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American Dental Association

Constitution and Bylaws

Revised to January 1, 2015

ADA American
Dental
Association®

America's leading
advocate for oral health

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Constitution

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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 as
19 the Headquarters Office and shall be located in the
20 City of Chicago, County of Cook, State of Illinois.

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

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

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

33 *Section 60. COMPONENT SOCIETIES:* Component

34 societies of this Association shall be those dental
35 societies or dental associations organized in
36 conformity with Chapter III of the *Bylaws* of this
37 Association and in conformity with the bylaws of their
38 respective constituent societies.

39 *Section 70. TRUSTEE DISTRICTS:* The constituent
40 societies of the Association and the federal dental
41 services shall be grouped into seventeen (17) trustee
42 districts.

ARTICLE IV • GOVERNMENT

43 *Section 10. LEGISLATIVE BODY:* The legislative
44 and governing body of this Association shall be a
45 House of Delegates which may be referred to as “the
46 House” or “this House.”

47 *Section 20. ADMINISTRATIVE BODY:* The
48 administrative body of this Association shall be a
49 Board of Trustees, which may be referred to as “the
50 Board” or “this Board.”

ARTICLE V • OFFICERS

51 *Section 10. ELECTIVE OFFICERS:* The elective
52 officers of this Association shall be a President, a
53 President-elect, a First Vice President, a Second Vice
54 President, a Treasurer and a Speaker of the House of
55 Delegates, each of whom shall be elected by the
56 House of Delegates.

57 *Section 20. APPOINTIVE OFFICER:* The appointive
58 officer of this Association shall be an Executive
59 Director who shall be appointed by the Board of
60 Trustees.

ARTICLE VI • ANNUAL SESSION

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

ARTICLE VII • PRINCIPLES OF ETHICS AND CODE OF PROFESSIONAL CONDUCT

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

ARTICLE VIII • AMENDMENTS

70 This *Constitution* may be amended by a two-thirds
71 (2/3) affirmative vote of the delegates present and
72 voting, provided that the proposed amendments have
73 been presented in writing at any previous session of
74 the House of Delegates.

75 This *Constitution* may also be amended at any
76 session of the House of Delegates by a unanimous
77 vote, provided the proposed amendments have been
78 presented in writing at a previous meeting of such
79 session.

Bylaws

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CHAPTER I • MEMBERSHIP

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

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

91 *Section 20. QUALIFICATIONS, PRIVILEGES,*
92 *DUES AND SPECIAL ASSESSMENTS:*

93 A. ACTIVE MEMBER.

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

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

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

116 (3) the dentist is working as a dental school faculty
117 member, dental administrator or consultant within
118 the territorial jurisdiction of a constituent society and
119 is ineligible for active membership in the constituent
120 or component society because the dentist is not

CHAPTER I • MEMBERSHIP

121 licensed in the territorial jurisdiction of that
122 constituent.

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

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

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

140 b. PRIVILEGES.

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

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

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

165 c. DUES AND SPECIAL ASSESSMENTS.

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

507 Association or shall be a graduate of an unaccredited
508 dental school who has recently been licensed to
509 practice dentistry in a jurisdiction in which there is a
510 constituent dental society;

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

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

514 Provisional membership shall terminate December
515 31 of the second full calendar year following the year
516 in which the degree was awarded.

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

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

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

534 H. ASSOCIATE MEMBER.

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

543 b. PRIVILEGES. An associate member in good
544 standing shall receive annually a membership card
545 and *The Journal of the American Dental Association*,
546 the subscription price of which shall be included in the
547 annual dues. An associate member shall be entitled to
548 attend any scientific session of this Association and
549 receive such other services as are authorized by the
550 Board of Trustees.

551 c. DUES AND SPECIAL ASSESSMENTS. The dues
552 of associate members shall be twenty-five percent

* 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.

553 (25%) of the dues of active members, due January 1
554 of each year. In addition to their annual dues, associate
555 members shall pay twenty-five percent (25%) of any
556 active member special assessment, due January 1 of
557 each year.

558 I. AFFILIATE MEMBER.

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

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

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

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

568 b. PRIVILEGES. An affiliate member in good
569 standing shall receive a set of products and services as
570 are authorized by the Board of Trustees in
571 collaboration with the Council on Membership.

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

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

603 The requirement of paying current dues does not
604 apply to retired life, honorary and those members of
605 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 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

* 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.

700 whole dollar.

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

CHAPTER II • CONSTITUENT SOCIETIES

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

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

729 *Section 30. POWERS AND DUTIES:*

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

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

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

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

745 E. It shall be its duty to collect membership dues and
 746 any special assessment for this Association in
 747 conformity with Chapter I, Section 20, of these
 748 *Bylaws*.

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

754 *Section 40. MEMBERSHIP:*

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

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

778 B. REMOVAL FROM ONE JURISDICTION TO
 779 ANOTHER. A member who has changed the location
 780 of the member's practice from the jurisdiction of one
 781 constituent society to that of another constituent
 782 society may maintain active membership in the
 783 constituent society in which membership is being held
 784 for the calendar year following that of the member's
 785 removal from the jurisdiction of such society. The
 786 same privilege shall apply to a member who is
 787 separated from a federal dental service and who enters
 788 practice in an area under the jurisdiction of a
 789 constituent society or a member who is retired from a
 790 federal dental service and who is serving on a faculty
 791 of a dental school, or is receiving compensation as a
 792 dental administrator or consultant, or is engaged in
 793 any activity in the area under the jurisdiction of a
 794 constituent society for which a license to practice
 795 dentistry or dental hygiene is required by the state or
 796 other jurisdiction of the United States wherein the
 797 activity is conducted. A dentist who retires from
 798 active practice and establishes residence in an area
 799 outside of the jurisdiction of the constituent society in
 800 which the dentist holds membership shall be
 801 permitted to continue membership in such constituent
 802 society for the period of retirement.

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

814 C. PRIVILEGES. An active, life or retired member in
 815 good standing shall enjoy all privileges of constituent
 816 society membership except as otherwise provided by
 817 these *Bylaws*.

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

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

844 *Section 60. SESSIONS:* A constituent society shall
 845 hold a business session at least once each calendar
 846 year.

847 *Section 70. CONSTITUTION AND BYLAWS:* Each
 848 constituent society shall adopt and maintain a
 849 constitution and bylaws which shall not be in conflict
 850 with, or limit, the *Constitution and Bylaws*
 851 of this Association and shall file a copy thereof and any
 852 changes which may be made thereafter, with the
 853 Executive Director of this Association.

854 *Section 80. "PRINCIPLES OF ETHICS AND CODE*
 855 *OF PROFESSIONAL CONDUCT":* The *Principles of*

856 *Ethics and Code of Professional Conduct* of this
 857 Association and the code of ethics adopted by the
 858 constituent society shall be the code of ethics of that
 859 constituent society for governing the professional
 860 conduct of its members.

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

871 *Section 100. PRIVILEGE OF REPRESENTATION:*
 872 Each state constituent dental society and the District
 873 of Columbia Dental Society shall be entitled to a
 874 minimum of two (2) delegates in the House of
 875 Delegates. Each territorial constituent society and
 876 federal service shall be entitled to a minimum of two
 877 (2) delegates in the House of Delegates if its total
 878 membership is equal to or greater than the size of the
 879 smallest state constituent society; otherwise the
 880 territorial society or service shall receive one (1)
 881 delegate. The remaining number of delegates shall
 882 be allocated as provided in Chapter V, Sections 10C
 883 and 10D.

884 Each constituent society and each federal dental
 885 service may select from among its active, life and
 886 retired members the same number of alternate
 887 delegates as delegates and shall designate the alternate
 888 delegate who shall replace an absent delegate.

889 *Section 110. CHARTERED CONSTITUENT*
 890 *SOCIETIES:* The Executive Director of the
 891 Association is authorized to issue a charter to each
 892 constituent society denoting its name and territorial
 893 jurisdiction. The following societies are chartered as
 894 constituent societies of this Association:

895 Alabama Dental Association
 896 Alaska Dental Society
 897 Arizona Dental Association
 898 Arkansas State Dental Association
 899 California Dental Association
 900 Colorado Dental Association
 901 Connecticut State Dental Association, The
 902 Delaware State Dental Society
 903 District of Columbia Dental Society, The
 904 Florida Dental Association
 905 Georgia Dental Association
 906 Hawaii Dental Association
 907 Idaho State Dental Association
 908 Illinois State Dental Society

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

CHAPTER III • COMPONENT SOCIETIES

948 *Section 10. ORGANIZATION:* Component societies
 949 may be organized in conformity with a plan approved
 950 by the constituent society of which they shall be
 951 recognized entities provided, however, that the active,
 952 life or retired members of each component society
 953 shall consist of dentists who are members in good
 954 standing of their respective constituent societies and
 955 of this Association. The plan adopted by the
 956 constituent society may or may not limit active
 957 membership in a component society to dentists who
 958 reside or practice within the geographic area of that
 959 component society. Each component society shall
 960 adopt and maintain a constitution and bylaws, which
 961 shall not be in conflict with, or limit, the *Constitution*

962 *and Bylaws* of this Association or that of its
 963 constituent society, and shall file a copy thereof and
 964 any changes which may be made thereafter with the
 965 Executive Director of this Association.

966 *Section 20. POWER AND DUTIES:*

967 A. A component society shall have the power to select
 968 its active, life and retired members as active members
 969 of the constituent society in accordance with Chapter
 970 II, Section 40, of these *Bylaws*.

971 B. It shall have the power to provide for its financial
 972 support, to establish bylaws, rules and regulations, not
 973 in conflict with, or limiting, the *Constitution and*
 974 *Bylaws* of this Association or that of its constituent
 975 society and to adopt a code of ethics not in conflict
 976 with the *Principles of Ethics and Code of Professional*
 977 *Conduct* of this Association or code of ethics of its
 978 constituent society.

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

982 D. It shall have the power to establish committees,
 983 councils and commissions of the component society;
 984 to designate their powers and duties; and to adopt
 985 reasonable eligibility requirements for service
 986 thereon.

987 *Section 30. PRIVILEGES OF MEMBERSHIP:* An
 988 active, life or retired member in good standing shall
 989 have the opportunity of enjoying all privileges of
 990 component society membership except as otherwise
 991 provided by these *Bylaws*.

992 *Section 40. TRANSFER FROM ONE COMPONENT*
 993 *TO ANOTHER:* A member who has changed
 994 residence or location of practice within the
 995 jurisdiction of a constituent society so that the
 996 member no longer fulfills the membership
 997 requirements of the component society of which he or
 998 she is a member may maintain active membership in
 999 that component society for the calendar year
 1000 following such change of residence or practice
 1001 location.

1002 A member who is required to transfer membership
 1003 from one component society to another and whose
 1004 application for transfer of membership is denied shall
 1005 be entitled to a hearing (by either the component or
 1006 constituent society), on the decision denying the
 1007 member's application for transfer of membership and
 1008 to appeal to the member's constituent society, if
 1009 applicable, and the Council on Ethics, Bylaws and
 1010 Judicial Affairs of this Association in accordance with
 1011 the procedures in Chapter XII, Section 20C and D of
 1012 these *Bylaws* even though a disciplinary penalty is not
 1013 involved. A component society which receives an

CHAPTER III • COMPONENT SOCIETIES

CHAPTER IV • TRUSTEE DISTRICTS

1014 application for transfer of membership from a dentist
1015 who has moved from the jurisdiction of another
1016 constituent society is governed by Chapter II, Section
1017 40B of these *Bylaws*.

CHAPTER IV • TRUSTEE DISTRICTS

1018 *Section 10. ORGANIZATION:* The constituent
1019 societies and the federal dental services shall be
1020 organized into seventeen (17) trustee districts.

1021 *Section 20. PURPOSE:* The purpose of establishing
1022 trustee districts is to provide representation of the
1023 members of the constituent societies and the federal
1024 dental services on the Board of Trustees.

1025 *Section 30. COMPOSITION:* The trustee districts are
1026 numbered and composed as follows:

1027 DISTRICT 1

1028 Connecticut State Dental Association, The
1029 Maine Dental Association
1030 Massachusetts Dental Society
1031 New Hampshire Dental Society
1032 Rhode Island Dental Association
1033 Vermont State Dental Society

1034 DISTRICT 2

1035 New York State Dental Association

1036 DISTRICT 3

1037 Pennsylvania Dental Association

1038 DISTRICT 4

1039 Air Force Dental Corps
1040 Army Dental Corps
1041 Delaware State Dental Society
1042 District of Columbia Dental Society, The
1043 Maryland State Dental Association
1044 Navy Dental Corps
1045 New Jersey Dental Association
1046 Public Health Service
1047 Puerto Rico, Colegio de Cirujanos Dentistas de
1048 Veterans Affairs
1049 Virgin Islands Dental Association

1050 DISTRICT 5*

1051 Alabama Dental Association
1052 Georgia Dental Association
1053 Mississippi Dental Association, The

1054 DISTRICT 6

1055 Kentucky Dental Association
1056 Missouri Dental Association
1057 Tennessee Dental Association
1058 West Virginia Dental Association

1059 DISTRICT 7

1060 Indiana Dental Association

CHAPTER IV • TRUSTEE DISTRICTS

CHAPTER V • HOUSE OF DELEGATES

1061 Ohio Dental Association

1062 DISTRICT 8

1063 Illinois State Dental Society

1064 DISTRICT 9

1065 Michigan Dental Association

1066 Wisconsin Dental Association

1067 DISTRICT 10

1068 Iowa Dental Association
1069 Minnesota Dental Association
1070 Nebraska Dental Association, The
1071 North Dakota Dental Association
1072 South Dakota Dental Association

1073 DISTRICT 11

1074 Alaska Dental Society
1075 Idaho State Dental Association
1076 Montana Dental Association
1077 Oregon Dental Association
1078 Washington State Dental Association

1079 DISTRICT 12

1080 Arkansas State Dental Association
1081 Kansas Dental Association
1082 Louisiana Dental Association, The
1083 Oklahoma Dental Association

1084 DISTRICT 13

1085 California Dental Association

1086 DISTRICT 14

1087 Arizona Dental Association
1088 Colorado Dental Association
1089 Hawaii Dental Association
1090 Nevada Dental Association
1091 New Mexico Dental Association
1092 Utah Dental Association
1093 Wyoming Dental Association

1094 DISTRICT 15

1095 Texas Dental Association

1096 DISTRICT 16

1097 North Carolina Dental Society, The
1098 South Carolina Dental Association
1099 Virginia Dental Association

1100 DISTRICT 17

1101 Florida Dental Association

CHAPTER V • HOUSE OF DELEGATES

1102 *Section 10. COMPOSITION.*

1103 A. VOTING MEMBERS. The House of Delegates
1104 shall be composed of the officially certified delegates
1105 of the constituent dental societies and of the five (5)
1106 federal dental services, who shall be active, life or
1107 retired members and five (5) student members of the

1108 American Student Dental Association who are
1109 officially certified delegates from the American
1110 Student Dental Association. Proxy voting is explicitly
1111 prohibited; however, an alternate delegate may vote
1112 when substituted for a voting member in accordance
1113 with procedures established by the Committee on
1114 Credentials, Rules and Order.

1115 B. EX OFFICIO MEMBERS. The elective and
1116 appointive officers and trustees of this Association
1117 shall be *ex officio* members of the House of Delegates
1118 without the power to vote. They shall not serve as
1119 delegates. Past presidents of this Association shall be
1120 *ex officio* members of the House of Delegates without
1121 the power to vote unless designated as delegates.

1122 C. REPRESENTATIONAL REQUIREMENTS
1123 AND GOALS. Each constituent society and each of
1124 the five (5) federal dental services shall be entitled to
1125 the minimum number of delegates set forth in
1126 CHAPTER II. CONSTITUENT SOCIETIES, *Section*
1127 100. PRIVILEGE OF REPRESENTATION. The
1128 American Student Dental Association shall be entitled
1129 to the number of delegates set forth in CHAPTER V.
1130 HOUSE OF DELEGATES, *Section* 10.
1131 COMPOSITION, *Sub-section* A.

1132 The allocation of the remaining delegates shall be
1133 made pursuant to the delegate allocation methodology
1134 set forth in Subsection D. of this Section, with the
1135 goals of (i) achieving as close to proportional
1136 representation of active, life and retired members of
1137 the Association as possible while providing for the
1138 minimum representational requirements set forth in
1139 CHAPTER II. CONSTITUENT SOCIETIES, *Section*
1140 100. PRIVILEGE OF REPRESENTATION; (ii)
1141 providing for representation of the American Student
1142 Dental Association; and (iii) maintaining the size of
1143 the House of Delegates as close to 473 delegates as
1144 possible while meeting the other goals recited in this
1145 Subsection.

1146 D. DELEGATE ALLOCATION METHODOLOGY.
1147 Commencing in 2014, based on the representational
1148 requirements and goals set forth in Section 10C,
1149 delegates shall be allocated according to the allocation
1150 methodology set forth below. Thereafter, to account
1151 for membership fluctuations, delegate allocations
1152 shall be reviewed and delegates shall be reallocated
1153 by the Secretary of the House of Delegates every four
1154 (4) years among the constituent dental societies, the
1155 five (5) federal dental services and the American
1156 Student Dental Association in accordance with that
1157 same methodology. Delegate allocations shall be
1158 based on the Association's year-end membership
1159 records for the second calendar year preceding the
1160 year in which the delegate allocations become

1161 effective. The review of delegates shall take place as
1162 soon as possible after the membership numbers on
1163 which the delegate allocations are based are available
1164 and the Secretary of the House of Delegates shall
1165 publish the new delegate allocations expeditiously
1166 thereafter to the constituent dental societies, the five
1167 (5) federal dental services and the American Student
1168 Dental Association. The delegate allocations shall
1169 also be published in the Manual of the House of
1170 Delegates. The delegate allocation methodology is as
1171 follows:

1172 a. The Target Delegate Number. For purposes of
1173 allocating delegates, the target number of delegates
1174 to be used in calculating the allocation is four
1175 hundred seventy-three (473). From that target
1176 number two delegates will be deducted for each
1177 constituent society except that only a single
1178 delegate will be deducted from each of the Colegio
1179 de Cirujanos Dentistas de Puerto Rico and the
1180 Virgin Islands Dental Association unless the
1181 number of members in either of those societies is
1182 equal to or greater than the number of members in
1183 the smallest state constituent society, in which case
1184 a minimum of two (2) delegates will be deducted
1185 from the target delegate number for that society.
1186 One delegate is deducted from the target delegate
1187 number for each of the five (5) dental services,
1188 except that a minimum of two (2) delegates will be
1189 deducted for any federal dental service where the
1190 number of members is equal to or greater than the
1191 number of members in the smallest state
1192 constituent society. In addition, five (5) delegates
1193 will be deducted from the target delegate number
1194 for the American Student Dental Association. For
1195 purposes of the delegate allocation methodology
1196 set forth in these *Bylaws*, the remaining number of
1197 delegates in the target number of delegates
1198 following the deductions of delegates listed above
1199 from the target number of delegates shall be
1200 referred to as the net delegate allocation pool.

