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American Dental Association

Constitution and Bylaws

Revised to January 1, 2016

ADA American
Dental
Association®

America's leading
advocate for oral health

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Constitution



ARTICLE I • NAME

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

ARTICLE II • OBJECT

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

ARTICLE III • ORGANIZATION

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

17 *Section 20.* HEADQUARTERS OFFICE: The
18 registered office of this Association shall be known
19 as the Headquarters Office and shall be located in the
20 City of Chicago, County of Cook, 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
27 persons whose qualifications and classifications shall
28 be as established in Chapter I of the *Bylaws*.

29 *Section 50. CONSTITUENT SOCIETIES:*
30 Constituent societies of this Association shall be
31 those dental societies or dental associations chartered
32 in 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
38 their 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
58 appointive officer of this Association shall be an
59 Executive Director who shall be appointed by the
60 Board of 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
66 of the constituent and component societies which are
67 not in conflict with the *Principles of Ethics and Code*

68 *of 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



CHAPTER I • MEMBERSHIP

- 80 *Section 10. CLASSIFICATION:* The members of
81 this 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 International 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
101 shall be a member in good standing of this
102 Association's constituent and component societies,
103 unless:
- 104 (1) the dentist is in the exclusive employ of, or is
105 serving on active duty in, one of the federal dental
106 services. A dentist is considered to be in the
107 exclusive employ of one of the federal dental
108 services when the dentist is under contract to
109 provide dental services to the beneficiaries of the
110 federal agency on a full-time basis and does not
111 engage in private practice within the jurisdiction of
112 a constituent or component society;
- 113 (2) the dentist is practicing in a country other than
114 the United States and consequently is ineligible for
115 membership in a constituent or component society;
116 or
- 117 (3) the dentist is working as a dental school faculty
118 member, dental administrator or consultant within
119 the territorial jurisdiction of a constituent society
120 and is ineligible for active membership in the
121 constituent or component society because the

122 dentist is not licensed in the territorial jurisdiction
123 of that constituent.

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

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

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

141 b. PRIVILEGES.

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

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

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

166 c. DUES AND SPECIAL ASSESSMENTS.

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

CHAPTER I • MEMBERSHIP

176 following conditions shall be entitled to pay the
177 reduced active member dues and any special
178 assessment stated under such satisfied condition so
179 long as that dentist maintains continuous
180 membership, subject to the further reductions
181 permitted under the provisions of Chapter I, Section
182 20Ad of these *Bylaws*:

183 (1) Dentists, when awarded a D.D.S. or D.M.D.
184 degree, shall be exempt from the payment of active
185 member dues and any special assessment for the
186 remaining period of that year and the following first
187 full calendar year. Dentists shall pay twenty-five
188 percent (25%) of active member dues and any
189 special assessment for the second full calendar year
190 following the year in which the degree was
191 awarded, fifty percent (50%) of active member dues
192 and any special assessment in the third year,
193 seventy-five percent (75%) of active member dues
194 and any special assessment in the fourth year and
195 one hundred percent (100%) in the fifth year and
196 thereafter.

197 (2) Dentists who are engaged full-time in (a) an
198 advanced training course of not less than one (1)
199 academic year's duration in an accredited school or
200 a residency program in areas neither recognized by
201 this Association nor accredited by the Commission
202 on Dental Accreditation or (b) a residency program
203 or advanced education program in areas recognized
204 by this Association and in a program accredited by
205 the Commission on Dental Accreditation shall pay
206 thirty dollars (\$30.00) due on January 1 of each year
207 until December 31 following completion of such
208 program. For dentists who enter such a course or
209 program while eligible for the dues reduction
210 program, the applicable reduced dues rate shall be
211 deferred until completion of that program. Upon
212 completing the program, the dentist shall pay dues
213 and any special assessment for active members at
214 the reduced dues rate where the dentist left off in
215 the progression. The dentist who is engaged full-
216 time in (a) an advanced training course of not less
217 than one (1) academic year's duration in an
218 accredited school or residency program in areas
219 neither recognized by this Association nor
220 accredited by the Commission on Dental
221 Accreditation or (b) a residency program or
222 advanced education program in areas recognized by
223 this Association and in a program accredited by the
224 Commission on Dental Accreditation shall be
225 exempt from the payment of any active member
226 special assessment then in effect through December
227 31 following completion of such course or program.

