

American Dental Association

ADACommons

Constitution & Bylaws

ADA Archives

2013

ADA Constitution & Bylaws (2013)

American Dental Association

Follow this and additional works at: <https://commons.ada.org/cab>



Part of the [Bioethics and Medical Ethics Commons](#), [Dentistry Commons](#), and the [History of Science, Technology, and Medicine Commons](#)

Recommended Citation

American Dental Association, "ADA Constitution & Bylaws (2013)" (2013). *Constitution & Bylaws*. 84.
<https://commons.ada.org/cab/84>

This Book is brought to you for free and open access by the ADA Archives at ADACommons. It has been accepted for inclusion in Constitution & Bylaws by an authorized administrator of ADACommons. For more information, please contact commons@ada.org.

American Dental Association

Constitution and Bylaws

Revised to January 1, 2013

ADA American
Dental
Association®

America's leading
advocate for oral health

Contents

| | |
|---|----|
| Constitution of American Dental Association..... | 3 |
| Amendments, Article VIII..... | 5 |
| Annual Session, Article VI..... | 4 |
| Government, Article IV..... | 4 |
| Name, Article I..... | 3 |
| Object, Article II..... | 3 |
| Officers, Article V..... | 4 |
| Organization, Article III..... | 3 |
| Principles of Ethics and Code of Professional Conduct, Article VII..... | 4 |
| Bylaws of American Dental Association..... | 6 |
| Alliance of the American Dental Association, Chapter XIX..... | 85 |
| Amendments, Chapter XXII..... | 86 |
| American Dental Association Foundation, Chapter XIV..... | 77 |
| Appointive Officer, Chapter IX..... | 50 |
| Board of Trustees, Chapter VII..... | 37 |
| Commissions, Chapter XV..... | 77 |
| Component Societies, Chapter III..... | 22 |
| Conflict of Interest, Chapter VI..... | 36 |
| Constituent Societies, Chapter II..... | 18 |
| Construction, Chapter XXI..... | 86 |
| Councils, Chapter X..... | 51 |
| Elective Officers, Chapter VIII..... | 44 |
| Finances, Chapter XVIII..... | 84 |
| House of Delegates, Chapter V..... | 26 |
| Indemnification, Chapter XX..... | 85 |
| Membership, Chapter I..... | 6 |
| Principles of Ethics and Code of Professional Conduct and Judicial Procedure, Chapter XII..... | 65 |
| Procedures and Hearings Relating to Member Conduct Policy, Chapter XIII..... | 70 |
| Publications, Chapter XVII..... | 83 |
| Scientific Session, Chapter XVI..... | 83 |
| Special Committees, Chapter XI..... | 64 |
| Trustee Districts, Chapter IV..... | 24 |
| Articles of Incorporation of American Dental Association..... | 88 |

Constitution

.....

ARTICLE I • NAME

1 The name of this organization shall be the American
2 Dental Association, hereinafter referred to as “the
3 Association” or “this Association.”

ARTICLE II • OBJECT

4 The object of this Association shall be to encourage
5 the improvement of the health of the public and to
6 promote the art and science of dentistry.

ARTICLE III • ORGANIZATION

7 *Section 10.* INCORPORATION: This Association is
8 a non-profit corporation organized under the laws of
9 the State of Illinois. If this corporation shall be
10 dissolved at any time, no part of its funds or property
11 shall be distributed to, or among, its members but,
12 after payment of all indebtedness of the corporation,
13 its surplus funds and properties shall be used for
14 dental education and dental research in such manner
15 as the then governing body of the Association may
16 determine.

17 *Section 20.* HEADQUARTERS OFFICE: The
18 registered office of this Association shall be known
19 as the Headquarters Office and shall be located in the
20 City of Chicago, County of Cook,
21 State of Illinois.

22 *Section 30.* BRANCH OFFICES: Branch offices of
23 this Association may be established in any city of the
24 United States by a majority vote of the House of
25 Delegates.

26 *Section 40.* MEMBERSHIP: The membership of this
27 Association shall consist of dentists and other
28 persons whose qualifications and classifications shall
29 be as established in Chapter I of the *Bylaws*.

30 *Section 50.* CONSTITUENT SOCIETIES:
31 Constituent societies of this Association shall be
32 those dental societies or dental associations chartered
33 in conformity with Chapter II of
34 the *Bylaws*.

35 *Section 60. COMPONENT SOCIETIES:* Component
36 societies of this Association shall be those dental
37 societies or dental associations organized in
38 conformity with Chapter III of the *Bylaws* of this
39 Association and in conformity with the bylaws of
40 their respective constituent societies.
41 *Section 70. TRUSTEE DISTRICTS:* The constituent
42 societies of the Association and the federal dental
43 services shall be grouped into seventeen (17) trustee
44 districts.

ARTICLE IV • GOVERNMENT

45 *Section 10. LEGISLATIVE BODY:* The legislative
46 and governing body of this Association shall be a
47 House of Delegates which may be referred to as “the
48 House” or “this House.”
49 *Section 20. ADMINISTRATIVE BODY:* The
50 administrative body of this Association shall be a
51 Board of Trustees, which may be referred to as “the
52 Board” or “this Board.”

ARTICLE V • OFFICERS

53 *Section 10. ELECTIVE OFFICERS:* The elective
54 officers of this Association shall be a President, a
55 President-elect, a First Vice President, a Second Vice
56 President, a Treasurer and a Speaker of the House of
57 Delegates, each of whom shall be elected by the
58 House of Delegates.
59 *Section 20. APPOINTIVE OFFICER:* The
60 appointive officer of this Association shall be an
61 Executive Director who shall be appointed by the
62 Board of Trustees.

ARTICLE VI • ANNUAL SESSION

63 The annual session of this Association shall be
64 conducted in accordance with Chapters V and XV of
65 the *Bylaws*.

ARTICLE VII • PRINCIPLES OF ETHICS AND CODE OF PROFESSIONAL CONDUCT

66 *The Principles of Ethics and Code of Professional*
67 *Conduct* of this Association and the codes of ethics
68 of the constituent and component societies which are
69 not in conflict with the *Principles of Ethics and Code*
70 *of Professional Conduct* of this Association, shall
71 govern the professional conduct of all members.

ARTICLE VIII • AMENDMENTS

72 This *Constitution* may be amended by a two-thirds
73 (2/3) affirmative vote of the delegates present and
74 voting, provided that the proposed amendments have
75 been presented in writing at any previous session of
76 the House of Delegates.
77 This *Constitution* may also be amended at any
78 session of the House of Delegates by a unanimous
79 vote, provided the proposed amendments have been
80 presented in writing at a previous meeting of such
81 session.

Bylaws

.....

CHAPTER I • MEMBERSHIP

82 *Section 10. CLASSIFICATION:* The members of this
83 Association shall be classified as follows:

- 84 Active Members
- 85 Life Members
- 86 Retired Members
- 87 Nonpracticing Dentist Members
- 88 Student Members
- 89 Honorary Members
- 90 Provisional Members
- 91 Associate Members
- 92 Affiliate Members

93 *Section 20. QUALIFICATIONS, PRIVILEGES,*
94 *DUES AND SPECIAL ASSESSMENTS:*

95 A. ACTIVE MEMBER.

96 a. *QUALIFICATIONS.* An active member shall be a
97 dentist who is licensed to practice dentistry (or
98 medicine provided the physician has a D.D.S. or
99 D.M.D. or equivalent dental degree) in a state or
100 other jurisdiction of the United States and shall be a
101 member in good standing of this Association as that
102 is defined in these *Bylaws*. In addition, a dentist
103 shall be a member in good standing of this
104 Association's constituent and component societies,
105 unless:

106 (1) the dentist is in the exclusive employ of, or is
107 serving on active duty in, one of the federal dental
108 services. A dentist is considered to be in the
109 exclusive employ of one of the federal dental
110 services when the dentist is under contract to
111 provide dental services to the beneficiaries of the
112 federal agency on a full-time basis and does not
113 engage in private practice within the jurisdiction of a
114 constituent or component society;

115 (2) the dentist is practicing in a country other than
116 the United States and consequently is ineligible for
117 membership in a constituent or component society;
118 or

119 (3) the dentist is working as a dental school faculty
120 member, dental administrator or consultant within
121 the territorial jurisdiction of a

CHAPTER I • MEMBERSHIP

122 constituent society and is ineligible for active
123 membership in the constituent or component society
124 because the dentist is not licensed in the territorial
125 jurisdiction of that constituent.

126 *Explanatory Notes:* The term "other jurisdiction of
127 the United States" as used in this *Constitution and*
128 *Bylaws* shall mean the District of Columbia, the
129 Commonwealth of Puerto Rico, the Commonwealth
130 of the Northern Mariana Islands and the territories
131 of the United States Virgin Islands, Guam and
132 American Samoa.

133 The term "federal dental services" as used in this
134 *Constitution and Bylaws* shall mean the dental
135 departments of the Air Force, the Army, the Navy,
136 the Public Health Service, the department of
137 Veterans Affairs and other federal agencies.

138 The term "direct member" as used in this
139 *Constitution and Bylaws* shall mean a member in
140 good standing who pursuant to Chapter I of these
141 *Bylaws* does not hold membership in any constituent
142 society of this Association.

143 b. PRIVILEGES.

144 (1) An active member in good standing shall receive
145 annually a membership card and *The Journal of the*
146 *American Dental Association*, the subscription price
147 of which shall be included in the annual dues. An
148 active member shall be entitled to attend any
149 scientific session of this Association and receive
150 such other services as are provided by the
151 Association.

152 (2) An active member in good standing shall be
153 eligible for election as a delegate or alternate
154 delegate to the House of Delegates and for election
155 or appointment to any office or agency of this
156 Association, except as otherwise provided in these
157 *Bylaws*.

158 (3) An active member under a disciplinary sentence
159 of suspension or probation shall not be privileged to
160 hold office, either elective or appointive, including
161 delegate and alternate delegate, in such member's
162 component and constituent societies and this
163 Association. An active member under a disciplinary
164 sentence of suspension shall also not be privileged
165 to vote or otherwise participate in the selection of
166 officials of such member's component and
167 constituent societies and this Association.

168 c. DUES AND SPECIAL ASSESSMENTS.

169 Beginning January 1, 2006, and each year thereafter,
170 the dues of active members shall be the amount
171 established annually by the House of Delegates in
172 accordance with the procedure set forth in Chapter
173 V, Section 130Ad of these *Bylaws*. In addition to
174 their annual dues, active members shall pay any
175 special assessment, due January 1 of each year. Any

dentist who satisfies the eligibility requirements for active membership and any of the following conditions shall be entitled to pay the reduced active member dues and any special assessment stated under such satisfied condition so long as that dentist maintains continuous membership, subject to the further reductions permitted under the provisions of Chapter I, Section 20Ad of these *Bylaws*:

(1) Dentists, when awarded a D.D.S. or D.M.D. degree, shall be exempt from the payment of active member dues and any special assessment for the remaining period of that year and the following first full calendar year. Dentists shall pay twenty-five percent (25%) of active member dues and any special assessment for the second full calendar year following the year in which the degree was awarded, fifty percent (50%) of active member dues and any special assessment in the third year, seventy-five percent (75%) of active member dues and any special assessment in the fourth year and one hundred percent (100%) in the fifth year and thereafter. Eligibility for this benefit shall be conditioned on maintenance of continuous membership or payment of reduced dues and any special assessment for the years not previously paid, at the rates current during the missing year(s).

(2) Dentists who are engaged full-time in (a) an advanced training course of not less than one (1) academic year's duration in an accredited school or a residency program in areas neither recognized by this Association nor accredited by the Commission on Dental Accreditation or (b) a residency program or advanced education program in areas recognized by this Association and in a program accredited by the Commission on Dental Accreditation shall pay thirty dollars (\$30.00) due on January 1 of each year until December 31 following completion of such program. For dentists who enter such a course or program while eligible for the dues reduction program, the applicable reduced dues rate shall be deferred until completion of that program. Upon completing the program, the dentist shall pay dues and any special assessment for active members at the reduced dues rate where the dentist left off in the progression. This benefit shall be conditioned on maintenance of continuous membership or payment of post-graduate student dues and active member dues and any special assessment for years not previously paid, at the rates current during the missing years. The dentist who is engaged full-time in (a) an advanced training course of not less than one (1) academic year's duration in an accredited school or residency program in areas neither recognized by this Association nor accredited by the Commission on Dental Accreditation or (b) a residency program or advanced education program in areas recognized by this Association and in a program

accredited by the Commission on Dental Accreditation shall be exempt from the payment of any active member special assessment then in effect through December 31 following completion of such course or program.

(3) A graduate of a non-accredited dental school who has recently been licensed to practice dentistry in a jurisdiction in which there is a constituent dental society of the American Dental Association shall be exempt from payment of active member dues and any special assessment for the remaining period of the year in which the license was issued and the following first full calendar year. The newly licensed graduate of a non-accredited school shall pay twenty-five percent (25%) of active member dues and any special assessment the second calendar year following the year in which the license was obtained, fifty percent (50%) of active member dues and any special assessment in the third year, seventy-five percent (75%) of active member dues and any special assessment in the fourth year and one hundred percent (100%) in the fifth year and thereafter.

(4) A licensed dentist who has never been an active member of this Association and is ineligible for dues reduction as a new graduate under this Section of the *Bylaws*, shall pay fifty percent (50%) of active member dues and any special assessment in the first year of membership, and shall pay one hundred percent (100%) of active member dues and any special assessment in the second year and each year thereafter.

(5) The Board of Trustees may authorize limited dues reduction, up to fifty percent (50%) of active member dues and any special assessment for the purposes of promoting active membership in target U.S. markets through marketing campaigns recommended by the Council on Membership. This reduction of active member dues and any special assessments shall be on a one-time only basis for these members.

d. ACTIVE MEMBERS SELECTED AFTER JULY 1 AND OCTOBER 1. Those members selected to active membership in this Association after July 1, except for those whose membership has lapsed for failure to pay the current year's dues and/or any special assessment, shall pay fifty percent (50%) of the current year's dues and fifty percent (50%) of any active member special assessment then in effect, and those selected after October 1, shall be exempt from the payment of the current year's dues and any active member special assessment then in effect on a one-time only basis.

B. LIFE MEMBER.

a. QUALIFICATIONS. A life member shall be a member in good standing of this Association who (1) has been an active and/or retired member in good

standing of this Association for thirty (30) consecutive years or a total of forty (40) years of active and/or retired membership or has been a member of the National Dental Association for twenty-five (25) years and subsequently held at least ten (10) years of membership in the American Dental Association; (2) has attained the age of sixty-five (65) years in the previous calendar year; and (3) has submitted an affidavit attesting to the qualifications for this category through said component and constituent societies, if such exist.

A dentist who immigrated to the United States may receive credit for up to twenty-five (25) consecutive or total years of membership in a foreign dental association in order to qualify for the requirements for life membership.

Years of student membership shall not be counted as active membership for purposes of establishing eligibility for life membership unless the dentist was an active member in good standing prior to becoming a student member.

The Association will give notification to members who are eligible for life membership. Life membership shall be effective the calendar year following the year in which the requirements are fulfilled. Maintenance of membership in good standing in the member's constituent and component societies, if such exist, shall be a requisite for continuance of life membership in this Association.

b. PRIVILEGES. A life member in good standing of this Association shall receive annually a membership card. A life member shall be entitled to all the privileges of an active member, except that a retired life member shall not receive *The Journal of the American Dental Association* except by subscription.

A life member under a disciplinary sentence of suspension or probation shall not be privileged to hold office, either elective or appointive, including delegate and alternate delegate, in such member's component and constituent societies and this Association. A life member under a disciplinary sentence of suspension shall also not be privileged to vote or otherwise participate in the selection of officials of such member's component and constituent societies and this Association.

c. DUES AND SPECIAL ASSESSMENTS.

(1) ACTIVE LIFE MEMBERS. The dues of life members who have not fulfilled the qualifications of retired membership pursuant to Chapter I, Section 20C of these *Bylaws* with regard to income related to dentistry shall be seventy-five percent (75%) of the dues of active members, due January 1 of each year. In addition to their annual dues, active life members shall pay seventy-five percent (75%) of any active member special assessment, due January 1 of each year.

(2) RETIRED LIFE MEMBERS. Life members who have fulfilled the qualifications of Chapter I, Section 20C of these *Bylaws* with regard to income related to dentistry shall be exempt from payment of dues and any special assessment.

(3) ACCEPTANCE OF BACK DUES AND SPECIAL ASSESSMENTS. For the purpose of establishing continuity of active membership to qualify for life membership, back dues and any special assessment, except as otherwise provided in these *Bylaws*, shall be accepted for not more than the three (3) years of delinquency prior to the date of application for such payment. The rate of such dues and/or any special assessment, except as otherwise provided in these *Bylaws*, shall be in accordance with Chapter I, Section 40 of these *Bylaws*.

For the purpose of establishing continuity of active membership in order to qualify for life membership, an active member, who had been such when entering upon active duty in one of the federal dental services but who, during such federal dental service, interrupted the continuity of active membership because of failure to pay dues and/or any special assessment and who, within one year after separation from such military or equivalent duty, resumed active membership, may pay back dues and any special assessment for any missing period of active membership at the rate of dues and/or any special assessment current during the missing years of membership.

C. RETIRED MEMBER.

a. QUALIFICATIONS. A retired member shall be an active member in good standing of this Association who is now a retired member of a constituent society, if such exists, and is no longer earning income from the performance of any dentally related activity. An affidavit attesting to qualifications for this category must be submitted through said component and constituent society, if such exists. Maintenance of active or retired membership in good standing in the member's component society and retired membership in good standing in the member's constituent, if such exist, entitling such member to all the privileges of an active member, shall be requisite for entitlement to and continuance of retired membership in this Association.

b. PRIVILEGES. A retired member in good standing shall be entitled to all the privileges of an active member.

A retired member under a disciplinary sentence of suspension or probation shall not be privileged to hold office, either elective or appointive, including delegate and alternate delegate, in such member's component and constituent societies and this Association. A retired member under a disciplinary

sentence of suspension shall also not be privileged to vote or otherwise participate in the selection of officials of such member's component and constituent societies and this Association.

c. DUES AND SPECIAL ASSESSMENTS. The dues of retired members shall be twenty-five percent (25%) of the dues of active members, due January 1 of each year. In addition to their annual dues, retired members shall pay twenty-five percent (25%) of any active member special assessment, due January 1 of each year.

D. NONPRACTICING DENTIST MEMBER.

a. QUALIFICATIONS. A nonpracticing dentist member shall be a dentist who is ineligible for any other classification of membership and:

- (1) has a dental degree from any country;
- (2) resides in the United States or its territories;
- (3) does not hold a dental license in the United States nor has a revoked U.S. dental license;
- (4) is not delivering patient care as a dentist for remuneration; and
- (5) is a member in good standing of this Association, and the Association's constituent and component societies, if such exists.

b. PRIVILEGES.

(1) A nonpracticing dentist member in good standing shall receive annually a membership card and *The Journal of the American Dental Association*, the subscription price of which shall be included in the annual dues. A nonpracticing dentist member shall be entitled to attend any scientific session of this Association and receive such other services as are authorized by the Association.

(2) A nonpracticing dentist member in good standing shall be eligible for election to any council.

(3) A nonpracticing dentist member shall also be eligible for appointment as an additional member to any council, provided the council requests such additional nonpracticing membership representation and the Board of Trustees approves the council's request. Such members shall be appointed by the Board of Trustees. The tenure of an additional council member shall be one (1) term of four (4) years.

(4) A nonpracticing dentist member under a disciplinary sentence of suspension shall not be privileged to serve as a member of any council.

c. DUES AND SPECIAL ASSESSMENTS. The dues of nonpracticing dentists shall be fifty percent (50%) of the dues of active members, due January 1 of each year. In addition to their annual dues, nonpracticing dentists shall pay fifty percent (50%) of any active member special assessment, due January 1 of each year.

E. STUDENT MEMBER.

a. QUALIFICATIONS. A student member shall be a

predoctoral student of a dental school accredited by the Commission on Dental Accreditation of this Association, a predoctoral student of a dental school listed in the World Directory of Dental Schools compiled by the Fédération Dentaire Internationale or a dentist eligible for membership in this Association who is engaged full time in an advanced training course of not less than one academic year's duration in an accredited school or residency program.

b. PRIVILEGES. A student member in good standing of this Association shall receive annually a membership card and *The Journal of the American Dental Association*, the subscription price of which shall be included in the annual dues. A student member shall be entitled to attend any scientific session of this Association.

A student member under a disciplinary sentence of suspension shall not be privileged to serve as the American Student Dental Association's delegate or alternate delegate in this Association's House of Delegates.

c. DUES AND SPECIAL ASSESSMENTS.

(1) PREDOCTORAL STUDENT MEMBERS: The dues of predoctoral student members shall be five dollars (\$5.00) due January 1 of each year. Such student members shall be exempt from the payment of any special assessment.

(2) POSTDOCTORAL STUDENTS AND RESIDENTS: The dues of dentists who are student members pursuant to Chapter I, Section 20E shall be thirty dollars (\$30.00) due January 1 of each year. Such student members shall be exempt from the payment of any special assessment.

(3) Student membership terminates on December 31 after graduation or after completion of a residency or graduate work.

F. HONORARY MEMBER.

a. QUALIFICATIONS. An individual who has made outstanding contributions to the advancement of the art and science of dentistry, upon election by the Board of Trustees, shall be classified as an honorary member of this Association.

b. PRIVILEGES. An honorary member shall receive a membership card and *The Journal of the American Dental Association*. An honorary member shall be entitled to attend any scientific session of this Association and receive such other services as are authorized by the Board of Trustees.

c. DUES AND SPECIAL ASSESSMENTS. Honorary members shall be exempt from payment of dues and any special assessment.

G. PROVISIONAL MEMBER.

a. QUALIFICATIONS. A provisional member shall be a dentist who:

- (1) has received a D.D.S. or D.M.D. degree from a

dental school accredited by the Commission on Dental Accreditation of the American Dental Association or shall be a graduate of an unaccredited dental school who has recently been licensed to practice dentistry in a jurisdiction in which there is a constituent dental society;

(2) has not established a place of practice; and

(3) shall have applied for provisional membership within 12 months of graduation or licensure.

Provisional membership shall terminate December 31 of the second full calendar year following the year in which the degree was awarded.

b. **PRIVILEGES.** A provisional member in good standing shall be entitled to all the privileges of an active member except that a provisional member shall have no right to appeal from a denial of active membership in the Association.

A provisional member under a disciplinary sentence of suspension shall not be privileged to hold office, either elective or appointive, including delegate and alternate delegate, in such member's component and constituent societies and this Association, or to vote or otherwise participate in the selection of officials of such member's component and constituent societies and this Association.

c. **DUES AND SPECIAL ASSESSMENTS.** The dues and/or any special assessment of provisional members shall be the same as the dues and/or any special assessment of active members.

H. ASSOCIATE MEMBER.

a. **QUALIFICATIONS.** An associate member shall be a person ineligible for any other type of membership in this Association, who contributes to the advancement of the objectives of this Association, is employed in dental-related education or research, does not hold a dental license in the United States, and has applied to and been approved by the Board of Trustees.*

b. **PRIVILEGES.** An associate member in good standing shall receive annually a membership card and *The Journal of the American Dental Association*, the subscription price of which shall be included in the annual dues. An associate member shall be entitled to attend any scientific session of this Association and receive such other services as are

* Individuals who are classified as associate members of this Association prior to the 1996 annual session of the House of Delegates but who are not employed full-time in dentally-related education or research by an accredited institution of higher education, may maintain their associate membership so long as other eligibility requirements are met and current dues and any special assessment are paid.

authorized by the Board of Trustees.

c. **DUES AND SPECIAL ASSESSMENTS.** The dues of associate members shall be twenty-five percent (25%) of the dues of active members, due January 1 of each year. In addition to their annual dues, associate members shall pay twenty-five percent (25%) of any active member special assessment, due January 1 of each year.