1201 b. Allocation to the American Student Dental
1202 Association. Five (5) delegates shall be allocated
1203 to the American Student Dental Association
1204 regardless of the number of members.

1205 c. Determination of the True Proportional Delegate
1206 Counts for each Constituent and each Federal
1207 Dental Service. Divide each constituent's and each
1208 federal dental service's total membership by the
1209 total membership of the Association. Multiply the
1210 resulting percentage of membership for each
1211 constituent and federal dental service by the target
1212 number of delegates set forth in paragraph a. of this

subsection less the number of delegates allocated to the American Student Dental Association in paragraph b. of this subsection. The resulting true proportional delegate numbers will be used later in the delegate allocation methodology.

d. Determination of Constituents and Federal Dental Services that Qualify to Receive More than the Minimum Delegate Allocation.

i. Divide the total constituent and federal dental service membership of the Association by the target number of delegates set forth in paragraph a. of this subsection less the number of delegates allocated to the American Student Dental Association in paragraph b. of this subsection. Compare the resulting number against the membership numbers for the Colegio de Cirujanos Dentistas de Puerto Rico, Virgin Islands Dental Association and Public Health Service if they received a single delegate pursuant to the review performed in paragraph a. of this subsection. If the membership numbers of any of those entities are less than the result of the calculation, allocate the number of delegates deducted from the target delegate allocation number for each such entity and exclude those entities from the remaining steps of the delegate allocation methodology.

ii. Take the result of the calculation performed in subparagraph i. of this paragraph d. and multiply it by two (2). Compare the resulting number against the membership numbers for each constituent society and each federal dental service for which two (2) delegates were deducted from the target delegate allocation number in paragraph a. of this subsection. If the membership of any of those constituent societies and federal dental services are less than that number, allocate the number of delegates deducted from the target delegate allocation number for each such entity and exclude those entities from the remaining steps of the delegate allocation methodology.

e. Calculation of Non-Minimum Membership Total. Subtract the total membership numbers of each constituent society and federal dental service identified as being excluded from the remaining steps of the delegate allocation methodology from the total membership of the Association. The resulting non-minimum membership total will be used in the remaining delegate allocation methodology steps.

f. Allocation of Remaining Delegates.

i. Divide each remaining constituent's and federal dental service's membership by the non-minimum membership total determined in paragraph e. of this subsection to arrive at their percentages of the non-minimum membership total.

ii. Calculate the remaining number of delegates to be allocated by subtracting from the target number of delegates listed in paragraph a. of this subsection the delegates allocated to the American Student Dental Association in paragraph b. of this subsection and the delegates allocated by the minimum allocation steps in paragraphs d.i and d.ii. of this subsection.

iii. For each remaining constituent and federal dental service, multiply its percentage of the non-minimum membership total determined by the calculation in paragraph f.i. of this subsection and the remaining number of delegates to be allocated as determined by the calculation in paragraph f.ii. of this subsection. Round the result to the nearest whole number.

iv. For each remaining constituent and federal dental service, multiply the result obtained in paragraph f.i. of this subparagraph by the target number of delegates specified in paragraph a. of this subsection less the number of delegates allocated to the American Student Dental Association pursuant to paragraph b. of the subsection and round the result to the nearest whole number.

v. For each remaining constituent and federal dental service, subtract the result obtained in subparagraph f.iv. of this subsection from the result obtained in subparagraph f.iii. of this subsection. If the result is negative, use the result obtained in subparagraph f.iv. of this subsection as that constituent's allocated delegate total. If the result is zero or positive, use the result obtained in subparagraph f.iii. of this subsection as that constituent's allocated delegate total.

g. Finalize the Delegate Allocation. Add together the final delegate allocations for the constituent societies, federal dental services and the American Student Dental Association determined through the calculations of paragraph b., subparagraphs d.i. and d.ii. and subparagraph f.v. of this subsection. The result is the total delegates allocated. The total

delegates allocated should vary no more than 5% from the target number of delegates set forth in paragraph a. of this subsection.

h. Calculating the Fairness Ratio. Divide each constituent's and each federal dental service's percentage of total delegates (the constituent's allocated delegates divided by the total delegates allocated as determined by the calculation set forth in subparagraph f.v. of this subsection) by its percentage of total membership as calculated in paragraph a. of this subsection. Except for those constituents that only receive the minimum number of allocated delegates, the resulting "fairness ratio" should deviate by a small amount on either side of 1, with 1 representing a perfectly proportional delegate allocation. The fairness ratio for constituents and federal dental services that receive only the minimum allocation of delegates may deviate from 1 to a larger degree because those constituents and federal dental services may be slightly over-represented.

E. ALTERNATE DELEGATES. Each constituent dental society and each federal dental service may select from among its active, life and retired members the same number of alternate delegates as delegates. The American Student Dental Association may select from among its active members the same number of alternate delegates as delegates.

F. SELECTION OF AMERICAN STUDENT DENTAL ASSOCIATION DELEGATES AND ALTERNATE DELEGATES. The American Student Dental Association shall select its five (5) delegates from its even numbered regions in even numbered years, and the odd numbered regions in odd numbered years, with their alternate delegates selected from the opposite groups of regions.

G. TERM OF DELEGATES AND ALTERNATE DELEGATES. The term of a delegate or alternate delegate elected or selected pursuant to Section 20 of this Chapter commences from the time such delegate or alternate delegate is certified pursuant to Section 30 of this Chapter until another delegate or alternate delegate elected or selected in place of such delegate or alternate delegate is so certified.

Section 20. ELECTION OF DELEGATES AND ALTERNATE DELEGATES: The officially certified delegates of each constituent society shall be elected or, in the case of officially certified alternate delegates, elected or selected, by one or more of the following methods:

1. By the membership at large of that constituent

society;

2. By the constituent society's governing legislative body or in the case of alternate delegates, selected by the constituent society's board of directors, at the discretion of the constituent society; and

3. By a component with respect to the delegates representing that component.

Each federal dental service and the American Student Dental Association may establish its own method for selecting delegates.

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

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

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

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

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

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

1419 or bylaws.

1420 E. Create special committees of the Association.

1421 F. Establish branch offices of the Association.

1422 G. Approve all memorials, resolutions or opinions
1423 issued in the name of the American Dental
1424 Association.

1425 *Section 50. DUTIES:* It shall be the duty of the House
1426 of Delegates to:

1427 A. Elect the elective officers.

1428 B. Elect the members of the Board of Trustees.

1429 C. Elect the members of the councils and
1430 commissions except as otherwise provided by these
1431 *Bylaws*.

1432 D. Receive and act upon reports of the committees of
1433 the House of Delegates.

1434 E. Adopt an annual budget and establish the dues of
1435 active members for the following year.

1436 F. Serve as the court of appeal from decisions of the
1437 Council on Ethics, Bylaws and Judicial Affairs
1438 involving disputes arising between constituent
1439 societies or between constituent and component
1440 societies, and as provided in Chapter XIII of these
1441 *Bylaws*.

1442 *Section 60. TRANSFER OF POWERS AND*
1443 *DUTIES OF THE HOUSE OF DELEGATES:* The
1444 powers and duties of the House of Delegates, except
1445 the power to amend, enact and repeal the *Constitution*
1446 *and Bylaws*, and the duty of electing the elective
1447 officers and the members of the Board of Trustees,
1448 may be transferred to the Board of Trustees of this
1449 Association in time of extraordinary emergency. The
1450 existence of a time of extraordinary emergency may
1451 be determined by unanimous consent of the members
1452 of the Board of Trustees present and voting at a
1453 regular or special session. Such extraordinary
1454 emergency may also be determined by mail vote of
1455 the current members of the House of Delegates on
1456 recommendation of at least four (4) of the elective
1457 officers. A mail vote to be valid shall consist of ballots
1458 received from not less than twenty-five percent (25%)
1459 of the current members of the House of Delegates. A
1460 majority of the votes cast within thirty (30) days after
1461 the mailing of the ballot shall decide the vote.

1462 *Section 70. ANNUAL SESSION:* The House of
1463 Delegates shall meet annually.

1464 *Section 80. SPECIAL SESSIONS:* A special session
1465 of the House of Delegates shall be called by the
1466 President on a three-fourths (3/4) affirmative vote of
1467 the members of the Board of Trustees or on written

1468 request of delegates representing at least one-third
1469 (1/3) of the constituent societies and not less than one-
1470 fifth (1/5) of the number of officially certified
1471 delegates of the last House of Delegates. The time and
1472 place of a special session shall be determined by the
1473 President, provided the time selected shall be not
1474 more than forty-five (45) days after the request was
1475 received. The business of a special session shall be
1476 limited to that stated in the official call except by
1477 unanimous consent.

1478 *Section 90. OFFICIAL CALL:*

1479 A. ANNUAL SESSION. The Executive Director of
1480 the Association shall direct that an official notice of
1481 the time and place of each annual session be published
1482 in *The Journal of the American Dental Association*.
1483 The Executive Director of the Association shall also
1484 send an official notice of the time and place of the
1485 annual session to each member of the House of
1486 Delegates at least thirty (30) days before the opening
1487 of such session.

1488 B. SPECIAL SESSION. The Executive Director of
1489 the Association shall send an official notice of the
1490 time and place of each special session and a statement
1491 of the business to be considered to every officially
1492 certified delegate and alternate delegate of the last
1493 House, not less than fifteen (15) days before
1494 the opening of such session.

1495 *Section 100. QUORUM:* Twenty-five percent (25%)
1496 of the voting members of the House of Delegates,
1497 representing at least twenty-five percent (25%) of the
1498 constituent societies, the American Student Dental
1499 Association and the federal dental services, shall
1500 constitute a quorum for the transaction of business at
1501 any meeting.

1502 *Section 110. OFFICERS:*

1503 A. SPEAKER AND SECRETARY. The officers of
1504 the House shall be the Speaker of the House of
1505 Delegates and the Secretary of the House of
1506 Delegates. The Executive Director of this Association
1507 shall serve as Secretary of the House of Delegates.
1508 In the absence of the Speaker the office shall be filled
1509 by the President. In the absence of the Secretary of the
1510 House of Delegates the Speaker shall appoint a
1511 Secretary of the House of Delegates *pro tem*.

1512 B. DUTIES.

1513 a. SPEAKER. The Speaker shall preside at all
1514 meetings of the House of Delegates and, in
1515 accordance with Chapter V, Section 140Bb,
1516 determine the order of business for all meetings
1517 subject to the approval of the House of Delegates,
1518 appoint tellers to assist in determining the result of
1519 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.

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

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

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

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

CHAPTER VI • CONFLICT OF INTEREST

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

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

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

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

As a condition for selection, each nominee, candidate and applicant shall complete a conflict of interest statement as prescribed by the Board of Trustees, disclosing any situation which might be construed as placing the individual in a position of having an interest that may conflict with his or her duty to the Association. Candidates for offices of President-elect, Second Vice President, Treasurer, Speaker of the

House, nominees for office of trustee, and nominees to councils and commissions shall file such statements with the Secretary of the House of Delegates to be made available to the delegates prior to election. As a condition of appointment, consultants, advisers and staff of Councils, Commissions and Special Committees, and each person nominated or seeking such positions, shall file conflict of interest statements with the executive director of this Association. While serving in any elective, appointive or employed office or position, the individual shall comply with the conflict of interest policy applicable to his or her office or position, shall complete and file a conflict of interest statement for each year of service, and shall promptly report any situation in which a potential conflict of interest may arise. The Board of Trustees shall approve any additional compliance activities that will implement the requirements of this chapter. The Board of Trustees shall render a final judgment on what constitutes a conflict of interest.

CHAPTER VII • BOARD OF TRUSTEES

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

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

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

Section 40. NOMINATION:

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

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

B. MULTIPLE CONSTITUENT DISTRICTS. In multiple constituent districts, the delegates from the constituent societies of the trustee district in which the term of the trustee is to terminate, shall hold a caucus to select a nominee or nominees for the office of trustee. Such caucus shall be called by the trustee whose term is about to expire, or by the trustee's designee. The notice of the time and place of such caucus shall be reported to the Secretary of the House. At the caucus the delegates shall nominate one (1) or two (2) candidates for the office of trustee, whose name or names shall be presented to the House of Delegates in accordance with the following rules. An action taken at a duly constituted caucus of the trustee district to nominate or select a trustee may be reconsidered at a later caucus during the appropriate annual session.

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

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

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

C. NOMINATING PROCEDURE. Candidates for the office of trustee 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.

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

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

B. If there are two (2) nominees from a trustee district, the election shall be by ballot in accordance with Chapter V, Section 150. The nominee receiving the

larger number of votes cast shall be declared elected. The method of election set forth in this paragraph shall not be used for any trustee district consisting of a single constituent dental society. A trustee district consisting of a single constituent dental society may present a single nominee to be elected pursuant to Paragraph A of this Section.

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

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

Section 80. VACANCY: In the event of a vacancy in the office of trustee, an active, life or retired member may be appointed by the President to fill the unexpired term of the vacancy. The appointment shall be made by the President with the advice and consent of the former trustee's district. A trustee district may file rules with the Association's Executive Director setting forth how its nominee shall be chosen. In the event an appointment to fill the vacancy has not been made by the time of the next meeting of the House of Delegates following the occurrence of the vacancy, then a successor trustee shall be elected for the remainder of the unexpired term by the House of Delegates pursuant to the provisions of Chapter VII, Sections 40 and 50 of these *Bylaws*. If the term of the vacated trustee position has less than fifty percent (50%) of a full four-year term remaining at the time the successor trustee is appointed or elected, the successor trustee shall be eligible for election 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 the appointment or election, the successor trustee shall not be eligible for another term.

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

A. Conduct all business of the Association, subject to the laws of the State of Illinois, the *Articles of Incorporation*, the *Constitution and Bylaws* and the mandates of the House of Delegates. The power of the Board of Trustees to act as the managing body of the

Association shall not be construed as limiting the power of the House of Delegates to establish policy with respect to the governance of this Association in all its activities, except for areas expressly reserved in these *Bylaws* as powers and/or duties of the Board of Trustees, as the same may be amended by the House of Delegates from time to time in accordance with these *Bylaws*.

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

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

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

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

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

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

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

I. Elect honorary members.

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

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

L. Establish rules and procedures authorizing the councils, commissions and committees of this Association to transact business by ballot without a meeting.

M. Appoint agents and/or other representatives for the purpose of supervising, managing and otherwise

1941 conducting business under its direction and in
 1942 accordance with these *Bylaws* and the laws of the
 1943 State of Illinois. No such appointment shall relieve
 1944 the Board of Trustees of its fiduciary duties as the
 1945 managing body of the Association as provided in
 1946 these *Bylaws*.

1947 *Section 100. DUTIES:* It shall be the duty of the Board
 1948 of Trustees to:

1949 A. Provide for the purchase, sale, mortgage,
 1950 maintenance and supervision of the Headquarters
 1951 Office and all other property or offices owned or
 1952 operated by this Association.

1953 B. Appoint the Executive Director and an interim
 1954 Executive Director of the Association.

1955 C. Determine the date and place for convening each
 1956 annual session and provide for the management and
 1957 general arrangements for each annual session as
 1958 provided in Chapter XV, Section 30.

1959 D. Cause to be bonded by a surety company the
 1960 Treasurer, the Executive Director and employees of
 1961 the Association entrusted with Association funds.

1962 E. Provide guidelines and directives to govern the
 1963 Treasurer's custody, investment and disbursement of
 1964 Association funds and other property as provided in
 1965 Chapter VIII, Section 90F, of these *Bylaws*; and to
 1966 cause all accounts of the Association to be audited by
 1967 a certified public accountant at least once a year.

1968 F. Prepare a budget for carrying on the activities of the
 1969 Association for each ensuing fiscal year, and present
 1970 for action by each House of Delegates a resolution
 1971 setting forth the proposed dues of active members for
 1972 the following year. Notice of such a resolution shall
 1973 be sent electronically to each constituent society and
 1974 posted on ADA Connect or its equivalent for the
 1975 House of Delegates not less than thirty (30) days
 1976 before such session to permit prompt, adequate notice
 1977 by each constituent society to its delegates and
 1978 alternate delegates to the House of Delegates of this
 1979 Association, and shall be announced to the general
 1980 membership in an official publication of the
 1981 Association at least fifteen (15) days in advance of the
 1982 annual session.

1983 G. Establish recommended qualifications for the
 1984 office of Treasurer.

1985 H. Submit to the House of Delegates at the opening
 1986 meeting of the annual session, in printed form,
 1987 nominations for membership to the councils, except
 1988 as otherwise provided in these *Bylaws*.

1989 I. Appoint annually the chair of each council, except

1990 as otherwise provided in these *Bylaws*, and to act upon
 1991 council, commission, and bureau nominations for
 1992 consultants and advisers except as otherwise provided
 1993 in these *Bylaws*.

1994 J. Provide interim guidance and supervision to all
 1995 councils and special committees in order to ensure the
 1996 fulfillment of initiatives and directives assigned to
 1997 each council or special committee by the House of
 1998 Delegates or Board of Trustees.

1999 K. Review the reports of councils and special
 2000 committees of the Association and to make
 2001 recommendations concerning such reports to the
 2002 House of Delegates.

2003 L. Act upon applications for active membership from
 2004 applicants practicing in dependencies of the United
 2005 States in which no constituent society exists or in
 2006 federal dental services.

2007 M. Submit an annual report to the House of Delegates
 2008 of its activities and those of the Treasurer and
 2009 Executive Director.

2010 N. Review the periodic delegate allocations to the
 2011 House of Delegates performed pursuant to the
 2012 methodology set forth in CHAPTER V. HOUSE OF
 2013 DELEGATES, *Section 10. COMPOSITION*,
 2014 Subsection D. DELEGATE ALLOCATION against
 2015 the representational requirements and goals as
 2016 provided in Chapter V, Section 10C, of these *Bylaws*.

2017 O. Elect associate members.

2018 P. Establish other funds as divisions of the General
 2019 Fund in accordance with the provisions of Chapter
 2020 XVII, Section 30.

2021 Q. Appoint special committees of the Association in
 2022 accordance with Chapter XI, Section 10 of these
 2023 *Bylaws*.

2024 R. Perform such other duties as are prescribed by
 2025 these *Bylaws*.

2026 S. Establish such administrative agencies of this
 2027 Association as may be necessary to implement the
 2028 Association's programs, to assign the duties of such
 2029 agencies through the Executive Director of the
 2030 Association under whose jurisdiction each shall
 2031 operate, and to require reports of such agencies
 2032 through the same channels.