228 (3) A graduate of a non-accredited dental school
229 who has recently been licensed to practice dentistry
230 in a jurisdiction in which there is a constituent
231 dental society of the American Dental Association

232 shall be exempt from payment of active member
 233 dues and any special assessment for the remaining
 234 period of the year in which the license was issued
 235 and the following first full calendar year. The newly
 236 licensed graduate of a non-accredited school shall
 237 pay twenty-five percent (25%) of active member
 238 dues and any special assessment the second
 239 calendar year following the year in which the
 240 license was obtained, fifty percent (50%) of active
 241 member dues and any special assessment in the
 242 third year, seventy-five percent (75%) of active
 243 member dues and any special assessment in the
 244 fourth year and one hundred percent (100%) in the
 245 fifth year and thereafter.

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

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

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

276 B. LIFE MEMBER.

277 a. QUALIFICATIONS. A life member shall be a
 278 member in good standing of this Association who
 279 (1) has been an active and/or retired member in
 280 good standing of this Association for thirty (30)
 281 consecutive years or a total of forty (40) years of
 282 active and/or retired membership or has been a
 283 member of the National Dental Association for
 284 twenty-five (25) years and subsequently held at
 285 least ten (10) years of membership in the American
 286 Dental Association; (2) has attained the age of

287 sixty-five (65) years in the previous calendar year;
288 and (3) has submitted an affidavit attesting to the
289 qualifications for this category through said
290 component and constituent societies, if such exist.

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

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

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

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

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

327 c. DUES AND SPECIAL ASSESSMENTS.

328 (1) ACTIVE LIFE MEMBERS. The dues of life
329 members who have not fulfilled the qualifications
330 of retired membership pursuant to Chapter I,
331 Section 20C of these *Bylaws* with regard to income
332 related to dentistry shall be seventy-five percent
333 (75%) of the dues of active members, due January 1
334 of each year. In addition to their annual dues, active
335 life members shall pay seventy-five percent (75%)
336 of any active member special assessment, due
337 January 1 of each year.

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

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

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

369 C. RETIRED MEMBER.

370 a. QUALIFICATIONS. A retired member shall be
 371 an active member in good standing of this
 372 Association who is now a retired member of a
 373 constituent society, if such exists, and is no longer
 374 earning income from the performance of any
 375 dentally related activity. An affidavit attesting to
 376 qualifications for this category must be submitted
 377 through said component and constituent society, if
 378 such exists. Maintenance of active or retired
 379 membership in good standing in the member's
 380 component society and retired membership in good
 381 standing in the member's constituent, if such exist,
 382 entitling such member to all the privileges of an
 383 active member, shall be requisite for entitlement to
 384 and continuance of retired membership in this
 385 Association.

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

389 A retired member under a disciplinary sentence of
 390 suspension or probation shall not be privileged to
 391 hold office, either elective or appointive, including
 392 delegate and alternate delegate, in such member's
 393 component and constituent societies and this
 394 Association. A retired member under a disciplinary
 395 sentence of suspension shall also not be privileged
 396 to vote or otherwise participate in the selection of
 397 officials of such member's component and

398 constituent societies and this Association.
399 c. DUES AND SPECIAL ASSESSMENTS. The
400 dues of retired members shall be twenty-five
401 percent (25%) of the dues of active members, due
402 January 1 of each year. In addition to their annual
403 dues, retired members shall pay twenty-five percent
404 (25%) of any active member special assessment,
405 due January 1 of each year.

406 D. NONPRACTICING DENTIST MEMBER.

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

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

419 b. PRIVILEGES.