I. AFFILIATE MEMBER.

a. **QUALIFICATIONS.** An affiliate member shall be a dentist who is ineligible for any other classification of membership and:

(1) is practicing in a country other than the United States;

(2) has been classified as an affiliate member upon application to and approval by the Board of Trustees; and

(3) is a member in good standing of this Association.

b. **PRIVILEGES.** An affiliate member in good standing shall receive a set of products and services as are authorized by the Board of Trustees.

c. **DUES AND SPECIAL ASSESSMENTS.** The dues of affiliate members shall be established by the Board of Trustees. The Board of Trustees shall be authorized to deviate from the established affiliate member dues rate to: (1) promote affiliate memberships in a selected jurisdiction, and (2) to recognize economic circumstances in least developed countries eligible for special fee criteria as established by the FDI World Dental Federation. Affiliate member dues shall due January 1 each year. Affiliate members shall be exempt from the payment of any special assessment.

Section 30. DEFINITION OF "IN GOOD STANDING." A member of this Association whose dues and any special assessment for the current year have been paid shall be in good standing. In addition, a member who elects to pay dues and any special assessments via an approved installment payment plan shall be in good standing provided that the installment payments are current. To remain in good standing, a member may be required under the bylaws of the member's constituent or component society, to meet standards of continuing education, pay any special assessment, cooperate with peer review bodies or committees on ethics, or attend, if a newly admitted active member, a stated number of membership meetings between the date of admission and the completion of the first calendar year of active membership. If under a disciplinary sentence of suspension, such member shall be designated as "in good standing temporarily under suspension" until the disciplinary sentence has terminated.

The requirement of paying current dues does not apply to retired life, honorary and those members of this Association who pursuant to Section 50 of this Chapter have been granted dues waivers for the purpose of determining their good standing. The requirement of paying any special assessment does not apply to retired life, honorary, affiliate, student and those members of this Association who pursuant to Section 50 of this Chapter have been granted any special assessment waivers for purposes of determining their good standing.

Section 40. LAPSE OF MEMBERSHIP AND REINSTATEMENT.

A. LAPSE OF MEMBERSHIP. Any member whose dues and any special assessment have not been paid by March 31 of the current year shall cease to be a member of this Association. Further, an associate member who terminates employment in dental-related education or research shall cease to be an associate member of this Association December 31 of that calendar year.

B. REINSTATEMENT. Reinstatement of active, life, retired, nonpracticing dentist, student or affiliate membership may be secured on payment of appropriate dues and any special assessment of this Association and on compliance with the pertinent bylaws and regulations of the constituent and component societies involved and this Association.

Section 50. DUES OR SPECIAL ASSESSMENT RELATED ISSUES.

A. PAYMENT DATE AND INSTALLMENT PAYMENTS. Dues and any special assessment of all members are payable January 1 of each year, except for active and active life members who may participate in an installment payment plan. Such plan shall be sponsored by the members' respective constituent or component dental societies, or by this Association if the active or active life members are in the exclusive employ of, or are serving on active duty in, one of the federal dental services. The plan shall require monthly installment payments that conclude with the current dues and any special assessment amount fully paid by December 15. Transactional costs may be imposed, prorated to this Association and the constituent or component dental society. The installment plan shall provide for the expeditious transfer of member dues and any special assessment to this Association and the applicable constituent or component dental society.

B. FINANCIAL HARDSHIP WAIVERS. Those members who have suffered a significant financial hardship that prohibits them from payment of their full dues and/or any special assessment may be

excused from the payment of twenty-five percent (25%), fifty percent (50%), seventy-five percent (75%) or all of the current year's dues and/or any special assessment as determined by their constituent and component dental societies. The constituent and component societies shall certify the reason for the waiver, and the constituent and component societies shall provide the same proportionate waiver of their dues as that provided by this Association.*

C. WAIVERS FOR ACTIVE MEMBERS TEMPORARILY ACTIVATED TO FEDERAL SERVICE. An active member in good standing who pursuant to Chapter I of these *Bylaws* holds membership in a constituent and component society and is temporarily called to active duty with a federal dental service on a non-career basis shall be exempt from the payment of dues to this Association during such military duty, but not to exceed a period of three years.

D. WAIVERS FOR ACTIVE MEMBERS WORKING FOR A HUMANITARIAN ORGANIZATION. An active member who is serving the profession by working full-time for a humanitarian organization and is receiving neither income nor a salary for such humanitarian service other than a subsistence amount which approximates a cost of living allowance shall be exempt from the payment of dues and any special assessment then in effect through December 31 following completion of such service provided that such humanitarian service is being performed continuously for not less than one (1) year and provided further that such member does not supplement such subsistence income by the performance of services as a member of the faculty of a dental or dental auxiliary school, as a dental administrator or consultant, or as a practitioner of any activity for which a license to practice dentistry or dental hygiene is required.

E. CALCULATING PERCENTAGE DUES OR SPECIAL ASSESSMENTS. In establishing the dollar rate of dues or special assessments in this chapter

* Members with disabilities who were granted dues and any special assessment disability waivers prior to the 2007 House of Delegates may continue to receive such waivers provided they are unable to practice dentistry within the definition of these *Bylaws* and they submit through the member's component and constituent societies, if such exist, to this Association, a medical certificate attesting to the disability and a certificate from said component and constituent societies, if such exist, attesting to the disability, upon request of the Association, during the exemption period.

expressed as a percentage of active member dues or special assessments, computations resulting in fractions of a dollar shall be rounded up to the next whole dollar.

Section 60. INTERIM SERVICES FOR APPLICANTS. A dentist who has submitted a complete application for active membership in this Association and the appropriate constituent and component societies, if such exist, may on a one-time, interim basis: receive complimentary copies of the *Journal of the American Dental Association* and the *ADA News*, have access to the ADA.org member-only content areas and purchase items at a member rate through the ADA Catalog. Such interim services shall terminate when the membership application has been processed or within six (6) months of the application submission, whichever is sooner. Applicants shall have no right of appeal from a denial of membership in the Association.

CHAPTER II • CONSTITUENT SOCIETIES

Section 10. ORGANIZATION: A constituent society may be organized and chartered, subject to the approval of the House of Delegates, upon application of at least one hundred (100) dentists, practicing in any state or other jurisdiction of the United States. These dentists must be active, life or retired members of the Association in good standing. No such society shall be chartered in any state or other jurisdiction of the United States in which a constituent society is already chartered by this Association.

Section 20. NAME: A constituent society shall take its name from the state or other jurisdiction of the United States.

Section 30. POWERS AND DUTIES:

A. A constituent society shall have the power to select its active, life and retired members as active members of this Association within the limits of Section 40 of this Chapter.

B. It shall have the power to organize its members into component societies within the limits imposed by Chapter III, Section 10 of these *Bylaws*.

C. It shall have the power to provide for its financial support and to establish bylaws, rules and regulations to govern its members provided such bylaws, rules and regulations do not conflict with, or limit, these *Bylaws*.

D. It shall have the power to discipline any of its members subject to the provisions in Chapter XII, Section 20 of these *Bylaws*.

E. It shall be its duty to collect membership dues and

any special assessment for this Association in conformity with Chapter I, Section 20, of these *Bylaws*.

F. It shall have the power to establish committees, councils and commissions of the constituent society; to designate their power and duties; and to adopt reasonable eligibility requirements for service thereon.

Section 40. MEMBERSHIP:

A. The active, life and retired membership of each constituent society, except as otherwise provided in these *Bylaws*, shall consist solely of dentists practicing within the territorial jurisdiction of the constituent society; dentists retired from active practice; dentists engaged in activities furthering the object of this Association; dentists serving on the faculty of a dental school or receiving compensation as a dental administrator or consultant within the jurisdiction of the constituent society but are licensed in another jurisdiction; and dentists in a federal dental service (provided that the federal dentist is either licensed in or serving within the confines of the constituent society's jurisdiction), provided that such dentists are active, life or retired members in good standing of a component of the constituent (except for the federal dentists), if such exists, and this Association.

Explanatory Note: A dentist who has retired from active practice or who is engaged in activities furthering the object of this Association shall be considered to be practicing dentistry within the meaning of this section.

B. REMOVAL FROM ONE JURISDICTION TO ANOTHER. A member who has changed the location of the member's practice from the jurisdiction of one constituent society to that of another constituent society may maintain active membership in the constituent society in which membership is being held for the calendar year following that of the member's removal from the jurisdiction of such society. The same privilege shall apply to a member who is separated from a federal dental service and who enters practice in an area under the jurisdiction of a constituent society or a member who is retired from a federal dental service and who is serving on a faculty of a dental school, or is receiving compensation as a dental administrator or consultant, or is engaged in any activity in the area under the jurisdiction of a constituent society for which a license to practice dentistry or dental hygiene is required by the state or other jurisdiction of the United States wherein the activity is conducted. A dentist who retires from active practice and establishes residence in an area outside of the

803 jurisdiction of the constituent society in which the
804 dentist holds membership shall be permitted to
805 continue membership in such constituent society for
806 the period of retirement.

807 A member who is unsuccessful in transferring
808 membership from one constituent society to another
809 shall be entitled to a hearing (by either the component
810 or constituent society), on the decision denying the
811 member's application for transfer of membership and
812 to appeal to the constituent society to which transfer
813 is sought, if applicable, and thereafter to the Council
814 on Ethics, Bylaws and Judicial Affairs of this
815 Association in accordance with the procedures in
816 Chapter XII, Section 20C and D of these *Bylaws* even
817 though a disciplinary penalty is not involved.

818 C. PRIVILEGES. An active, life or retired member in
819 good standing shall enjoy all privileges of constituent
820 society membership except as otherwise provided by
821 these *Bylaws*.

822 D. MULTIPLE JURISDICTIONS. A member may
823 hold membership in more than one constituent society
824 with the consent of the constituent society involved.
825 A member is required to maintain active membership
826 in the constituent society, if accepted therein, in
827 whose jurisdiction the member maintains or practices
828 dentistry at a secondary or "branch" office. In order to
829 meet the requirement of tripartite membership, a
830 member must also maintain active membership in one
831 component society of each constituent society into
832 which the member is accepted, if such exist. If such a
833 member is accused of unethical conduct and
834 disciplinary proceedings are brought, then those
835 proceedings shall be instituted in the component or
836 constituent society where the alleged unethical
837 conduct occurred. A disciplinary ruling affecting
838 membership in one constituent society shall affect
839 membership in both societies and in the Association.
840 A member shall have the right of appeal as provided
841 in Chapter XII of the *Bylaws*. Such member shall pay
842 dues in this Association only through the constituent
843 society in whose jurisdiction the member conducts
844 the major part of the member's practice.

845 *Section 50. OFFICERS:* The officers of a constituent
846 society shall be president, secretary, treasurer and such
847 others as may be prescribed in its bylaws.

848 *Section 60. SESSIONS:* A constituent society shall
849 hold a business session at least once each calendar
850 year.

851 *Section 70. CONSTITUTION AND BYLAWS:* Each
852 constituent society shall adopt and maintain a
853 constitution and bylaws which shall not be in conflict
854 with, or limit, the *Constitution and Bylaws*
855 of this Association and shall file a copy thereof and

856 any changes which may be made thereafter, with the
857 Executive Director of this Association.

858 *Section 80. "PRINCIPLES OF ETHICS AND CODE*
859 *OF PROFESSIONAL CONDUCT":* The *Principles of*
860 *Ethics and Code of Professional Conduct* of this
861 Association and the code of ethics adopted by the
862 constituent society shall be the code of ethics of that
863 constituent society for governing the professional
864 conduct of its members.

865 *Section 90. RIGHT OF HEARING AND APPEAL:*
866 Disputes arising between constituent societies or
867 between a constituent society and one or more of its
868 component societies may be referred to the Council
869 on Ethics, Bylaws and Judicial Affairs of this
870 Association for hearing and decision as provided in
871 Chapter X, Section 120Gd in accordance with the
872 procedure of Chapter XII, Section 20C and D of these
873 *Bylaws* even though a disciplinary penalty is not
874 involved.

875 *Section 100. PRIVILEGE OF REPRESENTATION:*
876 Each constituent society shall be entitled to two (2)
877 delegates in the House of Delegates, except that one
878 (1) delegate shall be allocated to the Virgin Islands
879 Dental Association. The Air Force Dental Corps, the
880 Army Dental Corps, the Navy Dental Corps, the
881 Public Health Service and the Department of
882 Veterans Affairs shall each be entitled to two (2)
883 delegates, one of which shall be elected by the
884 respective service, without regard to the number of
885 members. The remaining number of delegates shall
886 be allocated as provided in Chapter V, Sections 10C
887 and 10D.

888 Each constituent society and each federal dental
889 service may select from among its active, life and
890 retired members the same number of alternate
891 delegates as delegates and shall designate the
892 alternate delegate who shall replace an absent
893 delegate.

894 *Section 110. CHARTERED CONSTITUENT*
895 *SOCIETIES:* The Executive Director of the
896 Association is authorized to issue a charter to each
897 constituent society denoting its name and territorial
898 jurisdiction. The following societies are chartered as
899 constituent societies of this Association:

900 Alabama Dental Association
901 Alaska Dental Society
902 Arizona Dental Association
903 Arkansas State Dental Association
904 California Dental Association
905 Colorado Dental Association
906 Connecticut State Dental Association, The
907 Delaware State Dental Society
908 District of Columbia Dental Society, The

| | |
|-----|--|
| 909 | Florida Dental Association |
| 910 | Georgia Dental Association |
| 911 | Hawaii Dental Association |
| 912 | Idaho State Dental Association |
| 913 | Illinois State Dental Society |
| 914 | Indiana Dental Association |
| 915 | Iowa Dental Association |
| 916 | Kansas Dental Association |
| 917 | Kentucky Dental Association |
| 918 | Louisiana Dental Association, The |
| 919 | Maine Dental Association |
| 920 | Maryland State Dental Association |
| 921 | Massachusetts Dental Society |
| 922 | Michigan Dental Association |
| 923 | Minnesota Dental Association |
| 924 | Mississippi Dental Association, The |
| 925 | Missouri Dental Association |
| 926 | Montana Dental Association |
| 927 | Nebraska Dental Association, The |
| 928 | Nevada Dental Association |
| 929 | New Hampshire Dental Society |
| 930 | New Jersey Dental Association |
| 931 | New Mexico Dental Association |
| 932 | New York State Dental Association |
| 933 | North Carolina Dental Society, The |
| 934 | North Dakota Dental Association |
| 935 | Ohio Dental Association |
| 936 | Oklahoma Dental Association |
| 937 | Oregon Dental Association |
| 938 | Pennsylvania Dental Association |
| 939 | Puerto Rico, Colegio de Cirujanos Dentistas de |
| 940 | Rhode Island Dental Association |
| 941 | South Carolina Dental Association |
| 942 | South Dakota Dental Association |
| 943 | Tennessee Dental Association |
| 944 | Texas Dental Association |
| 945 | Utah Dental Association |
| 946 | Vermont State Dental Society |
| 947 | Virgin Islands Dental Association |
| 948 | Virginia Dental Association |
| 949 | Washington State Dental Association |
| 950 | West Virginia Dental Association |
| 951 | Wisconsin Dental Association |
| 952 | Wyoming Dental Association |

CHAPTER III • COMPONENT SOCIETIES

| | |
|-----|---|
| 953 | <i>Section 10. ORGANIZATION:</i> Component societies |
| 954 | may be organized in conformity with a plan approved |
| 955 | by the constituent society of which they shall be |
| 956 | recognized entities provided, however, that the active, |
| 957 | life or retired members of each component society |
| 958 | shall consist of dentists who are members in good |
| 959 | standing of their respective constituent societies and |
| 960 | of this Association. The plan adopted by the |
| 961 | constituent society may or may not limit active |

| | |
|------|--|
| 962 | membership in a component society to dentists who |
| 963 | reside or practice within the geographic area of that |
| 964 | component society. Each component society shall |
| 965 | adopt and maintain a constitution and bylaws, which |
| 966 | shall not be in conflict with, or limit, the <i>Constitution</i> |
| 967 | <i>and Bylaws</i> of this Association or that of its |
| 968 | constituent society, and shall file a copy thereof and |
| 969 | any changes which may be made thereafter with the |
| 970 | Executive Director of this Association. |
| 971 | <i>Section 20. POWER AND DUTIES:</i> |
| 972 | A. A component society shall have the power to |
| 973 | select its active, life and retired members as active |
| 974 | members of the constituent society in accordance |
| 975 | with Chapter II, Section 40, of these <i>Bylaws</i> . |
| 976 | B. It shall have the power to provide for its financial |
| 977 | support, to establish bylaws, rules and regulations, not |
| 978 | in conflict with, or limiting, the <i>Constitution and</i> |
| 979 | <i>Bylaws</i> of this Association or that of its constituent |
| 980 | society and to adopt a code of ethics not in conflict |
| 981 | with the <i>Principles of Ethics and Code of</i> |
| 982 | <i>Professional Conduct</i> of this Association or code of |
| 983 | ethics of its constituent society. |
| 984 | C. It shall have the power to discipline any of its |
| 985 | members subject to the provisions in Chapter XII, |
| 986 | Section 20 of these <i>Bylaws</i> . |
| 987 | D. It shall have the power to establish committees, |
| 988 | councils and commissions of the component society; |
| 989 | to designate their powers and duties; and to adopt |
| 990 | reasonable eligibility requirements for service |
| 991 | thereon. |
| 992 | <i>Section 30. PRIVILEGES OF MEMBERSHIP:</i> An |
| 993 | active, life or retired member in good standing shall |
| 994 | have the opportunity of enjoying all privileges of |
| 995 | component society membership except as otherwise |
| 996 | provided by these <i>Bylaws</i> . |
| 997 | <i>Section 40. TRANSFER FROM ONE COMPONENT</i> |
| 998 | <i>TO ANOTHER:</i> A member who has changed |
| 999 | residence or location of practice within the |
| 1000 | jurisdiction of a constituent society so that the |
| 1001 | member no longer fulfills the membership |
| 1002 | requirements of the component society of which he or |
| 1003 | she is a member may maintain active membership in |
| 1004 | that component society for the calendar year |
| 1005 | following such change of residence or practice |
| 1006 | location. |
| 1007 | A member who is required to transfer membership |
| 1008 | from one component society to another and whose |
| 1009 | application for transfer of membership is denied shall |
| 1010 | be entitled to a hearing (by either the component or |
| 1011 | constituent society), on the decision denying the |
| 1012 | member's application for transfer of membership and |
| 1013 | to appeal to the member's constituent society, if |

CHAPTER III • COMPONENT SOCIETIES

CHAPTER IV • TRUSTEE DISTRICTS

1014 applicable, and the Council on Ethics, Bylaws and
1015 Judicial Affairs of this Association in accordance
1016 with the procedures in Chapter XII, Section 20C and
1017 D of these *Bylaws* even though a disciplinary penalty
1018 is not involved. A component society which receives
1019 an application for transfer of membership from a
1020 dentist who has moved from the jurisdiction of
1021 another constituent society is governed by Chapter II,
1022 Section 40B of these *Bylaws*.

CHAPTER IV • TRUSTEE DISTRICTS

1023 *Section 10. ORGANIZATION:* The constituent
1024 societies and the federal dental services shall be
1025 organized into seventeen (17) trustee districts.

1026 *Section 20. PURPOSE:* The purpose of establishing
1027 trustee districts is to provide representation of the
1028 members of the constituent societies and the federal
1029 dental services on the Board of Trustees.

1030 *Section 30. COMPOSITION:* The trustee districts are
1031 numbered and composed as follows:

1032 DISTRICT 1

1033 Connecticut State Dental Association, The
1034 Maine Dental Association
1035 Massachusetts Dental Society
1036 New Hampshire Dental Society
1037 Rhode Island Dental Association
1038 Vermont State Dental Society

1039 DISTRICT 2

1040 New York State Dental Association

1041 DISTRICT 3

1042 Pennsylvania Dental Association

1043 DISTRICT 4

1044 Air Force Dental Corps
1045 Army Dental Corps
1046 Delaware State Dental Society
1047 District of Columbia Dental Society, The
1048 Maryland State Dental Association
1049 Navy Dental Corps
1050 New Jersey Dental Association
1051 Public Health Service
1052 Puerto Rico, Colegio de Cirujanos Dentistas de
1053 Veterans Affairs
1054 Virgin Islands Dental Association

1055 DISTRICT 5*

1056 Alabama Dental Association
1057 Georgia Dental Association
1058 Mississippi Dental Association, The

1059 DISTRICT 6

1060 Kentucky Dental Association
1061 Missouri Dental Association

CHAPTER IV • TRUSTEE DISTRICTS

1062 Tennessee Dental Association
1063 West Virginia Dental Association

1064 DISTRICT 7

1065 Indiana Dental Association
1066 Ohio Dental Association

1067 DISTRICT 8

1068 Illinois State Dental Society

1069 DISTRICT 9

1070 Michigan Dental Association
1071 Wisconsin Dental Association

1072 DISTRICT 10

1073 Iowa Dental Association
1074 Minnesota Dental Association
1075 Nebraska Dental Association, The
1076 North Dakota Dental Association
1077 South Dakota Dental Association

1078 DISTRICT 11

1079 Alaska Dental Society
1080 Idaho State Dental Association
1081 Montana Dental Association
1082 Oregon Dental Association
1083 Washington State Dental Association

1084 DISTRICT 12

1085 Arkansas State Dental Association
1086 Kansas Dental Association
1087 Louisiana Dental Association, The
1088 Oklahoma Dental Association

1089 DISTRICT 13

1090 California Dental Association

1091 DISTRICT 14

1092 Arizona Dental Association
1093 Colorado Dental Association
1094 Hawaii Dental Association
1095 Nevada Dental Association
1096 New Mexico Dental Association
1097 Utah Dental Association
1098 Wyoming Dental Association

1099 DISTRICT 15

1100 Texas Dental Association

1101 DISTRICT 16

1102 North Carolina Dental Society, The
1103 South Carolina Dental Association
1104 Virginia Dental Association

1105 DISTRICT 17*

* In order to establish the required pattern of four, four, four and five members respectively retiring from councils and commissions each year, members of councils and commissions from the new 5th and 17th

1106 Florida Dental Association

CHAPTER V • HOUSE OF DELEGATES

1107 *Section 10. COMPOSITION.*

1108 A. VOTING MEMBERS. The House of Delegates
1109 shall be limited to four hundred sixty (460) voting
1110 members for the two years 2004 to 2005 inclusive.
1111 Thereafter, the number of voting members shall be
1112 determined by the methodologies set forth in Section
1113 10C of this Chapter. It shall be composed of the
1114 officially certified delegates of the constituent dental
1115 societies, who shall be active, life or retired members,
1116 two (2) officially certified delegates from each of the
1117 five (5) federal dental services, who shall be active,
1118 life or retired members and five (5) student members
1119 of the American Student Dental Association who are
1120 officially certified delegates from the American
1121 Student Dental Association. Proxy voting is explicitly
1122 prohibited; however, an alternate delegate may vote
1123 when substituted for a voting member in accordance
1124 with procedures established by the Committee on
1125 Credentials, Rules and Order.