2033 *Section 110. MEETINGS:*

2034 A. REGULAR MEETINGS. The Board of Trustees
 2035 shall hold a minimum of three regular meetings each
 2036 year. The number of actual regular meetings to be held
 2037 in excess of three for the ensuing year shall be
 2038 determined in advance by the Board of Trustees.

2039 B. SPECIAL MEETINGS. Special meetings of the
2040 Board of Trustees may be called at any time either by
2041 the President or at the request of five voting members
2042 of the Board, provided notice is given to each member
2043 in advance of the session.

2044 C. PLACE OF MEETINGS: Regular or special
2045 meetings may be held in a single geographic location
2046 or from multiple remote locations through the use of
2047 a conference telephone or other communications
2048 equipment. Special meetings held through the use of
2049 a conference telephone or other communications
2050 equipment may be called by the President or at the
2051 request of five voting members of the Board of
2052 Trustees for matters of the Association requiring
2053 immediate attention. Such meetings shall be
2054 conducted in accordance with rules and procedures
2055 established by the Board of Trustees.

2056 *Section 120. QUORUM:* A majority of the voting
2057 members of the Board of Trustees shall constitute a
2058 quorum.

2059 *Section 130. OFFICERS:*

2060 A. CHAIR AND SECRETARY. The officers of the
2061 Board of Trustees shall be the President of the
2062 Association who shall be the Chair, and the Executive
2063 Director of the Association who shall be the
2064 Secretary.

2065 In the absence of the President, the office of Chair
2066 shall be filled by the President-elect and, in his or her
2067 absence, by the First or Second Vice President in that
2068 order and, in their absence, a voting member of the
2069 Board shall be elected Chair *pro tem*.

2070 In the absence of the Secretary, the Chair shall appoint
2071 a Secretary *pro tem*.

2072 B. DUTIES.

2073 a. CHAIR. The Chair shall preside at all meetings of
2074 the Board of Trustees. The Chair may cast a vote only
2075 in instances where there is a tie vote and the tie does
2076 not by itself determine the outcome of the vote.

2077 b. SECRETARY. The Secretary shall serve as the
2078 recording officer of the Board of Trustees and as the
2079 custodian of its records. The Secretary shall cause a
2080 factual record of the proceedings to be published as
2081 the official transactions of the Board.

2082 *Section 140. COMMITTEES:* The Board of Trustees
2083 shall have a standing New Dentist Committee. The
2084 Committee shall consist of one (1) member from each
2085 trustee district who are active members selected by the
2086 Board of Trustees and confirmed by the House of
2087 Delegates. Members of the Committee shall have
2088 received their D.D.S. or D.M.D. degree less than ten
2089 (10) years before the time of selection. The chair of
2090 the Committee shall be appointed annually by the
2091 Board of Trustees.

2092 Members of the Committee shall serve one (1) term
2093 of four (4) years. The Board of Trustees shall stagger
2094 the terms of the members of the Committee in a
2095 manner so four (4) members will complete their terms
2096 each year, except every fourth year when five (5)
2097 members shall complete their terms.

2098 The Board of Trustees shall have the power to remove
2099 a Committee member for cause in accordance with
2100 procedures established by the Board in its *Rules*. In
2101 the event of any vacancy on the Committee, the Board
2102 of Trustees shall select a member of this Association
2103 possessing the same qualifications as established by
2104 these *Bylaws* for the previous member, to fill such
2105 vacancy for the remainder of the unexpired term. If
2106 the term of the vacated Committee position has less
2107 than fifty percent (50%) of a full four-year term
2108 remaining at the time the successor member is
2109 selected, the successor member shall be eligible for
2110 selection to a new, consecutive four-year term. If fifty
2111 percent (50%) or more of the vacated term remains to
2112 be served at the time of selection, the successor
2113 member shall not be eligible for another term.

2114 The New Dentist Committee's work shall be assigned
2115 by the Board of Trustees, and reports and proposals
2116 formulated by the Committee shall be referred to the
2117 Board for decision and action. The duties of the
2118 Committee shall be to:

2119 a. Provide the Board of Trustees with expertise on
2120 issues affecting new dentists.

2121 b. Advocate to the Board of Trustees, other agencies
2122 of this Association and the tripartite dental societies
2123 the perspectives of the new dentist in the development
2124 of policies, programs, benefits and services of the
2125 Association.

2126 c. Identify the needs and concerns of new graduate
2127 dentists and make recommendations for any programs
2128 to assist with their transition to practice.

2129 d. Enhance member value, encourage involvement
2130 and active participation, and build a community of
2131 new dentists in organized dentistry.

2132 e. Serve as *ex officio* members, without the power to
2133 vote, of councils and commissions of this Association
2134 on issues affecting new dentists; these appointments
2135 will be recommended by the Committee and assigned
2136 by the Board of Trustees.

2137 f. Facilitate the development of constituent and
2138 component new dentist committees and provide
2139 resources to assist constituent and component dental
2140 societies in meeting the needs of new dentists.

2141 g. Enhance the development of future leaders by
2142 providing and promoting leadership development
2143 opportunities and training for new dentists.

CHAPTER VIII • ELECTIVE OFFICERS

2144 *Section 10. TITLE:* The elective officers of this

2145 Association shall be President, President-elect, First
 2146 Vice President, Second Vice President, Treasurer and
 2147 Speaker of the House of Delegates, as provided in
 2148 Article V of the *Constitution*.

2149 *Section 20. ELIGIBILITY:* Only an active, life or
 2150 retired member, in good standing, of this Association
 2151 shall be eligible to serve as an elective officer.
 2152 Trustees and elective officers may not apply for the
 2153 office of Treasurer while serving in any of those
 2154 offices, except that the Treasurer may apply for a
 2155 second term pursuant to Chapter VIII, Section 50 of
 2156 these *Bylaws*.

2157 *Section 30. NOMINATIONS:*

2158 A. Nominations for the offices of President-elect and
 2159 Second Vice President shall be made in accordance
 2160 with the order of business. Candidates for these
 2161 elective offices shall be nominated from the floor of
 2162 the House of Delegates by a simple declaratory
 2163 statement, which may be followed by an acceptance
 2164 speech not to exceed four (4) minutes by the candidate
 2165 from the podium, according to the protocol
 2166 established by the Speaker of the House of Delegates.
 2167 Seconding a nomination is not permitted.

2168 B. Nominations for the office of Treasurer shall be
 2169 made in accordance with the order of business. The
 2170 search for Treasurer shall be announced in an official
 2171 publication of the Association in November of the
 2172 final year of the incumbent Treasurer's term, together
 2173 with the recommended qualifications for that position
 2174 as provided in Chapter VII, Section 100G of these
 2175 *Bylaws*. Candidates for the office of Treasurer shall
 2176 apply by submitting a standardized Treasurer
 2177 Curriculum Vitae form to the Executive Director at
 2178 least one hundred twenty (120) days prior to the
 2179 convening of the House of Delegates. Each
 2180 candidate's application shall be reviewed by the
 2181 Board of Trustees. At least sixty (60) days prior to the
 2182 convening of the House of Delegates the Executive
 2183 Director shall provide all members of the House of
 2184 Delegates, with each candidate's standardized
 2185 Treasurer Curriculum Vitae and the determination of
 2186 the Board of Trustees as to whether the candidate
 2187 meets the recommended qualifications for the office
 2188 of Treasurer. Only those candidates shall be
 2189 nominated from the floor of the House of Delegates.
 2190 The nominations may be followed by an acceptance
 2191 speech not to exceed four (4) minutes by each
 2192 candidate from the podium, according to the protocol
 2193 established by the Speaker of the House of Delegates.
 2194 Seconding a nomination is not permitted. No further
 2195 nominations for the office of Treasurer shall be
 2196 accepted from the floor of the House of Delegates. If
 2197 there are no eligible candidates for the office of
 2198 Treasurer when the House of Delegates meets, the

2199 term of the incumbent Treasurer shall be extended by
 2200 one (1) year. Should the incumbent Treasurer be
 2201 unwilling or unable to serve an additional one (1) year
 2202 term, the office of Treasurer shall be filled in the same
 2203 manner as provided in Chapter VIII, Section 80 of
 2204 these *Bylaws*. Under these circumstances, former
 2205 Treasurers of this Association not otherwise eligible
 2206 to serve as Treasurer due to term limits would be
 2207 eligible to serve as Treasurer until the House of
 2208 Delegates can elect a Treasurer.

2209 C. Nominations for the office of Speaker of the House
 2210 shall be made in accordance with the order of
 2211 business. The search for Speaker of the House shall
 2212 be announced in an official publication of the
 2213 Association in November of the final year of the
 2214 incumbent Speaker of the House's term. Candidates
 2215 for the office of Speaker of the House shall apply by
 2216 submitting curriculum vitae along with a statement
 2217 supporting their qualifications to the Executive
 2218 Director at least one hundred twenty (120) days prior
 2219 to the convening of the House of Delegates. At least
 2220 sixty (60) days prior to the convening of the House of
 2221 Delegates the Executive Director shall provide all
 2222 members of the House of Delegates with each
 2223 candidate's curriculum vitae and statement of
 2224 qualifications for the office of Speaker of the House.
 2225 If no candidate has applied, or if there is no remaining
 2226 eligible candidate for election, then the Association
 2227 shall inform all delegates of this circumstance and the
 2228 period to apply shall be extended to thirty (30) days
 2229 prior to the convening of the House of Delegates. If
 2230 thirty (30) days prior to the convening of the House of
 2231 Delegates there is no remaining candidate for election
 2232 then the Association shall inform all delegates of this
 2233 circumstance and also inform them that nominations
 2234 shall be permitted from the floor of the House of
 2235 Delegates. Only those candidates shall be nominated
 2236 from the floor of the House of Delegates. The
 2237 nominations may be followed by an acceptance
 2238 speech not to exceed four (4) minutes by each
 2239 candidate from the podium, according to the protocol
 2240 established by the Election Commission. Seconding
 2241 a nomination is not permitted. No further
 2242 nominations for the office of Speaker of the House
 2243 shall be accepted from the floor of the House of
 2244 Delegates. If there are no eligible candidates for the
 2245 office of Speaker of the House when the House of
 2246 Delegates meets, the term of the incumbent Speaker
 2247 of the House shall be extended by one (1) year.
 2248 Should the incumbent Speaker of the House be
 2249 unwilling or unable to serve an additional one (1) year
 2250 term, the office of Speaker of the House shall be filled
 2251 in the same manner as provided in Chapter VIII,
 2252 Section 80 of these *Bylaws*. Under these
 2253 circumstances, former Speakers of the House of this

2254 Association not otherwise eligible to serve as
 2255 Speaker of the House due to term limits would be
 2256 eligible to serve as Speaker of the House until the
 2257 House of Delegates can elect a Speaker of the House
 2258 of Delegates.

2259 *Section 40. ELECTIONS:* The elective officers shall
 2260 be elected in accordance with Chapter V, Section 150.

2261 *Section 50. TERM OF OFFICE:* The President,
 2262 President-elect, First Vice President and Second Vice
 2263 President shall serve for a term of one (1) year, except
 2264 as otherwise provided in this chapter of the *Bylaws*, or
 2265 until their successors are elected and installed. The
 2266 Speaker of the House of Delegates shall be limited to
 2267 two (2) terms of three (3) years each in total,
 2268 consecutive or otherwise, excepting the case of a
 2269 former Speaker of the House who has been elected
 2270 Speaker of the House as provided in Chapter VIII,
 2271 Section 30 of these *Bylaws*, who may serve until the
 2272 House of Delegates can elect a Speaker of the House
 2273 of Delegates. Serving any portion of a three (3) year
 2274 term shall be considered service of a full three (3) year
 2275 term. The term of office of the Treasurer shall be
 2276 three (3) years, or until a successor is elected and
 2277 installed. The Treasurer shall be limited to two (2)
 2278 consecutive terms of three (3) years each, excepting
 2279 the case of a former Treasurer who has been elected
 2280 Treasurer as provided in Chapter VIII, Section 30 of
 2281 these *Bylaws*, who may serve until the House of
 2282 Delegates can elect a Treasurer. Serving any portion
 2283 of a three (3) year term shall be considered service of
 2284 a full three (3) year term.

2285 *Section 60. INSTALLATION:* The elective officers
 2286 shall be installed at the last meeting of the annual
 2287 session of the House of Delegates. The President-elect
 2288 shall be installed as President at the next annual
 2289 session of the House following election. The Second
 2290 Vice President shall be installed as First Vice
 2291 President at the next annual session of the House
 2292 following election.

2293 *Section 70. REMOVAL FOR CAUSE:* The House of
 2294 Delegates may remove an elective officer for cause in
 2295 accordance with procedures established by the House
 2296 of Delegates, which shall include notice of the charges
 2297 and an opportunity for the accused to be heard in his
 2298 or her defense. A two-thirds (2/3) affirmative vote of
 2299 the delegates present and voting is required to remove
 2300 an elective officer from office. If the House of
 2301 Delegates elects to remove the elective officer, that
 2302 action shall create a vacancy which shall be filled in
 2303 accordance with Chapter VIII, Section 80.

2304 *Section 80. VACANCIES:*

2305 A. VACANCY OF ELECTIVE OFFICE: In the
 2306 event the office of President becomes vacant, the

2307 President-elect shall become President for the
 2308 unexpired portion of the term. In the event the office
 2309 of President becomes vacant for the second time in the
 2310 same term or at a time when the office of President-
 2311 elect is also vacant, the First Vice President shall
 2312 become President for the unexpired portion of the
 2313 term. In the event the office of First Vice President
 2314 becomes vacant, the Second Vice President shall
 2315 become the First Vice President for the unexpired
 2316 portion of the term. A vacancy in the office of the
 2317 Second Vice President shall be filled by a majority
 2318 vote of the Board of Trustees. In the event of a
 2319 vacancy in the office of Speaker of the House of
 2320 Delegates, the President, with approval of the Board
 2321 of Trustees, shall appoint an interim Speaker who
 2322 shall serve until the House of Delegates can elect a
 2323 Speaker of the House of Delegates for a three (3) year
 2324 term. Service as an interim Speaker shall not count
 2325 toward the term of office limitation for Speaker of the
 2326 House as set forth in Section 50 of this Chapter. In
 2327 the event the office of President-elect becomes vacant
 2328 by reason other than the President-elect succeeding to
 2329 the office of the President earlier than the next annual
 2330 session, the office of President for the ensuing year
 2331 shall be filled at the next annual session of the House
 2332 of Delegates in the same manner as that provided for
 2333 the nomination and election of elective officers,
 2334 except that the ballot shall read "President for the
 2335 Ensuing Year." A vacancy in the office of Treasurer
 2336 shall be filled with an interim Treasurer by a majority
 2337 vote of the Board of Trustees until the process of
 2338 inviting applications, screening and nominating
 2339 candidates and electing a new Treasurer has been
 2340 completed by the Board of Trustees and the House of
 2341 Delegates. Service as an interim Treasurer shall not
 2342 count toward the term of office limitation for
 2343 Treasurer as set forth in Section 50 of this Chapter.
 2344 The newly elected Treasurer shall be limited to two
 2345 (2) consecutive terms of three (3) years each,
 2346 excepting the case of a former Treasurer who has been
 2347 elected Treasurer as provided in Chapter VIII, Section
 2348 30 of these *Bylaws*.

2349 B. TEMPORARY INCAPACITY OF THE
 2350 PRESIDENT: Whenever the President notifies the
 2351 Board of Trustees that he or she is unable to discharge
 2352 the duties of the office of President due to temporary
 2353 incapacity, the President-elect shall assume the duties
 2354 of the office of President, as Acting President, until
 2355 the President notifies the Board of Trustees that he or
 2356 she is prepared to resume the duties of the office of
 2357 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.
- e. Serve as the principal resource person for the budget reference committee in the House of Delegates and to help interpret the Association's finances for the membership.
- f. Review all financial information and data and report on financial matters to the Board of Trustees on a quarterly basis.
- g. Review travel reimbursement for the elective officers, trustees and Executive Director.
- h. Serve as an *ex officio* member of the House of Delegates without the right to vote.
- i. Serve as an *ex officio* member of the Board of Trustees without the right to vote.
- j. Perform such other duties as may be provided in these *Bylaws*.

CHAPTER IX • APPOINTIVE OFFICER

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

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

2463 *Section 30. TERM OF OFFICE AND SALARY:* The
 2464 Board of Trustees shall determine the salary, if any,
 2465 and the tenure of the Executive Director, which shall
 2466 not exceed three (3) years. The completion of the full
 2467 term of any appointment shall be at the discretion of
 2468 the Board of Trustees.

2469 *Section 40. DUTIES:* The Executive Director shall be
 2470 the principal agent of the Board of Trustees and
 2471 elective officers. As agent and under the direction of
 2472 the Board of Trustees and elective officers, the
 2473 Executive Director shall be the chief operating officer
 2474 of this Association and all its branches. In this
 2475 capacity, the Executive Director shall (a) preserve and
 2476 protect the *Constitution and Bylaws* and the standing
 2477 rules of this Association; (b) facilitate the activities of
 2478 the officers and trustees of this Association in carrying
 2479 out their respective administrative responsibilities
 2480 under these *Bylaws*; (c) engage the staff of this
 2481 Association and direct and coordinate their activities;
 2482 (d) provide leadership in the formulation and
 2483 recommendation of new
 2484 policies to the Board of Trustees and elective officers;
 2485 (e) oversee the management of Association policies
 2486 that have been adopted by the Board of Trustees
 2487 and/or the House of Delegates; (f) assist the Board of
 2488 Trustees in supervising, monitoring and providing
 2489 guidance to all Association councils, commissions
 2490 and committees in regard to their administrative
 2491 functions and specific assignments, and to
 2492 systematize the preparation of their reports, and to
 2493 encourage the exchange of information concerning
 2494 mutual interests and issues between councils,
 2495 committees and commissions; (g) maintain effective
 2496 internal and external relationships through frequent
 2497 and comprehensive communication with all officers
 2498 and trustees of this Association, the leadership of
 2499 related dental organizations, and representatives from
 2500 other leading public and private organizations that
 2501 interact with this Association; and (h) perform such
 2502 other duties as are prescribed by these *Bylaws*.

2503 *Section 50. VACANCY:* Upon the occurrence of a
 2504 vacancy in the office of Executive Director, an interim
 2505 Executive Director, whose duties shall be as defined
 2506 in Section 40 of this Chapter, shall be appointed by
 2507 the Board of Trustees within forty-five (45) days of
 2508 such vacancy occurring. Any active, life or retired
 2509 member in good standing may be appointed to serve
 2510 as interim Executive Director. But, the Board of
 2511 Trustees may appoint any qualified individual who is
 2512 not eligible for membership in the Association, except
 2513 that any current officer or member of the Board of
 2514 Trustees shall not be eligible for such appointment.
 2515 The interval of service and salary, if any, of the
 2516 interim Executive Director shall be at the discretion of
 2517 the Board of Trustees.