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

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

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

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

443 c. DUES AND SPECIAL ASSESSMENTS. The
444 dues of nonpracticing dentists shall be fifty percent
445 (50%) of the dues of active members, due January 1
446 of each year. In addition to their annual dues,
447 nonpracticing dentists shall pay fifty percent (50%)
448 of any active member special assessment, due
449 January 1 of each year.

450 E. STUDENT MEMBER.

451 a. QUALIFICATIONS. A student member shall be
452 a predoctoral student of a dental school accredited

453 by the Commission on Dental Accreditation of this
 454 Association, a predoctoral student of a dental school
 455 listed in the World Directory of Dental Schools
 456 compiled by the FDI World Dental Federation or a
 457 dentist eligible for membership in this Association
 458 who is engaged full time in an advanced training
 459 course of not less than one academic year's duration
 460 in an accredited school or residency program.]

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

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

473 c. DUES AND SPECIAL ASSESSMENTS.

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

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

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

488 F. HONORARY MEMBER.

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

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

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

503 G. PROVISIONAL MEMBER.

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

506 (1) has received a D.D.S. or D.M.D. degree from a
 507 dental school accredited by the Commission on

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

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

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

516 Provisional membership shall terminate December
517 31 of the second full calendar year following the
518 year in which the degree was awarded.

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

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

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

537 H. ASSOCIATE MEMBER.

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

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

* 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 are authorized by the Board of Trustees.
554 c. DUES AND SPECIAL ASSESSMENTS. The
555 dues of associate members shall be twenty-five
556 percent (25%) of the dues of active members, due
557 January 1 of each year. In addition to their annual
558 dues, associate members shall pay twenty-five
559 percent (25%) of any active member special
560 assessment, due January 1 of each year.

561 I. INTERNATIONAL MEMBER.

562 a. QUALIFICATIONS. An international member
563 shall be a dentist who is ineligible for any other
564 classification of membership and:

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

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

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

572 b. PRIVILEGES. An international member in good
573 standing shall receive a set of products and services
574 as are authorized by the Board of Trustees in
575 collaboration with the Council on Membership.

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

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

608 until the disciplinary sentence has terminated.

609 The requirement of paying current dues does not
610 apply to retired life, honorary and those members of
611 this Association who pursuant to Section 50 of this
612 Chapter have been granted dues waivers for the
613 purpose of determining their good standing. The
614 requirement of paying any special assessment does
615 not apply to retired life, honorary, international,
616 student and those members of this Association who
617 pursuant to Section 50 of this Chapter have been
618 granted any special assessment waivers for purposes
619 of determining their good standing.

620 *Section 40. LAPSE OF MEMBERSHIP AND*
621 *REINSTATEMENT.*

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

630 B. REINSTATEMENT. Reinstatement of active,
631 life, retired, nonpracticing dentist, student or
632 international membership may be secured on
633 payment of appropriate dues and any special
634 assessment of this Association and on compliance
635 with the pertinent bylaws and regulations of the
636 constituent and component societies involved and
637 this Association.

638 *Section 50. DUES OR SPECIAL ASSESSMENT*
639 *RELATED ISSUES.*

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

659 B. FINANCIAL HARDSHIP WAIVERS. Those

660 members who have suffered a significant financial
661 hardship that prohibits them from payment of their
662 full dues and/or any special assessment may be
663 excused from the payment of twenty-five percent
664 (25%), fifty percent (50%), seventy-five percent
665 (75%) or all of the current year's dues and/or any
666 special assessment as determined by their constituent
667 and component dental societies. The constituent and
668 component societies shall certify the reason for the
669 waiver, and the constituent and component societies
670 shall provide the same proportionate waiver of their
671 dues as that provided by this Association.*

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

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

* 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.