1126 B. EX OFFICIO MEMBERS. The elective and
1127 appointive officers and trustees of this Association
1128 shall be *ex officio* members of the House of Delegates
1129 without the power to vote. They shall not serve as
1130 delegates. Past presidents of this Association shall be
1131 *ex officio* members of the House of Delegates without
1132 the power to vote unless designated as delegates.

1133 C. REPRESENTATIONAL REQUIREMENTS AND
1134 GOALS. Each constituent society shall be entitled to
1135 two (2) delegates, except that one (1) delegate shall
1136 be allocated to the Virgin Islands Dental Association.
1137 The Air Force Dental Corps, the Army Dental Corps,
1138 the Navy Dental Corps, the Public Health Service and
1139 the Department of Veteran Affairs shall each be
1140 entitled to two (2) delegates, one of which shall be
1141 elected by the respective service, without regard to
1142 the number of members.
1143 For the two years 2004-2005 inclusive, the remaining
1144 number of delegates shall be allocated to the
1145 constituent societies, through their trustee districts
1146 based on the representational goals that each trustee

districts who are in office at the time this footnote
becomes effective shall finish their terms in
accordance with their scheduled term completion
dates. Councils and commissions that have incumbent
members from the new 5th district shall add a new
member from the 17th district to a full four-year term.
Councils and commissions that have incumbent
members from the new 17th district shall add a new
member from the new 5th district to a full four-year
term.

1147 district's representation in the House of Delegates
1148 shall vary by no more or less than 0.3% from its
1149 active, life or retired membership share in this
1150 Association, based on the Association's December 31,
1151 2002 membership records, and that no district or
1152 constituent shall lose a delegate from its 2003
1153 allocation. Thereafter, to allow for changes in the
1154 delegate allocation due to membership fluctuations,
1155 the Board of Trustees shall use this variance method
1156 of district delegate allocation (a variance of no more
1157 than 0.3% of its active, life and retired membership
1158 share in the Association) at subsequent intervals of
1159 three (3) years, with the first such review occurring
1160 for the 2006 House of Delegates. Such reviews shall
1161 be based on the Association's year-end membership
1162 records for the calendar year preceding the review
1163 period in question. No district shall lose a delegate
1164 unless their membership numbers are at least one
1165 percent less than their membership numbers of the
1166 prior three years. Any changes deemed necessary
1167 shall be presented to the House of Delegates in the
1168 form of a *Bylaws* amendment to Section 10D of this
1169 Chapter.

1170 D. DELEGATE ALLOCATION. Based on the
1171 representational requirements and goals set forth in
1172 Section 10C, the delegates are allocated as follows:

1173 DISTRICT 1

1174 Connecticut State Dental Association, The,
1175 7 delegates

1176 Maine Dental Association, 3 delegates

1177 Massachusetts Dental Society, 13 delegates

1178 New Hampshire Dental Society, 3 delegates

1179 Rhode Island Dental Association, 3 delegates

1180 Vermont State Dental Society, 2 delegates

1181 District Total: 31 delegates

1182 DISTRICT 2

1183 New York State Dental Association, 41 delegates

1184 District Total: 41 delegates

1185 DISTRICT 3

1186 Pennsylvania Dental Association, 18 delegates

1187 District Total: 18 delegates

1188 DISTRICT 4

1189 Air Force Dental Corps, 2 delegates

1190 Army Dental Corps, 2 delegates

1191 Delaware State Dental Society, 2 delegates

1192 District of Columbia Dental Society, The,

1193 2 delegates

1194 Maryland State Dental Association, 7 delegates

1195 Navy Dental Corps, 2 delegates

1196 New Jersey Dental Association, 12 delegates

1197 Public Health Service, 2 delegates

1198 Puerto Rico, Colegio de Cirujanos Dentistas de,

1199 2 delegates

| | |
|------|---|
| 1200 | Veterans Affairs, 2 delegates |
| 1201 | Virgin Islands Dental Association, 1 delegate |
| 1202 | <u>District Total:</u> 36 delegates |
| 1203 | DISTRICT 5 |
| 1204 | Alabama Dental Association, 5 delegates |
| 1205 | Georgia Dental Association, 10 delegates |
| 1206 | Mississippi Dental Association, The, 3 delegates |
| 1207 | <u>District Total:</u> 18 delegates |
| 1208 | DISTRICT 6 |
| 1209 | Kentucky Dental Association, 6 delegates |
| 1210 | Missouri Dental Association, 7 delegates |
| 1211 | Tennessee Dental Association, 7 delegates |
| 1212 | West Virginia Dental Association, 3 delegates |
| 1213 | <u>District Total:</u> 23 delegates |
| 1214 | DISTRICT 7 |
| 1215 | Indiana Dental Association, 9 delegates |
| 1216 | Ohio Dental Association, 16 delegates |
| 1217 | <u>District Total:</u> 25 delegates |
| 1218 | DISTRICT 8 |
| 1219 | Illinois State Dental Society, 20 delegates |
| 1220 | <u>District Total:</u> 20 delegates |
| 1221 | DISTRICT 9 |
| 1222 | Michigan Dental Association, 17 delegates |
| 1223 | Wisconsin Dental Association, 9 delegates |
| 1224 | <u>District Total:</u> 26 delegates |
| 1225 | DISTRICT 10 |
| 1226 | Iowa Dental Association, 5 delegates |
| 1227 | Minnesota Dental Association, 9 delegates |
| 1228 | Nebraska Dental Association, The, 3 delegates |
| 1229 | North Dakota Dental Association, 2 delegates |
| 1230 | South Dakota Dental Association, 2 delegates |
| 1231 | <u>District Total:</u> 21 delegates |
| 1232 | DISTRICT 11 |
| 1233 | Alaska Dental Society, 2 delegates |
| 1234 | Idaho State Dental Association, 3 delegates |
| 1235 | Montana Dental Association, 2 delegates |
| 1236 | Oregon Dental Association, 6 delegates |
| 1237 | Washington State Dental Association, 11 delegates |
| 1238 | <u>District Total:</u> 24 delegates |
| 1239 | DISTRICT 12 |
| 1240 | Arkansas State Dental Association, 4 delegates |
| 1241 | Kansas Dental Association, 4 delegates |
| 1242 | Louisiana Dental Association, The, 6 delegates |
| 1243 | Oklahoma Dental Association, 5 delegates |
| 1244 | <u>District Total:</u> 19 delegates |
| 1245 | DISTRICT 13 |
| 1246 | California Dental Association, 67 delegates |
| 1247 | <u>District Total:</u> 67 delegates |
| 1248 | DISTRICT 14 |
| 1249 | Arizona Dental Association, 7 delegates |
| 1250 | Colorado Dental Association, 8 delegates |

| | |
|------|---|
| 1251 | Hawaii Dental Association, 3 delegates |
| 1252 | Nevada Dental Association, 3 delegates |
| 1253 | New Mexico Dental Association, 3 delegates |
| 1254 | Utah Dental Association, 4 delegates |
| 1255 | Wyoming Dental Association, 2 delegates |
| 1256 | <u>District Total:</u> 30 delegates |
| 1257 | DISTRICT 15 |
| 1258 | Texas Dental Association, 23 delegates |
| 1259 | <u>District Total:</u> 23 delegates |
| 1260 | DISTRICT 16 |
| 1261 | North Carolina Dental Society, The, 10 delegates |
| 1262 | South Carolina Dental Association, 5 delegates |
| 1263 | Virginia Dental Association, 10 delegates |
| 1264 | <u>District Total:</u> 25 delegates |
| 1265 | DISTRICT 17 |
| 1266 | Florida Dental Association, 21 delegates |
| 1267 | <u>District Total:</u> 21 delegates |
| 1268 | AMERICAN STUDENT DENTAL |
| 1269 | ASSOCIATION, 5 delegates |
| 1270 | E. ALTERNATE DELEGATES. Each constituent |
| 1271 | dental society and each federal dental service may |
| 1272 | select from among its active, life and retired members |
| 1273 | the same number of alternate delegates as delegates. |
| 1274 | The American Student Dental Association may select |
| 1275 | from among its active members the same number of |
| 1276 | alternate delegates as delegates. |
| 1277 | F. SELECTION OF AMERICAN STUDENT |
| 1278 | DENTAL ASSOCIATION DELEGATES AND |
| 1279 | ALTERNATE DELEGATES. The American Student |
| 1280 | Dental Association shall select its five (5) delegates |
| 1281 | from its even numbered regions in even numbered |
| 1282 | years, and the odd numbered regions in odd |
| 1283 | numbered years, with their alternate delegates |
| 1284 | selected from the opposite groups of regions. |
| 1285 | G. TERM OF DELEGATES AND ALTERNATE |
| 1286 | DELEGATES. The term of a delegate or alternate |
| 1287 | delegate elected or selected pursuant to Section 20 of |
| 1288 | this Chapter commences from the time such delegate |
| 1289 | or alternate delegate is certified pursuant to Section |
| 1290 | 30 of this Chapter until another delegate or alternate |
| 1291 | delegate elected or selected in place of such delegate |
| 1292 | or alternate delegate is so certified. |
| 1293 | <i>Section 20.</i> ELECTION OF DELEGATES AND |
| 1294 | ALTERNATE DELEGATES: The officially certified |
| 1295 | delegates of each constituent society shall be elected |
| 1296 | or, in the case of officially certified alternate |
| 1297 | delegates, elected or selected, by one or more of the |
| 1298 | following methods: |
| 1299 | 1. By the membership at large of that constituent |
| 1300 | society; |
| 1301 | 2. By the constituent society's governing legislative |
| 1302 | body or in the case of alternate delegates, selected by |

1303 the constituent society's board of directors, at the
1304 discretion of the constituent society; and
1305 3. By a component with respect to the delegates
1306 representing that component.
1307 Each federal dental service and the American Student
1308 Dental Association may establish its own method for
1309 selecting delegates.

1310 *Section 30. CERTIFICATION OF DELEGATES*
1311 *AND ALTERNATE DELEGATES:* The executive
1312 director or equivalent chief executive officer of each
1313 constituent society, the ranking administrative officer
1314 of each federal dental service, and the secretary of the
1315 American Student Dental Association shall file with
1316 the Executive Director of this Association, at least
1317 sixty (60) days prior to the first day of the annual
1318 session of the House of Delegates, the names of the
1319 delegates and alternate delegates designated by the
1320 society, service or association. The Executive
1321 Director of this Association shall provide each
1322 delegate and alternate delegate with credentials which
1323 shall be presented to the Committee on Credentials,
1324 Rules and Order of the House of Delegates. In the
1325 event of a contest over the credentials of any delegate
1326 or alternate delegate, the Committee on Credentials,
1327 Rules and Order shall hold a hearing and report its
1328 findings and recommendations to the House of
1329 Delegates for final action.

1330 *Section 40. POWERS:* The House of Delegates shall
1331 be the supreme authoritative body. In addition to
1332 possessing legislative power, it shall have the power
1333 to:

1334 A. Determine the policies which shall govern this
1335 Association in all of its activities.

1336 B. Enact, amend and repeal the *Constitution and*
1337 *Bylaws*.

1338 C. Adopt and amend the *Principles of Ethics and*
1339 *Code of Professional Conduct* for governing the
1340 professional conduct of the members.

1341 D. Grant, amend, suspend or revoke charters of
1342 constituent societies. It shall also have the power by a
1343 two-thirds (2/3) affirmative vote of the delegates
1344 present and voting to suspend the representation of a
1345 constituent society in the House of Delegates upon a
1346 determination by the House that the bylaws of the
1347 constituent society violate the *Constitution* or *Bylaws*
1348 of this Association providing, however, such
1349 suspension shall not be in effect until the House of
1350 Delegates has voted that the constituent society is in
1351 violation and has one year after notification of the
1352 specific violation in which to correct its constitution
1353 or bylaws.

1354 E. Create special committees of the Association.

1355 F. Establish branch offices of the Association.

1356 G. Approve all memorials, resolutions or opinions
1357 issued in the name of the American Dental
1358 Association.

1359 *Section 50. DUTIES:* It shall be the duty of the House
1360 of Delegates to:

1361 A. Elect the elective officers.

1362 B. Elect the members of the Board of Trustees.

1363 C. Elect the members of the councils and
1364 commissions except as otherwise provided by these
1365 *Bylaws*.

1366 D. Receive and act upon reports of the committees of
1367 the House of Delegates.

1368 E. Adopt an annual budget and establish the dues of
1369 active members for the following year.

1370 F. Serve as the court of appeal from decisions of the
1371 Council on Ethics, Bylaws and Judicial Affairs
1372 involving disputes arising between constituent
1373 societies or between constituent and component
1374 societies, and as provided in Chapter XIII of these
1375 *Bylaws*.

1376 *Section 60. TRANSFER OF POWERS AND*
1377 *DUTIES OF THE HOUSE OF DELEGATES:* The
1378 powers and duties of the House of Delegates, except
1379 the power to amend, enact and repeal the *Constitution*
1380 *and Bylaws*, and the duty of electing the elective
1381 officers and the members of the Board of Trustees,
1382 may be transferred to the Board of Trustees of this
1383 Association in time of extraordinary emergency. The
1384 existence of a time of extraordinary emergency may
1385 be determined by unanimous consent of the members
1386 of the Board of Trustees present and voting at a
1387 regular or special session. Such extraordinary
1388 emergency may also be determined by mail vote of
1389 the current members of the House of Delegates on
1390 recommendation of at least four (4) of the elective
1391 officers. A mail vote to be valid shall consist of
1392 ballots received from not less than twenty-five
1393 percent (25%) of the current members of the House of
1394 Delegates. A majority of the votes cast within thirty
1395 (30) days after the mailing of the ballot shall decide
1396 the vote.

1397 *Section 70. ANNUAL SESSION:* The House of
1398 Delegates shall meet annually.

1399 *Section 80. SPECIAL SESSIONS:* A special session
1400 of the House of Delegates shall be called by the
1401 President on a three-fourths (3/4) affirmative vote of
1402 the members of the Board of Trustees or on written
1403 request of delegates representing at least one-third
1404 (1/3) of the constituent societies and not less than

one-fifth (1/5) of the number of officially certified delegates of the last House of Delegates. The time and place of a special session shall be determined by the President, provided the time selected shall be not more than forty-five (45) days after the request was received. The business of a special session shall be limited to that stated in the official call except by unanimous consent.

Section 90. OFFICIAL CALL:

A. ANNUAL SESSION. The Executive Director of the Association shall direct that an official notice of the time and place of each annual session be published in *The Journal of the American Dental Association*. The Executive Director of the Association shall also send an official notice of the time and place of the annual session to each member of the House of Delegates at least thirty (30) days before the opening of such session.

B. SPECIAL SESSION. The Executive Director of the Association shall send an official notice of the time and place of each special session and a statement of the business to be considered to every officially certified delegate and alternate delegate of the last House, not less than fifteen (15) days before the opening of such session.

Section 100. QUORUM: Twenty-five percent (25%) of the voting members of the House of Delegates, representing at least twenty-five percent (25%) of the constituent societies, the American Student Dental Association and the federal dental services, shall constitute a quorum for the transaction of business at any meeting.

Section 110. OFFICERS:

A. SPEAKER AND SECRETARY. The officers of the House shall be the Speaker of the House of Delegates and the Secretary of the House of Delegates. The Executive Director of this Association shall serve as Secretary of the House of Delegates. In the absence of the Speaker the office shall be filled by the President. In the absence of the Secretary of the House of Delegates the Speaker shall appoint a Secretary of the House of Delegates *pro tem*.

B. DUTIES.

a. SPEAKER. The Speaker shall preside at all meetings of the House of Delegates and, in accordance with Chapter V, Section 140Bb, determine the order of business for all meetings subject to the approval of the House of Delegates, appoint tellers to assist in determining the result of any action taken by vote and perform such other duties as custom and parliamentary procedure require. The decision of the Speaker shall be final unless an

appeal from such decision shall be made by a member of the House, in which case final decision shall be by majority vote. In addition, following adjournment of the Standing Committee on Constitution and Bylaws, the Speaker and the Chair of the Council on Ethics, Bylaws and Judicial Affairs shall be responsible for reviewing and either approving or redrafting any new resolutions or changes to resolutions that propose amendments to the *Constitution and Bylaws*, in accordance with Chapter V, Section 140Ab.

b. SECRETARY. The Secretary of the House of Delegates shall serve as the recording officer of the House and the custodian of its records, and shall cause a record of the proceedings of the House to be published as the official transactions of the House.

Section 120. ORDER OF BUSINESS: The order of business shall be that order of business adopted by the House of Delegates in conformity with Chapter V, Section 110Ba and Chapter V, Section 140Bb.

Section 130. RULES OF ORDER:

A. STANDING RULES AND REPORTS.

a. REPORTS. All reports of elective officers, councils and committees, except supplemental reports, shall be sent to each delegate and alternate delegate at least fourteen (14) days in advance of the opening of the annual session. All supplemental reports shall be distributed to each delegate before such report is considered by the House of Delegates.

b. APPROPRIATION OF FUNDS. Any resolution proposing an appropriation of funds, except those relating to the annual budget, shall be referred to the Board of Trustees for a report at the same session on the availability of funds for the purpose specified.

c. APPROVAL OF ANNUAL BUDGET. The proposed annual budget shall be submitted by the Board of Trustees to the members of the House of Delegates at least thirty (30) days prior to the opening meeting of the annual session, shall be referred to a special reference committee on budget for hearings at the annual session and then shall be considered for approval as a special order of business at the second meeting of the House of Delegates. In the event the budget as submitted is not approved, all recommendations for changes shall be referred to the Board of Trustees to prepare and present a revised budget. This procedure shall be repeated until a budget for the ensuing fiscal year shall be adopted.

d. APPROVAL OF THE DUES OF ACTIVE MEMBERS. The dues of active members of this Association shall be established by the House of Delegates as the last item of business at each annual session. The resolution to establish the dues of active members for the following year shall be proposed at each annual session by the Board of Trustees in

conformity with Chapter VII, Section 100F of these *Bylaws*, may be amended to any amount and/or reconsidered by the House of Delegates until a resolution establishing the dues of active members is adopted by a sixty percent (60%) affirmative vote of the delegates present and voting.

e. INTRODUCTION OF NEW BUSINESS. No new business shall be introduced into the House of Delegates less than 15 days prior to the opening of the annual session, unless submitted by a Trustee District. No new business shall be introduced into the House of Delegates at the last meeting of a session except when such new business is submitted by a Trustee District and is permitted to be introduced by a two-thirds (2/3) affirmative vote of the delegates present and voting. The motion introducing such new business shall not be debatable. Approval of such new business shall require a majority vote except new business introduced at the last meeting of a session that would require a bylaw amendment cannot be adopted at such last meeting. Reference committee recommendations shall not be deemed new business.

f. RESOLUTIONS. A resolution becomes the property of the American Dental Association when submitted to the ADA House of Delegates for consideration. If adopted by the House of Delegates, this Association shall be the sole owner of the resolution which shall constitute “work made for hire” under copyright laws. This Association shall have the exclusive right to seek copyright registration for the resolution and to secure copyrights and retain ownership of such copyrights in its own name.

B. ADDITIONAL RULES. The rules contained in the current edition of the *American Institute of Parliamentarians Standard Code of Parliamentary Procedure* shall govern the deliberations of the House of Delegates in all cases in which they are applicable and not in conflict with the standing rules or these *Bylaws*.

Section 140. COMMITTEES: The committees of the House of Delegates shall be:

A. COMMITTEE ON CONSTITUTION AND BYLAWS.

a. COMPOSITION. The Committee shall consist of not more than eight (8) nor less than six (6) members of the Council on Ethics, Bylaws and Judicial Affairs of this Association appointed by the President in consultation with the Speaker of the House of Delegates and the Council Chair.

b. DUTIES. Prior to the first meeting of each new session of the House of Delegates, the Committee shall review all resolutions proposing amendments to the *Constitution and Bylaws* and shall either approve the text of the amendment as written or shall redraft

the resolution to accomplish the intent of the maker in the form currently used by the House of Delegates. The Committee shall file a report of its findings and actions at the first meeting of the House of Delegates and then shall adjourn. Thereafter until the House of Delegates adjourns *sine die*, the Speaker of the House and the Chair of the Council on Ethics, Bylaws and Judicial Affairs shall be responsible for reviewing any new resolutions or changes to resolutions that propose amendments to the *Constitution and Bylaws*, and they shall either approve the text of the amendment as written or shall redraft the resolution to accomplish the intent of the maker in the form currently used by the House of Delegates.

B. COMMITTEE ON CREDENTIALS, RULES AND ORDER.

a. COMPOSITION. The Committee, consisting of nine (9) members from the officially certified delegates and alternate delegates, shall be appointed by the President at least sixty (60) days in advance of each session.

b. DUTIES. It shall be the duty of the Committee (1) to record and report the roll call of the House of Delegates at each meeting; (2) to conduct a hearing on any contest regarding the certification of a delegate or alternate delegate and to report its recommendations to the House of Delegates; (3) to prepare a report, in consultation with the Speaker and Secretary of the House of Delegates, on matters relating to the order of business and special rules of order; (4) to consider all matters referred to it and report its recommendations to the House of Delegates.

C. RESOLUTIONS COMMITTEE.

a. COMPOSITION. The Resolutions Committee shall consist of the Speaker and the Secretary of the House of Delegates and the chairs of the reference committees authorized by Subsection D of this Chapter.

b. DUTIES. The duties of the Resolutions Committee shall be to examine resolutions after action by the reference committees and arrange a sequence for House action based upon the importance of the resolutions’ subject matter.

D. REFERENCE COMMITTEES.

a. COMPOSITION. Reference committees, consisting of nine (9) members from the officially certified delegates and alternate delegates, shall be appointed by the President at least sixty (60) days in advance of each annual session.

b. DUTIES. It shall be the duty of a reference committee to consider reports referred to it, to conduct open hearings and to report its recommendations to the House of Delegates.

1619 E. SPECIAL COMMITTEES. The Speaker, with the
1620 consent of the House of Delegates, shall appoint
1621 special committees to perform duties not otherwise
1622 assigned by these *Bylaws*, to serve until adjournment
1623 *sine die* of the session at which they were appointed.

1624 *Section 150. ELECTION PROCEDURE:* Elective
1625 officers, members of the Board of Trustees and
1626 members of councils and committees shall be elected
1627 by the House of Delegates except as otherwise
1628 provided in these *Bylaws*. Voting shall be by ballot,
1629 except that when there is only one candidate for an
1630 office, council or committee, such candidate may be
1631 declared elected by the Speaker. The Secretary shall
1632 provide facilities for voting. The polls shall be open
1633 for at least one and one-half (1-1/2) hours.

1634 a. When one is to be elected, and more than one has
1635 been nominated, the majority of the ballots cast shall
1636 elect. In the event no candidate receives a majority on
1637 the first ballot, the candidate with the fewest votes
1638 shall be removed from the ballot and the remaining
1639 candidates shall be balloted upon again. This process
1640 shall be repeated until one (1) candidate receives a
1641 majority of the votes cast.

1642 b. When more than one is to be elected, and the
1643 nominees exceed the number to be elected, the votes
1644 cast shall be non-cumulative, and the candidates
1645 receiving the greatest number of votes shall be
1646 elected.

CHAPTER VI • CONFLICT OF INTEREST

1647 It is the policy of this Association that individuals
1648 who serve in elective, appointive or employed offices
1649 or positions do so in a representative or fiduciary
1650 capacity that requires loyalty to the Association. At
1651 all times while serving in such offices or
1652 positions, these individuals shall further the interests
1653 of the Association as a whole. In addition, they shall
1654 avoid:

1655 a. placing themselves in a position where personal or
1656 professional interests may conflict with their duty to
1657 this Association.