CHAPTER X • COUNCILS

2518 *Section 10. NAME:* The councils of this Association
 2519 shall be:

2520 Council on Access, Prevention and Interprofessional
 2521 Relations
 2522 Council on ADA Sessions
 2523 Council on Communications
 2524 Council on Dental Benefit Programs
 2525 Council on Dental Education and Licensure
 2526 Council on Dental Practice
 2527 Council on Ethics, Bylaws and Judicial Affairs
 2528 Council on Government Affairs
 2529 Council on Members Insurance and Retirement
 2530 Programs
 2531 Council on Membership
 2532 Council on Scientific Affairs

2533 *Section 20. MEMBERS, SELECTIONS,*
 2534 *NOMINATIONS AND ELECTIONS:*

2535 A. The composition of the councils of this Association
 2536 shall be as follows: In addition, a council may request
 2537 an additional member who shall be a nonpracticing
 2538 dentist member appointed in accordance with Chapter
 2539 I, Section 20Db of these *Bylaws*.

2540 Council on Access, Prevention and Interprofessional
 2541 Relations shall be composed of nineteen (19)
 2542 members, one (1) member from each trustee district
 2543 whose terms of office shall be staggered in such a
 2544 manner that four (4) members will complete their
 2545 terms each year except every fourth year when five (5)
 2546 members shall complete their terms. In addition, there
 2547 shall be one (1) member who is a physician and one
 2548 (1) member who is a health care facility administrator
 2549 nominated by the Board of Trustees.

2550 Council on ADA Sessions shall be composed of
 2551 nineteen (19) members, one (1) member from each
 2552 trustee district whose terms of office shall be
 2553 staggered in such a manner that four (4) members will
 2554 complete their terms each year except every fourth
 2555 year when five (5) members shall complete their
 2556 terms. In addition, the General Chair of the Local
 2557 Arrangements Committee for the current year and the
 2558 General Chair-elect for the succeeding year shall
 2559 serve as *ex officio* members with the right to vote and
 2560 shall not be eligible to serve as Council Chair.

2561 Council on Communications shall be composed of
 2562 seventeen (17) members, one (1) member from each
 2563 trustee district whose terms of office shall be
 2564 staggered in such a manner that four (4) members will
 2565 complete their terms each year except every fourth
 2566 year when five (5) members shall complete their
 2567 terms.

2568 Council on Dental Benefit Programs shall be

2569 composed of seventeen (17) members, one (1)
 2570 member from each trustee district whose terms of
 2571 office shall be staggered in such a manner that four (4)
 2572 members will complete their terms each year except
 2573 every fourth year when five (5) members shall
 2574 complete their terms.

2575 Council on Dental Education and Licensure shall be
 2576 composed of sixteen (16) members selected as
 2577 follows:

2578 a. Nominations and Selection.

2579 (1) Eight (8) members shall be nominated by the
 2580 Board of Trustees on a rotational system by trustee
 2581 district from the active, life or retired members of this
 2582 Association, no one of whom shall be a full-time
 2583 member of a faculty of a school of dentistry, a current
 2584 dental examiner or member of a state or regional
 2585 testing agency, state board of dentistry or
 2586 jurisdictional dental licensing agency. A person shall
 2587 be considered to be a full-time member of a faculty if
 2588 he or she works for the school of dentistry more than
 2589 two (2) days or sixteen (16) hours per week. (2) Four
 2590 (4) members who are active, life or retired members
 2591 of this Association shall be selected by the American
 2592 Association of Dental Boards from the active
 2593 membership of that body, no one of whom shall be a
 2594 member of a faculty of a school of dentistry.

2595 (3) Four (4) members who are active, life or retired
 2596 members of this Association shall be selected by the
 2597 American Dental Education Association from its
 2598 active membership. These members shall hold
 2599 positions of professorial rank in dental schools
 2600 accredited by the Commission on Dental
 2601 Accreditation and shall not be current dental
 2602 examiners or members of any state or regional testing
 2603 agency, state board of dentistry or jurisdictional dental
 2604 licensing agency.

2605 b. Election. The eight (8) members of the Council on
 2606 Dental Education and Licensure nominated by the
 2607 Board of Trustees shall be elected by the House of
 2608 Delegates from nominees selected in accordance with
 2609 this section.

2610 c. Committees. The Council on Dental Education and
 2611 Licensure shall establish a standing Committee on
 2612 Dental Education and a standing Committee on
 2613 Licensure, each consisting of eight (8) members
 2614 selected by the Council. The Council may establish
 2615 additional committees when they are deemed essential
 2616 to carry out the duties of this Council.

2617 Council on Dental Practice shall be composed of
 2618 seventeen (17) members, one (1) member from each
 2619 trustee district whose terms of office shall be
 2620 staggered in such a manner that four (4) members will
 2621 complete their terms each year except every fourth
 2622 year when five (5) members shall complete their
 2623 terms.

2624 Council on Ethics, Bylaws and Judicial Affairs shall
 2625 be composed of seventeen (17) members, one (1)
 2626 member from each trustee district whose terms of
 2627 office shall be staggered in such a manner that four (4)
 2628 members will complete their terms each year except
 2629 every fourth year when five (5) members shall
 2630 complete their terms.

2631 Council on Government Affairs shall be composed of
 2632 eighteen (18) members, one (1) member from each
 2633 trustee district whose terms of office shall be
 2634 staggered in such a manner that four (4) members will
 2635 complete their terms each year except every fourth
 2636 year when five (5) members shall complete their
 2637 terms. In addition, the chair of the political action
 2638 committee shall be an *ex officio* member of the
 2639 Council without the power to vote. Consideration
 2640 shall be given to a candidate's experience in the
 2641 military or other federal dental services. Members of
 2642 the Council shall not be in the full-time employ of the
 2643 federal government. Individuals called to active duty
 2644 from the military reserves or National Guard forces,
 2645 providing such active duty has not been requested by
 2646 the individual, shall not be considered to be in the full-
 2647 time employ of the federal government.

2648 Council on Members Insurance and Retirement
 2649 Programs shall be composed of seventeen (17)
 2650 members, one (1) member from each trustee district
 2651 whose terms of office shall be staggered in such a
 2652 manner that four (4) members will complete their
 2653 terms each year except every fourth year when five (5)
 2654 members shall complete their terms.

2655 Council on Membership shall be composed of
 2656 seventeen (17) members, one (1) member from each
 2657 trustee district whose terms of office shall be
 2658 staggered in such a manner that four (4) members will
 2659 complete their terms each year except every fourth
 2660 year when five (5) members shall complete their
 2661 terms.

2662 Council on Scientific Affairs shall be composed of
 2663 sixteen (16) members who shall be selected from
 2664 nominations open to all trustee districts, and the
 2665 current recipient of the Gold Medal Award for
 2666 Excellence in Dental Research.

2667 B. Nominations for all councils shall be made by the
 2668 Board of Trustees except as otherwise provided in
 2669 these *Bylaws*. The Board of Trustees shall adhere to
 2670 the systems of nominations provided in Chapter X,
 2671 Section 20A of these *Bylaws*.^{*} The House of

^{*} 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

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*.

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

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.

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 STAFF:

A. CONSULTANTS AND ADVISERS. Each council 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*.

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

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

Section 70. VACANCY: In the event of a vacancy in the membership of any council, the President shall appoint a member of the Association possessing the same qualifications as established by these *Bylaws* for the previous member, to fill such vacancy until a successor is elected by the next House of Delegates for the remainder of the unexpired term. In the event such vacancy involves the chair of the council, the

2768 President shall have the power to appoint an *ad*
 2769 *interim* chair. In the event it is the current recipient of
 2770 the Gold Medal Award for Excellence in Dental
 2771 Research who cannot serve on the Council on
 2772 Scientific Affairs, the President, in consultation with
 2773 the Board of Trustees, shall have the power to appoint
 2774 a prominent research scientist who shall serve until
 2775 the award is bestowed on the next honoree.

2776 If the term of the vacated council position has less
 2777 than fifty percent (50%) of a full four-year term
 2778 remaining at the time the successor member is
 2779 appointed or elected, the successor member shall be
 2780 eligible for election to a new, consecutive four-year
 2781 term. If fifty percent (50%) or more of the vacated
 2782 term remains to be served at the time of the
 2783 appointment or election, the successor member shall
 2784 not be eligible for another term.

2785 *Section 80. MEETINGS OF COUNCILS:* Each
 2786 council shall hold at least one regular meeting
 2787 annually, provided that funds are available in the
 2788 budget for that purpose and unless otherwise directed
 2789 by the Board of Trustees. Meetings may be held in the
 2790 Headquarters Building, the Washington Office or
 2791 from multiple remote locations through the use of a
 2792 conference telephone or other communications
 2793 equipment by means of which all members can
 2794 communicate with each other. Such meetings shall be
 2795 conducted in accordance with rules and procedures
 2796 established by the Board of Trustees.

2797 *Section 90. QUORUM:* Except as otherwise provided
 2798 in these *Bylaws*, a majority of the members of any
 2799 council shall constitute a quorum.

2800 *Section 100. PRIVILEGE OF THE FLOOR:* Chairs
 2801 and members of councils who are not members of the
 2802 House of Delegates shall have the right to participate
 2803 in the debate on their respective reports but shall not
 2804 have the right to vote.

2805 *Section 110. ANNUAL REPORT AND BUDGET:*

2806 A. ANNUAL REPORT. Each council shall submit,
 2807 through the Executive Director, an annual report to
 2808 the House of Delegates and a copy thereof to the
 2809 Board of Trustees.

2810 B. PROPOSED BUDGET. Each council shall submit
 2811 to the Board of Trustees, through the Executive
 2812 Director, a proposed itemized budget for the ensuing
 2813 fiscal year.

2814 *Section 120. DUTIES:*

2815 A. COUNCIL ON ACCESS, PREVENTION AND
 2816 INTERPROFESSIONAL RELATIONS. The duties
 2817 of the Council shall be to:

2818 a. Evaluate for the ADA trends in dental public health

2819 and access to care that enhance community oral
 2820 health.

2821 b. Recommend policies, advise other ADA agencies
 2822 and develop programs relating to access to care;
 2823 population-based prevention, including community
 2824 water fluoridation; and interprofessional relations.

2825 c. Provide advice and technical assistance to
 2826 constituencies and communities to assess community
 2827 oral health needs; develop coalitions and partnerships;
 2828 and design, implement and evaluate programs to meet
 2829 community oral health needs.

2830 d. Recommend policies, advise constituencies and
 2831 communities, provide technical assistance and
 2832 develop programs focused on building community
 2833 oral health infrastructure and capacity, reducing oral
 2834 health disparities and increasing access to care.

2835 e. Collaborate with internal and external stakeholders
 2836 to create advocacy strategies regarding access to care,
 2837 population-based prevention and interprofessional
 2838 relations.

2839 f. Promote community outreach, cultural competence
 2840 and oral health literacy.

2841 g. Foster and maintain liaisons with external
 2842 stakeholders regarding population-based prevention
 2843 and intervention strategies to improve oral health.

2844 h. Serve as liaison for the ADA with The Joint
 2845 Commission and with The Joint Commission's
 2846 corporate members and other national health care
 2847 organizations.

2848 i. Recommend policies and formulate programs on
 2849 issues pertaining to the relationship of dentistry to
 2850 medicine, including interdisciplinary patient
 2851 management, dentist-physician relations, oral health
 2852 needs of patients with complex medical conditions
 2853 and the oral-systemic relationship.

2854 j. Conduct activities to improve the health outcomes
 2855 of patients requiring cooperative dental-medical
 2856 management in hospitals, including active medical
 2857 staff membership and clinical privileges, in
 2858 ambulatory care centers, long-term care facilities and
 2859 other interdisciplinary health care settings.

2860 k. Plan, develop, implement and evaluate programs
 2861 that support the ADA's commitment to optimal oral
 2862 health for all.

2863 B. COUNCIL ON ADA SESSIONS. The duties of the
 2864 Council shall be to:

2865 a. Have responsibility for conducting the annual
 2866 session of this Association, except the House of
 2867 Delegates, subject to approval by the Board of
 2868 Trustees as provided in these *Bylaws*.

2869 b. Plan and coordinate other Association sessions or
 2870 regional meetings.

2871 C. COUNCIL ON COMMUNICATIONS. The duties
 2872 of the Council shall be to:

2873 a. Identify, recommend, and maintain a strategic

communications plan for the Association.

b. Advise on the reputation management of the Association, provide strategic oversight and advise the Association on the image and brand implications of Association plans, programs, services and activities.

c. Provide counsel to the Association on the priority and allocation of communication resources, to advise on their implications, and to identify the areas where the greatest strategic communications impact can be achieved.

d. Identify, recommend, articulate and maintain strategies for significant communications campaigns across the Association.

e. Serve as a strategic communications and brand management resource to other Association agencies.

f. Serve as a resource and to support communications and reputation management strategies for constituent and component dental societies.

D. COUNCIL ON DENTAL BENEFIT PROGRAMS. The duties of the Council shall be to:

a. Formulate and recommend policies relating to the planning, administration and financing of dental benefit programs.

b. Study, evaluate and disseminate information on the planning, administration and financing of dental benefit programs.

c. Assist the constituent societies and other agencies in developing programs for the planning, administration and financing of dental benefit programs.

d. Provide assistance, guidance and support to constituent and component societies in the development and management of professional review systems.

e. Encourage the inclusion of dental benefits in health benefit plans and to promote dental benefit plans in accordance with Association policy.

f. Conduct activities and formulate and recommend policies concerning the assessment and improvement of the quality of dental care relating to dental benefit plans.

g. Formulate and maintain coding taxonomies, including but not limited to procedural and diagnostic codes that dentists can use to document patient care and to explore applications and opportunities for new coding taxonomies.

E. COUNCIL ON DENTAL EDUCATION AND LICENSURE. The duties of the Council shall be to:

a. Act as the agency of the Association in matters related to the evaluation and accreditation of all dental educational, allied dental educational and associated subjects.

b. Study and make recommendations including the formulation and recommendation of policy on:

(1) Dental education, continuing dental education and allied dental education.

(2) The recognition of dental specialties.

(3) The recognition of interest areas in general dentistry, excluding ADA recognized specialties.

(4) The recognition of categories of allied dental personnel.

(5) The approval or disapproval of national certifying boards for dental specialties and for allied dental personnel.

(6) The educational and administrative standards of the certifying boards for dental specialties and for allied dental personnel.

(7) Associated subjects that affect all dental, allied dental and related education.

(8) Dental licensure and allied dental personnel credentialing.

(9) Dental anesthesiology, sedation and related matters.

c. Act on behalf of this Association in maintaining effective liaison with certifying boards and related agencies for dental specialties and for allied dental personnel.

d. Monitor and disseminate information on continuing dental education and to encourage the provision of and participation in continuing dental education.

e. Monitor and disseminate information on careers in dentistry.

f. Act on behalf of this Association in matters related to dental admission testing.

F. COUNCIL ON DENTAL PRACTICE. The duties of the Council shall be to:

a. Formulate and recommend policies relating to dental practice.

b. Study, evaluate and disseminate information concerning various forms of business organization of a dental practice, economic factors related to dental practice, practice management techniques, auxiliary utilization and dental laboratory services to the end that dentists may continue to improve services to the public.

c. Develop educational and other programs to assist dentists in improved practice management, including practice marketing materials and continuing education seminars, and to assist constituent and component societies and other dental organizations in the development of such programs so that dentists may continue to improve the delivery of their services to the public.

d. Encourage and develop satisfactory relations with the dental laboratory industry and craft by aiding in the formation and support of educational programs and appropriate collaborative efforts that help establish and maintain the greatest efficiency and quality of service by the laboratory industry.

2984 e. Encourage and develop satisfactory relations with
 2985 the various organizations representing dental
 2986 auxiliaries.
 2987 f. Gather, formulate and disseminate information
 2988 related to auxiliary utilization, management and
 2989 employment practices.
 2990 g. Serve in a consultative capacity to those
 2991 educational and promotional activities directed to the
 2992 public and the profession and to assess their impact on
 2993 dental practice.
 2994 h. Provide assistance, education and information on
 2995 issues related to dentists' well being.
 2996 i. Encourage and coordinate the development and
 2997 improvement of national and international
 2998 standardization programs for dental informatics.

2999 G. COUNCIL ON ETHICS, BYLAWS AND
 3000 JUDICIAL AFFAIRS. The duties of the Council shall
 3001 be to:
 3002 a. Consider proposals for amending the *Principles of*
 3003 *Ethics and Code of Professional Conduct*.
 3004 b. Provide advisory opinions regarding the
 3005 interpretation of the *Principles of Ethics and Code of*
 3006 *Professional Conduct*.
 3007 c. Consider appeals from members of the Association,
 3008 or from component societies subject to the
 3009 requirements of Chapter XII, Section 20 of these
 3010 *Bylaws*.
 3011 d. Hold hearings and render decisions in disputes
 3012 arising between constituent societies or between
 3013 constituent and component societies.
 3014 e. Hold hearings, render decisions and impose
 3015 discipline in matters involving alleged violations of
 3016 the Association's Member Conduct Policy as
 3017 provided in Chapter XIII of these *Bylaws*.
 3018 f. Discipline any of the direct members of this
 3019 Association in accordance with the requirements and
 3020 procedures of Chapter XII of these *Bylaws*, using
 3021 hearing panels composed of not less than three (3) of
 3022 its elected members selected by the Council chair. The
 3023 Council may adopt procedures governing the
 3024 discipline of direct members of this Association
 3025 consistent with Chapter XII of these *Bylaws*, which
 3026 may include the use of an investigating committee or
 3027 individual to investigate any complaint made against
 3028 such member and report findings to the hearing panel
 3029 concerning whether charges should issue.
 3030 g. Review the articles of the *Constitution and Bylaws*
 3031 in order to keep them consistent with the
 3032 Association's program.
 3033 h. Recommend editorial changes in the *Constitution*
 3034 *and Bylaws* to improve their consistency, clarity and
 3035 style.
 3036 i. Notwithstanding paragraph g of this subsection, the
 3037 Council shall have the authority to make corrections
 3038 in punctuation, grammar, spelling, name changes,

3039 gender references, change syntax, delete moot
 3040 material and make similar editorial corrections in the
 3041 *Bylaws* which do not alter its context or meaning.
 3042 Such corrections shall be made only by a unanimous
 3043 vote of the Council members present and voting.
 3044 j. Review the rules and bylaws of all commissions of
 3045 the Association in order to keep such rules and bylaws
 3046 consistent with the *Constitution and Bylaws* of this
 3047 Association.
 3048 k. Act as the Standing Committee on Constitution and
 3049 Bylaws of the House of Delegates, with the
 3050 composition of such committee to be determined in
 3051 accordance with Chapter V, Section 140A of these
 3052 *Bylaws*, and to conduct other business it deems
 3053 necessary.
 3054 l. Provide guidance and advice on ethical and
 3055 professional issues to constituent and component
 3056 societies.
 3057 m. Formulate and disseminate materials related to
 3058 ethical and professional conduct in the practice and
 3059 promotion of dentistry.