CHAPTER I • MEMBERSHIP
CHAPTER II • CONSTITUENT SOCIETIES

701 E. CALCULATING PERCENTAGE DUES OR
702 SPECIAL ASSESSMENTS. In establishing the
703 dollar rate of dues or special assessments in this
704 Chapter expressed as a percentage of active member
705 dues or special assessments, computations resulting
706 in fractions of a dollar shall be rounded up to the
707 next whole dollar.

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

CHAPTER II • CONSTITUENT SOCIETIES

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

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

737 *Section 30. POWERS AND DUTIES:*

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

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

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

750 D. It shall have the power to discipline any of its

751 members subject to the provisions in Chapter XII,
752 Section 20 of these *Bylaws*.

753 E. It shall be its duty to collect membership dues and
754 any special assessment for this Association in
755 conformity with Chapter I, Section 20, of these
756 *Bylaws*.

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

762 *Section 40. MEMBERSHIP:*

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

781 *Explanatory Note:* A dentist who has retired from
782 active practice or who is engaged in activities
783 furthering the object of this Association shall be
784 considered to be practicing dentistry within the
785 meaning of this Section.

786 B. REMOVAL FROM ONE JURISDICTION TO
787 ANOTHER. A member who has changed the
788 location of the member's practice from the
789 jurisdiction of one constituent society to that of
790 another constituent society may maintain active
791 membership in the constituent society in which
792 membership is being held for the calendar year
793 following that of the member's removal from the
794 jurisdiction of such society. The same privilege shall
795 apply to a member who is separated from a federal
796 dental service and who enters practice in an area
797 under the jurisdiction of a constituent society or a
798 member who is retired from a federal dental service
799 and who is serving on a faculty of a dental school, or
800 is receiving compensation as a dental administrator
801 or consultant, or is engaged in any activity in the
802 area under the jurisdiction of a constituent society for
803 which a license to practice dentistry or dental

804 hygiene is required by the state or other jurisdiction
 805 of the United States wherein the activity is
 806 conducted. A dentist who retires from active practice
 807 and establishes residence in an area outside of the
 808 jurisdiction of the constituent society in which the
 809 dentist holds membership shall be permitted to
 810 continue membership in such constituent society for
 811 the period of retirement.

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

824 C. PRIVILEGES. An active, life or retired member
 825 in good standing shall enjoy all privileges of
 826 constituent society membership except as otherwise
 827 provided by these *Bylaws*.

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

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

855 *Section 60. SESSIONS:* A constituent society shall
 856 hold a business session at least once each calendar
 857 year.

858 *Section 70. CONSTITUTION AND BYLAWS:* Each
 859 constituent society shall adopt and maintain a
 860 constitution and bylaws which shall not be in conflict
 861 with, or limit, the *Constitution and Bylaws*
 862 of this Association and shall file a copy thereof and
 863 any changes which may be made thereafter, with the
 864 Executive Director of this Association.

865 *Section 80. “PRINCIPLES OF ETHICS AND CODE*
 866 *OF PROFESSIONAL CONDUCT”:* The *Principles*
 867 *of Ethics and Code of Professional Conduct* of this
 868 Association and the code of ethics adopted by the
 869 constituent society shall be the code of ethics of that
 870 constituent society for governing the professional
 871 conduct of its members.

872 *Section 90. RIGHT OF HEARING AND APPEAL:*
 873 Disputes arising between constituent societies or
 874 between a constituent society and one or more of its
 875 component societies may be referred to the Council
 876 on Ethics, Bylaws and Judicial Affairs of this
 877 Association for hearing and decision as provided in
 878 Chapter X, Section 120 in accordance with the
 879 procedure of Chapter XII, Section 20D and E of
 880 these *Bylaws* even though a disciplinary penalty is
 881 not involved.

882 *Section 100. PRIVILEGE OF REPRESENTATION:*
 883 Each state constituent dental society and the District
 884 of Columbia Dental Society shall be entitled to a
 885 minimum of two (2) delegates in the House of
 886 Delegates. Each territorial constituent society and
 887 federal service shall be entitled to a minimum of two
 888 (2) delegates in the House of Delegates if its total
 889 membership is equal to or greater than the size of the
 890 smallest state constituent society; otherwise the
 891 territorial society or service shall receive one (1)
 892 delegate. The remaining number of delegates shall
 893 be allocated as provided in Chapter V, Sections 10C
 894 and 10D.