1658 b. using information learned through such office or
1659 position for personal gain or advantage.

1660 c. obtaining by a third party an improper gain or
1661 advantage.

1662 As a condition for selection, each nominee, candidate
1663 and applicant shall complete a conflict of interest
1664 statement as prescribed by the Board of Trustees,
1665 disclosing any situation which might be construed as
1666 placing the individual in a position of having an
1667 interest that may conflict with his or her duty to the
1668 Association. Candidates for offices of President-elect,
1669 Second Vice President, Treasurer, Speaker of the
1670 House, nominees for office of trustee, and nominees
1671 to councils and commissions shall file such

1672 statements with the Secretary of the House of
1673 Delegates to be made available to the delegates prior
1674 to election. As a condition of appointment,
1675 consultants, advisers and staff of Councils,
1676 Commissions and Special Committees, and each
1677 person nominated or seeking such positions, shall file
1678 conflict of interest statements with the executive
1679 director of this Association.

1680 While serving in any elective, appointive or employed
1681 office or position, the individual shall comply with
1682 the conflict of interest policy applicable to his or her
1683 office or position, shall complete and file a conflict of
1684 interest statement for each year of service, and shall
1685 promptly report any situation in which a potential
1686 conflict of interest may arise.

1687 The Board of Trustees shall approve any additional
1688 compliance activities that will implement the
1689 requirements of this chapter. The Board of Trustees
1690 shall render a final judgment on what constitutes a
1691 conflict of interest.

CHAPTER VII • BOARD OF TRUSTEES

1692 *Section 10. COMPOSITION:* The Board of Trustees
1693 shall consist of one (1) trustee from each of the
1694 seventeen (17) trustee districts. Such seventeen (17)
1695 trustees, the President-elect and the two Vice
1696 Presidents shall constitute the voting membership of
1697 the Board of Trustees. In addition, the President, the
1698 Treasurer and the Executive Director of the
1699 Association, except as otherwise provided in the
1700 *Bylaws* shall be *ex officio* members of the Board
1701 without the right to vote.

1702 *Section 20. QUALIFICATIONS:* A trustee must be
1703 an active, life or retired member, in good standing, of
1704 this Association and an active, life or retired member
1705 of one of the constituent societies of the trustee
1706 district which the trustee is elected to represent.
1707 Should the status of any trustee change in regard to
1708 the preceding qualifications during the trustee's term
1709 of office, that office shall be declared vacant by the
1710 President and the President shall fill such vacancy as
1711 provided in Chapter VII, Section 80, of these *Bylaws*.

1712 *Section 30. TERM OF OFFICE:* The term of office of
1713 a trustee shall be four (4) years. The tenure of a
1714 trustee shall be limited to one (1) term of four (4)
1715 years.

1716 *Section 40. NOMINATION:*

1717 A. SINGLE CONSTITUENT DISTRICT. In trustee
1718 districts consisting of a single constituent dental
1719 society, the trustee nomination procedures shall be
1720 determined by an elective process established by the
1721 constituent dental society which shall produce a
1722 single nominee for trustee. Until such time as the

1723 Speaker declares the nominee elected pursuant to
 1724 Paragraph A of Section 50 of this Chapter, the
 1725 nomination may be reconsidered by the duly
 1726 constituted caucus of the trustee district during the
 1727 appropriate annual session, provided that at no time
 1728 shall more than one nominee be presented by the
 1729 trustee district for election. The House of Delegates
 1730 may vote to reject any such nominee and thereby
 1731 compel the trustee district caucus to select a different
 1732 nominee.

1733 B. MULTIPLE CONSTITUENT DISTRICTS. In
 1734 multiple constituent districts, the delegates from the
 1735 constituent societies of the trustee district in which
 1736 the term of the trustee is to terminate, shall hold a
 1737 caucus to select a nominee or nominees for the office
 1738 of trustee. Such caucus shall be called by the trustee
 1739 whose term is about to expire, or by the trustee's
 1740 designee. The notice of the time and place of such
 1741 caucus shall be reported to the Secretary of the
 1742 House.

1743 At the caucus the delegates shall nominate one (1) or
 1744 two (2) candidates for the office of trustee, whose
 1745 name or names shall be presented to the House of
 1746 Delegates in accordance with the following rules. An
 1747 action taken at a duly constituted caucus of the trustee
 1748 district to nominate or select a trustee may be
 1749 reconsidered at a later caucus during the appropriate
 1750 annual session.

1751 a. A person receiving the unanimous vote of the
 1752 delegates present and voting at the caucus shall be the
 1753 only nominee presented by the district.

1754 b. In the event that one (1) candidate receives a
 1755 majority vote, one (1) or more of the delegates voting
 1756 in the minority may select another nominee and the
 1757 names of both nominees shall be presented to the
 1758 House of Delegates as the nominees of that district.

1759 c. The number of votes received by each nominee in
 1760 the caucus shall be reported to the House of
 1761 Delegates.

1762 C. NOMINATING PROCEDURE. Candidates for the
 1763 office of trustee shall be nominated from the floor of
 1764 the House of Delegates by a simple declaratory
 1765 statement, which may be followed by an acceptance
 1766 speech not to exceed four (4) minutes by the
 1767 candidate from the podium, according to the protocol
 1768 established by the Speaker of the House of Delegates.
 1769 Seconding a nomination is not permitted.

1770 *Section 50. ELECTION:* The trustee shall be elected
 1771 by the House of Delegates according to the following
 1772 rules:

1773 A. If there is only one (1) nominee from a trustee
 1774 district, the Speaker shall declare such nominee
 1775 elected.

1776 B. If there are two (2) nominees from a trustee
 1777 district, the election shall be by ballot in accordance
 1778 with Chapter V, Section 150. The nominee receiving
 1779 the larger number of votes cast shall be declared
 1780 elected. The method of election set forth in this
 1781 paragraph shall not be used for any trustee district
 1782 consisting of a single constituent dental society. A
 1783 trustee district consisting of a single constituent
 1784 dental society may present a single nominee to be
 1785 elected pursuant to Paragraph A of this Section.

1786 *Section 60. INSTALLATION:* The trustee shall be
 1787 installed by the President or by the President's
 1788 designee.

1789 *Section 70. REMOVAL FOR CAUSE:* The House of
 1790 Delegates may remove a trustee for cause in
 1791 accordance with procedures established by the House
 1792 of Delegates, which procedures shall provide for
 1793 notice of the charges and an opportunity for the
 1794 accused to be heard in his or her defense. A two-
 1795 thirds (2/3) affirmative vote of the delegates present
 1796 and voting is required to remove a trustee from office.
 1797 If the House of Delegates elects to remove the trustee,
 1798 that action shall create a vacancy on the Board of
 1799 Trustees which shall be filled in accordance with
 1800 Chapter VII, Section 80.

1801 *Section 80. VACANCY:* In the event of a vacancy in
 1802 the office of trustee, an active, life or retired member
 1803 may be appointed by the President to fill the
 1804 unexpired term of the vacancy. The appointment shall
 1805 be made by the President with the advice and consent
 1806 of the former trustee's district. A trustee district may
 1807 file rules with the Association's Executive Director
 1808 setting forth how its nominee shall be chosen. In the
 1809 event an appointment to fill the vacancy has not been
 1810 made by the time of the next meeting of the House of
 1811 Delegates following the occurrence of the vacancy,
 1812 then a successor trustee shall be elected for the
 1813 remainder of the unexpired term by the House of
 1814 Delegates pursuant to the provisions of Chapter VII,
 1815 Sections 40 and 50 of these *Bylaws*. If the term of the
 1816 vacated trustee position has less than fifty percent
 1817 (50%) of a full four-year term remaining at the time
 1818 the successor trustee is appointed or elected, the
 1819 successor trustee shall be eligible for election to a
 1820 new, consecutive four-year term. If fifty percent
 1821 (50%) or more of the vacated term remains to be
 1822 served at the time of the appointment or election, the
 1823 successor trustee shall not be eligible for another
 1824 term.

1825 *Section 90. POWERS:* The Board of Trustees shall be
 1826 the managing body of the Association, vested with
 1827 full power to:

1828 A. Conduct all business of the Association, subject to

1829 the laws of the State of Illinois, the *Articles of*
 1830 *Incorporation*, the *Constitution and Bylaws* and the
 1831 mandates of the House of Delegates. The power of
 1832 the Board of Trustees to act as the managing body of
 1833 the Association shall not be construed as limiting the
 1834 power of the House of Delegates to establish policy
 1835 with respect to the governance of this Association in
 1836 all its activities, except for areas expressly
 1837 reserved in these *Bylaws* as powers and/or duties of
 1838 the Board of Trustees, as the same may be amended
 1839 by the House of Delegates from time to time in
 1840 accordance with these *Bylaws*.

1841 B. Establish rules and regulations not inconsistent
 1842 with these *Bylaws* to govern its organization and
 1843 procedure.

1844 C. Direct the President to call a special session of the
 1845 House of Delegates as provided in Chapter V, Section
 1846 80, of the *Bylaws*.

1847 D. Cause to be published in, or to be omitted from,
 1848 any official publication of the Association any article
 1849 in whole or in part relating to ADA policies,
 1850 advocacy efforts and legislative agendas.

1851 E. Appoint an editor of *The Journal of the American*
 1852 *Dental Association*.

1853 F. Appoint an editorial board whose members have
 1854 been nominated by the editor of *The Journal of the*
 1855 *American Dental Association*.

1856 G. Establish *ad interim* policies when the House of
 1857 Delegates is not in session and when such policies are
 1858 essential to the management of the Association
 1859 provided, however, that all such policies must be
 1860 presented for review and consideration by the House
 1861 of Delegates at its next session.

1862 H. Remove a council member for cause in accordance
 1863 with procedures established by the Board of Trustees
 1864 in its *Rules*.

1865 I. Elect honorary members.

1866 J. Appoint its members to committees that shall have
 1867 the power to perform any duty that the Board of
 1868 Trustees may lawfully delegate.

1869 K. Supervise, monitor and guide, on an interim basis,
 1870 the activities of all councils and special committees in
 1871 order to ensure the fulfillment of initiatives and
 1872 directives assigned to each council or special
 1873 committee by the House of Delegates or Board of
 1874 Trustees subject to the requirement that all interim
 1875 actions of the Board must be approved by the House
 1876 of Delegates.

1877 L. Establish rules and procedures authorizing the
 1878 councils, commissions and committees of this

1879 Association to transact business by ballot without a
 1880 meeting.

1881 M. Appoint agents and/or other representatives for the
 1882 purpose of supervising, managing and otherwise
 1883 conducting business under its direction and in
 1884 accordance with these *Bylaws* and the laws of the
 1885 State of Illinois. No such appointment shall relieve
 1886 the Board of Trustees of its fiduciary duties as the
 1887 managing body of the Association as provided in
 1888 these *Bylaws*.

1889 *Section 100. DUTIES:* It shall be the duty of the
 1890 Board of Trustees to:

1891 A. Provide for the purchase, sale, mortgage,
 1892 maintenance and supervision of the Headquarters
 1893 Office and all other property or offices owned or
 1894 operated by this Association.

1895 B. Appoint the Executive Director and an interim
 1896 Executive Director of the Association.

1897 C. Determine the date and place for convening each
 1898 annual session and provide for the management and
 1899 general arrangements for each annual session as
 1900 provided in Chapter XV, Section 30.

1901 D. Cause to be bonded by a surety company the
 1902 Treasurer, the Executive Director and employees of
 1903 the Association entrusted with Association funds.

1904 E. Provide guidelines and directives to govern the
 1905 Treasurer's custody, investment and disbursement of
 1906 Association funds and other property as provided in
 1907 Chapter VIII, Section 90F, of these *Bylaws*; and to
 1908 cause all accounts of the Association to be audited by
 1909 a certified public accountant at least once a year.

1910 F. Prepare a budget for carrying on the activities of
 1911 the Association for each ensuing fiscal year, and
 1912 present for action by each House of Delegates a
 1913 resolution setting forth the proposed dues of active
 1914 members for the following year. Notice of such a
 1915 resolution shall be sent by a certifiable method of
 1916 delivery to each constituent society, federal dental
 1917 service and the American Student Dental Association
 1918 not less than ninety (90) days before such session to
 1919 permit prompt, adequate notice by each constituent
 1920 society, federal dental service and the American
 1921 Student Dental Association to their delegates and
 1922 alternate delegates to the House of Delegates of this
 1923 Association, and shall be announced to the general
 1924 membership in an official publication of the
 1925 Association at least sixty (60) days in advance of the
 1926 annual session.

1927 G. Establish recommended qualifications for the
 1928 office of Treasurer.

1929 H. Submit to the House of Delegates at the opening

1930 meeting of the annual session, in printed form,
 1931 nominations for membership to the councils, except
 1932 as otherwise provided in these *Bylaws*.

1933 I. Appoint annually the chair of each council, except
 1934 as otherwise provided in these *Bylaws*, and to act
 1935 upon council, commission, and bureau nominations
 1936 for consultants and advisers except as otherwise
 1937 provided in these *Bylaws*.

1938 J. Provide interim guidance and supervision to all
 1939 councils and special committees in order to ensure the
 1940 fulfillment of initiatives and directives assigned to
 1941 each council or special committee by the House of
 1942 Delegates or Board of Trustees.

1943 K. Review the reports of councils and special
 1944 committees of the Association and to make
 1945 recommendations concerning such reports to the
 1946 House of Delegates.

1947 L. Act upon applications for active membership from
 1948 applicants practicing in dependencies of the United
 1949 States in which no constituent society exists or in
 1950 federal dental services.

1951 M. Submit an annual report to the House of Delegates
 1952 of its activities and those of the Treasurer and
 1953 Executive Director.

1954 N. Review the delegate allocations to the House of
 1955 Delegates as provided in Chapter V, Section 10C, of
 1956 these *Bylaws*.

1957 O. Elect associate members.

1958 P. Establish other funds as divisions of the General
 1959 Fund in accordance with the provisions of Chapter
 1960 XVII, Section 30.

1961 Q. Appoint special committees of the Association in
 1962 accordance with Chapter XI, Section 10 of these
 1963 *Bylaws*.

1964 R. Perform such other duties as are prescribed by
 1965 these *Bylaws*.

1966 S. Establish such administrative agencies of this
 1967 Association as may be necessary to implement the
 1968 Association's programs, to assign the duties of such
 1969 agencies through the Executive Director of the
 1970 Association under whose jurisdiction each shall
 1971 operate, and to require reports of such agencies
 1972 through the same channels.

1973 *Section 110. SESSIONS:*

1974 A. REGULAR SESSIONS. The Board of Trustees
 1975 shall hold a minimum of three regular sessions each
 1976 year. The number of actual regular meetings to be
 1977 held in excess of three for the ensuing year shall be
 1978 determined in advance by the Board of Trustees.

1979 B. SPECIAL SESSIONS. Special sessions of the
 1980 Board of Trustees may be called at any time either by
 1981 the President or at the request of five voting members
 1982 of the Board, provided notice is given to each
 1983 member in advance of the session.

1984 C. PLACE OF MEETINGS: Regular or special
 1985 meetings may be held in a single geographic location
 1986 or from multiple remote locations through the use of a
 1987 conference telephone or other communications
 1988 equipment. Special meetings held through the use of
 1989 a conference telephone or other communications
 1990 equipment may be called by the President or at the
 1991 request of five voting members of the Board of
 1992 Trustees for matters of the Association requiring
 1993 immediate attention. Such meetings shall be
 1994 conducted in accordance with rules and procedures
 1995 established by the Board of Trustees.

1996 *Section 120. QUORUM:* A majority of the voting
 1997 members of the Board of Trustees shall constitute a
 1998 quorum.

1999 *Section 130. OFFICERS:*

2000 A. CHAIR AND SECRETARY. The officers of the
 2001 Board of Trustees shall be the President of the
 2002 Association who shall be the Chair, and the Executive
 2003 Director of the Association who shall be the
 2004 Secretary.

2005 In the absence of the President, the office of Chair
 2006 shall be filled by the President-elect and, in his or her
 2007 absence, by the First or Second Vice President in that
 2008 order and, in their absence, a voting member of the
 2009 Board shall be elected Chair *pro tem*.

2010 In the absence of the Secretary, the Chair shall
 2011 appoint a Secretary *pro tem*.

2012 B. DUTIES.

2013 a. CHAIR. The Chair shall preside at all meetings of
 2014 the Board of Trustees. The Chair shall cast the
 2015 deciding vote in case of a tie.

2016 b. SECRETARY. The Secretary shall serve as the
 2017 recording officer of the Board of Trustees and as the
 2018 custodian of its records. The Secretary shall cause a
 2019 factual record of the proceedings to be published as
 2020 the official transactions of the Board.

2021 *Section 140. COMMITTEES:* The Board of Trustees
 2022 shall have a standing New Dentist Committee. The
 2023 Committee shall consist of one (1) member from each
 2024 trustee district who are active members selected by
 2025 the Board of Trustees and confirmed by the House of
 2026 Delegates. Members of the Committee shall have
 2027 received their D.D.S. or D.M.D. degree less than ten
 2028 (10) years before the time of selection. The chair of
 2029 the Committee shall be appointed annually by the
 2030 Board of Trustees.

2031 Members of the Committee shall serve one (1) term

of four (4) years. The Board of Trustees shall stagger the terms of the members of the Committee in a manner so four (4) members will complete their terms each year, except every fourth year when five (5) members shall complete their terms.

The Board of Trustees shall have the power to remove a Committee member for cause in accordance with procedures established by the Board in its *Rules*. In the event of any vacancy on the Committee, the Board of Trustees shall select a member of this Association possessing the same qualifications as established by these *Bylaws* for the previous member, to fill such vacancy for the remainder of the unexpired term. If the term of the vacated Committee position has less than fifty percent (50%) of a full four-year term remaining at the time the successor member is selected, the successor member shall be eligible for selection to a new, consecutive four-year term. If fifty percent (50%) or more of the vacated term remains to be served at the time of selection, the successor member shall not be eligible for another term.

The New Dentist Committee's work shall be assigned by the Board of Trustees, and reports and proposals formulated by the Committee shall be referred to the Board for decision and action. The duties of the Committee shall be to:

- Provide the Board of Trustees with expertise on issues affecting new dentists.
- Advocate to the Board of Trustees, other agencies of this Association and the tripartite dental societies the perspectives of the new dentist in the development of policies, programs, benefits and services of the Association.
- Identify the needs and concerns of new graduate dentists and make recommendations for any programs to assist with their transition to practice.
- Enhance member value, encourage involvement and active participation, and build a community of new dentists in organized dentistry.
- Serve as *ex officio* members, without the power to vote, of councils and commissions of this Association on issues affecting new dentists; these appointments will be recommended by the Committee and assigned by the Board of Trustees.
- Facilitate the development of constituent and component new dentist committees and provide resources to assist constituent and component dental societies in meeting the needs of new dentists.
- Enhance the development of future leaders by providing and promoting leadership development opportunities and training for new dentists.

CHAPTER VIII • ELECTIVE OFFICERS

Section 10. TITLE: The elective officers of this

Association shall be President, President-elect, First Vice President, Second Vice President, Treasurer and Speaker of the House of Delegates, as provided in Article V of the *Constitution*.

Section 20. ELIGIBILITY: Only an active, life or retired member, in good standing, of this Association shall be eligible to serve as an elective officer. Trustees and elective officers may not apply for the office of Treasurer while serving in any of those offices, except that the Treasurer may apply for a second term pursuant to Chapter VIII, Section 50 of these *Bylaws*.

Section 30. NOMINATIONS:

A. Nominations for the offices of President-elect and Second Vice President shall be made in accordance with the order of business. Candidates for these elective offices shall be nominated from the floor of the House of Delegates by a simple declaratory statement, which may be followed by an acceptance speech not to exceed four (4) minutes by the candidate from the podium, according to the protocol established by the Speaker of the House of Delegates. Seconding a nomination is not permitted.

B. Nominations for the office of Treasurer shall be made in accordance with the order of business. The search for Treasurer shall be announced in an official publication of the Association in November of the final year of the incumbent Treasurer's term, together with the recommended qualifications for that position as provided in Chapter VII, Section 100G of these *Bylaws*. Candidates for the office of Treasurer shall apply by submitting a standardized Treasurer Curriculum Vitae form to the Executive Director at least one hundred twenty (120) days prior to the convening of the House of Delegates. Each candidate's application shall be reviewed by the Board of Trustees. The Executive Director shall provide all members of the House of Delegates, at least sixty (60) days prior to the convening of the House of Delegates, with each candidate's standardized Treasurer Curriculum Vitae and the determination of the Board of Trustees as to whether the candidate meets the recommended qualifications for the office of Treasurer. Only those candidates shall be nominated from the floor of the House of Delegates. The nominations may be followed by an acceptance speech not to exceed four (4) minutes by each candidate from the podium, according to the protocol established by the Speaker of the House of Delegates. Seconding a nomination is not permitted. No further nominations for the office of Treasurer shall be accepted from the floor of the House of Delegates. If there are no eligible candidates for the office of Treasurer when the House of Delegates

2139 meets, the term of the incumbent Treasurer shall be
 2140 extended by one (1) year. Should the incumbent
 2141 Treasurer be unwilling or unable to serve an
 2142 additional one (1) year term, the office of Treasurer
 2143 shall be filled in the same manner as provided in
 2144 Chapter VIII, Section 80 of these *Bylaws*. Under these
 2145 circumstances, former Treasurers of this Association
 2146 would be eligible to serve as Treasurer *pro tem* for
 2147 one (1) additional year.

2148 C. Nominations for the office of Speaker of the House
 2149 shall be made in accordance with the order of
 2150 business. The search for Speaker of the House shall
 2151 be announced in an official publication of the
 2152 Association in January. Candidates for the office of
 2153 Speaker of the House shall apply by submitting
 2154 curriculum vitae along with a statement supporting
 2155 their qualifications to the Executive Director at least
 2156 one hundred twenty (120) days prior to the convening
 2157 of the House of Delegates. The Executive Director
 2158 shall provide all members of the House of Delegates,
 2159 at least sixty (60) days prior to the convening of the
 2160 House of Delegates, with each candidate's curriculum
 2161 vitae and statement of qualifications for the office of
 2162 Speaker of the House. If no candidate has applied, or
 2163 if there is no remaining eligible candidate for
 2164 election, then the Association shall inform all
 2165 delegates of this circumstance and the period to apply
 2166 shall be extended to thirty (30) days prior to the
 2167 convening of the House of Delegates. If thirty (30)
 2168 days prior to the convening of the House of Delegates
 2169 there is no remaining candidate for election then the
 2170 Association shall inform all delegates of this
 2171 circumstance and also inform them that nominations
 2172 shall be permitted from the floor of the House of
 2173 Delegates. Only those candidates shall be nominated
 2174 from the floor of the House of Delegates. The
 2175 nominations may be followed by an acceptance
 2176 speech not to exceed four (4) minutes by each
 2177 candidate from the podium, according to the protocol
 2178 established by the Election Commission. Seconding a
 2179 nomination is not permitted. No further nominations
 2180 for the office of Speaker of the House shall be
 2181 accepted from the floor of the House of Delegates. If
 2182 there are no eligible candidates for the office of
 2183 Speaker of the House when the House of Delegates
 2184 meets, the office of Speaker of the House shall be
 2185 filled in the same manner as provided in Chapter VIII,
 2186 Section 80 of these *Bylaws*.

2187 *Section 40. ELECTIONS:* The elective officers shall
 2188 be elected in accordance with Chapter V, Section 150.