3060 H. COUNCIL ON GOVERNMENT AFFAIRS. The
 3061 duties of the Council shall be to:
 3062 a. Encourage the improvement of the health of the
 3063 public and to promote the art and science of dentistry
 3064 in matters of legislation and regulations by
 3065 appropriate activities.
 3066 b. Formulate and recommend policies related to
 3067 legislative and regulatory issues and to governmental
 3068 agency programs.
 3069 c. Formulate proposed legislation, approved by the
 3070 Board of Trustees, that may be submitted to Congress
 3071 and which will promote the art and science of
 3072 dentistry in accordance with Association policies.
 3073 d. Disseminate information which will assist the
 3074 constituent and component societies involving
 3075 legislation and regulation affecting the dental health
 3076 of the public.
 3077 e. Serve and assist the American Dental Association
 3078 as a liaison with agencies of the federal government.
 3079 f. Advise other Association agencies charged with
 3080 developing, recommending and/or implementing
 3081 legislative policies adopted by the House of
 3082 Delegates.
 3083 g. Serve as liaison for the American Dental
 3084 Association with those agencies of the federal
 3085 government which employ dental personnel and have
 3086 dental care programs.
 3087 h. Formulate and recommend policies which are
 3088 designed to advance the professional status of
 3089 federally employed dentists.

3090

3091 I. COUNCIL ON MEMBERS INSURANCE AND
 3092 RETIREMENT PROGRAMS. The duties of the

CHAPTER X • COUNCILS

3093 Council shall be to:
 3094 a. Evaluate on a continuing basis all Association
 3095 sponsored insurance programs.
 3096 b. Examine and evaluate other insurance programs
 3097 that might be of benefit to the membership.
 3098 c. Advise and recommend courses of action on
 3099 insurance programs.
 3100 d. Assist constituent societies in matters related to
 3101 insurance programs.
 3102 e. Advise and recommend courses of action on
 3103 retirement programs.
 3104 f. Aid dentists in the management of their personal
 3105 and professional risks through educational activities,
 3106 informational programs and services.

3107 J. COUNCIL ON MEMBERSHIP. Except as
 3108 otherwise provided in these *Bylaws*, the duties of the
 3109 Council shall be to:

3110 a. Formulate and recommend policies related to
 3111 membership recruitment and retention and other
 3112 related issues.
 3113 b. Identify and monitor trends and issues that affect
 3114 membership recruitment and retention, particularly
 3115 among under-represented segments, and to encourage
 3116 membership involvement throughout organized
 3117 dentistry.
 3118 c. Support, monitor and encourage membership
 3119 activities of constituent and component dental
 3120 societies and to enhance cooperation and
 3121 communication on tripartite recruitment and retention
 3122 efforts.
 3123 d. Recommend, monitor and support the development
 3124 of membership benefits and services that respond to
 3125 identified needs of members.
 3126 e. Act as an advocate for membership benefits.

3127 K. COUNCIL ON SCIENTIFIC AFFAIRS. The
 3128 duties of the Council shall be to:

3129 a. Develop and promote a biennial research agenda
 3130 and propose an appropriate budget for studies that are
 3131 recommended by the Council to be conducted by the
 3132 ADA.
 3133 b. Identify emergent issues and areas of research that
 3134 require response from the research community.
 3135 c. Report results on the latest scientific developments
 3136 to practicing dentists.
 3137 d. Evaluate and issue statements to the profession
 3138 regarding the efficacy of concepts, procedures and
 3139 techniques for use in the treatment of patients.
 3140 e. Represent the Association on scientific and research
 3141 matters, promote evidence-based practice, and
 3142 maintain liaison with related regulatory, research and
 3143 professional organizations.
 3144 f. Encourage the development and improvement of
 3145 materials, instruments and equipment for use in dental
 3146 practice, and to coordinate development of national
 3147 and international standardization programs for dental

3148 products.
 3149 g. Determine the safety and effectiveness of, and
 3150 disseminate information on, materials, instruments
 3151 and equipment that are offered to the public or the
 3152 profession and further critically evaluate statements of
 3153 efficacy and advertising claims.
 3154 h. Study, evaluate and disseminate information with
 3155 regard to the proper use of dental therapeutic agents,
 3156 their adjuncts and dental cosmetic agents that are
 3157 offered to the public or the profession.
 3158 i. Award the American Dental Association Seal of
 3159 Acceptance to dental products that meet the
 3160 Association's requirements for acceptance.
 3161 j. Promote efforts to develop dental research
 3162 workforce and to involve students in dental research.
 3163 k. Study, evaluate and disseminate information on
 3164 those aspects of the dental practice environment
 3165 related to the health of the public, dentists and allied
 3166 dental personnel.
 3167 l. Serve as the primary resource for scientific inquiries
 3168 from the public and the profession.
 3169 m. Guide, assist and collaborate with the ADA Center
 3170 for Evidence-Based Dentistry.

CHAPTER XI • SPECIAL COMMITTEES

3171 *Section 10. APPOINTMENT AND TERM:* Special
 3172 committees of this Association may be created at any
 3173 session of the House of Delegates or, when the House
 3174 is not in session, by the Board of Trustees, for the
 3175 purpose of performing duties not otherwise assigned
 3176 by these *Bylaws*. Duties otherwise assigned by these
 3177 *Bylaws* solely to one (1) council, commission or other
 3178 agency should be assigned to that council,
 3179 commission or other agency with the necessary
 3180 funding to accomplish the task. If duties are assigned
 3181 to a special committee that are assigned under these
 3182 *Bylaws* to more than one (1) council, commission or
 3183 other agency, members of the relevant councils,
 3184 commissions or other agencies shall be appointed to
 3185 serve on the special committee. Such special
 3186 committees may serve until adjournment *sine die* of
 3187 the next annual session of the House of Delegates. The
 3188 authority for appointing the members of a special
 3189 committee and their number shall be set forth in the
 3190 resolution creating such committee.

3191 *Section 20. PRIVILEGE OF THE FLOOR:* Chairs
 3192 and members of special committees who are not
 3193 members of the House of Delegates shall have the
 3194 right to participate in the debate on their respective
 3195 reports but shall not have the right to vote.

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

3196 *Section 10. PROFESSIONAL CONDUCT OF*
3197 *MEMBERS:* The professional conduct of a member
3198 of this Association shall be governed by the *Principles*
3199 *of Ethics and Code of Professional Conduct* of this
3200 Association and by the codes of ethics of the
3201 constituent and component societies within whose
3202 jurisdiction the member practices, or conducts or
3203 participates in other professional dental activities.

3204 *Section 20. DISCIPLINE OF MEMBERS:*

3205 A. CONDUCT SUBJECT TO DISCIPLINE. A
3206 member may be disciplined for (1) having been found
3207 guilty of a felony, (2) having been found guilty of
3208 violating the dental practice act of a state or other
3209 jurisdiction of the United States, (3) having been
3210 discharged or dismissed from practicing dentistry
3211 with one of the federal dental services under
3212 dishonorable circumstances, or (4) violating the
3213 *Bylaws*, the *Principles of Ethics and Code of*
3214 *Professional Conduct*, or the bylaws or code of ethics
3215 of the constituent or component society of which the
3216 accused is a member. For a member of a constituent
3217 society, disciplinary proceedings may be instituted by
3218 either the member's component or constituent society.
3219 Disciplinary proceedings against a direct member of
3220 this Association may be instituted by the Council on
3221 Ethics, Bylaws and Judicial Affairs of this
3222 Association.

3223 B. DISCIPLINARY PENALTIES. A member may be
3224 disciplined for any of the offenses enumerated in
3225 Section 20A of this Chapter as follows:

3226 a. CENSURE. Censure is a disciplinary sentence
3227 expressing in writing severe criticism or disapproval
3228 of a particular type of conduct or act.

3229 b. SUSPENSION. Suspension, subject to Chapter I,
3230 Section 30 of these *Bylaws*, means all membership
3231 privileges except continued entitlement to coverages
3232 under insurance programs are lost during the
3233 suspension period. Suspension shall be unconditional
3234 and for a specified period at the termination of which
3235 full membership privileges are automatically restored.

3236 A subsequent violation shall require a new
3237 disciplinary procedure before additional discipline
3238 may be imposed.

3239 c. EXPULSION. Expulsion is an absolute discipline
3240 and may not be imposed conditionally except as
3241 otherwise provided herein.

3242 d. PROBATION. Probation, to be imposed for a
3243 specified period and without loss of privileges with
3244 the exception of holding or seeking an elective or
3245 appointive office, may be administratively and
3246 conditionally imposed when circumstances warrant in
3247 lieu of a suspended disciplinary penalty. Probation
3248 shall be conditioned on good behavior. Additional
3249 reasonable conditions may be set forth in the decision

3250 for the continuation of probation. In the event that the
3251 conditions for probation are found by the society
3252 which preferred charges to have been violated, after a
3253 hearing on the probation violation charges in
3254 accordance with procedures set forth in the *ADA*
3255 *Procedures for Member Disciplinary Hearings and*
3256 *Appeals*, the original disciplinary penalty shall be
3257 automatically reinstated; except that when
3258 circumstances warrant the original disciplinary
3259 penalty may be reduced to a lesser penalty. There shall
3260 be no right of appeal from a finding that the conditions
3261 of probation have been violated.

3262 C. PROCEDURES FOR DISCIPLINARY
3263 HEARINGS AND APPEALS. The procedures for
3264 hearings and appeals conducted pursuant to this
3265 Chapter XII shall be set forth in the *ADA Procedures*
3266 *for Member Disciplinary Hearings and Appeals*, a
3267 copy of which shall be appended to the *ADA*
3268 *Constitution and Bylaws* and otherwise made freely
3269 available to members of the Association. The
3270 procedures set forth in the *ADA Procedures for*
3271 *Member Disciplinary Hearings and Appeals* shall be
3272 amendable by the House of Delegates on majority
3273 vote.
3274

3275 D. DISCIPLINARY HEARINGS. Before a
3276 disciplinary penalty is invoked against a member, a
3277 hearing held pursuant to the procedures set forth in the
3278 *ADA Procedures for Member Disciplinary Hearings*
3279 *and Appeals* shall be held.

3280 E. APPEALS. Before any penalty enumerated in
3281 Chapter XII, Section 20B, set forth in a decision
3282 following the hearing called for by Chapter XII,
3283 Section 20C and conducted pursuant to the *ADA*
3284 *Procedures for Member Disciplinary Hearings and*
3285 *Appeals* shall be final, the accused member has a right
3286 to appeal that decision, including any disciplinary
3287 sentence specified therein. Any such appeal shall be
3288 conducted within the timeframes and in accordance
3289 with the appeal procedures set forth in the *ADA*
3290 *Procedures for Member Disciplinary Hearings and*
3291 *Appeals*.

3292 F. SENTENCE. After all appeals are exhausted or
3293 after the time for filing an appeal has expired, a
3294 sentence of censure, suspension or expulsion meted
3295 out to any member, including those instances when
3296 the disciplined member has been placed on probation,
3297 shall be enforced by such individual's component and
3298 constituent societies, if such exist, and this
3299 Association.

3300 G. NON-COMPLIANCE. In the event of a failure of
3301 technical compliance with the procedural
3302 requirements of this Chapter, or as set forth in the
3303 *ADA Procedures for Member Disciplinary Hearings*

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

CHAPTER XIII • PROCEDURES AND HEARINGS
RELATING TO MEMBER CONDUCT POLICY

3304 *and Appeals*, the agency hearing the appeal shall
3305 determine the effect of non-compliance.

3306 CHAPTER XIII • PROCEDURES AND
3307 HEARINGS RELATING TO MEMBER
3308 CONDUCT POLICY

3309 *Section 10. CONDUCT SUBJECT TO REVIEW:*
3310 Each member of this Association shall be subject to
3311 the provisions of the Association's Member Conduct
3312 Policy.

3313 *Section 20. DISCIPLINARY PROCEDURES AND*
3314 *HEARINGS:*

3315 A. MEMBER CONDUCT SUBJECT TO
3316 DISCIPLINE. Any member charged with violating
3317 the Association's Member Conduct Policy shall be
3318 afforded a fair and impartial hearing conducted in
3319 accordance with the *ADA Procedures for Member*
3320 *Disciplinary Hearings and Appeals*.

3321 B. PROCEDURES FOR HEARINGS AND
3322 APPEALS HELD UNDER THE ASSOCIATION'S
3323 MEMBER CONDUCT POLICY. The procedures
3324 for hearings and appeals conducted pursuant to this
3325 Chapter XIII shall be set forth in the *ADA*
3326 *Procedures for Member Disciplinary Hearings and*
3327 *Appeals*, a copy of which shall be appended to the
3328 *ADA Constitution and Bylaws* and otherwise made
3329 freely available to members of the Association. The
3330 procedures set forth in the *ADA Procedures for*
3331 *Member Disciplinary Hearings and Appeals* shall be
3332 amendable by the House of Delegates on majority
3333 vote.

3334 C. DISCIPLINARY PENALTIES. Members
3335 may be disciplined for violating the Association's
3336 Member Conduct Policy as follows:

3337 a. CENSURE. Censure is a disciplinary sentence
3338 expressing in writing severe criticism or disapproval
3339 of a particular type of conduct or act.

3340 b. SUSPENSION. Suspension, subject to Chapter I,
3341 Section 30 of these *Bylaws*, means all membership
3342 privileges except continued entitlement to coverage
3343 under insurance programs are lost during the
3344 suspension period. Suspension shall be unconditional
3345 and for a specified period at the termination of which
3346 full membership privileges are automatically
3347 restored. A subsequent violation shall require a new
3348 disciplinary procedure before additional discipline
3349 may be imposed.

3350 c. EXPULSION. Expulsion is an absolute discipline
3351 and may not be imposed conditionally except as
3352 otherwise provided herein.

3353 d. PROBATION. Probation, to be imposed for a
3354 specified period and without loss of privileges with

CHAPTER XIII • PROCEDURES AND HEARINGS
RELATING TO MEMBER CONDUCT POLICY

3355 the exception of holding or seeking an elective or
3356 appointive office, may be administratively and
3357 conditionally imposed when circumstances warrant in
3358 lieu of a suspended disciplinary penalty. Probation
3359 shall be conditioned on good behavior. Additional
3360 reasonable conditions may be set forth in the decision
3361 for the continuation of probation. In the event that the
3362 conditions for probation are found by the Council on
3363 Ethics, Bylaws and Judicial Affairs to have been
3364 violated, after a hearing on the probation violation
3365 charges in accordance with Chapter XIII, Section
3366 20C, the original disciplinary penalty shall be
3367 automatically reinstated, except that when
3368 circumstances warrant the original disciplinary
3369 penalty may be reduced to a lesser penalty. There
3370 shall be no right of appeal from a finding that the
3371 conditions of probation have been violated.

3372 e. REMOVAL FROM OFFICE. Removal from office
3373 as a trustee, delegate, alternate delegate or elective
3374 officer for the remaining term may be imposed in
3375 addition to, or in lieu of, any of the penalties
3376 enumerated in this Section of these *Bylaws*.

3377 D. DISCIPLINARY PROCEEDINGS. Before a
3378 disciplinary penalty is invoked against a member for
3379 violating the Association's Member Conduct Policy,
3380 a hearing held pursuant to the procedures set forth in
3381 the *ADA Procedures for Member Disciplinary*
3382 *Hearings and Appeals* shall be held.

3383 E. APPEALS TO FULL COUNCIL. Before any
3384 penalty enumerated in Chapter XIII, Section 20C, set
3385 forth in a decision following the hearing called for by
3386 Chapter XIII, Section 20D and conducted pursuant to
3387 the *ADA Procedures for Member Disciplinary*
3388 *Hearings and Appeals* shall be final, the accused
3389 member has a right to appeal that decision, including
3390 any disciplinary sentence specified therein. Any such
3391 appeal shall be conducted within the timeframes and
3392 in accordance with the appeal procedures set forth in
3393 the *ADA Procedures for Member Disciplinary*
3394 *Hearings and Appeals*.

3395 F. CONSIDERATION OF RECOMMENDED
3396 PROBATION, SUSPENSION, EXPULSION
3397 AND/OR REMOVAL FROM OFFICE OF
3398 TRUSTEES OR ELECTIVE OFFICERS BY
3399 HOUSE OF DELEGATES. The House of Delegates
3400 shall decide whether to accept or reject any
3401 recommendation of a sentence of probation,
3402 suspension, expulsion and/or removal from office
3403 made pursuant to this Chapter XIII against Trustees
3404 or Elected Officers of this Association. Delegates and
3405 alternate delegates who participated in any portion of
3406 the procedures that resulted in such recommendation
3407 shall be recused from deliberations under this Section
3408 20F. A two-thirds (2/3) affirmative vote of the

3409 delegates present and voting is required to impose a
3410 disciplinary sentence of expulsion from membership
3411 or removal from office, suspension or probation.

3412 G. SENTENCE. After all appeals are exhausted or
3413 after the time for filing an appeal has expired, a
3414 sentence of censure, suspension, expulsion and/or
3415 removal from office meted out to any member,
3416 including those instances when the disciplined
3417 member has been placed on probation, shall be
3418 enforced by such individual's component and
3419 constituent societies, if such exist, and this
3420 Association.

3421 H. NON-COMPLIANCE. In the event of a failure of
3422 technical compliance with the procedural
3423 requirements of this Chapter or of the procedures set
3424 forth in the *ADA Procedures for Member Disciplinary*
3425 *Hearings and Appeals*, the Council on Ethics, Bylaws
3426 and Judicial Affairs shall determine the effect of non-
3427 compliance.

CHAPTER XIV • AMERICAN DENTAL
ASSOCIATION FOUNDATION

3428 *Section 10. FINANCIAL SUPPORT:* The
3429 Association is the sole Member of the American
3430 Dental Association Foundation. The Association shall
3431 annually furnish sufficient financial support, as an
3432 addition to generated non-Association funding, to
3433 assure the continued viability of the Foundation's
3434 research activities.

3435 *Section 20. DUTIES:*

3436 In addition, the Foundation's Administrative/
3437 Charitable group shall submit, through the ADA
3438 Board of Trustees acting as the Member, an annual
3439 report to the House of Delegates, interim reports on
3440 request to the Member, and an annual budget to the
3441 Board of Trustees for such financial support
3442 allocations as the Board may deem necessary.