895 Each constituent society and each federal dental
 896 service may select from among its active, life and
 897 retired members the same number of alternate
 898 delegates as delegates and shall designate the
 899 alternate delegate who shall replace an absent
 900 delegate.

901 *Section 110. CHARTERED CONSTITUENT*
 902 *SOCIETIES:* The Executive Director of the
 903 Association is authorized to issue a charter to each
 904 constituent society denoting its name and territorial
 905 jurisdiction. The following societies are chartered as
 906 constituent societies of this Association:

907 Alabama Dental Association
 908 Alaska Dental Society
 909 Arizona Dental Association
 910 Arkansas State Dental Association

CHAPTER II • CONSTITUENT SOCIETIES

CHAPTER III • COMPONENT SOCIETIES

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

CHAPTER III • COMPONENT SOCIETIES

960	<i>Section 10. ORGANIZATION:</i> Component societies
961	may be organized in conformity with a plan
962	approved by the constituent society of which they
963	shall be recognized entities provided, however, that

964 the active, life or retired members of each
965 component society shall consist of dentists who are
966 members in good standing of their respective
967 constituent societies and of this Association. The
968 plan adopted by the constituent society may or may
969 not limit active membership in a component society
970 to dentists who reside or practice within the
971 geographic area of that component society. Each
972 component society shall adopt and maintain a
973 constitution and bylaws, which shall not be in
974 conflict with, or limit, the *Constitution and Bylaws*
975 of this Association or that of its constituent society,
976 and shall file a copy thereof and any changes which
977 may be made thereafter with the Executive Director
978 of this Association.

979 *Section 20. POWER AND DUTIES:*

980 A. A component society shall have the power to
981 select its active, life and retired members as active
982 members of the constituent society in accordance
983 with Chapter II, Section 40, of these *Bylaws*.

984 B. It shall have the power to provide for its financial
985 support, to establish bylaws, rules and regulations,
986 not in conflict with, or limiting, the *Constitution and*
987 *Bylaws* of this Association or that of its constituent
988 society and to adopt a code of ethics not in conflict
989 with the *Principles of Ethics and Code of*
990 *Professional Conduct* of this Association or code of
991 ethics of its constituent society.

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

995 D. It shall have the power to establish committees,
996 councils and commissions of the component society;
997 to designate their powers and duties; and to adopt
998 reasonable eligibility requirements for service
999 thereon.

1000 *Section 30. PRIVILEGES OF MEMBERSHIP:* An
1001 active, life or retired member in good standing shall
1002 have the opportunity of enjoying all privileges of
1003 component society membership except as otherwise
1004 provided by these *Bylaws*.

1005 *Section 40. TRANSFER FROM ONE*
1006 *COMPONENT TO ANOTHER:* A member who has
1007 changed residence or location of practice within the
1008 jurisdiction of a constituent society so that the
1009 member no longer fulfills the membership
1010 requirements of the component society of which he
1011 or she is a member may maintain active membership
1012 in that component society for the calendar year
1013 following such change of residence or practice
1014 location.

1015 A member who is required to transfer membership

CHAPTER III • COMPONENT SOCIETIES

CHAPTER IV • TRUSTEE DISTRICTS

1016 from one component society to another and whose
1017 application for transfer of membership is denied
1018 shall be entitled to a hearing (by either the
1019 component or constituent society), on the decision
1020 denying the member's application for transfer of
1021 membership and to appeal to the member's
1022 constituent society, if applicable, and the Council on
1023 Ethics, Bylaws and Judicial Affairs of this
1024 Association in accordance with the procedures in
1025 Chapter XII, Section 20D and E of these *Bylaws*
1026 even though a disciplinary penalty is not involved. A
1027 component society which receives an application for
1028 transfer of membership from a dentist who has
1029 moved from the jurisdiction of another constituent
1030 society is governed by Chapter II, Section 40B of
1031 these *Bylaws*.