2189 *Section 50. TERM OF OFFICE:* The President,
 2190 President-elect, First Vice President and Second Vice
 2191 President shall serve for a term of one (1) year, except
 2192 as otherwise provided in this chapter of the *Bylaws*, or

2193 until their successors are elected and installed. The
 2194 Speaker of the House of Delegates shall be limited to
 2195 two (2) terms of three (3) years each in total,
 2196 consecutive or otherwise. The term of office of the
 2197 Treasurer shall be three (3) years, or until a successor
 2198 is elected and installed. The Treasurer shall be limited
 2199 to two (2) consecutive terms of three (3) years each,
 2200 excepting the case of a former Treasurer who has
 2201 been elected Treasurer *pro tem* as provided in Chapter
 2202 VIII, Section 30 of these *Bylaws*, who may serve one
 2203 (1) additional year.

2204 *Section 60. INSTALLATION:* The elective officers
 2205 shall be installed at the last meeting of the annual
 2206 session of the House of Delegates. The President-
 2207 elect shall be installed as President at the next annual
 2208 session of the House following election. The Second
 2209 Vice President shall be installed as First Vice
 2210 President at the next annual session of the House
 2211 following election.

2212 *Section 70. REMOVAL FOR CAUSE:* The House of
 2213 Delegates may remove an elective officer for cause in
 2214 accordance with procedures established by the House
 2215 of Delegates, which shall include notice of the
 2216 charges and an opportunity for the accused to be
 2217 heard in his or her defense. A two-thirds (2/3)
 2218 affirmative vote of the delegates present and voting is
 2219 required to remove an elective officer from office. If
 2220 the House of Delegates elects to remove the elective
 2221 officer, that action shall create a vacancy which shall
 2222 be filled in accordance with Chapter VIII, Section 80.

2223 *Section 80. VACANCIES:*

2224 A. VACANCY OF ELECTIVE OFFICE: In the event
 2225 the office of President becomes vacant, the President-
 2226 elect shall become President for the unexpired portion
 2227 of the term. In the event the office of President
 2228 becomes vacant for the second time in the same term
 2229 or at a time when the office of President-elect is also
 2230 vacant, the First Vice President shall become
 2231 President for the unexpired portion of the term. In the
 2232 event the office of First Vice President becomes
 2233 vacant, the Second Vice President shall become the
 2234 First Vice President for the unexpired portion of the
 2235 term. A vacancy in the office of the Second Vice
 2236 President shall be filled by a majority vote of the
 2237 Board of Trustees. In the event of a vacancy in the
 2238 office of Speaker of the House of Delegates, the
 2239 President, with approval of the Board of Trustees,
 2240 shall appoint a Speaker *pro tem*. In the event
 2241 the office of President-elect becomes vacant by
 2242 reason other than the President-elect succeeding to
 2243 the office of the President earlier than the next annual
 2244 session, the office of President for the ensuing year
 2245 shall be filled at the next annual session of the House
 2246 of Delegates in the same manner as that provided for

the nomination and election of elective officers, except that the ballot shall read “President for the Ensuing Year.” A vacancy in the office of Treasurer shall be filled by a majority vote of the Board of Trustees until the process of inviting applications, screening and nominating candidates and electing a new Treasurer has been completed by the Board of Trustees and the House of Delegates. The Treasurer *pro tem* shall be eligible for election to a new consecutive three (3) year term. The newly elected Treasurer shall be limited to two (2) consecutive terms of three (3) years each, excepting the case of a former Treasurer who has been elected Treasurer *pro tem* as provided in Chapter VIII, Section 30 of these *Bylaws*, who may serve one (1) additional year.

B. TEMPORARY INCAPACITY OF THE PRESIDENT: Whenever the President notifies the Board of Trustees that he or she is unable to discharge the duties of the office of President due to temporary incapacity, the President-elect shall assume the duties of the office of President, as Acting President, until the President notifies the Board of Trustees that he or she is prepared to resume the duties of the office of President. Whenever the voting members of the Board of Trustees of this Association determine by majority vote that the President is unable to discharge the duties of his or her office due to temporary incapacity, the President-elect shall assume the duties of the office of President, as Acting President, until the President satisfies the voting members of the Board of Trustees that he or she is prepared to resume the duties of the office of President.

Section 90. DUTIES:

A. PRESIDENT. It shall be the duty of the President to:

- a. Serve as the primary official representative of this Association in its contacts with governmental, civic, business and professional organizations for the purpose of advancing the objectives and policies of this Association.
- b. Serve as Chair and *ex officio* member of the Board of Trustees and to perform such duties as are provided in Chapters V and VII of these *Bylaws*.
- c. Call special sessions of the House of Delegates and the Board of Trustees as provided in Chapters V and VII of these *Bylaws*.
- d. Appoint the members of all committees of the House of Delegates except as otherwise provided in these *Bylaws*.
- e. Fill vacancies in the office of trustee as provided in Chapter VII, Section 80, of these *Bylaws* and to fill other vacancies in accordance with these *Bylaws*.
- f. Submit an annual report to the House of Delegates.
- g. Perform such other duties as may be provided in

these *Bylaws*.

B. PRESIDENT-ELECT. It shall be the duty of the President-elect to:

- a. Assist the President as requested.
- b. Serve as an *ex officio* member of the House of Delegates without the right to vote.
- c. Serve as an *ex officio* member of the Board of Trustees.
- d. Succeed to the office of President at the next annual session of the House of Delegates following election as President-elect.
- e. Succeed immediately to the office of President in the event of vacancy not only for the unexpired term but also for the succeeding year.

C. FIRST VICE PRESIDENT. It shall be the duty of the First Vice President to:

- a. Assist the President as requested.
- b. Serve as an *ex officio* member of the House of Delegates without the right to vote.
- c. Serve as an *ex officio* member of the Board of Trustees.
- d. Succeed to the office of President, as provided in this chapter of the *Bylaws*.

D. SECOND VICE PRESIDENT. It shall be the duty of the Second Vice President to:

- a. Assist the President as requested.
- b. Serve as an *ex officio* member of the House of Delegates without the right to vote.
- c. Serve as an *ex officio* member of the Board of Trustees.
- d. Succeed to the office of First Vice President at the next annual session of the House of Delegates following election as Second Vice President.
- e. Succeed immediately to the office of First Vice President in the event of vacancy not only for the unexpired term but also for the succeeding term.

E. SPEAKER OF THE HOUSE OF DELEGATES. The Speaker shall preside at the meetings of the House of Delegates and shall perform such duties as custom and parliamentary procedure require. The Speaker shall not be a member of the Board of Trustees.

F. TREASURER. It shall be the duty of the Treasurer to:

- a. Serve as custodian of all monies, securities and deeds belonging to the Association which may come into the Treasurer’s possession.
- b. Hold, invest and disburse all monies, securities and deeds, subject to the direction of the Board of Trustees.
- c. Design a budgetary process in concert with the Board of Trustees.
- d. Oversee Association finances and budget development.

2354 e. Serve as the principal resource person for the
2355 budget reference committee in the House of
2356 Delegates and to help interpret the Association's
2357 finances for the membership.
2358 f. Review all financial information and data and
2359 report on financial matters to the Board of Trustees
2360 on a quarterly basis.
2361 g. Review travel reimbursement for the elective
2362 officers, trustees and Executive Director.
2363 h. Serve as an *ex officio* member of the House of
2364 Delegates without the right to vote.
2365 i. Serve as an *ex officio* member of the Board of
2366 Trustees without the right to vote.
2367 j. Perform such other duties as may be provided in
2368 these *Bylaws*.

CHAPTER IX • APPOINTIVE OFFICER

2369 *Section 10.* TITLE: The appointive officer of this
2370 Association shall be an Executive Director, as
2371 provided in Article V of the *Constitution*.

2372 *Section 20.* APPOINTMENTS: While any active, life
2373 or retired member in good standing may be appointed
2374 to the office of Executive Director, the Board of
2375 Trustees may appoint a qualified individual who is
2376 not eligible for membership in this Association.

2377 *Section 30.* TERM OF OFFICE AND SALARY: The
2378 Board of Trustees shall determine the salary, if any,
2379 and the tenure of the Executive Director, which shall
2380 not exceed three (3) years. The completion of the full
2381 term of any appointment shall be at the discretion of
2382 the Board of Trustees.

2383 *Section 40.* DUTIES: The Executive Director shall be
2384 the principal agent of the Board of Trustees and
2385 elective officers. As agent and under the direction of
2386 the Board of Trustees and elective officers, the
2387 Executive Director shall be the chief operating officer
2388 of this Association and all its branches. In this
2389 capacity, the Executive Director shall (a) preserve and
2390 protect the *Constitution and Bylaws* and the standing
2391 rules of this Association; (b) facilitate the activities of
2392 the officers and trustees of this Association in
2393 carrying out their respective administrative
2394 responsibilities under these *Bylaws*; (c) engage the
2395 staff of this Association and direct and coordinate
2396 their activities; (d) provide leadership in the
2397 formulation and recommendation of new
2398 policies to the Board of Trustees and elective officers;
2399 (e) oversee the management of Association policies
2400 that have been adopted by the Board of Trustees
2401 and/or the House of Delegates; (f) assist the Board of
2402 Trustees in supervising, monitoring and providing
2403 guidance to all Association councils, commissions
2404 and committees in regard to their administrative
2405 functions and specific assignments, and to

2406 systematize the preparation of their reports, and to
2407 encourage the exchange of information concerning
2408 mutual interests and issues between councils,
2409 committees and commissions; (g) maintain effective
2410 internal and external relationships through frequent
2411 and comprehensive communication with all officers
2412 and trustees of this Association, the leadership of
2413 related dental organizations, and representatives from
2414 other leading public and private organizations that
2415 interact with this Association; and (h) perform such
2416 other duties as are prescribed by these *Bylaws*.

2417 *Section 50.* VACANCY: Upon the occurrence of a
2418 vacancy in the office of Executive Director, an
2419 interim Executive Director, whose duties shall be as
2420 defined in Section 40 of this Chapter, shall be
2421 appointed by the Board of Trustees within forty-five
2422 (45) days of such vacancy occurring. Any active, life
2423 or retired member in good standing may be appointed
2424 to serve as interim Executive Director. But, the Board
2425 of Trustees may appoint any qualified individual who
2426 is not eligible for membership in the Association,
2427 except that any current officer or member of the
2428 Board of Trustees shall not be eligible for such
2429 appointment. The interval of service and salary, if
2430 any, of the interim Executive Director shall be at the
2431 discretion of the Board of Trustees.

CHAPTER X • COUNCILS

2432 *Section 10.* NAME: The councils of this Association
2433 shall be:

2434 Council on Access, Prevention and Interprofessional
2435 Relations
2436 Council on ADA Sessions
2437 Council on Communications
2438 Council on Dental Benefit Programs
2439 Council on Dental Education and Licensure
2440 Council on Dental Practice
2441 Council on Ethics, Bylaws and Judicial Affairs
2442 Council on Government Affairs
2443 Council on Members Insurance and Retirement
2444 Programs
2445 Council on Membership
2446 Council on Scientific Affairs

2447 *Section 20.* MEMBERS, SELECTIONS,
2448 NOMINATIONS AND ELECTIONS:

2449 A. The composition of the councils of this
2450 Association shall be as follows: In addition, a council
2451 may request an additional member who shall be a
2452 nonpracticing dentist member appointed in
2453 accordance with Chapter I, Section 20Db of these
2454 *Bylaws*.

2455 Council on Access, Prevention and Interprofessional
2456 Relations shall be composed of nineteen (19)

members, one (1) member from each trustee district whose terms of office shall be staggered in such a manner that four (4) members will complete their terms each year except every fourth year when five (5) members shall complete their terms. In addition, there shall be one (1) member who is a physician and one (1) member who is a health care facility administrator nominated by the Board of Trustees.

Council on ADA Sessions shall be composed of nineteen (19) members, one (1) member from each trustee district whose terms of office shall be staggered in such a manner that four (4) members will complete their terms each year except every fourth year when five (5) members shall complete their terms. In addition, the General Chair of the Local Arrangements Committee for the current year and the General Chair-elect for the succeeding year shall serve as *ex officio* members with the right to vote and shall not be eligible to serve as Council Chair.

Council on Communications shall be composed of seventeen (17) members, one (1) member from each trustee district whose terms of office shall be staggered in such a manner that four (4) members will complete their terms each year except every fourth year when five (5) members shall complete their terms.

Council on Dental Benefit Programs shall be composed of seventeen (17) members, one (1) member from each trustee district whose terms of office shall be staggered in such a manner that four (4) members will complete their terms each year except every fourth year when five (5) members shall complete their terms.

Council on Dental Education and Licensure shall be composed of sixteen (16) members selected as follows:

a. Nominations and Selection.

(1) Eight (8) members shall be nominated by the Board of Trustees on a rotational system by trustee district from the active, life or retired members of this Association, no one of whom shall be a full-time member of a faculty of a school of dentistry, a current dental examiner or member of a state or regional testing agency, state board of dentistry or jurisdictional dental licensing agency. A person shall be considered to be a full-time member of a faculty if he or she works for the school of dentistry more than two (2) days or sixteen (16) hours per week.* (2) Four

*The change in the composition of the Council shall commence with the 2010 term. Council members elected by the House of Delegates who are in office shall finish their terms in accordance with their

(4) members who are active, life or retired members of this Association shall be selected by the American Association of Dental Boards from the active membership of that body, no one of whom shall be a member of a faculty of a school of dentistry.

(3) Four (4) members who are active, life or retired members of this Association shall be selected by the American Dental Education Association from its active membership. These members shall hold positions of professorial rank in dental schools accredited by the Commission on Dental Accreditation and shall not be current dental examiners or members of any state or regional testing agency, state board of dentistry or jurisdictional dental licensing agency.

b. Election. The eight (8) members of the Council on Dental Education and Licensure nominated by the Board of Trustees shall be elected by the House of Delegates from nominees selected in accordance with this section.

c. Committees. The Council on Dental Education and Licensure shall establish a standing Committee on Dental Education and a standing Committee on Licensure, each consisting of eight (8) members selected by the Council. The Council may establish additional committees when they are deemed essential to carry out the duties of this Council.

Council on Dental Practice shall be composed of seventeen (17) members, one (1) member from each trustee district whose terms of office shall be staggered in such a manner that four (4) members will complete their terms each year except every fourth year when five (5) members shall complete their terms.

Council on Ethics, Bylaws and Judicial Affairs shall be composed of seventeen (17) members, one (1) member from each trustee district whose terms of office shall be staggered in such a manner that four (4) members will complete their terms each year except every fourth year when five (5) members shall complete their terms.

Council on Government Affairs shall be composed of eighteen (18) members, one (1) member from each trustee district whose terms of office shall be staggered in such a manner that four (4) members will complete their terms each year except every fourth year when five (5) members shall complete their terms. In addition, the chair of the political action committee shall be an *ex officio* member of the Council without the power to vote. Consideration

scheduled completion dates. This footnote shall expire at the adjournment *sine die* of the 2014 House of Delegates.

shall be given to a candidate's experience in the military or other federal dental services. Members of the Council shall not be in the full-time employ of the federal government. Individuals called to active duty from the military reserves or national guard forces, providing such active duty has not been requested by the individual, shall not be considered to be in the full-time employ of the federal government.

Council on Members Insurance and Retirement Programs shall be composed of seventeen (17) members, one (1) member from each trustee district whose terms of office shall be staggered in such a manner that four (4) members will complete their terms each year except every fourth year when five (5) members shall complete their terms.

Council on Membership shall be composed of seventeen (17) members, one (1) member from each trustee district whose terms of office shall be staggered in such a manner that four (4) members will complete their terms each year except every fourth year when five (5) members shall complete their terms.

Council on Scientific Affairs shall be composed of sixteen (16) members who shall be selected from nominations open to all trustee districts, and the current recipient of the Gold Medal Award for Excellence in Dental Research.

B. Nominations for all councils shall be made by the Board of Trustees except as otherwise provided in these *Bylaws*. The Board of Trustees shall adhere to the systems of nominations provided in Chapter X, Section 20A of these *Bylaws*.^{*} The House of Delegates may make additional nominations pursuant to the systems for council nominations provided in Chapter X, Section 20A of these *Bylaws*. The elective and appointive officers and the trustees of this Association shall not serve as members of councils. Members of councils shall be elected by the House of Delegates in accordance with Chapter V, Section 150 except as otherwise provided in these *Bylaws*.

^{*} In order to establish the required pattern of four, four, four and five members respectively retiring from councils and commissions each year, members of councils and commissions from the new 5th and 17th districts who are in office at the time this footnote becomes effective shall finish their terms in accordance with their scheduled term completion dates. Councils and commissions that have incumbent members from the new 5th district shall add a new member from the 17th district to a full four-year term. Councils and commissions that have incumbent members from the new 17th district shall add a new member from the new 5th district to a full four-year term.

C. REMOVAL FOR CAUSE. The Board of Trustees may remove a council member for cause in accordance with procedures established by the Board of Trustees, which procedures shall provide for notice of the charges, including allegations of the conduct purported to constitute each violation, and a decision in writing which shall specify the findings of fact which substantiate any and all of the charges, and that prior to issuance of the decision of the Board of Trustees, no council member shall be excused from attending any meeting of a council unless there is an opportunity to be heard or compelling reasons exist which are specified in writing by the Board of Trustees.

Section 30. ELIGIBILITY:

A. All members of councils must be active, life, retired or nonpracticing dentist members in good standing of this Association except as otherwise provided in these *Bylaws*.

B. No member of a council may serve concurrently as a member of another council or commission.

C. A member of the Council on Dental Education and Licensure who was selected by the American Association of Dental Boards and who is no longer an active member of the American Association of Dental Boards, may continue as a member of the Council for the balance of that member's term.

D. When a member of the Council on Dental Education and Licensure who was selected by the American Dental Education Association, shall cease to be a member of the faculty of a member school of that Association, such membership on the council shall terminate, and the President of the Association shall declare the position vacant.

E. To be eligible to serve on the Council on Scientific Affairs, the current recipient of the Gold Medal Award for Excellence in Dental Research shall be an active, life, retired or nonpracticing dentist member in good standing of this Association if the current recipient qualifies for such membership.

Section 40. CHAIRS: One member of each council shall be appointed annually by the Board of Trustees to serve as chair with exception of the Council on Dental Education and Licensure. The Chair of the Council on Dental Education and Licensure shall be appointed from nominations submitted by the Council, provided that every other year, the nominee shall be a member of the Council elected by the House of Delegates in accordance with Section 20. Members, Selections, Nominations and Elections, of this Chapter of the *Bylaws*.

Section 50. CONSULTANTS, ADVISERS AND

2647 STAFF:

2648 A. CONSULTANTS AND ADVISERS. Each council
2649 shall have the authority to nominate consultants and
2650 advisers in conformity with rules and regulations
2651 established by the Board of Trustees except as
2652 otherwise provided in these *Bylaws*.

2653 B. STAFF. The Executive Director shall employ the
2654 staff of councils, in the event they are employees, and
2655 shall select the titles for council staff positions.

2656 *Section 60. TERM OF OFFICE:* The term of office of
2657 members of councils shall be four (4) years except as
2658 otherwise provided in these *Bylaws*. The tenure of a
2659 member of a council shall be limited to one (1) term
2660 of four (4) years except as otherwise provided in
2661 these *Bylaws*. A member shall not be eligible for
2662 appointment to another council or commission for a
2663 period of two (2) years after completing a previous
2664 council appointment. The physician and the health
2665 care facility administrator, nominated by the Board of
2666 Trustees for membership on the Council on Access,
2667 Prevention and Interprofessional Relations, shall be
2668 elected for a one (1) year term; however, such
2669 member shall not be limited as to the number of
2670 consecutive one (1) year terms that he or she may
2671 serve. The current recipient of the Gold Medal Award
2672 for Excellence in Dental Research shall serve on the
2673 Council on Scientific Affairs until the award is
2674 bestowed on the next honoree.

2675 *Section 70. VACANCY:* In the event of a vacancy in
2676 the membership of any council, the President shall
2677 appoint a member of the Association possessing the
2678 same qualifications as established by these *Bylaws* for
2679 the previous member, to fill such vacancy until a
2680 successor is elected by the next House of Delegates
2681 for the remainder of the unexpired term. In the event
2682 such vacancy involves the chair of the council, the
2683 President shall have the power to appoint an *ad*
2684 *interim* chair. In the event it is the current recipient of
2685 the Gold Medal Award for Excellence in Dental
2686 Research who cannot serve on the Council on
2687 Scientific Affairs, the President, in consultation with
2688 the Board of Trustees, shall have the power to appoint
2689 a prominent research scientist who shall serve until
2690 the award is bestowed on the next honoree.

2691 If the term of the vacated council position has less
2692 than fifty percent (50%) of a full four-year term
2693 remaining at the time the successor member is
2694 appointed or elected, the successor member shall be
2695 eligible for election to a new, consecutive four-year
2696 term. If fifty percent (50%) or more of the vacated
2697 term remains to be served at the time of the
2698 appointment or election, the successor member shall
2699 not be eligible for another term.

2700 *Section 80. MEETINGS OF COUNCILS:* Each
2701 council shall hold at least one regular meeting
2702 annually, provided that funds are available in the
2703 budget for that purpose and unless otherwise directed
2704 by the Board of Trustees. Meetings may be held in
2705 the Headquarters Building, the Washington Office or
2706 from multiple remote locations through the use of a
2707 conference telephone or other communications
2708 equipment by means of which all members can
2709 communicate with each other. Such meetings shall be
2710 conducted in accordance with rules and procedures
2711 established by the Board of Trustees.

2712 *Section 90. QUORUM:* Except as otherwise provided
2713 in these *Bylaws*, a majority of the members of any
2714 council shall constitute a quorum.

2715 *Section 100. PRIVILEGE OF THE FLOOR:* Chairs
2716 and members of councils who are not members of the
2717 House of Delegates shall have the right to participate
2718 in the debate on their respective reports but shall not
2719 have the right to vote.

2720 *Section 110. ANNUAL REPORT AND BUDGET:*

2721 A. ANNUAL REPORT. Each council shall submit,
2722 through the Executive Director, an annual report to
2723 the House of Delegates and a copy thereof to the
2724 Board of Trustees.

2725 B. PROPOSED BUDGET. Each council shall submit
2726 to the Board of Trustees, through the Executive
2727 Director, a proposed itemized budget for the ensuing
2728 fiscal year.

2729 *Section 120. DUTIES:*

2730 A. COUNCIL ON ACCESS, PREVENTION AND
2731 INTERPROFESSIONAL RELATIONS. The duties
2732 of the Council shall be to:

2733 a. Evaluate for the ADA trends in dental public health
2734 and access to care that enhance community oral
2735 health.

2736 b. Recommend policies, advise other ADA agencies
2737 and develop programs relating to access to care;
2738 population-based prevention, including community
2739 water fluoridation; and interprofessional relations.

2740 c. Provide advice and technical assistance to
2741 constituencies and communities to assess community
2742 oral health needs; develop coalitions and partnerships;
2743 and design, implement and evaluate programs to meet
2744 community oral health needs.

2745 d. Recommend policies, advise constituencies and
2746 communities, provide technical assistance and
2747 develop programs focused on building community
2748 oral health infrastructure and capacity, reducing oral
2749 health disparities and increasing access to care.