CHAPTER XV • COMMISSIONS

3443 *Section 10. NAME:* The commissions of this
3444 Association shall be:
3445 Commission on Dental Accreditation
3446 Joint Commission on National Dental Examinations
3447 Commission for Continuing Education Provider
3448 Recognition

3449 *Section 20. MEMBERS, SELECTIONS,*
3450 *NOMINATIONS AND ELECTIONS:*

3451 A. COMMISSION ON DENTAL
3452 ACCREDITATION. The number of members and the
3453 method of selection of the members of the
3454 Commission on Dental Accreditation shall be
3455 governed by the *Rules of the Commission on Dental*

3456 *Accreditation and these Bylaws.*

3457 Twelve (12) of the members of the Commission on
3458 Dental Accreditation shall be selected as follows:

3459 (1) Four (4) members shall be selected from
3460 nominations open to all trustee districts from the
3461 active, life or retired members of this Association, no
3462 one of whom shall be a faculty member working for a
3463 school of dentistry more than one day per week or a
3464 member of a state board of dental examiners or
3465 jurisdictional dental licensing agency. These
3466 members shall be nominated by the Board of Trustees
3467 and elected by the House of Delegates.

3468 (2) Four (4) members who are active, life or retired
3469 members of this Association shall be selected by the
3470 American Association of Dental Boards from the
3471 active membership of that body, no one of whom shall
3472 be a member of a faculty of a school of dentistry.

3473 (3) Four (4) members who are active, life or retired
3474 members of this Association shall be selected by the
3475 American Dental Education Association from its
3476 active membership. These members shall hold
3477 positions of professorial rank in dental schools
3478 accredited by the Commission on Dental
3479 Accreditation and shall not be members of any state
3480 board of dental examiners or jurisdictional dental
3481 licensing agency.

3482 B. JOINT COMMISSION ON NATIONAL
3483 DENTAL EXAMINATIONS. The Joint Commission
3484 on National Dental Examinations shall be composed
3485 of fifteen (15) members selected as follows:

3486 a. Three (3) members shall be nominated by the Board
3487 of Trustees from the active, life or retired members of
3488 this Association and additional nominations may be
3489 made by the House of Delegates but no one of such
3490 nominees shall be a member of a faculty of a school
3491 of dentistry or a member of a state board of dental
3492 examiners or jurisdictional dental licensing agency.
3493 The House of Delegates shall elect the three (3)
3494 members from those nominated by the Board of
3495 Trustees and the House of Delegates.

3496 b. Six (6) members who are active, life or retired
3497 members of this Association shall be selected by the
3498 American Association of Dental Boards from the
3499 active membership of that body, no one of whom shall
3500 be a member of a faculty of a dental school.

3501 c. Three (3) members who are active, life or retired
3502 members of this Association shall be selected by the
3503 American Dental Education Association from its
3504 active membership. These members shall hold
3505 positions of professorial rank in the dental schools
3506 accredited by this Association and shall not be
3507 members of any state board of dental examiners or
3508 jurisdictional dental licensing agency.

3509 d. One (1) member who is a dental hygienist shall be
3510 selected by the American Dental Hygienists'

3511 Association.
 3512 e. One (1) member who is a public representative shall
 3513 be selected by the Joint Commission on National
 3514 Dental Examinations.
 3515 f. One (1) member who is a dental student shall be
 3516 selected annually by the American Student Dental
 3517 Association.

3518 C. COMMISSION FOR CONTINUING
 3519 EDUCATION PROVIDER RECOGNITION. The
 3520 Commission for Continuing Education Provider
 3521 Recognition shall be composed of members selected
 3522 as follows:

3523 a. Four (4) members, at least two of whom shall be
 3524 general dentists, shall be selected from nominations
 3525 open to all trustee districts from the active, life or
 3526 retired members of this Association. These members
 3527 shall be nominated by the Board of Trustees and
 3528 elected by the House of Delegates.

3529 b. One (1) member who is an active, life or retired
 3530 member of this Association (if eligible) shall be
 3531 selected by the American Association of Dental
 3532 Boards from the active membership of that body.

3533 c. One (1) member who is an active, life or retired
 3534 member of this Association (if eligible) shall be
 3535 selected by the American Dental Education
 3536 Association from its active membership.

3537 d. One (1) member who is an active, life or retired
 3538 member of this Association (if eligible) shall be
 3539 selected by the American Society of Constituent
 3540 Dental Executives from its active membership.

3541 e. One (1) member who is an active, life or retired
 3542 member of this Association shall be selected by each
 3543 sponsoring organization of the ADA recognized
 3544 dental specialties.*

* The Commission for Continuing Education Provider Recognition initially shall be composed of the incumbent members of the CERP Committee of the Council on Dental Education and Licensure that was retired by the 2014 House of Delegates and any new appointees to the CERP Committee of the Council on Dental Education and Licensure selected by the American Association of Dental Boards, American Dental Education Association, American Society of Constituent Dental Executives and/or a sponsoring organization of any ADA recognized dental specialty. To the extent that there exists an unfilled position on the Commission for Continuing Education Provider Recognition for an ADA appointee when the Commission is created, that position shall be treated as a vacancy and filled in accordance with the procedure set forth in CHAPTER XV. COMMISSIONS, SECTION 70 of these ADA Bylaws. These inaugural Commission members shall serve for terms that are equal in time to their unfinished terms on the retired CERP Committee. This footnote shall expire at adjournment sine die of the

3545 *Section 30. REMOVAL FOR CAUSE:* The Board of
 3546 Trustees may remove a commission member for cause
 3547 in accordance with procedures established by the
 3548 Board of Trustees, which procedures shall provide for
 3549 notice of the charges, including allegations of the
 3550 conduct purported to constitute each violation, and a
 3551 decision in writing which shall specify the findings of
 3552 fact which substantiate any and all of the charges, and
 3553 that prior to issuance of the decision of the Board of
 3554 Trustees, no commission member shall be excused
 3555 from attending any meeting of a commission unless
 3556 there is an opportunity to be heard or compelling
 3557 reasons exist which are specified in writing by the
 3558 Board of Trustees.

3559 *Section 40. ELIGIBILITY:*

3560 A. All members of commissions who are dentists
 3561 must be active, life or retired members in good
 3562 standing of this Association except as otherwise
 3563 provided in these *Bylaws*.

3564 B. A member of the Joint Commission on National
 3565 Dental Examinations, who was selected by the
 3566 American Association of Dental Boards and who is
 3567 no longer an active member of that Association, may
 3568 continue as a member of the Commission for the
 3569 balance of that member's term.

3570 C. When a member of the Joint Commission on
 3571 National Dental Examinations, who was selected by
 3572 the American Dental Education Association, shall
 3573 cease to be a member of the faculty of a member
 3574 school of that Association, such membership on the
 3575 Commission shall terminate, and the President of the
 3576 American Dental Association shall declare the
 3577 position vacant.

3578 D. Any organizations that select members to serve on
 3579 the Commission for Continuing Education Provider
 3580 Recognition and offer continuing dental education
 3581 courses shall be continuing education providers
 3582 currently approved by that Commission.

3583 E. No member of a commission may serve
 3584 concurrently as a member of a council or another
 3585 commission.

3586 F. The Commissions of this Association shall elect
 3587 their own chairs who shall be active, life or retired
 3588 members of this Association.

3589 *Section 50. CONSULTANTS, ADVISERS AND*
 3590 *STAFF:*

3591 A. CONSULTANTS AND ADVISERS. Each
 3592 commission shall have the authority to nominate
 3593 consultants and advisers in conformity with rules and

2018 House of Delegates.

3594 regulations established by the Board of Trustees
 3595 except as otherwise provided in these *Bylaws*. The
 3596 Joint Commission on National Dental Examinations
 3597 also shall select consultants to serve on the
 3598 Commission's test construction committees. The
 3599 Commission on Dental Accreditation shall have the
 3600 power to appoint consultants to assist in developing
 3601 requirements and guidelines for the conducting of
 3602 accreditation evaluations, including site visitations, of
 3603 predoctoral, advanced dental educational, and dental
 3604 auxiliary educational programs. The Commission for
 3605 Continuing Education Provider Recognition shall
 3606 have the power to appoint consultants to assist in
 3607 developing standards and procedures, conducting
 3608 recognition reviews and conducting appeals.

3609 B. STAFF. The Executive Director shall employ the
 3610 staff of Commissions, in the event they are
 3611 employees, and shall select the titles for commission
 3612 staff positions.

3613 *Section 60. TERM OF OFFICE:* The term of office
 3614 of members of the commissions shall be four (4) years
 3615 except that (a) the term of office of members of the
 3616 Commission on Dental Accreditation selected
 3617 pursuant to the *Rules of the Commission on Dental*
 3618 *Accreditation* shall be governed by those *Rules* and
 3619 (b) the term of office of the dental student selected by
 3620 the American Student Dental Association for
 3621 membership on the Joint Commission on National
 3622 Dental Examinations shall be one (1) year.

3623 The tenure of a member of a commission shall be
 3624 limited to one (1) term of four (4) years except that (a)
 3625 the consecutive tenure of members of the Commission
 3626 on Dental Accreditation selected pursuant to the *Rules*
 3627 *of the Commission on Dental Accreditation* shall be
 3628 governed by those *Rules* and (b) tenure in office of the
 3629 dental student selected by the American Student
 3630 Dental Association for membership on the Joint
 3631 Commission on National Dental Examinations shall
 3632 be one (1) term. A member shall not be eligible for
 3633 appointment to another commission or council for a
 3634 period of two (2) years after completing a previous
 3635 commission appointment.

3636 *Section 70. VACANCY:* In the event of a vacancy in
 3637 the office of a commissioner, the following procedure
 3638 shall be followed:

3639 A. In the event the member of a commission, whose
 3640 office is vacant, is or was a member of and was
 3641 appointed or elected by this Association, the President
 3642 of this Association shall appoint a member of this
 3643 Association possessing the same qualifications as
 3644 established by these *Bylaws* for the previous member,
 3645 to fill such vacancy until a successor is elected by the
 3646 next House of Delegates of this Association for the
 3647 remainder of the unexpired term.

3648 B. In the event the member of a commission whose
 3649 office is vacant was selected by an organization other
 3650 than this Association, such other organization shall
 3651 appoint a successor possessing the same qualifications
 3652 as those possessed by the previous member of the
 3653 commission.

3654 C. In the event such vacancy involves the chair of the
 3655 commission, the President of this Association shall
 3656 have the power to appoint an *ad interim* chair, except
 3657 as otherwise provided in these *Bylaws*.

3658 D. If the term of the vacated commission position has
 3659 less than fifty percent (50%) of a full four-year term
 3660 remaining at the time the successor member is
 3661 appointed or elected, the successor member shall be
 3662 eligible for election to a new, consecutive four-year
 3663 term. If fifty percent (50%) or more of the vacated
 3664 term remains to be served at the time of the
 3665 appointment or election, the successor member shall
 3666 not be eligible for another term.

3667 *Section 80. MEETINGS OF COMMISSIONS:* Each
 3668 commission shall hold at least one regular meeting
 3669 annually, provided that funds are available in the
 3670 budget for that purpose and unless otherwise directed
 3671 by the Board of Trustees. Meetings may be held at the
 3672 Headquarters Building, the Washington Office or
 3673 from multiple remote locations through the use of a
 3674 conference telephone or other communications
 3675 equipment by means of which all members can
 3676 communicate with each other. Such meetings shall be
 3677 conducted in accordance with rules and procedures
 3678 established by the Board of Trustees.

3679 *Section 90. QUORUM:* A majority of the members of
 3680 any commission shall constitute a quorum.

3681 *Section 100. PRIVILEGE OF THE FLOOR:* Chairs
 3682 and members of the commissions who are not
 3683 members of the House of Delegates shall have the
 3684 right to participate in the debate on their respective
 3685 reports but shall not have the right to vote.

3686 *Section 110. ANNUAL REPORT AND BUDGET:*

3687 A. ANNUAL REPORT. Each commission shall
 3688 submit, through the Executive Director, an annual
 3689 report to the House of Delegates and a copy thereof to
 3690 the Board of Trustees.

3691 B. PROPOSED BUDGET. Each commission shall
 3692 submit to the Board of Trustees, through the
 3693 Executive Director, a proposed itemized budget for
 3694 the ensuing fiscal year.

3695 *Section 120. POWER TO ADOPT RULES:* Any
 3696 commission of this Association shall have the power
 3697 to adopt rules for such commission and amendments
 3698 thereto, provided such rules and amendments thereto

do not conflict with or limit the *Constitution and Bylaws* of this Association. Rules and amendments thereto, adopted by any commission of this Association, shall not be effective until submitted in writing to and approved by majority vote of the House of Delegates of this Association, except the Joint Commission on National Dental Examinations shall have such bylaws and amendments thereto as the House of Delegates of this Association may adopt by majority vote for the conduct of the purposes and management of the Joint Commission on National Dental Examinations. The Commission on Dental Accreditation shall have the authority to make corrections in punctuation, grammar, spelling, name changes, gender references, and similar editorial corrections to the *Rules* of the Commission on Dental Accreditation which do not alter its context or meaning without the need to submit such editorial corrections to the House of Delegates. Such corrections shall be made only by a unanimous vote of the Commission on Dental Accreditation members present and voting.

Section 130. DUTIES:

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

- Formulate and adopt requirements and guidelines for the accreditation of dental, advanced dental and allied dental educational programs.
- Accredit dental, advanced dental, and allied dental educational programs.
- Provide a means for appeal from an adverse decision of the accrediting body of the Commission to a separate and distinct body of the Commission whose membership shall be totally different from that of the accrediting body of the Commission.
- Submit an annual report to the House of Delegates of this Association and interim reports, on request, and the Commission's annual budget to the Board of Trustees of the Association.
- Submit the Commission's articles of incorporation and rules and amendments thereto to this Association's House of Delegates for approval by majority vote either through or in cooperation with the Council on Dental Education and Licensure.

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

- Provide and conduct written examinations, exclusive of clinical demonstrations for the purpose of assisting state boards of dental examiners in determining qualifications of dentists who seek license to practice in any state or other jurisdiction of

the United States. Dental licensure is subject to the laws of the state or other jurisdiction of the United States and the conduct of all clinical examinations for licensure is reserved to the individual board of dental examiners.

- Provide and conduct written examinations, exclusive of clinical demonstrations for the purpose of assisting state boards of dental examiners in determining qualifications of dental hygienists who seek license to practice in any state or other jurisdiction of the United States. Dental hygiene licensure is subject to the laws of the state or other jurisdiction of the United States and the conduct of all clinical examinations for licensure is reserved to the individual board of dental examiners.
- Make rules and regulations for the conduct of examinations and the certification of successful candidates.
- Serve as a resource of the dental profession in the development of written examinations.

C. COMMISSION FOR CONTINUING EDUCATION PROVIDER RECOGNITION. The duties of the Commission for Continuing Education Provider Recognition shall be to:

- Formulate and adopt requirements, guidelines and procedures for the recognition of continuing dental education providers.
- Approve providers of continuing dental education programs and activities.
- Provide a means for continuing dental education providers to appeal adverse recognition decisions.
- Submit an annual report to the House of Delegates of this Association and interim reports, on request, and the Commission's annual budget to the Board of Trustees of the Association.
- Submit the Commission's rules and amendments thereto to this Association's House of Delegates for approval by majority vote either through or in cooperation with the Council on Dental Education and Licensure.

CHAPTER XVI • SCIENTIFIC SESSION

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

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

Section 30. MANAGEMENT AND GENERAL ARRANGEMENTS: The Board of Trustees shall provide for the management of, and make all

3805 arrangements for, each scientific session unless
3806 otherwise provided in these *Bylaws*.

3807 *Section 40. TRADE AND LABORATORY*
3808 *EXHIBITS:* Products of the dental trade and dental
3809 laboratories and other products may be exhibited at
3810 each scientific session under the direction of the
3811 Board of Trustees and in accordance with rules and
3812 regulations established by that body.

3813 *Section 50. ADMISSION:* Admission to meetings of
3814 the scientific sessions shall be limited to members of
3815 this Association who are in good standing and to
3816 others admitted in accordance with rules and
3817 regulations established by the Board of Trustees.

CHAPTER XVII • PUBLICATIONS

3818 *Section 10. OFFICIAL JOURNAL:*

3819 A. TITLE. This Association shall publish or cause to
3820 be published an official journal under the title of *The*
3821 *Journal of the American Dental Association*,
3822 hereinafter referred to as *The Journal*.

3823 B. OBJECT. The object of *The Journal* shall be to
3824 report, chronicle and evaluate activities of scientific
3825 and professional interest to members of the dental
3826 profession.

3827 C. FREQUENCY OF ISSUE AND SUBSCRIPTION
3828 RATE. The frequency of issue and the subscription
3829 rate of *The Journal* shall be determined by the Board
3830 of Trustees.

3831 D. EDITOR OF THE JOURNAL. Except as
3832 otherwise provided in the powers of the Board of
3833 Trustees under these *Bylaws*, as provided in Chapter
3834 VII, Section 90D, the editor of *The Journal of the*
3835 *American Dental Association* shall have the authority
3836 to determine the editorial content of *The Journal*,
3837 including scientific-based content, and shall, with the
3838 assistance of an editorial board nominated by the
3839 editor and appointed by the Board of Trustees,
3840 establish and maintain a written editorial policy for
3841 *The Journal*.

3842 *Section 20. OTHER JOURNALS:* The Association
3843 may publish or cause to be published other journals in
3844 the field of dentistry subject to the direction and
3845 regulations of the Board of Trustees.

3846 *Section 30. OFFICIAL TRANSACTIONS:* The
3847 official transactions of the House of Delegates and the
3848 Board of Trustees and the reports of officers, councils
3849 and committees shall be published under the direction
3850 of the Executive Director.

3851 *Section 40. AMERICAN DENTAL DIRECTORY:*
3852 This Association shall cause to be published an

3853 *American Dental Directory.*

CHAPTER XVIII • FINANCES

3854 *Section 10. FISCAL YEAR:* The fiscal year of the
3855 Association shall begin January 1 of each calendar
3856 year and end December 31 of the same year.

3857 *Section 20. GENERAL FUND:* The General Fund
3858 shall consist of all monies received other than those
3859 specifically allocated to other funds by these *Bylaws*.
3860 This fund shall be used for defraying all expenses
3861 incurred by this Association not otherwise provided
3862 for in these *Bylaws*. The General Fund may be divided
3863 into Operating and Reserve Divisions at the direction
3864 of the Board of Trustees.

3865 *Section 30. OTHER FUNDS:* The Association may
3866 establish other funds, at the direction of the Board of
3867 Trustees, for activities and programs requiring
3868 separate accounting records to meet governmental and
3869 administrative requirements. Such funds shall consist
3870 of monies and other assets received or allocated in
3871 accordance with the purpose for which they are
3872 established. Such funds shall be used for defraying all
3873 expenses incurred in their operation, shall serve only
3874 as separate accounting entities and continue to be held
3875 in the name of the American Dental Association as
3876 divisions of the General Fund.