CHAPTER IV • TRUSTEE DISTRICTS

1032 *Section 10. ORGANIZATION:* The constituent
1033 societies and the federal dental services shall be
1034 organized into seventeen (17) trustee districts.

1035 *Section 20. PURPOSE:* The purpose of establishing
1036 trustee districts is to provide representation of the
1037 members of the constituent societies and the federal
1038 dental services on the Board of Trustees.

1039 *Section 30. COMPOSITION:* The trustee districts
1040 are numbered and composed as follows:

1041 DISTRICT 1

1042 Connecticut State Dental Association, The
1043 Maine Dental Association
1044 Massachusetts Dental Society
1045 New Hampshire Dental Society
1046 Rhode Island Dental Association
1047 Vermont State Dental Society

1048 DISTRICT 2

1049 New York State Dental Association

1050 DISTRICT 3

1051 Pennsylvania Dental Association

1052 DISTRICT 4

1053 Air Force Dental Corps
1054 Army Dental Corps
1055 Delaware State Dental Society
1056 District of Columbia Dental Society, The
1057 Maryland State Dental Association
1058 Navy Dental Corps
1059 New Jersey Dental Association
1060 Public Health Service
1061 Puerto Rico, Colegio de Cirujanos Dentistas de
1062 Veterans Affairs
1063 Virgin Islands Dental Association

CHAPTER IV • TRUSTEE DISTRICTS

- 1064 DISTRICT 5*
- 1065 Alabama Dental Association
- 1066 Georgia Dental Association
- 1067 Mississippi Dental Association, The
- 1068 DISTRICT 6
- 1069 Kentucky Dental Association
- 1070 Missouri Dental Association
- 1071 Tennessee Dental Association
- 1072 West Virginia Dental Association
- 1073 DISTRICT 7
- 1074 Indiana Dental Association
- 1075 Ohio Dental Association
- 1076 DISTRICT 8
- 1077 Illinois State Dental Society
- 1078 DISTRICT 9
- 1079 Michigan Dental Association
- 1080 Wisconsin Dental Association
- 1081 DISTRICT 10
- 1082 Iowa Dental Association
- 1083 Minnesota Dental Association
- 1084 Nebraska Dental Association, The
- 1085 North Dakota Dental Association
- 1086 South Dakota Dental Association
- 1087 DISTRICT 11
- 1088 Alaska Dental Society
- 1089 Idaho State Dental Association
- 1090 Montana Dental Association
- 1091 Oregon Dental Association
- 1092 Washington State Dental Association
- 1093 DISTRICT 12
- 1094 Arkansas State Dental Association
- 1095 Kansas Dental Association
- 1096 Louisiana Dental Association, The
- 1097 Oklahoma Dental Association
- 1098 DISTRICT 13
- 1099 California Dental Association
- 1100 DISTRICT 14
- 1101 Arizona Dental Association
- 1102 Colorado Dental Association
- 1103 Hawaii Dental Association
- 1104 Nevada Dental Association
- 1105 New Mexico Dental Association
- 1106 Utah Dental Association
- 1107 Wyoming Dental Association
- 1108 DISTRICT 15
- 1109 Texas Dental Association
- 1110 DISTRICT 16
- 1111 North Carolina Dental Society, The
- 1112 South Carolina Dental Association

CHAPTER IV • TRUSTEE DISTRICTS
CHAPTER V • HOUSE OF DELEGATES

- 1113 Virginia Dental Association
1114 DISTRICT 17
1115 Florida Dental Association

CHAPTER V • HOUSE OF DELEGATES

1116 *Section 10. COMPOSITION.*

1117 A. VOTING MEMBERS. The House of Delegates
1118 shall be composed of the officially certified
1119 delegates of the constituent dental societies and of
1120 the five (5) federal dental services, who shall be
1121 active, life or retired members and five (5) student
1122 members of the American Student Dental
1123 Association who are officially certified delegates
1124 from the American Student Dental Association.
1125 Proxy voting is explicitly prohibited; however, an
1126 alternate delegate may vote when substituted for a
1127 voting member in accordance with procedures
1128 established by the Committee on Credentials, Rules
1129 and Order.