2750 e. Collaborate with internal and external stakeholders
2751 to create advocacy strategies regarding access to care,

2752 population-based prevention and interprofessional
 2753 relations.
 2754 f. Promote community outreach, cultural competence
 2755 and oral health literacy.
 2756 g. Foster and maintain liaisons with external
 2757 stakeholders regarding population-based prevention
 2758 and intervention strategies to improve oral health.
 2759 h. Serve as liaison for the ADA with The Joint
 2760 Commission and with The Joint Commission's
 2761 corporate members and other national health care
 2762 organizations.
 2763 i. Recommend policies and formulate programs on
 2764 issues pertaining to the relationship of dentistry to
 2765 medicine, including interdisciplinary patient
 2766 management, dentist-physician relations, oral health
 2767 needs of patients with complex medical conditions
 2768 and the oral-systemic relationship.
 2769 j. Conduct activities to improve the health outcomes
 2770 of patients requiring cooperative dental-medical
 2771 management in hospitals, including active medical
 2772 staff membership and clinical privileges, in
 2773 ambulatory care centers, long-term care facilities and
 2774 other interdisciplinary health care settings.
 2775 k. Plan, develop, implement and evaluate programs
 2776 that support the ADA's commitment to optimal oral
 2777 health for all.

2778 B. COUNCIL ON ADA SESSIONS. The duties of
 2779 the Council shall be to:
 2780 a. Have responsibility for conducting the annual
 2781 session of this Association, except the House of
 2782 Delegates, subject to approval by the Board of
 2783 Trustees as provided in these *Bylaws*.
 2784 b. Plan and coordinate other Association sessions or
 2785 regional meetings.

2786 C. COUNCIL ON COMMUNICATIONS. The duties
 2787 of the Council shall be to:
 2788 a. Identify, recommend, and maintain a strategic
 2789 communications plan for the Association.
 2790 b. Advise on the reputation management of the
 2791 Association, provide strategic oversight and advise
 2792 the Association on the image and brand implications
 2793 of Association plans, programs, services and
 2794 activities.
 2795 c. Provide counsel to the Association on the priority
 2796 and allocation of communication resources, to advise
 2797 on their implications, and to identify the areas where
 2798 the greatest strategic communications impact can be
 2799 achieved.
 2800 d. Identify, recommend, articulate and maintain
 2801 strategies for significant communications campaigns
 2802 across the Association.
 2803 e. Serve as a strategic communications and brand
 2804 management resource to other Association agencies.
 2805 f. Serve as a resource and to support communications
 2806 and reputation management strategies for constituent

2807 and component dental societies.

2808 D. COUNCIL ON DENTAL BENEFIT
 2809 PROGRAMS. The duties of the Council shall be to:
 2810 a. Formulate and recommend policies relating to the
 2811 planning, administration and financing of dental
 2812 benefit programs.
 2813 b. Study, evaluate and disseminate information on the
 2814 planning, administration and financing of dental
 2815 benefit programs.
 2816 c. Assist the constituent societies and other agencies
 2817 in developing programs for the planning,
 2818 administration and financing of dental benefit
 2819 programs.
 2820 d. Provide assistance, guidance and support to
 2821 constituent and component societies in the
 2822 development and management of professional review
 2823 systems.
 2824 e. Encourage the inclusion of dental benefits in
 2825 health benefit plans and to promote dental benefit
 2826 plans in accordance with Association policy.
 2827 f. Conduct activities and formulate and recommend
 2828 policies concerning the assessment and improvement
 2829 of the quality of dental care relating to dental benefit
 2830 plans.
 2831 g. Formulate and maintain coding taxonomies,
 2832 including but not limited to procedural and diagnostic
 2833 codes that dentists can use to document patient care
 2834 and to explore applications and opportunities for new
 2835 coding taxonomies.

2836 E. COUNCIL ON DENTAL EDUCATION AND
 2837 LICENSURE. The duties of the Council shall be to:
 2838 a. Act as the agency of the Association in matters
 2839 related to the evaluation and accreditation of all
 2840 dental educational, allied dental educational and
 2841 associated subjects.
 2842 b. Study and make recommendations including the
 2843 formulation and recommendation of policy on:
 2844 (1) Dental education, continuing dental education and
 2845 allied dental education.
 2846 (2) The recognition of dental specialties.
 2847 (3) The recognition of interest areas in general
 2848 dentistry, excluding ADA recognized specialties.
 2849 (4) The recognition of categories of allied dental
 2850 personnel.
 2851 (5) The approval or disapproval of national certifying
 2852 boards for dental specialties and for allied dental
 2853 personnel.
 2854 (6) The educational and administrative standards of
 2855 the certifying boards for dental specialties and for
 2856 allied dental personnel.
 2857 (7) Associated subjects that affect all dental, allied
 2858 dental and related education.
 2859 (8) Dental licensure and allied dental personnel
 2860 credentialing.
 2861 c. Act on behalf of this Association in maintaining

2862 effective liaison with certifying boards and related
 2863 agencies for dental specialties and for allied dental
 2864 personnel.
 2865 d. Monitor and disseminate information on continuing
 2866 dental education and to encourage the provision of
 2867 and participation in continuing dental education.
 2868 e. Monitor and disseminate information on careers in
 2869 dentistry.

2870 F. COUNCIL ON DENTAL PRACTICE. The duties
 2871 of the Council shall be to:
 2872 a. Formulate and recommend policies relating to
 2873 dental practice.
 2874 b. Study, evaluate and disseminate information
 2875 concerning various forms of business organization of
 2876 a dental practice, economic factors related to dental
 2877 practice, practice management techniques, auxiliary
 2878 utilization and dental laboratory services to the end
 2879 that dentists may continue to improve services to the
 2880 public.
 2881 c. Develop educational and other programs to assist
 2882 dentists in improved practice management, including
 2883 practice marketing materials and continuing
 2884 education seminars, and to assist constituent and
 2885 component societies and other dental organizations in
 2886 the development of such programs so that dentists
 2887 may continue to improve the delivery of their services
 2888 to the public.
 2889 d. Encourage and develop satisfactory relations with
 2890 the various organizations representing the dental
 2891 laboratory industry and craft.
 2892 e. Formulate programs for establishing and
 2893 maintaining the greatest efficiency, quality and
 2894 service of the dental laboratory industry and craft in
 2895 their relation to the dental profession.
 2896 f. Encourage and develop satisfactory relations with
 2897 the various organizations representing dental
 2898 auxiliaries.
 2899 g. Gather, formulate and disseminate information
 2900 related to auxiliary utilization, management and
 2901 employment practices.
 2902 h. Serve in a consultative capacity to those
 2903 educational and promotional activities directed to the
 2904 public and the profession and to assess their impact
 2905 on dental practice.
 2906 i. Provide assistance, education and information on
 2907 issues related to dentists' well being.
 2908 j. Encourage and coordinate the development and
 2909 improvement of national and international
 2910 standardization programs for dental informatics.

2911 G. COUNCIL ON ETHICS, BYLAWS AND
 2912 JUDICIAL AFFAIRS. The duties of the Council shall
 2913 be to:
 2914 a. Consider proposals for amending the *Principles of*
 2915 *Ethics and Code of Professional Conduct*.
 2916 b. Provide advisory opinions regarding the

2917 interpretation of the *Principles of Ethics and Code of*
 2918 *Professional Conduct*.
 2919 c. Consider appeals from members of the Association,
 2920 or from component societies subject to the
 2921 requirements of Chapter XII, Section 20 of these
 2922 *Bylaws*.
 2923 d. Hold hearings and render decisions in disputes
 2924 arising between constituent societies or between
 2925 constituent and component societies.
 2926 e. Hold hearings, render decisions and impose
 2927 discipline in matters involving alleged violations of
 2928 the Association's Member Conduct Policy as
 2929 provided in Chapter XIII of these *Bylaws*.
 2930 f. Discipline any of the direct members of this
 2931 Association in accordance with the requirements and
 2932 procedures of Chapter XII of these *Bylaws*, using
 2933 hearing panels composed of not less than three (3) of
 2934 its elected members selected by the Council chair.
 2935 The Council may adopt procedures governing the
 2936 discipline of direct members of this Association
 2937 consistent with Chapter XII of these *Bylaws*, which
 2938 may include the use of an investigating committee or
 2939 individual to investigate any complaint made against
 2940 such member and report findings to the hearing panel
 2941 concerning whether charges should issue.
 2942 g. Review the articles of the *Constitution and Bylaws*
 2943 in order to keep them consistent with the
 2944 Association's program.
 2945 h. Recommend editorial changes in the *Constitution*
 2946 *and Bylaws* to improve their consistency, clarity and
 2947 style.
 2948 i. Notwithstanding paragraph g of this subsection, the
 2949 Council shall have the authority to make corrections
 2950 in punctuation, grammar, spelling, name changes,
 2951 gender references, and similar editorial corrections in
 2952 the *Bylaws* which do not alter its context or meaning.
 2953 Such corrections shall be made only by a unanimous
 2954 vote of the Council members present and voting.
 2955 j. Review the rules and bylaws of all commissions of
 2956 the Association in order to keep such rules and
 2957 bylaws consistent with the *Constitution and Bylaws*
 2958 of this Association.
 2959 k. Act as the Standing Committee on Constitution and
 2960 Bylaws of the House of Delegates, with the
 2961 composition of such committee to be determined in
 2962 accordance with Chapter V, Section 140A of these
 2963 *Bylaws*, and to conduct other business it deems
 2964 necessary.
 2965 l. Provide guidance and advice on ethical and
 2966 professional issues to constituent and component
 2967 societies.
 2968 m. Formulate and disseminate materials related to
 2969 ethical and professional conduct in the practice and
 2970 promotion of dentistry.

2971 H. COUNCIL ON GOVERNMENT AFFAIRS. The

2972 duties of the Council shall be to:
 2973 a. Encourage the improvement of the health of the
 2974 public and to promote the art and science of dentistry
 2975 in matters of legislation and regulations by
 2976 appropriate activities.
 2977 b. Formulate and recommend policies related to
 2978 legislative and regulatory issues and to governmental
 2979 agency programs.
 2980 c. Formulate proposed legislation, approved by the
 2981 Board of Trustees, that may be submitted to Congress
 2982 and which will promote the art and science of
 2983 dentistry in accordance with Association policies.
 2984 d. Disseminate information which will assist the
 2985 constituent and component societies involving
 2986 legislation and regulation affecting the dental health
 2987 of the public.
 2988 e. Serve and assist the American Dental Association
 2989 as a liaison with agencies of the federal government.
 2990 f. Advise other Association agencies charged with
 2991 developing, recommending and/or implementing
 2992 legislative policies adopted by the House of
 2993 Delegates.
 2994 g. Serve as liaison for the American Dental
 2995 Association with those agencies of the federal
 2996 government which employ dental personnel in direct
 2997 dental care delivery programs and the dentists in
 2998 those services.
 2999 h. Recommend programs and policies which will
 3000 ensure that eligible beneficiaries of federal dental
 3001 service programs have access to quality dental care.
 3002 i. Recommend programs and policies which promote
 3003 an efficient and effective dental care delivery system
 3004 within the federal dental services.
 3005 j. Assist in the development of dental workforce
 3006 requirements and appropriate mobilization programs
 3007 in times of emergency.
 3008 k. Formulate and recommend policies which are
 3009 designed to advance the professional status of
 3010 federally employed dentists.
 3011 l. Monitor dental training programs conducted by the
 3012 federal dental services.
 3013 I. COUNCIL ON MEMBERS INSURANCE AND
 3014 RETIREMENT PROGRAMS. The duties of the
 3015 Council shall be to:
 3016 a. Evaluate on a continuing basis all Association
 3017 sponsored insurance programs.
 3018 b. Examine and evaluate other insurance programs
 3019 that might be of benefit to the membership.
 3020 c. Advise and recommend courses of action on
 3021 insurance programs.
 3022 d. Assist constituent societies in matters related to
 3023 insurance programs.
 3024 e. Advise and recommend courses of action on
 3025 retirement programs.
 3026 f. Aid dentists in the management of their personal

3027 and professional risks through educational activities,
 3028 informational programs and services.
 3029 J. COUNCIL ON MEMBERSHIP. Except as
 3030 otherwise provided in these *Bylaws*, the duties of the
 3031 Council shall be to:
 3032 a. Formulate and recommend policies related to
 3033 membership recruitment and retention and other
 3034 related issues.
 3035 b. Identify and monitor trends and issues that affect
 3036 membership recruitment and retention, particularly
 3037 among under-represented segments, and to encourage
 3038 membership involvement throughout organized
 3039 dentistry.
 3040 c. Support, monitor and encourage membership
 3041 activities of constituent and component dental
 3042 societies and to enhance cooperation and
 3043 communication on tripartite recruitment and retention
 3044 efforts.
 3045 d. Recommend, monitor and support the development
 3046 of membership benefits and services that respond to
 3047 identified needs of members.
 3048 e. Act as an advocate for membership benefits.
 3049 K. COUNCIL ON SCIENTIFIC AFFAIRS. The
 3050 duties of the Council shall be to:
 3051 a. Develop and promote a biennial research agenda
 3052 and propose an appropriate budget for studies that are
 3053 recommended by the Council to be conducted by the
 3054 ADA.
 3055 b. Identify emergent issues and areas of research that
 3056 require response from the research community.
 3057 c. Report results on the latest scientific developments
 3058 to practicing dentists.
 3059 d. Evaluate and issue statements to the profession
 3060 regarding the efficacy of concepts, procedures and
 3061 techniques for use in the treatment of patients.
 3062 e. Represent the Association on scientific and
 3063 research matters, promote evidence-based practice,
 3064 and maintain liaison with related regulatory, research
 3065 and professional organizations.
 3066 f. Encourage the development and improvement of
 3067 materials, instruments and equipment for use in dental
 3068 practice, and to coordinate development of national
 3069 and international standardization programs for dental
 3070 products.
 3071 g. Determine the safety and effectiveness of, and
 3072 disseminate information on, materials, instruments
 3073 and equipment that are offered to the public or the
 3074 profession and further critically evaluate statements
 3075 of efficacy and advertising claims.
 3076 h. Study, evaluate and disseminate information with
 3077 regard to the proper use of dental therapeutic agents,
 3078 their adjuncts and dental cosmetic agents that are
 3079 offered to the public or the profession.
 3080 i. Award the American Dental Association Seal of
 3081 Acceptance to dental products that meet the

3082 Association's requirements for acceptance.
3083 j. Promote efforts to develop dental research
3084 workforce and to involve students in dental research.
3085 k. Study, evaluate and disseminate information on
3086 those aspects of the dental practice environment
3087 related to the health of the public, dentists and allied
3088 dental personnel.
3089 l. Serve as the primary resource for scientific
3090 inquiries from the public and the profession.
3091 m. Guide, assist and collaborate with the ADA Center
3092 for Evidence-Based Dentistry.

CHAPTER XI • SPECIAL COMMITTEES

3093 *Section 10. APPOINTMENT AND TERM:* Special
3094 committees of this Association may be created at any
3095 session of the House of Delegates or, when the House
3096 is not in session, by the Board of Trustees, for the
3097 purpose of performing duties not otherwise assigned
3098 by these *Bylaws*. Duties otherwise assigned by these
3099 *Bylaws* solely to one (1) council, commission or other
3100 agency should be assigned to that council,
3101 commission or other agency with the necessary
3102 funding to accomplish the task. If duties are assigned
3103 to a special committee that are assigned under these
3104 *Bylaws* to more than one (1) council, commission or
3105 other agency, members of the relevant councils,
3106 commissions or other agencies shall be appointed to
3107 serve on the special committee. Such special
3108 committees may serve until adjournment *sine die* of
3109 the next annual session of the House of Delegates.
3110 The authority for appointing the members of a special
3111 committee and their number shall be set forth in the
3112 resolution creating such committee.

3113 *Section 20. PRIVILEGE OF THE FLOOR:* Chairs
3114 and members of special committees who are not
3115 members of the House of Delegates shall have the
3116 right to participate in the debate on their respective
3117 reports but shall not have the right to vote.

CHAPTER XII • PRINCIPLES OF ETHICS AND CODE OF PROFESSIONAL CONDUCT AND JUDICIAL PROCEDURE

3118 *Section 10. PROFESSIONAL CONDUCT OF*
3119 *MEMBERS:* The professional conduct of a member
3120 of this Association shall be governed by the
3121 *Principles of Ethics and Code of Professional*
3122 *Conduct* of this Association and by the codes of
3123 ethics of the constituent and component societies
3124 within whose jurisdiction the member practices, or
3125 conducts or participates in other professional dental
3126 activities.

3127 *Section 20. DISCIPLINE OF MEMBERS:*

3128 A. CONDUCT SUBJECT TO DISCIPLINE. A
3129 member may be disciplined for (1) having been found
3130 guilty of a felony, (2) having been found guilty of
3131 violating the dental practice act of a state or other
3132 jurisdiction of the United States, (3) having been
3133 discharged or dismissed from practicing dentistry
3134 with one of the federal dental services under
3135 dishonorable circumstances, or (4) violating the
3136 *Bylaws*, the *Principles of Ethics and Code of*
3137 *Professional Conduct*, or the bylaws or code of ethics
3138 of the constituent or component society of which the
3139 accused is a member. For a member of a constituent
3140 society, disciplinary proceedings may be instituted by
3141 either the member's component or constituent
3142 society. Disciplinary proceedings against a direct
3143 member of this Association may be instituted by the
3144 Council on Ethics, Bylaws and Judicial Affairs of this
3145 Association.

3146 B. DISCIPLINARY PENALTIES. A member may be
3147 disciplined for any of the offenses enumerated in
3148 Section 20A of this Chapter as follows:

3149 a. CENSURE. Censure is a disciplinary sentence
3150 expressing in writing severe criticism or disapproval
3151 of a particular type of conduct or act.

3152 b. SUSPENSION. Suspension, subject to Chapter I,
3153 Section 30 of these *Bylaws*, means all membership
3154 privileges except continued entitlement to coverages
3155 under insurance programs are lost during the
3156 suspension period. Suspension shall be unconditional
3157 and for a specified period at the termination of which
3158 full membership privileges are automatically restored.
3159 A subsequent violation shall require a new
3160 disciplinary procedure before additional discipline
3161 may be imposed.

3162 c. EXPULSION. Expulsion is an absolute discipline
3163 and may not be imposed conditionally except as
3164 otherwise provided herein.

3165 d. PROBATION. Probation, to be imposed for a
3166 specified period and without loss of privileges with
3167 the exception of holding or seeking an elective or

3168 appointive office, may be administratively and
3169 conditionally imposed when circumstances warrant in
3170 lieu of a suspended disciplinary penalty. Probation
3171 shall be conditioned on good behavior. Additional
3172 reasonable conditions may be set forth in the decision
3173 for the continuation of probation. In the event that the
3174 conditions for probation are found by the society
3175 which preferred charges to have been violated, after a
3176 hearing on the probation violation charges in
3177 accordance with Chapter XII, Section 20C, the
3178 original disciplinary penalty shall be automatically
3179 reinstated; except that when circumstances warrant
3180 the original disciplinary penalty may be reduced to a
3181 lesser penalty. There shall be no right of appeal from
3182 a finding that the conditions of probation have been
3183 violated.

3184 C. DISCIPLINARY PROCEEDINGS. Before a
3185 disciplinary penalty is invoked against a member, the
3186 following procedures shall be followed by the agency
3187 preferring charges:

3188 a. HEARING. The accused member shall be entitled
3189 to a hearing at which the accused shall be given the
3190 opportunity to present a defense to all charges
3191 brought against the accused. The agency preferring
3192 charges shall permit the accused member to be
3193 represented by legal counsel.

3194 b. NOTICE. The accused member shall be notified in
3195 writing of charges brought against the accused and of
3196 the time and place of the hearing, such notice to be
3197 sent by certified—return receipt requested letter
3198 addressed to the accused's last known address and
3199 mailed not less than twenty-one (21) days prior to the
3200 date set for the hearing. An accused member, upon
3201 request, shall be granted one postponement for a
3202 period not to exceed thirty (30) days.

3203 c. CHARGES. The written charges shall include an
3204 officially certified copy of the alleged conviction or
3205 determination of guilt, or a specification of the bylaw
3206 or ethical provisions alleged to have been violated, as
3207 the case may be, and a description of the conduct
3208 alleged to constitute each violation.

3209 d. DECISION. Every decision which shall result in
3210 censure, suspension, expulsion, or probation shall be
3211 reduced to writing and shall specify the charges made
3212 against the member. The facts which substantiate any
3213 or all of the charges, the verdict rendered, the penalty
3214 imposed or when appropriate the suspended penalty
3215 imposed and the conditions for probation, and a
3216 notice shall be mailed to the accused member
3217 informing the accused of the right to appeal. Within
3218 ten (10) days of the date on which the decision is
3219 rendered a copy thereof shall be sent by certified—
3220 return receipt requested mail to the last known
3221 address of each of the following parties: the accused
3222 member; the secretary of the component society of

3223 which the accused is a member, if applicable; the
3224 secretary of the constituent society of which the
3225 accused is a member, if applicable; the Chair of the
3226 Council on Ethics, Bylaws and Judicial Affairs of this
3227 Association; and the Executive Director of this
3228 Association.

3229 D. APPEALS. The accused member under sentence
3230 of censure, suspension or expulsion shall have the
3231 right to appeal from a decision of the accused's
3232 component society to the accused's constituent
3233 society by filing an appeal in affidavit form with the
3234 secretary of the constituent society. Such an accused
3235 member, or the component society concerned, shall
3236 have the right to appeal from a decision of the
3237 constituent society to the Council on Ethics, Bylaws
3238 and Judicial Affairs of this Association by filing an
3239 appeal in affidavit form with the Chair of the Council
3240 on Ethics, Bylaws and Judicial Affairs. Where the
3241 accused is a direct member of this Association, the
3242 accused member shall have the right of appeal from a
3243 disciplinary decision of a hearing panel of the Council
3244 on Ethics, Bylaws and Judicial Affairs to the Council
3245 by filing an appeal in affidavit form with the Chair of
3246 the Council on Ethics, Bylaws and Judicial Affairs.
3247 Members of the hearing panel shall not have the right
3248 to vote on the Council's decision on such an appeal.
3249 An appeal from any decision shall not be valid unless
3250 notice of appeal is filed within thirty (30) days and
3251 the supporting brief, if one is to be presented, is filed
3252 within sixty (60) days after such decision has been
3253 rendered. A reply brief, if one is to be presented, shall
3254 be filed within ninety (90) days after such decision is
3255 rendered. A rejoinder brief, if one is to be presented,
3256 shall be filed within one hundred five (105) days after
3257 such decision is rendered. After all briefs have been
3258 filed, a minimum of forty-five (45) days shall elapse
3259 before the hearing date. Omission of briefs will not
3260 alter the briefing schedule or hearing date unless
3261 otherwise agreed to by the parties and the chair of the
3262 appropriate appellate agency.
3263 No decision shall become final while an appeal
3264 therefrom is pending or until the thirty (30) day
3265 period for filing notice of appeal has elapsed. In the
3266 event of a sentence of expulsion and no notice of
3267 appeal is received within the thirty (30) day period,
3268 the constituent society shall notify all parties of the
3269 failure of the accused member to file an appeal. The
3270 sentence of expulsion shall take effect on the date the
3271 parties are notified. The component and constituent
3272 societies shall each determine what portion of their
3273 current dues and their special assessments, if any,
3274 shall be returned to the expelled member. Dues and
3275 special assessments paid to this Association shall not
3276 be refundable in the event of expulsion. The
3277 following procedure shall be used in processing

3278 appeals:

3279 a. HEARINGS ON APPEAL. The accused member

3280 or the society (or societies) concerned shall be

3281 entitled to a hearing on an appeal, provided that such

3282 appeal is taken in accordance with, and satisfies the

3283 requirements of, Section 20D of this Chapter. The

3284 appellate agency hearing the appeal shall permit the

3285 accused member to be represented by legal counsel.