3877 *Section 40. SPECIAL ASSESSMENTS:* In addition
3878 to the payment of dues required in Chapter I, Section
3879 20 of these *Bylaws*, a special assessment may be
3880 levied by the House of Delegates upon active, active
3881 life, retired and associate members of this Association
3882 as provided in Chapter I, Section 20 of these *Bylaws*,
3883 for the purpose of funding a specific project of limited
3884 duration. Such an assessment may be levied at any
3885 annual or special session of the House of Delegates by
3886 a two-thirds (2/3) affirmative vote of the delegates
3887 present and voting, provided notice of the proposed
3888 assessment has been presented at least thirty (30) days
3889 prior to the first day of the session of the House of
3890 Delegates at which it is to be considered. Notice of
3891 such a resolution shall be sent electronically to each
3892 constituent society and posted on ADA Connect or its
3893 equivalent for the House of Delegates not less than
3894 thirty (30) days before such session to permit prompt,
3895 adequate notice by each constituent society to its
3896 delegates and alternate delegates to the House of
3897 Delegates of this Association, and shall be announced
3898 to the general membership in an official publication
3899 of this Association at least fifteen (15) days in advance
3900 of the session. The specific project to be funded by the
3901 proposed assessment, the time frame of the project,

CHAPTER XVIII • FINANCES
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CHAPTER XX • INDEMNIFICATION

3902 and the amount and duration of the proposed
3903 assessment shall be clearly presented in giving notice
3904 to the members of this Association. Revenue from a
3905 special assessment and any earnings thereon shall be
3906 deposited in a separate fund as provided in Chapter
3907 XVII, Section 30 of these *Bylaws*. The House of
3908 Delegates may amend the main motion to levy a
3909 special assessment only if the amendment is germane
3910 and adopted by a two-thirds (2/3) affirmative vote of
3911 the delegates present and voting. The House of
3912 Delegates may consider only one (1) specific project
3913 to be funded by a proposed assessment at a time.
3914 However, if properly adopted by the House of
3915 Delegates, two (2) or more special assessments may
3916 be in force at the same time. Any resolution to levy a
3917 special assessment that does not meet the notice
3918 requirements set forth in the previous paragraph also
3919 may be adopted by a unanimous vote of the House of
3920 Delegates, provided the resolution has been presented
3921 in writing at a previous meeting of the same session.

CHAPTER XIX • ALLIANCE OF THE
AMERICAN DENTAL ASSOCIATION

3922 *Section 10. RECOGNITION:* The Association
3923 recognizes the Alliance of the American Dental
3924 Association as an organization of the spouses of
3925 active, life, retired or student members in good
3926 standing of this Association, and of spouses of such
3927 deceased members who were in good standing at the
3928 time of death.

3929 *Section 20. CONSTITUTION AND BYLAWS:* No
3930 provision in the constitution and bylaws of the
3931 Alliance shall be in conflict with the *Constitution and*
3932 *Bylaws* of this Association.

CHAPTER XX • INDEMNIFICATION

3933 Each trustee, officer, council member, committee
3934 member, employee and other agent of the Association
3935 shall be held harmless and indemnified by the
3936 Association against all claims and liabilities and all
3937 costs and expenses, including attorney's fees,
3938 reasonably incurred or imposed upon such person in
3939 connection with or resulting from any action, suit or
3940 proceeding, or the settlement or compromise thereof,
3941 to which such person may be made a party by reason
3942 of any action taken or omitted to be taken by such
3943 person as a trustee, officer, council member,
3944 committee member, employee or agent of the
3945 Association, in good faith. This right of
3946 indemnification shall inure to such person whether or
3947 not such person is a trustee, officer, council member,
3948 committee member, employee or agent at the time
3949 such liabilities, costs or expenses are imposed or

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

3950 incurred and, in the event of such person's death, shall
3951 extend to such person's legal representatives. To the
3952 extent available, the Association shall insure against
3953 any potential liability hereunder.

CHAPTER XXI • CONSTRUCTION

3954 Where the context or construction requires, all titles
3955 and personal pronouns used in the *Bylaws*, whether
3956 used in the masculine, feminine or neutral gender,
3957 shall include all genders.

CHAPTER XXII • AMENDMENTS

3958 *Section 10. PROCEDURE:* These *Bylaws* may be
3959 amended at any session of the House of Delegates by
3960 a two-thirds (2/3) affirmative vote of the delegates
3961 present and voting, provided the proposed
3962 amendments shall have been presented in writing at a
3963 previous session or a previous meeting of the same
3964 session.

3965 *Section 20. AMENDMENT AFFECTING THE*
3966 *PROCEDURE FOR CHANGING THE DUES OF*
3967 *ACTIVE MEMBERS:* An amendment of these
3968 *Bylaws* affecting the procedure for changing the dues
3969 of active members may be adopted only if the
3970 proposed amendment has been presented in writing at
3971 least thirty (30) days prior to the first day of the
3972 session of the House of Delegates at which it is to be
3973 considered. Notice of such a resolution shall be sent
3974 electronically to each constituent society not less than
3975 thirty (30) days before such session to permit prompt,
3976 adequate notice by each constituent society to its
3977 delegates and alternate delegates to the House of
3978 Delegates of this Association, and shall be announced
3979 to the general membership in an official publication
3980 of the Association at least fifteen (15) days in advance
3981 of the annual session.

3982 Amendments affecting the procedure for changing the
3983 dues of active members may also be adopted by a
3984 unanimous vote provided that the proposed
3985 amendment has been presented in writing at a
3986 previous meeting of the same session.

Articles of
Incorporation

.....

- 3987 1. NAME. The name of this corporation is
3988 AMERICAN DENTAL ASSOCIATION.
- 3989 2. DURATION. The duration of the corporation is
3990 perpetual.
- 3991 3. PURPOSE AND OBJECT. The purpose and object
3992 of this corporation are to encourage the improvement
3993 of the health of the public and to promote the art and
3994 science of dentistry.
- 3995 4. OFFICE. The principal office of the corporation
3996 shall be in the City of Chicago, Cook County, Illinois.
- 3997 5. *BYLAWS*. The bylaws of the corporation shall be
3998 divided into two categories designated, respectively,
3999 “Constitution” and “Bylaws” and each category shall
4000 be amendable from time to time in the manner and by
4001 the method therein set forth, but in case of any conflict
4002 between the *Constitution* and the *Bylaws* the
4003 provisions of the *Constitution* shall control.
- 4004 6. MEMBERSHIP. The qualifications, the method of
4005 election, designation or selection, the privileges and
4006 obligations, and the voting rights, if any, of the
4007 various classes of members which are established by
4008 the *Constitution and Bylaws* of the corporation from
4009 time to time shall be set forth in and governed by such
4010 *Constitution and Bylaws*.
- 4011 7. EXERCISE OF CORPORATE POWERS. Except
4012 as otherwise provided by law, the affairs of this
4013 corporation shall be governed and the corporate
4014 powers of the corporation shall be exercised by a
4015 Board of Directors (to be known as the Board of
4016 Trustees), House of Delegates, officers, councils,
4017 committees, members, agents and employees as set
4018 forth in the *Constitution and Bylaws* and the titles,
4019 duties, powers, and methods of electing, designating
4020 or selecting all of the foregoing shall be as provided
4021 therein.
- 4022 8. VOTING RIGHTS WITH RESPECT TO
4023 ARTICLES OF INCORPORATION. Only those
4024 members of the corporation shall have voting rights in
4025 respect to amendments to the Articles of
4026 Incorporation who shall have a right to vote on
4027 amendments to the *Constitution* of the corporation.

APPENDIX

ADA PROCEDURES FOR MEMBER DISCIPLINARY HEARINGS AND APPEALS

1 I. INITIAL DISCIPLINARY HEARINGS HELD 2 PURSUANT TO ADA BYLAWS CHAPTER XII

3 The following procedures are to be followed by a
4 society bringing ethics violation charges:

5 A. NOTICE. A society bringing charges against a
6 member alleging a violation of Chapter XII, Section
7 20A of the ADA Bylaws shall issue a notice of
8 charges that will meet the following specifications:

9 1. Charges Brought. The notice of charges will
10 contain a detailed statement of all disciplinary
11 charges brought against the accused member,
12 including (a) an official certified copy of any alleged
13 conviction or determination of guilt that is the basis
14 for the disciplinary action, (b) description of the
15 section(s) of the Bylaws or the ethical provisions
16 alleged to have been violated, and/or (c) a description
17 of the conduct alleged to constitute each violation.

18 2. Time of Hearing. The notice of charges shall
19 contain notification of the date, time and place that a
20 hearing on the charges will be held.

21 3. Delivery. The notice of charges shall be sent to the
22 accused member by certified mail, return receipt
23 requested. The notice of charges shall be addressed
24 to the accused member's last known address and
25 mailed not less than twenty-one (21) days prior to the
26 date set for the hearing.

27 B. HEARING. Any member accused of a violation of
28 Chapter XII, Section 20A of the ADA Bylaws is
29 entitled to a hearing before a hearing body of the
30 society bringing the charges.

31 1. Purpose. The purpose of a disciplinary hearing is
32 to provide the accused member with the opportunity
33 to present a defense to the charges brought against
34 him or her.

35 2. Representation by Counsel. The society bringing
36 the charges must allow the accused member to be
37 represented by legal counsel at any hearing convened
38 under these procedures.

39 3. Continuances. An accused member is entitled to
40 one (1) hearing postponement. The postponement
41 cannot exceed thirty (30) days. Additional requests
42 for postponement may be granted or denied by the
43 hearing body in its reasonable discretion.

44 C. DECISION.

45 1. Requirement of Written Decision. Every decision
 46 of a hearing body that imposes a penalty of censure,
 47 suspension, expulsion, or probation will be in
 48 writing. The written decision will:

49 (a) Contain a statement of the charge(s) made
 50 against the member;

51 (b) State the facts that support the charge(s) and the
 52 verdict arrived at by the hearing body;

53 (c) State the penalty imposed and, if the penalty is
 54 to be suspended during a period of probation, the
 55 length of the probationary period and any other
 56 conditions included in the probation; and

57 (d) Be sent to the accused member by certified mail,
 58 return receipt requested, and addressed to the
 59 accused member's last known address.

60 (e) Be sent to by certified mail, return receipt
 61 requested, to the last known address of each of the
 62 following:

63 (i) The secretary of the accused member's
 64 component society, if any;

65 (ii) The secretary of the accused member's
 66 constituent society, if applicable;

67 (iii) The Chair of the American Dental Association
 68 Council on Ethics, Bylaws and Judicial Affairs; and

69 (iv) The Executive Director of the American Dental
 70 Association.

71 D. NOTICE OF RIGHT TO APPEAL. Every written
 72 decision issued by a hearing body that imposes a
 73 penalty of censure, suspension, expulsion, or
 74 probation will be accompanied by a separate notice
 75 stating that the accused member has a right to appeal
 76 the decision. The notice of right to appeal will direct
 77 the member to Article II of these Procedures for
 78 Member Disciplinary Hearings and Appeals.

79 E. FINALITY OF DECISION. A decision will not
 80 become final while an appeal of it is pending or until
 81 the thirty (30) day period for filing a notice of appeal
 82 has expired.

83 1. Non-Appeal of Decision Containing Sentence of
 84 Expulsion. If a decision includes a sentence of
 85 expulsion and a notice of appeal is not received
 86 within the thirty (30) day period within which to
 87 appeal, the constituent society will notify all parties
 88 of the failure of the accused member to file an appeal.
 89 The sentence of expulsion will take effect on the date
 90 the parties receive such notice. The component and
 91 constituent societies shall each determine what
 92 portion of their current dues and special assessments,
 93 if any, shall be returned to the expelled member.
 94 Dues and special assessments paid to this

95 Association will not be refunded to an expelled
 96 member.

97 II. APPEALS FROM DISCIPLINARY DECISIONS
 98 ISSUED PURSUANT TO ADA BYLAWS
 99 CHAPTER XII

100 The following procedures shall be followed in any
 101 appeal from a decision issued as a result of a
 102 disciplinary hearing pursuant to Chapter XII, Section
 103 20D of the ADA Bylaws:

104 A. RIGHT TO APPEAL.

105 1. Disciplinary Decision of a Component Society.
 106 Any member shall have the right to appeal a
 107 disciplinary decision issued by the member's
 108 component society that imposes a penalty of censure,
 109 suspension, expulsion, or probation. That appeal
 110 shall be made to member's constituent society by
 111 filing a notice of appeal in affidavit form with the
 112 secretary of the constituent society.

113 2. Disciplinary Decision of a Constituent Society.
 114 Any member or component society shall have a right
 115 to appeal a disciplinary decision that is adverse to it
 116 that is issued by a constituent society. That appeal
 117 shall be made to the Council on Ethics, Bylaws and
 118 Judicial Affairs of this Association by filing a notice
 119 of appeal in affidavit form with the Chair of the
 120 Council on Ethics, Bylaws and Judicial Affairs.

121 3. Disciplinary Decision Adverse to a Direct
 122 Member. A direct member of this Association* shall
 123 have the right to appeal a disciplinary decision of a
 124 hearing panel of the Council on Ethics, Bylaws and
 125 Judicial Affairs that imposes a penalty of censure,
 126 suspension, expulsion, or probation. That appeal
 127 shall made to the Council on Ethics, Bylaws and
 128 Judicial Affairs of this Association by filing a notice
 129 of appeal in affidavit form with the Chair of the
 130 Council on Ethics, Bylaws and Judicial Affairs.
 131 Members of the hearing panel that issued the
 132 decision being appealed shall have no right to vote
 133 on the Council's decision in such an appeal.

134 B. TIME TO APPEAL. An appeal from any decision
 135 shall not be valid unless the appeal is filed within
 136 thirty (30) days of the date the decision appealed from
 137 was issued.

138 C. TIME FOR THE FILING OF BRIEFS ON
 139 APPEAL. Briefs in appeals brought under this Article
 140 II must be filed in accordance with the following
 141 schedule:

142 1. Appellant's Initial Brief. If being filed, an initial
 143 brief supporting an appeal must be filed within sixty
 144 (60) days of the issue date of the decision being
 145 appealed.

146 2. Reply Brief. If being filed, a reply brief must be
 147 filed within ninety (90) days of the issue date of the
 148 decision being appealed.

149 3. Rejoinder Brief. If being filed, a rejoinder brief
 150 must be filed within one hundred five (105) days of
 151 the issue date of the decision being appealed.

152 D. TIME FOR APPEAL HEARING. No hearing shall
 153 be held within one hundred fifty (150) days of the
 154 issue date of the decision being appealed or forty-five
 155 (45) days after the last brief in the appeal was filed,
 156 whichever is later. Omission of briefs will not alter the
 157 date for the hearing of an appeal unless otherwise
 158 agreed to by the parties and the chair of the body
 159 hearing the appeal.

160 E. CONDUCT OF THE APPEAL HEARING. The
 161 following procedure shall be used in processing
 162 appeals:

163 1. Appeal Hearings. If the requirements of Sections
 164 A and B of this Article II are met, the party bringing
 165 the appeal shall be entitled to a hearing.

166 2. Parties to an Appeal. The parties to an appeal are
 167 the accused member and the society or body that
 168 brought the charges against the accused member. In
 169 appeals to the Council on Ethics, Bylaws and Judicial
 170 Affairs of this Association, the society which heard
 171 the first appeal, if any, may, at its option, participate
 172 in the appeal.

173 3. Right to be Represented by Counsel. The parties
 174 to an appeal shall be entitled to be represented by
 175 counsel in the appeal.

176 4. Appearance at Hearing not Required. A party to an
 177 appeal is not required to attend a hearing in an appeal
 178 brought pursuant to this Article.

179 5. Option to Conduct Telephonic Hearings. Upon the
 180 request by a party and the concurrence of all other
 181 parties, the body hearing the appeal may permit one
 182 or more of the parties to an appeal to participate in
 183 the hearing remotely via telephone or other suitable
 184 means. The decision whether to allow remote
 185 participation in an appeal hearing is discretionary
 186 with the body hearing the appeal and granting such a
 187 request can be subject to meeting reasonable terms
 188 and conditions set by the hearing body.

189 6. Hearing Notice. A body that receives a notice of
 190 appeal shall notify the society (or societies)
 191 concerned or, where applicable, the hearing panel of
 192 the Council on Ethics, Bylaws and Judicial Affairs,
 193 and the accused member of the time and place of the
 194 appeal hearing. Such notice shall be sent by certified
 195 mail, return receipt requested, to the last known
 196 address of each party to the appeal. The hearing

197 notice should be mailed not less than thirty (30) days
 198 prior to the hearing date.

199 7. Hearing Continuances. Granting of hearing
 200 continuances shall be at the discretion of the hearing
 201 body.

202 8. Prehearing Matters. Prehearing requests shall be
 203 granted at the discretion of the hearing body. In
 204 appeals to this Association's Council on Ethics,
 205 Bylaws and Judicial Affairs, the Council chair has
 206 the authority to rule on requests from the parties for
 207 continuances and other prehearing procedural
 208 matters with advice from legal counsel of this
 209 Association. The Council chair may consult with the
 210 Council before rendering prehearing decisions.

211 9. Briefs. Each party to an appeal shall be entitled to
 212 submit a brief in support of the party's position. The
 213 briefs of the parties shall be submitted to the
 214 secretary of the constituent society or the Chair of the
 215 Council on Ethics, Bylaws and Judicial Affairs of
 216 this Association, as appropriate, in accordance with
 217 the prescribed briefing schedule. A copy of any brief
 218 filed in the appeal must be delivered to every other
 219 party in the appeal at the same time as the filing of
 220 the brief. The party initiating the appeal may choose
 221 to rely on the record and/or on an oral presentation
 222 and not file a brief.

223 10. Record of Disciplinary Proceedings. Upon notice
 224 of an appeal, the society or body that issued the
 225 decision being appealed shall provide to the body
 226 hearing the appeal and to the accused member a
 227 transcript, or an officially certified copy of the
 228 minutes, of the hearing accorded the accused
 229 member. Certified copies of any affidavits or other
 230 documents submitted as evidence to support or refute
 231 the charges against the accused member in the
 232 disciplinary hearing and any other material
 233 considered by the body issuing the decision being
 234 appealed will accompany the transcript or minutes.
 235 Where the body conducting the hearing resulting in
 236 the decision being appealed does not transcribe the
 237 hearing, the accused member, at the accused's own
 238 expense, is entitled to arrange for transcription of the
 239 hearing by a court reporter.

240 11. Appeals Jurisdiction. The body to which a
 241 decision has been appealed shall be required to
 242 review the decision appealed from to determine
 243 whether the evidence before the society or body
 244 which brought the charges against the accused
 245 member supports that decision or warrants the
 246 penalty imposed. The body hearing the appeal shall
 247 not be required to consider additional evidence
 248 unless there is a clear showing that a party to the
 249 appeal will be unreasonably harmed by failure to

250 consider the additional evidence.