1130 B. NON-VOTING MEMBERS. The elective and
1131 appointive officers and trustees of this Association
1132 shall be members of the House of Delegates without
1133 the power to vote. They shall not serve as delegates.
1134 Past presidents of this Association shall be members
1135 of the House of Delegates without the power to vote
1136 unless designated as delegates.

1137 C. REPRESENTATIONAL REQUIREMENTS
1138 AND GOALS. Each constituent society and each of
1139 the five (5) federal dental services shall be entitled to
1140 the minimum number of delegates set forth in
1141 CHAPTER II. CONSTITUENT SOCIETIES,
1142 Section 100. PRIVILEGE OF REPRESENTATION.
1143 The American Student Dental Association shall be
1144 entitled to the number of delegates set forth in
1145 CHAPTER V. HOUSE OF DELEGATES, Section
1146 10. COMPOSITION, Subsection A.

1147 The allocation of the remaining delegates shall be
1148 made pursuant to the delegate allocation
1149 methodology set forth in Subsection D. of this
1150 Section, with the goals of (i) achieving as close to
1151 proportional representation of active, life and retired
1152 members of the Association as possible while
1153 providing for the minimum representational
1154 requirements set forth in CHAPTER II.
1155 CONSTITUENT SOCIETIES, Section 100.
1156 PRIVILEGE OF REPRESENTATION; (ii)
1157 providing for representation of the American Student
1158 Dental Association; and (iii) maintaining the size of
1159 the House of Delegates as close to 473 delegates as
1160 possible while meeting the other goals recited in this
1161 Subsection.

1162 D. DELEGATE ALLOCATION
1163 METHODOLOGY. Commencing in 2014, based on

1164 the representational requirements and goals set forth
1165 in Section 10C, delegates shall be allocated
1166 according to the allocation methodology set forth
1167 below. Thereafter, to account for membership
1168 fluctuations, delegate allocations shall be reviewed
1169 and delegates shall be reallocated by the Secretary of
1170 the House of Delegates every four (4) years among
1171 the constituent dental societies, the five (5) federal
1172 dental services and the American Student Dental
1173 Association in accordance with that same
1174 methodology. Delegate allocations shall be based on
1175 the Association's year-end membership records for
1176 the second calendar year preceding the year in which
1177 the delegate allocations become effective. The
1178 review of delegates shall take place as soon as
1179 possible after the membership numbers on which the
1180 delegate allocations are based are available and the
1181 Secretary of the House of Delegates shall publish the
1182 new delegate allocations expeditiously thereafter to
1183 the constituent dental societies, the five (5) federal
1184 dental services and the American Student Dental
1185 Association. The delegate allocations shall also be
1186 published in the Manual of the House of Delegates.
1187 The delegate allocation methodology is as follows:
1188 a. The Target Delegate Number. For purposes of
1189 allocating delegates, the target number of delegates
1190 to be used in calculating the allocation is four
1191 hundred seventy-three (473). From that target
1192 number two delegates will be deducted for each
1193 constituent society except that only a single
1194 delegate will be deducted from each of the Colegio
1195 de Cirujanos Dentistas de Puerto Rico and the
1196 Virgin Islands Dental Association unless the
1197 number of members in either of those societies is
1198 equal to or greater than the number of members in
1199 the smallest state constituent society, in which case
1200 a minimum of two (2) delegates will be deducted
1201 from the target delegate number for that society.
1202 One delegate is deducted from the target delegate
1203 number for each of the five (5) dental services,
1204 except that a minimum of two (2) delegates will be
1205 deducted for any federal dental service where the
1206 number of members is equal to or greater than the
1207 number of members in the smallest state constituent
1208 society. In addition, five (5) delegates will be
1209 deducted from the target delegate number for the
1210 American Student Dental Association. For
1211 purposes of the delegate allocation methodology set
1212 forth in these *Bylaws*, the remaining number of
1213 delegates in the target number of delegates
1214 following the deductions of delegates listed above
1215 from the target number of delegates shall be
1216 referred to as the net delegate allocation pool.
1217 b. Allocation to the American Student Dental
1218 Association. Five (5) delegates shall be allocated to