3286 A party need not appear for the appeal to be heard by

3287 an appellate agency.

3288 b. NOTICE. The appellate agency receiving an appeal

3289 shall notify the society (or societies) concerned, or

3290 where applicable the hearing panel of the Council on

3291 Ethics, Bylaws and Judicial Affairs, and the accused

3292 member of the time and place of the hearing, such

3293 notice to be sent by certified—return receipt

3294 requested letter to the last known address of the

3295 parties to the appeal and mailed not less than thirty

3296 (30) days prior to the date set for the hearing.

3297 Granting of continuances shall be at the option of the

3298 agency hearing the appeal.

3299 c. PREHEARING MATTERS. Prehearing requests

3300 shall be granted at the discretion of the appellate

3301 agency. In appeals to this Association's Council on

3302 Ethics, Bylaws and Judicial Affairs, the Council chair

3303 has the authority to rule on motions from the parties

3304 for continuances and other prehearing procedural

3305 matters with advice from legal counsel of this

3306 Association. The Council chair may consult with the

3307 Council before rendering prehearing decisions.

3308 d. BRIEFS. Every party to an appeal shall be entitled

3309 to submit a brief in support of the party's position.

3310 The briefs of the parties shall be submitted to the

3311 secretary of the constituent society or the Chair of the

3312 Council on Ethics, Bylaws and Judicial Affairs of this

3313 Association, as the case may be, and to the opposing

3314 party(ies) in accordance with the prescribed briefing

3315 schedule. The party initiating the appeal may choose

3316 to rely on the record and/or on an oral presentation

3317 and not file a brief.

3318 e. RECORD OF DISCIPLINARY PROCEEDINGS.

3319 Upon notice of an appeal the agency which preferred

3320 charges shall furnish to the appellate agency which

3321 has received the appeal and to the accused member a

3322 transcript of, or an officially certified copy of the

3323 minutes of the hearing accorded the accused member.

3324 The transcript or minutes shall be accompanied by

3325 certified copies of any affidavits or other documents

3326 submitted as evidence to support the charges against

3327 the accused member or submitted by the accused

3328 member as part of the accused's defense. Where the

3329 agency preferring the charges does not provide for

3330 transcription of the hearing, the accused member, at

3331 the accused's own expense, shall be entitled to

3332 arrange for the services of a court reporter to

3333 transcribe the hearing.

3334 f. APPEALS JURISDICTION. The agency to which

3335 a decision has been appealed shall be required to

3336 review the decision appealed from to determine

3337 whether the evidence before the society or agency

3338 which preferred charges against the accused member

3339 supports that decision or warrants the penalty

3340 imposed. The appellate agency shall not be required

3341 to consider additional evidence unless there is a clear

3342 showing that either party to the appeal will be

3343 unreasonably harmed by failure to consider the

3344 additional evidence. The parties to an appeal are the

3345 accused member and the society or agency which

3346 preferred charges. In appeals to the Council on

3347 Ethics, Bylaws and Judicial Affairs of this

3348 Association, the society which heard the first appeal

3349 may, at its option, participate in the appeal.

3350 g. DECISION ON APPEALS. Every decision on

3351 appeal shall be reduced to writing and shall state

3352 clearly the conclusion of the appellate agency and the

3353 reasons for reaching that conclusion. The appellate

3354 agency shall have the discretion to (1) *uphold* the

3355 decision of the agency which preferred charges

3356 against the accused member; (2) *reverse* the decision

3357 of the agency which preferred charges and thereby

3358 exonerate the accused member; (3) *deny* an appeal

3359 which fails to satisfy the requirements of Section 20D

3360 of this Chapter; (4) *refer* the case back to the agency

3361 which preferred charges for new proceedings, if the

3362 rights of the accused member under all applicable

3363 bylaws were not accorded the accused; (5) *remand*

3364 the case back to the agency which preferred charges

3365 for further proceedings when the appellate record is

3366 insufficient in the opinion of the appellate agency to

3367 enable it to render a decision; or (6) *uphold* the

3368 decision of the agency which preferred charges

3369 against the accused member and reduce the penalty

3370 imposed.

3371 Within thirty (30) days of the date on which a

3372 decision on appeal is rendered, a copy thereof shall be

3373 sent by certified—return receipt requested mail to the

3374 last known address of each of the following parties:

3375 the accused member, the secretary of the component

3376 society of which the accused is a member, if

3377 applicable, the secretary of the constituent society of

3378 which the accused is a member, if applicable, the

3379 Chair of the Council on Ethics, Bylaws and Judicial

3380 Affairs of this Association and the Executive Director

3381 of this Association.

3382 E. SENTENCE. After all appeals are exhausted or

3383 after the time for filing an appeal has expired, a

3384 sentence of censure, suspension or expulsion meted

3385 out to any member, including those instances when

3386 the disciplined member has been placed on probation,

3387 shall be enforced by such individual's component and

3388 constituent societies, if such exist, and this

3389 Association.

3390 F. NON-COMPLIANCE. In the event of a failure of
3391 technical compliance with the procedural
3392 requirements of this Chapter, the agency hearing the
3393 appeal shall determine the effect of non-compliance.

3394 CHAPTER XIII • PROCEDURES AND HEARINGS
3395 RELATING TO MEMBER CONDUCT POLICY

3396 *Section 10. CONDUCT SUBJECT TO REVIEW:*
3397 Each member of this Association shall be subject to
3398 the provisions of the Association's Member Conduct
3399 Policy.

3400 *Section 20. DISCIPLINARY PROCEDURES AND*
3401 *HEARINGS:*

3402 A. MEMBER CONDUCT SUBJECT TO
3403 DISCIPLINE. Any member charged with violating
3404 the Association's Member Conduct Policy shall be
3405 afforded a fair and impartial hearing conducted in
3406 accordance with Chapter XIII, Section 20C.

3407 B. DISCIPLINARY PENALTIES. Members
3408 may be disciplined for violating the Association's
3409 Member Conduct Policy as follows:

3410 a. CENSURE. Censure is a disciplinary sentence
3411 expressing in writing severe criticism or disapproval
3412 of a particular type of conduct or act.

3413 b. SUSPENSION. Suspension, subject to Chapter I,
3414 Section 30 of these *Bylaws*, means all membership
3415 privileges except continued entitlement to coverage
3416 under insurance programs are lost during the
3417 suspension period. Suspension shall be unconditional
3418 and for a specified period at the termination of which
3419 full membership privileges are automatically restored.
3420 A subsequent violation shall require a new
3421 disciplinary procedure before additional discipline
3422 may be imposed.

3423 c. EXPULSION. Expulsion is an absolute discipline
3424 and may not be imposed conditionally except as
3425 otherwise provided herein.

3426 d. PROBATION. Probation, to be imposed for a
3427 specified period and without loss of privileges with
3428 the exception of holding or seeking an elective or
3429 appointive office, may be administratively and
3430 conditionally imposed when circumstances warrant in
3431 lieu of a suspended disciplinary penalty. Probation
3432 shall be conditioned on good behavior. Additional
3433 reasonable conditions may be set forth in the decision
3434 for the continuation of probation. In the event that the
3435 conditions for probation are found by the Council on
3436 Ethics, Bylaws and Judicial Affairs to have been
3437 violated, after a hearing on the probation violation
3438 charges in accordance with Chapter XIII, Section
3439 20C, the original disciplinary penalty shall be
3440 automatically reinstated, except that when
3441 circumstances warrant the original disciplinary

3442 penalty may be reduced to a lesser penalty. There
3443 shall be no right of appeal from a finding that the
3444 conditions of probation have been violated.

3445 e. REMOVAL FROM OFFICE. Removal from office
3446 as a trustee, delegate, alternate delegate or elective
3447 officer for the remaining term may be imposed in
3448 addition to, or in lieu of, any of the penalties
3449 enumerated in this Section of these *Bylaws*.

3450 C. DISCIPLINARY PROCEEDINGS. Before a
3451 disciplinary penalty is invoked against a member for
3452 violating the Association's Member Conduct Policy,
3453 the following procedures shall be followed by the
3454 Council on Ethics, Bylaws and Judicial Affairs and,
3455 as applicable, in the case of a trustee or an elective
3456 officer, reviewed by the House of Delegates:

3457 a. CHARGES. Any member of the Association or the
3458 Association's staff shall be entitled to prefer charges
3459 alleging a violation of the Association's Member
3460 Conduct Policy. Charges shall be directed to the
3461 Chair of the Council on Ethics, Bylaws and Judicial
3462 Affairs and shall be in writing. Such written charges
3463 shall include a specification of the provision(s) of the
3464 Association's Member Conduct Policy alleged to
3465 have been violated, and a description of the conduct
3466 alleged to constitute the violation.

3467 b. PRELIMINARY INVESTIGATION. A panel of
3468 three (3) sitting members of the Council on Ethics,
3469 Bylaws and Judicial Affairs selected by the Council's
3470 chair, which shall not include the Council member
3471 from the accused's trustee district, shall conduct a
3472 preliminary investigation into the charges and shall
3473 determine whether the allegations made in the charge
3474 sufficiently state a violation of the Member Conduct
3475 Policy.

3476 c. NOTICE. If upon preliminary investigation the
3477 three-member investigatory panel concludes that the
3478 charge does not sufficiently state a violation of the
3479 Member Conduct Policy, the Association member or
3480 Association staff member preferring the charges shall
3481 be advised in writing of the investigatory panel's
3482 decision and the investigatory panel's decision shall
3483 be final. If the investigatory panel determines that the
3484 charge does sufficiently state a violation of the
3485 Member Conduct Policy, the accused member shall
3486 be notified in writing of the charges brought against
3487 him or her and of the time and place of the hearing,
3488 such notice to be sent by certified-return receipt
3489 requested letter addressed to the accused's last known
3490 address and mailed not less than twenty-one (21) days
3491 prior to the date set for the hearing. An accused
3492 member, upon request, shall be granted one
3493 postponement for a period not to exceed thirty (30)
3494 days.

3495 d. HEARING. The accused member shall be entitled
3496 to a hearing before a panel of three (3) sitting

3497 members of the Council on Ethics, Bylaws and
3498 Judicial Affairs, which shall not include members of
3499 the investigatory panel or the Council member from
3500 the accused's trustee district, at which the accused
3501 shall be given the opportunity to present a defense to
3502 all charges brought against him or her. The Council
3503 on Ethics, Bylaws and Judicial Affairs shall permit
3504 the accused member to be represented by legal
3505 counsel.
3506 e. DECISION. Every decision rendered by a hearing
3507 panel shall be reduced to writing and shall specify the
3508 charges made against the member, the relevant facts
3509 presented by the parties, the verdict rendered or
3510 recommended, any penalty imposed or recommended,
3511 or when appropriate any suspended penalty imposed
3512 or recommended, and the conditions for, any
3513 probation. Within ten (10) days of the date on which
3514 the decision or recommendation is rendered, a copy
3515 thereof shall be sent by certified-return receipt
3516 requested mail to the last known address of each of
3517 the following parties, together with, where
3518 appropriate, a notice to the accused member
3519 informing him or her of the right to appeal: the
3520 accused member; the Association member or staff
3521 member preferring the charge; the secretary of the
3522 component society of which the accused is a member,
3523 if applicable; the secretary of the constituent society
3524 of which the accused is a member, if applicable; the
3525 chair of the Council on Ethics, Bylaws and Judicial
3526 Affairs of this Association; the Election Commission;
3527 and the Executive Director of this Association.
3528 D. APPEALS TO FULL COUNCIL. The accused
3529 member under sentence or recommended sentence of
3530 censure, suspension, expulsion, probation and/or
3531 removal from office shall have the right to appeal
3532 from a hearing panel decision to the full Council on
3533 Ethics, Bylaws and Judicial Affairs by filing an
3534 appeal in affidavit form with the chair of the Council
3535 on Ethics, Bylaws and Judicial Affairs of this
3536 Association. Members of the investigatory and
3537 hearing panels, and the Council representative from
3538 the accused's trustee district, shall be recused from
3539 the appeal.
3540 An appeal from any decision shall not be valid unless
3541 notice of appeal is filed within thirty (30) days and
3542 the supporting brief, if one is to be presented, is filed
3543 within sixty (60) days after such decision has been
3544 rendered. A reply brief, if one is to be presented, shall
3545 be filed by the Association member or Association
3546 staff member within ninety (90) days after such
3547 decision is rendered. A rejoinder brief, if one is to be
3548 presented, shall be filed within one hundred five
3549 (105) days after such decision is rendered. After all
3550 briefs have been filed, a minimum of forty-five (45)
3551 days shall elapse before the hearing date. Omission of

3552 briefs will not alter the briefing schedule or hearing
3553 date unless otherwise agreed to by the parties and the
3554 chair of the appropriate appellate agency.
3555 No decision shall become final while an appeal there
3556 from is pending or until the thirty (30) day period for
3557 filing notice of appeal has elapsed. In the event of a
3558 sentence of expulsion and no notice of appeal is
3559 received within the thirty (30) day period, the Council
3560 on Ethics, Bylaws and Judicial Affairs shall notify all
3561 parties of the failure of the accused member to file an
3562 appeal. The following procedure shall be used in
3563 processing appeals to the full Council on Ethics,
3564 Bylaws and Judicial Affairs:
3565 a. HEARINGS ON APPEAL TO FULL COUNCIL.
3566 The accused member shall be entitled to a hearing on
3567 an appeal, provided that such appeal is taken in
3568 accordance with, and satisfies the requirements of,
3569 this Section. The Council on Ethics, Bylaws and
3570 Judicial Affairs shall permit the accused member to
3571 be represented by legal counsel. A party need not
3572 appear for the appeal to be heard by the Council on
3573 Ethics, Bylaws and Judicial Affairs.
3574 b. NOTICE. The Council on Ethics, Bylaws and
3575 Judicial Affairs shall notify the accused member, the
3576 Association member or Association staff member
3577 preferring charges, the secretary of the component
3578 society of which the accused is a member, if
3579 applicable; and the secretary of the constituent society
3580 of which the accused is a member, if applicable of the
3581 time and place of the appeal hearing, such notice to
3582 be sent by certified—return receipt requested letter to
3583 the last known address of the parties to the appeal and
3584 mailed not less than thirty (30) days prior to the date
3585 set for the hearing. Granting of continuances shall be
3586 at the option of the Council on Ethics, Bylaws and
3587 Judicial Affairs.
3588 c. PREHEARING MATTERS. Prehearing requests
3589 shall be granted at the discretion of the Council on
3590 Ethics, Bylaws and Judicial Affairs. The Council
3591 chair has the authority to rule on motions from the
3592 parties for continuances and other prehearing
3593 procedural matters with advice from legal counsel of
3594 this Association. The Council chair may consult with
3595 the Council before rendering prehearing decisions.
3596 d. BRIEFS. Every party to an appeal shall be entitled
3597 to submit a brief in support of the party's position.
3598 The briefs of the parties shall be submitted to the
3599 Chair of the Council on Ethics, Bylaws and Judicial
3600 Affairs of this Association, and to the opposing
3601 party(ies) in accordance with the prescribed briefing
3602 schedule. The party initiating the appeal may choose
3603 to rely on the record and/or on an oral presentation
3604 and not file a brief.
3605 e. RECORD OF DISCIPLINARY PROCEEDINGS.
3606 Upon notice of an appeal, the three-member hearing

3607 panel of the Council on Ethics, Bylaws and Judicial
3608 Affairs that presided over the initial hearing shall
3609 furnish to the full Council on Ethics, Bylaws and
3610 Judicial Affairs and to the accused member a
3611 transcript of, or an officially certified copy of the
3612 minutes of, the hearing accorded the accused. The
3613 transcript or minutes shall be accompanied by
3614 certified copies of any affidavits or other documents
3615 submitted as evidence to support the charges against
3616 the accused member or submitted by the accused as
3617 part of the accused's defense. Where the three-
3618 member hearing panel of the Council on Ethics,
3619 Bylaws and Judicial Affairs does not provide for
3620 transcription of the hearing, the accused member shall
3621 be entitled to arrange for the services of a court
3622 reporter to transcribe the hearing.

3623 f. APPEALS JURISDICTION. The Council on
3624 Ethics, Bylaws and Judicial Affairs shall be required
3625 to review the decision appealed from to determine
3626 whether the evidence before the three-member
3627 hearing panel supports that decision or warrants the
3628 penalty(ies) imposed. The Council on Ethics, Bylaws
3629 and Judicial Affairs shall not be required to consider
3630 additional evidence unless there is a clear showing
3631 that a party to the appeal will be unreasonably harmed
3632 by failure to consider the additional evidence. The
3633 parties to an appeal are the accused member and the
3634 Association member or Association staff member that
3635 preferred charges.

3636 g. DECISION ON APPEALS NOT INVOLVING
3637 RECOMMENDED PROBATION, SUSPENSION,
3638 EXPULSION AND/OR REMOVAL OF A
3639 TRUSTEE OR ELECTIVE OFFICER. In each appeal
3640 that does not involve the recommended probation,
3641 suspension, expulsion and/or removal from office of a
3642 trustee or elective officer, the decision of the Council
3643 on Ethics, Bylaws and Judicial Affairs shall be
3644 reduced to writing and shall state clearly the
3645 conclusion of the Council and the reasons for
3646 reaching that conclusion. The Council shall have the
3647 discretion to (1) *uphold* the decision of the three-
3648 member hearing panel; (2) *reverse* the decision of the
3649 three-member hearing panel and thereby exonerate
3650 the accused; (3) *deny* an appeal which fails to satisfy
3651 the requirements of Section 20D of this Chapter; (4)
3652 *refer* the case back to the three-member hearing panel
3653 for new proceedings, if the rights of the accused
3654 member under all applicable bylaws were not
3655 accorded the accused; (5) *remand* the case back to the
3656 three-member hearing panel for further proceedings
3657 when the appellate record is insufficient in the
3658 opinion of the Council on Ethics, Bylaws and Judicial
3659 Affairs to enable it to render a decision; or (6) *uphold*
3660 the decision of the three-member hearing panel but
3661 reduce the penalty imposed. The decision of the
3662 Council on Ethics, Bylaws and Judicial Affairs under

3663 this Section 20 Eg of Chapter XIII shall be final and
3664 non-appealable.

3665 Within thirty (30) days of the date on which a final
3666 decision on appeal is rendered, a copy thereof shall be
3667 sent by certified—return receipt requested mail to the
3668 last known address of each of the following parties:
3669 the accused member, the Association member or
3670 Association staff member preferring charges, the
3671 secretary of the component society of which the
3672 accused is a member, if applicable, the secretary of
3673 the constituent society of which the accused is a
3674 member, if applicable, the Election Commission and
3675 the Executive Director of this Association.

3676 h. DECISION ON APPEALS INVOLVING
3677 RECOMMENDED PROBATION, SUSPENSION,
3678 EXPULSION AND/OR REMOVAL OF A
3679 TRUSTEE OR ELECTIVE OFFICER. In each
3680 appeal that involves the recommended probation,
3681 suspension, expulsion or removal of a trustee or
3682 elective officer, the decision of the Council on Ethics,
3683 Bylaws and Judicial Affairs shall be reduced to
3684 writing and shall state clearly the conclusion of the
3685 Council and the reasons for reaching that conclusion.
3686 In such appeals, the Council shall have the discretion
3687 to (1) recommend *upholding* the decision of the three-
3688 member hearing panel; (2) *reverse* the recommended
3689 decision of the three-member hearing panel and
3690 thereby exonerate the accused; (3) recommend
3691 *denying* an appeal which fails to satisfy the
3692 requirements of Section 20E of this Chapter; (4) *refer*
3693 the case back to the three-member hearing panel for
3694 new proceedings, if the rights of the accused member
3695 under all applicable bylaws were not accorded the
3696 accused; (5) *remand* the case back to the three-
3697 member hearing panel for further proceedings when
3698 the appellate record is insufficient in the opinion of
3699 the Council on Ethics, Bylaws and Judicial Affairs to
3700 enable it to render a decision; or (6) *uphold* the
3701 decision of the three-member hearing panel but
3702 reduce the penalty imposed, except in cases in which
3703 the reduced penalty is probation, suspension and/or
3704 removal from office, in which case the Council's
3705 decision shall be a recommendation. The decision of
3706 the Council on Ethics, Bylaws and Judicial Affairs
3707 under this Section 20Eh of Chapter XIII shall be final
3708 and non-appealable in such cases only if the
3709 Council's decision does not result in a
3710 recommendation of probation, suspension, expulsion
3711 and/or removal from office.

3712 In cases not involving recommended probation,
3713 suspension, expulsion and/or removal from office,
3714 within thirty (30) days of the date on which a final
3715 decision on appeal is rendered, a copy thereof shall be
3716 sent by certified-return receipt requested mail to the
3717 last known address of each of the following parties:

the accused trustee or elective officer; the Association member or Association staff member preferring charges; the secretary of the component society of which the trustee is a member, if applicable; the secretary of the constituent society of which the trustee or elective officer is a member, if applicable; the Election Commission and the Executive Director of this Association.

In cases involving the recommended probation, suspension, expulsion and/or removal from office of a trustee or elective officer, within thirty (30) days of the date on which a recommended decision on appeal is rendered, a copy thereof shall be sent by certified-return receipt requested mail to the last known address of each of the following parties: the accused trustee or elective officer; the Association member or Association staff member preferring charges; the Election Commission, the secretary of the component society of which the trustee or elective officer is a member, if applicable; the secretary of the constituent society of which the trustee or elective officer is a member, if applicable; and the Executive Director of this Association. Trustees or elective officers recommended to be sentenced to probation, expulsion, suspension and/or removal from office shall have the right to respond in writing to the recommendation, which response shall be delivered to the chair of the Council on Ethics, Bylaws and Judicial Affairs within thirty (30) days from the date of the recommended decision. The chair of the Council on Ethics, Bylaws and Judicial Affairs shall forward its recommendation, along with any response, to the Speaker of the House of Delegates, the Election Commission and the Association's Executive Director.

E. CONSIDERATION OF RECOMMENDED PROBATION, SUSPENSION, EXPULSION AND/OR REMOVAL FROM OFFICE OF TRUSTEES OR ELECTIVE OFFICERS BY HOUSE OF DELEGATES. The House of Delegates shall decide whether to accept or reject the recommendation of the Council on Ethics, Bylaws and Judicial Affairs. Members, and as applicable, former members, of the Council on Ethics, Bylaws and Judicial Affairs who were sitting on the Council at any time during which charges were pending against an accused shall be recused from deliberations under this Section 20F. A two-thirds (2/3) affirmative vote of the delegates present and voting is required to impose a disciplinary sentence of expulsion from membership or removal from office, suspension or probation.

F. SENTENCE. After all appeals are exhausted or after the time for filing an appeal has expired, a

sentence of censure, suspension, expulsion and/or removal from office meted out to any member, including those instances when the disciplined member has been placed on probation, shall be enforced by such individual's component and constituent societies, if such exist, and this Association.

G. NON-COMPLIANCE. In the event of a failure of technical compliance with the procedural requirements of this Chapter, the Council on Ethics, Bylaws and Judicial Affairs shall determine the effect of non-compliance.

CHAPTER XIV • AMERICAN DENTAL
ASSOCIATION FOUNDATION

Section 10. FINANCIAL SUPPORT: The Association is the sole Member of the American Dental Association Foundation. The Association shall annually furnish sufficient financial support, as an addition to generated non-Association funding, to assure the continued viability of the Foundation's research activities.