251 12. Decisions on Appeals. Every decision on appeal
 252 shall be in writing and must clearly state the
 253 conclusion of the hearing body and the reasons for
 254 that conclusion. The body hearing the appeal shall
 255 have the discretion to:

256 (a) Uphold the decision of the society or body that
 257 brought charges against the accused member;

258 (b) Reverse the decision of the society or body that
 259 brought the charges and thereby exonerate the
 260 accused member;

261 (c) Deny an appeal where it fails to satisfy the
 262 requirements of Chapter XII, Section 20D of the
 263 ADA Bylaws;

264 (d) Refer the case back to the body that brought the
 265 charges for new proceedings, if the rights of the
 266 accused member under all applicable bylaws were
 267 violated or if adopted disciplinary procedures were
 268 not followed to the detriment of the accused;

269 (e) Remand the case back to the agency that issued
 270 the charges for further proceedings when the record
 271 in the appeal is insufficient to enable the body
 272 hearing the appeal to form a conclusion concerning
 273 the correctness of the decision being appealed; or

274 (f) Modify the decision of the agency that issued the
 275 charges against the accused member by reducing the
 276 penalty imposed.

277 13. Delivery of the Appeal Decision to the Parties.
 278 Within thirty (30) days of the date on which a written
 279 decision on appeal is approved by the agency
 280 conducting the appeal, a copy of the written decision
 281 shall be sent by certified mail, return receipt
 282 requested, to the last known address of each of the
 283 following: the accused member; the secretary of the
 284 component society of which the accused is a
 285 member, if applicable; the secretary of the
 286 constituent society of which the accused is a
 287 member, if applicable; the Chair of the Council on
 288 Ethics, Bylaws and Judicial Affairs of this
 289 Association; and the Executive Director of this
 290 Association.

291 III. MEMBER CONDUCT HEARINGS

292 The following procedures will be followed by the
 293 Council on Ethics, Bylaws and Judicial Affairs in
 294 cases involving allegations of violations of the
 295 Member Conduct Policy of the Association:

296 A. CHARGES. Any member of the Association or the
 297 Association's staff will have the right to bring charges
 298 alleging a violation or violations of the Association's
 299 Member Conduct Policy. Charges must:

300 1. Be in writing.

301 2. Sent to the Chair of the Council on Ethics, Bylaws
 302 and Judicial Affairs.

303 3. Include an identification of the provision(s) of the
 304 Association's Member Conduct Policy alleged to
 305 have been violated and a detailed description of the
 306 conduct alleged to constitute the violation.

307 B. PRELIMINARY INVESTIGATION.

308 1. Selection. Upon receipt of charges alleging
 309 violation of the Member Conduct Policy, the Chair
 310 of the Council on Ethics, Bylaws and Judicial Affairs
 311 will select an investigatory panel of three (3)
 312 members of the Council.

313 2. Ineligible Council Member. The Council member
 314 from the Trustee District of the member accused of
 315 violating the Member Conduct Policy is ineligible to
 316 serve on the investigatory panel. The investigatory
 317 panel will conduct a preliminary investigation of the
 318 charges alleged and determine whether the
 319 allegations made in the charges sufficiently state a
 320 violation of the Member Conduct Policy.

321 C. NOTICE OF DETERMINATION OF
 322 INVESTIGATORY PANEL.

323 1. No Violation. If, upon preliminary investigation,
 324 the investigatory panel determines that the charges
 325 do not sufficiently state a violation of the Member
 326 Conduct Policy, the Association member or
 327 Association staff member bringing the charges will
 328 be advised in writing of the investigatory panel's
 329 determination. The investigatory panel's decision
 330 will be final and without right of appeal.

331 2. Determination of Possible Violation. If the
 332 investigatory panel determines that the charge does
 333 sufficiently state a violation of the Member Conduct
 334 Policy, the accused member shall be notified in
 335 writing.

336 3. Notice of Possible Violation. The notice of
 337 possible violation shall:

338 (a) Provide a specification of the charges brought
 339 against him or her;

340 (b) Specify the time and place of hearing on the
 341 charges brought against the accused member;

342 (c) Be sent via certified mail, return receipt
 343 requested, to the accused's last known address; and

344 (d) Be mailed not less than twenty-one (21) days
 345 prior to the date set for the hearing.

346 D. HEARING. The accused member shall be entitled
 347 to a hearing before a panel of three (3) members of the
 348 Council on Ethics, Bylaws and Judicial Affairs.

349 1. Hearing Panel Make Up. Members of the
350 investigatory panel that investigated the allegations
351 against the accused member and the Council member
352 from the accused's trustee district are ineligible to sit
353 on the hearing panel.

354 2. Purpose. The purpose of the hearing is to provide
355 the accused member with an opportunity to present a
356 defense to the charges brought against him or her.

357 3. Representation by Counsel. The accused member
358 is entitled to be represented by legal counsel at the
359 member conduct hearing.

360 4. Continuances. An accused member is entitled to
361 one (1) hearing postponement. The postponement
362 cannot exceed thirty (30) days. Additional requests
363 for postponement may be granted or denied at the
364 discretion of the chair of the Council on Ethics,
365 Bylaws and Judicial Affairs, who may but need not
366 consult with the Council or the hearing panel on the
367 request.

368 E. DECISION.

369 1. Requirement of Written Decision. Every decision
370 of a member conduct hearing panel will be in writing.
371 The written decision will:

372 (a) Contain a statement of the charges made against
373 the member;

374 (b) State the relevant facts;

375 (c) State the verdict arrived at by the hearing body;
376 and

377 (d) State the penalty imposed or recommended and,
378 if the penalty is to be suspended during a period of
379 probation, the length of the probationary period and
380 any other conditions included in the probation.

381 2. Mailing of Decision. Every hearing panel decision
382 must be sent, by certified mail, return receipt
383 requested, within ten (10) days of the written
384 decision being approved by the hearing panel, to the
385 last known address of each of the following:

386 (a) The accused member;

387 (b) The Association member or staff member who
388 brought the charges;

389 (c) The secretary of the accused member's
390 component society, if any;

391 (d) The secretary of the accused member's
392 constituent society, if applicable;

393 (e) The Chair of the American Dental Association
394 Council on Ethics, Bylaws and Judicial Affairs;

395 (f) The Executive Director of the American Dental
396 Association; and, if applicable

397 (g) The Election Commission of the Association.

398 F. NOTICE OF RIGHT TO APPEAL. A written
399 notice to the accused member informing the member
400 of his or her right to appeal the decision of the hearing
401 panel must accompany the copies of the decision sent
402 pursuant to Section E2 of Article III of these
403 procedures.

404 G. FINALITY OF DECISION. A decision will not
405 become final while an appeal of the decision is
406 pending or until the thirty (30) day period for filing
407 notice of appeal has expired.

408 1. Non-Appeal of Decision Containing Sentence of
409 Expulsion. If a decision includes a sentence of
410 expulsion and no notice of appeal is received within
411 the thirty (30) day period within which to appeal, the
412 Council on Ethics, Bylaws and Judicial Affairs shall
413 notify all parties of the failure of the accused member
414 to file an appeal. The sentence of expulsion will take
415 effect on the date the parties receive such notice. The
416 disciplined member's component and constituent
417 societies shall each determine what portion of their
418 current dues and special assessments, if any, shall be
419 returned to the expelled member. Dues and special
420 assessments paid to this Association will not be
421 refunded to an expelled member.

422 IV. MEMBER CONDUCT APPEALS

423 The following procedures shall be followed in any
424 appeal from a decision issued as a result of a member
425 conduct hearing pursuant to Chapter XIII, Section
426 20D of the ADA Bylaws:

427 A. RIGHT TO APPEAL. Any member shall have the
428 right to appeal a disciplinary decision issued by a
429 member conduct hearing panel that imposes a penalty
430 of censure, suspension, expulsion or probation on him
431 or her to the full Council on Ethics, Bylaws and
432 Judicial Affairs by filing an appeal in affidavit form
433 with the chair of the Council on Ethics, Bylaws and
434 Judicial Affairs of this Association.

435 B. TIME TO APPEAL. An appeal from any decision
436 under this Article IV will not be valid unless the
437 appeal is filed within thirty (30) days of the date the
438 decision appealed from was issued.

439 C. TIME FOR FILING BRIEFS ON APPEAL. Brief
440 in appeals brought under this Article IV will be filed
441 according to the following schedule:

442 1. Appellant's Initial Brief. If being filed, an initial
443 brief supporting an appeal must be filed within sixty
444 (60) days after the date the decision being appealed
445 was issued.

446 2. Reply Brief. If being filed, a reply brief supporting
447 the decision appealed from must be filed by the

448 Association member or staff member who lodged the
449 member conduct complaint within ninety (90) days
450 after the decision being appealed was issued.

451 3. Rejoinder Brief. If being filed, a rejoinder brief
452 supporting an appeal must be filed within one
453 hundred five (105) days after the date the decision
454 being appealed was issued.

455 D. TIME FOR APPEAL HEARING. No hearing on
456 an appeal will be held within one hundred fifty (150)
457 days of the date the decision appealed from was issued
458 or forty-five (45) days after the last brief in the appeal
459 was filed, whichever is later. Omission of briefs will
460 not alter the hearing date unless otherwise agreed to
461 by the parties and the chair of the body hearing the
462 appeal.

463 E. CONDUCT OF THE APPEAL HEARING. The
464 accused member shall be entitled to a hearing on an
465 appeal, provided that such appeal meets the
466 requirements of this Article.

467 1. Council Members Hearing the Appeal. Members
468 of the investigatory and hearing panels involved in
469 the action being appealed and the Council
470 representative from the accused member's Trustee
471 District shall be recused from and will not take part
472 in the appeal.

473 2. Parties to the Appeal. In any appeal of a decision
474 under the Member Conduct Policy, the parties to
475 such an appeal shall be the accused member and the
476 Association member or the Association staff member
477 who brought the charges.

478 3. Representation by Counsel. In any appeal, the
479 accused member is entitled to be represented by legal
480 counsel.

481 4. Attendance at Hearing. A party need not appear
482 for the appeal to be heard by the Council on Ethics,
483 Bylaws and Judicial Affairs.

484 5. Option to Conduct Telephonic Hearings. Upon the
485 request by a party and the concurrence of all other
486 parties, the Council on Ethics, Bylaws and Judicial
487 Affairs may permit one or more of the parties to an
488 appeal to participate in the hearing remotely via
489 telephone or other suitable means. The decision
490 whether to allow remote participation in an appeal
491 hearing is discretionary with the Council and
492 granting such a request can be subject to meeting
493 reasonable terms and conditions set by the Council.

494 6. Hearing Notice. The Council on Ethics, Bylaws
495 and Judicial Affairs shall notify the accused member;
496 the Association member or Association staff member
497 bringing the charges; the secretary of the accused
498 member's component society, if applicable; and the

499 secretary of the accused member's constituent
500 society, if applicable of the time and place of the
501 appeal hearing. The hearing notice will be sent by
502 certified—return receipt requested letter to the last
503 known addresses of the parties to the appeal and the
504 other entities receiving notice. The notice of hearing
505 is to be mailed not less than thirty (30) days prior to
506 the hearing date.

507 7. Hearing Continuances. The granting of
508 continuances shall be at the discretion of the Council
509 on Ethics, Bylaws and Judicial Affairs.

510 8. Prehearing Matters. Prehearing requests shall be
511 granted at the discretion of the Council on Ethics,
512 Bylaws and Judicial Affairs. The Council chair has
513 the authority to rule on requests from the parties for
514 continuances and other prehearing procedural
515 matters with advice from legal counsel of this
516 Association. The Council chair may consult with the
517 Council before rendering prehearing decisions.

518 9. Briefs. Each party to an appeal shall be entitled to
519 submit a brief in support of the party's position. The
520 briefs of the parties shall be submitted to the Chair of
521 the Council on Ethics, Bylaws and Judicial Affairs of
522 this Association in accordance with the prescribed
523 briefing schedule. A copy of each brief filed in an
524 appeal must be delivered to the opposing party in the
525 appeal at the same time as the filing of the brief. The
526 party initiating the appeal may choose to rely on the
527 record and/or an oral presentation and not file a brief.

528 10. Record of Hearing. Upon receiving a notice of an
529 appeal, the hearing panel of the Council on Ethics,
530 Bylaws and Judicial Affairs that presided over the
531 initial hearing shall furnish a transcript or an
532 officially certified copy of the minutes of the hearing
533 being appealed to the Council on Ethics, Bylaws and
534 Judicial Affairs and the parties to the appeal. The
535 transcript or minutes shall be accompanied by
536 certified copies of any affidavits or other documents
537 submitted as evidence to support the charges against
538 the accused member or submitted by the accused as
539 part of the accused's defense. If the hearing panel did
540 not provide for transcription of the hearing, any party
541 shall be entitled to arrange for the services of a court
542 reporter to transcribe the hearing.

543 11. Appeals Jurisdiction. The Council on Ethics,
544 Bylaws and Judicial Affairs is required to review the
545 decision appealed from to determine whether the
546 evidence before the hearing panel supports that
547 decision or warrants the penalty(ies) imposed. The
548 Council on Ethics, Bylaws and Judicial Affairs shall
549 not be required to consider additional evidence
550 unless there is a clear showing that a party to the
551 appeal will be unreasonably harmed by failure to

552 consider the additional evidence.

553 F. DECISION ON APPEALS

554 1. Appeals not Involving Recommended Probation,
 555 Suspension, Expulsion and/or Removal of a Trustee
 556 or Elective Officer.

557 (a) Written Decision. In any appeal that does not
 558 involve the recommended probation, suspension,
 559 expulsion and/or removal from office of a trustee or
 560 elective officer, the decision of the Council on
 561 Ethics, Bylaws and Judicial Affairs shall be reduced
 562 to writing. The decision must clearly state the
 563 conclusion of the Council and the reasons for
 564 reaching that conclusion.

565 (b) Permissible Penalties. The Council shall have
 566 the discretion to:

567 (i) Uphold the decision of the hearing panel;

568 (ii) Reverse the decision of the hearing panel and
 569 thereby exonerate the accused member;

570 (iii) Deny an appeal that fails to satisfy the
 571 requirements of Chapter XIII, Section 20D of the
 572 ADA Bylaws;

573 (iv) Refer the case back to the hearing panel for
 574 new proceedings, if the rights enumerated under all
 575 applicable bylaws and procedures were not
 576 accorded the accused;

577 (v) Remand the case back to the member conduct
 578 hearing panel for further proceedings when the
 579 appellate record is insufficient in the opinion of the
 580 Council on Ethics, Bylaws and Judicial Affairs to
 581 enable it to render a decision; or

582 (vi) Modify the decision of the hearing panel by
 583 reducing the penalty imposed.

584 (c) Final Decision. The decision of the Council on
 585 Ethics, Bylaws and Judicial Affairs in an appeal not
 586 involving a recommended probation, suspension,
 587 expulsion and/or removal of a trustee or elective
 588 officer shall be final and non-appealable.

589 (d) Delivery of the Appeal Decision to the Parties.
 590 Within thirty (30) days of the date on which a final
 591 decision on appeal is approved by the Council on
 592 Ethics, Bylaws and Judicial Affairs, a copy of the
 593 written decision shall be sent by certified mail,
 594 return receipt requested, to the last known address
 595 of each of the following parties: the accused
 596 member; the Association member or Association
 597 staff member bringing charges; the secretary of the
 598 component society of which the accused is a
 599 member, if applicable; the secretary of the
 600 constituent society of which the accused is a
 601 member, if applicable; the Election Commission of

602 the Association and the Executive Director of this
 603 Association.

604 2. Appeals Involving Recommended Probation,
 605 Suspension, Expulsion and/or Removal of a Trustee
 606 or Elective Officer.

607 (a) Written Decision. In any appeal that involves the
 608 recommended probation, suspension, expulsion or
 609 removal of a trustee or elective officer, the decision
 610 of the Council on Ethics, Bylaws and Judicial
 611 Affairs shall be reduced to writing. The decision
 612 must clearly state the conclusion of the Council and
 613 the reasons for reaching that conclusion.

614 (b) Permissible Penalties. The Council shall have
 615 the discretion to:

616 (i) Recommend upholding the decision of the
 617 hearing panel;

618 (ii) Reverse the recommended decision of the
 619 hearing panel and thereby exonerate the accused
 620 member;

621 (iii) Recommend denial of an appeal that fails to
 622 satisfy the requirements of Chapter XIII, Section
 623 20D of the ADA Bylaws;

624 (iv) Refer the case back to the hearing panel for
 625 new proceedings, if the rights enumerated under all
 626 applicable bylaws and procedures were not
 627 accorded the accused;

628 (v) Remand the case back to the hearing panel for
 629 further proceedings when the appellate record is
 630 insufficient in the opinion of the Council on Ethics,
 631 Bylaws and Judicial Affairs to enable it to render a
 632 decision; or

633 (vi) Modify the decision of the hearing panel by
 634 reducing the penalty imposed, except in cases in
 635 which the reduced penalty is probation, suspension
 636 and/or removal from office, the Council's decision
 637 shall be a recommendation.

638 (c) Final Decision. The decision of the Council on
 639 Ethics, Bylaws and Judicial Affairs shall be final
 640 and non-appealable only in cases where the
 641 Council's decision does not result in the
 642 recommendation of a sentence of probation,
 643 suspension, expulsion and/or removal from office.

644 (d) Delivery of the Appeal Decision in Cases not
 645 Involving Recommended Probation, Suspension,
 646 Expulsion and/or Removal from Office. Within
 647 thirty (30) days of the date on which a final decision
 648 that does not recommend probation, suspension,
 649 expulsion and/or removal from office is approved
 650 by the Council on Ethics, Bylaws and Judicial
 651 Affairs, a copy of the decision shall be sent by

APPENDIX

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 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.

(e) Delivery of the Appeal Decision in Cases Involving Recommended Probation, Suspension, Expulsion and/or Removal from Office. Within thirty (30) days of the date on which a decision that recommends probation, suspension, expulsion and/or removal from office of a trustee or elective officer is approved by the Council on Ethics, Bylaws and Judicial Affairs, on appeal is rendered, a copy thereof shall be sent by certified mail, return receipt requested, 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.

(f) Right to Respond. When a decision recommends that a trustee or elective official be sentenced to probation, expulsion, suspension and/or removal from office, that trustee or elected official has the right to respond in writing to the decision and recommendation. The response of the trustee or elective official must be delivered to the chair of the Council on Ethics, Bylaws and Judicial Affairs within thirty (30) days from the date the decision and recommendation was issued. The chair of the Council on Ethics, Bylaws and Judicial Affairs will forward the decision and recommendation, along with any response received from the trustee or elected official, to the Speaker of the House of Delegates, the Election Commission and the Association's Executive Director.

(g) Consideration of Decision by House of Delegates. Any decision that recommends probation, suspension, expulsion and/or removal from office of a trustee or elective officer shall be considered by the House of Delegates in accordance with Chapter XIII, Section 20F of the ADA Bylaws.

American Dental Association

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