Director, automatically be appointed to the Board.*
- c. *Upon a Director, who has been appointed to the Board pursuant to clause 35.4(b), no longer being a Regional Director that Director will vacate his office on the Board and the new Regional Director for that Region will be appointed to that vacant office as Director.*

#### **Part 1. Nominations for Election of Regional Directors**

- a. A call for nominations will be issued via email to all members eligible to vote in that region. It will outline the process for nominating, deadlines and relevant procedures.
- b. Nominations must be received by the Returning Officer by the published closing date and time. Nominations which are not received by the closing time shall be excluded.
- c. Withdrawal of nominations in writing will be permitted after the close of nominations.
- d. Candidates for the position of Regional Director must be Financial Members of the Association and reside in the relevant region. They must provide a completed nomination form, a curriculum vitae and a candidate statement for inclusion with the ballot papers sent to voting members. This statement should not exceed 300 words and should include any relevant background and experience of the candidate such as community service, positions and any special interests. Curriculum vitae and candidate statements must be received by the close of nominations.
- e. If the number of Members nominated for election exceeds the number of vacancies a ballot will be conducted as described in Part 3 of this By-Law.
- f. If the number of Members nominated for election is equal to the number of vacancies, the Board of Directors shall declare the nominated member elected.

#### **Part 2. Administration of the Ballot**

- a. Only Financial Members of the Association from those membership categories eligible to vote who reside in the Region are eligible to vote for a Director representing that Region.
- b. Where clarification on the method of the ballot is required, it shall be determined by the Board of Directors in consultation with the Chief Executive Officer.
- c. The Board of Directors will appoint a Returning Officer to conduct the ballot. Any person involved in organising the ballot must not be a candidate for any office for the ensuing term.
- d. The ballot will be undertaken electronically. All materials will contain the name of the Region to be represented and the names of the candidates, listed in alphabetical order.

- e. The ballot paper, where electronic, will also contain a link to each candidates' curriculum vitae and candidate statement.
- f. Electronic voting must be conducted via a secure electronic format that provide a mechanism capable of achieving the same level of security, secrecy and effectiveness as is provided by postal voting.

### **Part 3: Conducting the ballot**

- a. Instructions for voting (including the description of the method of the ballot) will be emailed to all Members who are entitled to vote, no later than 21 days prior to the closing of the ballot. Instructions to vote shall include the curriculum vitae and candidate statement (or a link to the curriculum vitae and candidate statement for each candidate).
- b. The nominated returning officer will take charge of the statement of results from the electronic voting immediately after the ballot is closed and will count all votes properly recorded. Once all votes have been counted, the returning officer will communicate the results to the Board of Directors.
- c. In each region the relative majority method of counting will be used, where a voter is required to indicate a single preference for one of the candidates on the ballot paper.
- d. The candidate with the highest number of votes wins the election.
- e. In the case of an equality of votes between candidates, the Board of Directors will exercise a casting vote (this may be in addition to his or her deliberative vote).
- f. The results of the ballot shall be conveyed in the first instance to all candidates of the election, and then to all members of the Association through the appropriate communication channels.

## **4. Fellows**

- a. The AuSAE Fellows Programme is intended to honour persons who have rendered appreciable and outstanding service to the Not for Profit and Charitable sectors, probably over a number of years, but not excluding those whose contributions have been significant although over a shorter period. The bestowment of Fellow status is a privilege and the names of the Society's Fellows are held in high esteem.
- b. The conferment of Fellow status is the decision of the Board of AuSAE. The process for approving Fellows is based on a peer review process that rewards those of high standing and experience who have a commitment to long term volunteer service, their members/stakeholders and AuSAE. To be eligible to apply to use this post-nominal applicants will need to meet the following criteria:
  - A minimum 5 years leadership experience as a Chief Executive/Senior Executive of a not-for-profit organisation
  - Have served or supported the not-for-profit sector as a stakeholder for a minimum of 5 years
  - Have exhibited experience in a range of positions and demonstrates reliability
  - Be seen as an AuSAE member of high standing and experience
  - Have contributed to or attained distinction in a project or as an individual
  - Have promoted not-for-profit sector as a career pathway

From time to time, the AuSAE board will extend an invitation to individuals who are held in high regard within the sector for either their long term commitment to the not-for-profit sector and/or an exceptional achievement.

- c. Current AuSAE membership is required to maintain the Fellow status, however Fellow status is retained and doesn't lapse (when AuSAE membership is current, but cannot be promoted unless you are a current financial member)