Section 20. DUTIES:

In addition, the Foundation's Administrative/Charitable group shall submit, through the ADA Board of Trustees acting as the Member, an annual report to the House of Delegates, interim reports on request to the Member, and an annual budget to the Board of Trustees for such financial support allocations as the Board may deem necessary.

CHAPTER XV • COMMISSIONS

Section 10. NAME: The commissions of this Association shall be:
Commission on Dental Accreditation
Joint Commission on National Dental Examinations

Section 20. MEMBERS, SELECTIONS, NOMINATIONS AND ELECTIONS:

A. COMMISSION ON DENTAL ACCREDITATION. The number of members and the method of selection of the members of the Commission on Dental Accreditation shall be governed by the *Rules of the Commission on Dental Accreditation* and these *Bylaws*.

Twelve (12) of the members of the Commission on Dental Accreditation shall be selected as follows:

(1) Four (4) members shall be selected from nominations open to all trustee districts from the active, life or retired members of this Association, no one of whom shall be a faculty member working for a school of dentistry more than one day per week or a member of a state board of dental examiners or

jurisdictional dental licensing agency. These members shall be nominated by the Board of Trustees and elected by the House of Delegates.

(2) Four (4) members who are active, life or retired members of this Association shall be selected by the American Association of Dental Boards from the active membership of that body, no one of whom shall be a member of a faculty of a school of dentistry.

(3) Four (4) members who are active, life or retired members of this Association shall be selected by the American Dental Education Association from its active membership. These members shall hold positions of professorial rank in dental schools accredited by the Commission on Dental Accreditation and shall not be members of any state board of dental examiners or jurisdictional dental licensing agency.

B. JOINT COMMISSION ON NATIONAL DENTAL EXAMINATIONS. The Joint Commission on National Dental Examinations shall be composed of fifteen (15) members selected as follows:

a. Three (3) members shall be nominated by the Board of Trustees from the active, life or retired members of this Association and additional nominations may be made by the House of Delegates but no one of such nominees shall be a member of a faculty of a school of dentistry or a member of a state board of dental examiners or jurisdictional dental licensing agency. The House of Delegates shall elect the three (3) members from those nominated by the Board of Trustees and the House of Delegates.

b. Six (6) members who are active, life or retired members of this Association shall be selected by the American Association of Dental Boards from the active membership of that body, no one of whom shall be a member of a faculty of a dental school.

c. Three (3) members who are active, life or retired members of this Association shall be selected by the American Dental Education Association from its active membership. These members shall hold positions of professorial rank in the dental schools accredited by this Association and shall not be members of any state board of dental examiners or jurisdictional dental licensing agency.

d. One (1) member who is a dental hygienist shall be selected by the American Dental Hygienists' Association.

e. One (1) member who is a public representative shall be selected by the Joint Commission on National Dental Examinations.

f. One (1) member who is a dental student shall be selected annually by the American Student Dental Association.

Section 30. REMOVAL FOR CAUSE: The Board of

Trustees may remove a commission member for cause in accordance with procedures established by the Board of Trustees, which procedures shall provide for notice of the charges, including allegations of the conduct purported to constitute each violation, and a decision in writing which shall specify the findings of fact which substantiate any and all of the charges, and that prior to issuance of the decision of the Board of Trustees, no commission member shall be excused from attending any meeting of a commission unless there is an opportunity to be heard or compelling reasons exist which are specified in writing by the Board of Trustees.

Section 40. ELIGIBILITY:

A. All members of commissions who are dentists must be active, life or retired members in good standing of this Association except as otherwise provided in these *Bylaws*.

B. A member of the Joint Commission on National Dental Examinations, who was selected by the American Association of Dental Boards and who is no longer an active member of that Association, may continue as a member of the Commission for the balance of that member's term.

C. When a member of the Joint Commission on National Dental Examinations, who was selected by the American Dental Education Association, shall cease to be a member of the faculty of a member school of that Association, such membership on the Commission shall terminate, and the President of the American Dental Association shall declare the position vacant.

D. No member of a commission may serve concurrently as a member of a council or another commission.

E. The Commissions of this Association shall elect their own chairs who shall be active, life or retired members of this Association.

Section 50. CONSULTANTS, ADVISERS AND STAFF:

A. CONSULTANTS AND ADVISERS. Each commission shall have the authority to nominate consultants and advisers in conformity with rules and regulations established by the Board of Trustees except as otherwise provided in these *Bylaws*. The Joint Commission on National Dental Examinations also shall select consultants to serve on the Commission's test construction committees. The Commission on Dental Accreditation shall have the power to appoint consultants to assist in developing requirements and guidelines for the conducting of accreditation evaluations, including site visitations, of

3926 predoctoral, advanced dental educational, and dental
3927 auxiliary educational programs.

3928 B. STAFF. The Executive Director shall employ the
3929 staff of Commissions, in the event they are
3930 employees, and shall select the titles for commission
3931 staff positions.

3932 *Section 60. TERM OF OFFICE:* The term of office
3933 of members of the commissions shall be four (4)
3934 years except that (a) the term of office of members of
3935 the Commission on Dental Accreditation selected
3936 pursuant to the *Rules of the Commission on Dental*
3937 *Accreditation* shall be governed by those *Rules* and
3938 (b) the term of office of the dental student selected by
3939 the American Student Dental Association for
3940 membership on the Joint Commission on National
3941 Dental Examinations shall be one (1) year.

3942 The tenure of a member of a commission shall be
3943 limited to one (1) term of four (4) years except that
3944 (a) the consecutive tenure of members of the
3945 Commission on Dental Accreditation selected
3946 pursuant to the *Rules of the Commission on Dental*
3947 *Accreditation* shall be governed by those *Rules* and
3948 (b) tenure in office of the dental student selected by
3949 the American Student Dental Association for
3950 membership on the Joint Commission on National
3951 Dental Examinations shall be one (1) term. A
3952 member shall not be eligible for appointment to
3953 another commission or council for a period of two (2)
3954 years after completing a previous commission
3955 appointment.

3956 *Section 70. VACANCY:* In the event of a vacancy in
3957 the office of a commissioner, the following procedure
3958 shall be followed:

3959 A. In the event the member of a commission, whose
3960 office is vacant, is or was a member of and was
3961 appointed or elected by this Association, the President
3962 of this Association shall appoint a member of this
3963 Association possessing the same qualifications as
3964 established by these *Bylaws* for the previous member,
3965 to fill such vacancy until a successor is elected by the
3966 next House of Delegates of this Association for the
3967 remainder of the unexpired term.

3968 B. In the event the member of a commission whose
3969 office is vacant was selected by an organization other
3970 than this Association, such other organization shall
3971 appoint a successor possessing the same
3972 qualifications as those possessed by the previous
3973 member of the commission.

3974 C. In the event such vacancy involves the chair of the
3975 commission, the President of this Association shall
3976 have the power to appoint an *ad interim* chair, except
3977 as otherwise provided in these *Bylaws*.

3978 D. If the term of the vacated commission position has
3979 less than fifty percent (50%) of a full four-year term
3980 remaining at the time the successor member is
3981 appointed or elected, the successor member shall be
3982 eligible for election to a new, consecutive four-year
3983 term. If fifty percent (50%) or more of the vacated
3984 term remains to be served at the time of the
3985 appointment or election, the successor member shall
3986 not be eligible for another term.

3987 *Section 80. MEETINGS OF COMMISSIONS:* Each
3988 commission shall hold at least one regular meeting
3989 annually, provided that funds are available in the
3990 budget for that purpose and unless otherwise directed
3991 by the Board of Trustees. Meetings may be held at the
3992 Headquarters Building, the Washington Office or
3993 from multiple remote locations through the use of a
3994 conference telephone or other communications
3995 equipment by means of which all members can
3996 communicate with each other. Such meetings shall be
3997 conducted in accordance with rules and procedures
3998 established by the Board of Trustees.

3999 *Section 90. QUORUM:* A majority of the members of
4000 any commission shall constitute a quorum.

4001 *Section 100. PRIVILEGE OF THE FLOOR:* Chairs
4002 and members of the commissions who are not
4003 members of the House of Delegates shall have the
4004 right to participate in the debate on their respective
4005 reports but shall not have the right to vote.

4006 *Section 110. ANNUAL REPORT AND BUDGET:*

4007 A. ANNUAL REPORT. Each commission shall
4008 submit, through the Executive Director, an annual
4009 report to the House of Delegates and a copy thereof to
4010 the Board of Trustees.

4011 B. PROPOSED BUDGET. Each commission shall
4012 submit to the Board of Trustees, through the
4013 Executive Director, a proposed itemized budget for
4014 the ensuing fiscal year.

4015 *Section 120. POWER TO ADOPT RULES:* Any
4016 commission of this Association shall have the power
4017 to adopt rules for such commission and amendments
4018 thereto, provided such rules and amendments thereto
4019 do not conflict with or limit the *Constitution and*
4020 *Bylaws* of this Association. Rules and amendments
4021 thereto, adopted by any commission of this
4022 Association, shall not be effective until submitted in
4023 writing to and approved by majority vote of the
4024 House of Delegates of this Association, except the
4025 Joint Commission on National Dental Examinations
4026 shall have such bylaws and amendments thereto as
4027 the House of Delegates of this Association may adopt
4028 by majority vote for the conduct of the purposes and
4029 management of the Joint Commission on National

4030 Dental Examinations.

4031 *Section 130. DUTIES:*

4032 A. COMMISSION ON DENTAL
4033 ACCREDITATION. The duties of the Commission
4034 on Dental Accreditation shall be to:

4035 a. Formulate and adopt requirements and guidelines
4036 for the accreditation of dental educational and dental
4037 auxiliary educational programs.

4038 b. Accredite dental educational and dental auxiliary
4039 educational programs.

4040 c. Provide a means for appeal from an adverse
4041 decision of the accrediting body of the Commission to
4042 a separate and distinct body of the Commission
4043 whose membership shall be totally different from that
4044 of the accrediting body of the Commission.

4045 d. Submit an annual report to the House of Delegates
4046 of this Association and interim reports, on request,
4047 and the Commission's annual budget to the Board of
4048 Trustees of the Association.

4049 e. Submit the Commission's articles of incorporation
4050 and rules and amendments thereto to this
4051 Association's House of Delegates for approval by
4052 majority vote either through or in cooperation with
4053 the Council on Dental Education and Licensure.

4054 B. JOINT COMMISSION ON NATIONAL
4055 DENTAL EXAMINATIONS. The duties of the Joint
4056 Commission on National Dental Examinations shall
4057 be to:

4058 a. Provide and conduct written examinations,
4059 exclusive of clinical demonstrations for the purpose
4060 of assisting state boards of dental examiners in
4061 determining qualifications of dentists who seek
4062 license to practice in any state or other jurisdiction of
4063 the United States. Dental licensure is subject to the
4064 laws of the state or other jurisdiction of the United
4065 States and the conduct of all clinical examinations for
4066 licensure is reserved to the individual board of dental
4067 examiners.

4068 b. Provide and conduct written examinations,
4069 exclusive of clinical demonstrations for the purpose
4070 of assisting state boards of dental examiners in
4071 determining qualifications of dental hygienists who
4072 seek license to practice in any state or other
4073 jurisdiction of the United States. Dental hygiene
4074 licensure is subject to the laws of the state or other
4075 jurisdiction of the United States and the conduct of all
4076 clinical examinations for licensure is reserved to the
4077 individual board of dental examiners.

4078 c. Make rules and regulations for the conduct of
4079 examinations and the certification of successful
4080 candidates.

4081 d. Serve as a resource of the dental profession in the
4082 development of written examinations.

CHAPTER XVI • SCIENTIFIC SESSION

4083 *Section 10. OBJECT:* The scientific session of this
4084 Association is established to foster the presentation
4085 and discussion of subjects pertaining to the
4086 improvement of the health of the public and the
4087 science and art of dentistry.

4088 *Section 20. TIME AND PLACE:* The scientific
4089 session of the Association shall be held annually at a
4090 time and place selected by the Board of Trustees. Such
4091 selection shall be made at least one (1) year in
4092 advance.

4093 *Section 30. MANAGEMENT AND GENERAL*
4094 *ARRANGEMENTS:* The Board of Trustees shall
4095 provide for the management of, and make all
4096 arrangements for, each scientific session unless
4097 otherwise provided in these *Bylaws*.

4098 *Section 40. TRADE AND LABORATORY*
4099 *EXHIBITS:* Products of the dental trade and dental
4100 laboratories and other products may be exhibited at
4101 each scientific session under the direction of the
4102 Board of Trustees and in accordance with rules and
4103 regulations established by that body.

4104 *Section 50. ADMISSION:* Admission to meetings of
4105 the scientific sessions shall be limited to members of
4106 this Association who are in good standing and to
4107 others admitted in accordance with rules and
4108 regulations established by the Board of Trustees.

CHAPTER XVII • PUBLICATIONS

4109 *Section 10. OFFICIAL JOURNAL:*

4110 A. TITLE. This Association shall publish or cause to
4111 be published an official journal under the title of *The*
4112 *Journal of the American Dental Association*,
4113 hereinafter referred to as *The Journal*.

4114 B. OBJECT. The object of *The Journal* shall be to
4115 report, chronicle and evaluate activities of scientific
4116 and professional interest to members of the dental
4117 profession.

4118 C. FREQUENCY OF ISSUE AND SUBSCRIPTION
4119 RATE. The frequency of issue and the subscription
4120 rate of *The Journal* shall be determined by the Board
4121 of Trustees.

4122 D. EDITOR OF THE JOURNAL. Except as
4123 otherwise provided in the powers of the Board of
4124 Trustees under these *Bylaws*, as provided in Chapter
4125 VII, Section 90D, the editor of *The Journal of the*
4126 *American Dental Association* shall have the authority
4127 to determine the editorial content of *The Journal*,
4128 including scientific-based content, and shall, with the
4129 assistance of an editorial board nominated by the
4130 editor and appointed by the Board of Trustees,

CHAPTER XVII • PUBLICATIONS
CHAPTER XVIII • FINANCES

- 4131 establish and maintain a written editorial policy for
4132 *The Journal*.
- 4133 *Section 20. OTHER JOURNALS:* The Association
4134 may publish or cause to be published other journals in
4135 the field of dentistry subject to the direction and
4136 regulations of the Board of Trustees.
- 4137 *Section 30. OFFICIAL TRANSACTIONS:* The
4138 official transactions of the House of Delegates and the
4139 Board of Trustees and the reports of officers, councils
4140 and committees shall be published under the direction
4141 of the Executive Director.
- 4142 *Section 40. AMERICAN DENTAL DIRECTORY:*
4143 This Association shall cause to be published an
4144 *American Dental Directory*.

CHAPTER XVIII • FINANCES

- 4145 *Section 10. FISCAL YEAR:* The fiscal year of the
4146 Association shall begin January 1 of each calendar
4147 year and end December 31 of the same year.
- 4148 *Section 20. GENERAL FUND:* The General Fund
4149 shall consist of all monies received other than those
4150 specifically allocated to other funds by these *Bylaws*.
4151 This fund shall be used for defraying all expenses
4152 incurred by this Association not otherwise provided
4153 for in these *Bylaws*. The General Fund may be
4154 divided into Operating and Reserve Divisions at the
4155 direction of the Board of Trustees.
- 4156 *Section 30. OTHER FUNDS:* The Association may
4157 establish other funds, at the direction of the Board of
4158 Trustees, for activities and programs requiring
4159 separate accounting records to meet governmental
4160 and administrative requirements. Such funds shall
4161 consist of monies and other assets received or
4162 allocated in accordance with the purpose for which
4163 they are established. Such funds shall be used for
4164 defraying all expenses incurred in their operation,
4165 shall serve only as separate accounting entities and
4166 continue to be held in the name of the American
4167 Dental Association as divisions of the General Fund.
- 4168 *Section 40. SPECIAL ASSESSMENTS:* In addition to
4169 the payment of dues required in Chapter I, Section 20
4170 of these *Bylaws*, a special assessment may be levied
4171 by the House of Delegates upon active, active life,
4172 retired and associate members of this Association as
4173 provided in Chapter I, Section 20 of these *Bylaws*, for
4174 the purpose of funding a specific project of limited
4175 duration. Such an assessment may be levied at any
4176 annual or special session of the House of Delegates by
4177 a two-thirds (2/3) affirmative vote of the delegates
4178 present and voting, provided notice of the proposed
4179 assessment has been presented in writing at least
4180 ninety (90) days prior to the first day of the session of

CHAPTER XVIII • FINANCES
CHAPTER XIX • ALLIANCE OF THE
AMERICAN DENTAL ASSOCIATION
CHAPTER XX • INDEMNIFICATION

- 4181 the House of Delegates at which it is to be considered.
4182 Notice of such a resolution shall be sent by a
4183 certifiable method of delivery to each constituent
4184 society, federal dental service and the American
4185 Student Dental Association not less than ninety (90)
4186 days before such session to permit prompt, adequate
4187 notice by each constituent society, federal dental
4188 service and the American Student Dental Association
4189 to their delegates and alternate delegates to the House
4190 of Delegates of this Association, and shall be
4191 announced to the general membership in an official
4192 publication of this Association at least sixty (60) days
4193 in advance of the session. The specific project to be
4194 funded by the proposed assessment, the time frame of
4195 the project, and the amount and duration of the
4196 proposed assessment shall be clearly presented in
4197 giving notice to the members of this Association.
4198 Revenue from a special assessment and any earnings
4199 thereon shall be deposited in a separate fund as
4200 provided in Chapter XVII, Section 30 of these
4201 *Bylaws*. The House of Delegates may amend the main
4202 motion to levy a special assessment only if the
4203 amendment is germane and adopted by a two-thirds
4204 (2/3) affirmative vote of the delegates present and
4205 voting. The House of Delegates may consider only
4206 one (1) specific project to be funded by a proposed
4207 assessment at a time. However, if properly adopted by
4208 the House of Delegates, two (2) or more special
4209 assessments may be in force at the same time. Any
4210 resolution to levy a special assessment that does not
4211 meet the notice requirements set forth in the previous
4212 paragraph also may be adopted by a unanimous vote
4213 of the House of Delegates, provided the resolution has
4214 been presented in writing at a previous meeting of the
4215 same session.

CHAPTER XIX • ALLIANCE OF THE AMERICAN
DENTAL ASSOCIATION

- 4216 *Section 10. RECOGNITION:* The Association
4217 recognizes the Alliance of the American Dental
4218 Association as an organization of the spouses of
4219 active, life, retired or student members in good
4220 standing of this Association, and of spouses of such
4221 deceased members who were in good standing at the
4222 time of death.
- 4223 *Section 20. CONSTITUTION AND BYLAWS:* No
4224 provision in the constitution and bylaws of the
4225 Alliance shall be in conflict with the *Constitution and*
4226 *Bylaws* of this Association.

CHAPTER XX • INDEMNIFICATION

- 4227 Each trustee, officer, council member, committee
4228 member, employee and other agent of the Association
4229 shall be held harmless and indemnified by the

CHAPTER XX • INDEMNIFICATION
CHAPTER XXI • CONSTRUCTION
CHAPTER XXII • AMENDMENTS

4230 Association against all claims and liabilities and all
4231 costs and expenses, including attorney's fees,
4232 reasonably incurred or imposed upon such person in
4233 connection with or resulting from any action, suit or
4234 proceeding, or the settlement or compromise thereof,
4235 to which such person may be made a party by reason
4236 of any action taken or omitted to be taken by such
4237 person as a trustee, officer, council member,
4238 committee member, employee or agent of the
4239 Association, in good faith. This right of
4240 indemnification shall inure to such person whether or
4241 not such person is a trustee, officer, council member,
4242 committee member, employee or agent at the time
4243 such liabilities, costs or expenses are imposed or
4244 incurred and, in the event of such person's death,
4245 shall extend to such person's legal representatives. To
4246 the extent available, the Association shall insure
4247 against any potential liability hereunder.

CHAPTER XXI • CONSTRUCTION

4248 Where the context or construction requires, all titles
4249 and personal pronouns used in the *Bylaws*, whether
4250 used in the masculine, feminine or neutral gender,
4251 shall include all genders.

CHAPTER XXII • AMENDMENTS

4252 *Section 10. PROCEDURE:* These *Bylaws* may be
4253 amended at any session of the House of Delegates by
4254 a two-thirds (2/3) affirmative vote of the delegates
4255 present and voting, provided the proposed
4256 amendments shall have been presented in writing at a
4257 previous session or a previous meeting of the same
4258 session.

4259 *Section 20. AMENDMENT AFFECTING THE*
4260 *PROCEDURE FOR CHANGING THE DUES OF*
4261 *ACTIVE MEMBERS:* An amendment of these
4262 *Bylaws* affecting the procedure for changing the dues
4263 of active members may be adopted only if the
4264 proposed amendment has been presented in writing at
4265 least ninety (90) days prior to the first day of the
4266 session of the House of Delegates at which it is to be
4267 considered. Notice of such a resolution shall be sent
4268 by a certifiable method of delivery to each constituent
4269 society, federal dental service and the American
4270 Student Dental Association not less than ninety (90)
4271 days before such session to permit prompt, adequate
4272 notice by each constituent society, federal dental
4273 service and the American Student Dental Association
4274 to their delegates and alternate delegates to the House
4275 of Delegates of this Association, and shall be
4276 announced to the general membership in an official
4277 publication of the Association at least sixty (60) days
4278 in advance of the annual session.

4279 Amendments affecting the procedure for changing the

CHAPTER XXII • AMENDMENTS

4280 dues of active members may also be adopted by a
4281 unanimous vote provided that the proposed
4282 amendment has been presented in writing at a
4283 previous meeting of the same session.

Articles of
Incorporation

.....

4284 1. NAME. The name of this corporation is
4285 AMERICAN DENTAL ASSOCIATION.

4286 2. DURATION. The duration of the corporation is
4287 perpetual.

4288 3. PURPOSE AND OBJECT. The purpose and object
4289 of this corporation are to encourage the improvement
4290 of the health of the public and to promote the art and
4291 science of dentistry.

4292 4. OFFICE. The principal office of the corporation
4293 shall be in the City of Chicago, Cook County, Illinois.

4294 5. *BYLAWS*. The bylaws of the corporation shall be
4295 divided into two categories designated, respectively,
4296 “Constitution” and “Bylaws” and each category shall
4297 be amendable from time to time in the manner and by
4298 the method therein set forth, but in case of any
4299 conflict between the *Constitution* and the *Bylaws* the
4300 provisions of the *Constitution* shall control.

4301 6. MEMBERSHIP. The qualifications, the method of
4302 election, designation or selection, the privileges and
4303 obligations, and the voting rights, if any, of the
4304 various classes of members which are established by
4305 the *Constitution and Bylaws* of the corporation from
4306 time to time shall be set forth in and governed by
4307 such *Constitution and Bylaws*.

4308 7. EXERCISE OF CORPORATE POWERS. Except
4309 as otherwise provided by law, the affairs of this
4310 corporation shall be governed and the corporate
4311 powers of the corporation shall be exercised by a
4312 Board of Directors (to be known as the Board of
4313 Trustees), House of Delegates, officers, councils,
4314 committees, members, agents and employees as set
4315 forth in the *Constitution and Bylaws* and the titles,
4316 duties, powers, and methods of electing, designating
4317 or selecting all of the foregoing shall be as provided
4318 therein.

4319 8. VOTING RIGHTS WITH RESPECT TO
4320 ARTICLES OF INCORPORATION. Only those
4321 members of the corporation shall have voting rights in
4322 respect to amendments to the Articles of
4323 Incorporation who shall have a right to vote on
4324 amendments to the *Constitution* of the corporation.

American Dental Association

A current electronic version of this document
is available at ADA.org