1219 the American Student Dental Association regardless
 1220 of the number of members.

1221 c. Determination of the True Proportional
 1222 Delegate Counts for each Constituent and each
 1223 Federal Dental Service. Divide each constituent’s
 1224 and each federal dental service’s total membership
 1225 by the total membership of the Association.
 1226 Multiply the resulting percentage of membership for
 1227 each constituent and federal dental service by the
 1228 target number of delegates set forth in paragraph a.
 1229 of this Subsection less the number of delegates
 1230 allocated to the American Student Dental
 1231 Association in paragraph b. of this Subsection. The
 1232 resulting true proportional delegate numbers will be
 1233 used later in the delegate allocation methodology.

1234 d. Determination of Constituents and Federal Dental
 1235 Services that Qualify to Receive More than the
 1236 Minimum Delegate Allocation.

1237 i. Divide the total constituent and federal dental
 1238 service membership of the Association by the
 1239 target number of delegates set forth in paragraph a.
 1240 of this Subsection less the number of delegates
 1241 allocated to the American Student Dental
 1242 Association in paragraph b. of this Subsection.
 1243 Compare the resulting number against the
 1244 membership numbers for the Colugo de Cirujanos
 1245 Dentistas de Puerto Rico, Virgin Islands Dental
 1246 Association and Public Health Service if they
 1247 received a single delegate pursuant to the review
 1248 performed in paragraph a. of this Subsection. If
 1249 the membership numbers of any of those entities
 1250 are less than the result of the calculation, allocate
 1251 the number of delegates deducted from the target
 1252 delegate allocation number for each such entity
 1253 and exclude those entities from the remaining steps
 1254 of the delegate allocation methodology.

1255 ii. Take the result of the calculation performed in
 1256 subparagraph i. of this paragraph d. and multiply it
 1257 by two (2). Compare the resulting number against
 1258 the membership numbers for each constituent
 1259 society and each federal dental service for which
 1260 two (2) delegates were deducted from the target
 1261 delegate allocation number in paragraph a. of this
 1262 Subsection. If the membership of any of those
 1263 constituent societies and federal dental services are
 1264 less than that number, allocate the number of
 1265 delegates deducted from the target delegate
 1266 allocation number for each such entity and exclude
 1267 those entities from the remaining steps of the
 1268 delegate allocation methodology.

1269 e. Calculation of Non-Minimum Membership Total.
 1270 Subtract the total membership numbers of each
 1271 constituent society and federal dental service
 1272 identified as being excluded from the remaining
 1273 steps of the delegate allocation methodology from
 1274 the total membership of the Association. The

- 1275 resulting non-minimum membership total will be
 1276 used in the remaining delegate allocation
 1277 methodology steps.
- 1278 f. Allocation of Remaining Delegates.
- 1279 i. Divide each remaining constituent's and federal
 1280 dental service's membership by the non-minimum
 1281 membership total determined in paragraph e. of
 1282 this Subsection to arrive at their percentages of the
 1283 non-minimum membership total.
- 1284 ii. Calculate the remaining number of delegates to
 1285 be allocated by subtracting from the target number
 1286 of delegates listed in paragraph a. of this
 1287 Subsection the delegates allocated to the American
 1288 Student Dental Association in paragraph b. of this
 1289 Subsection and the delegates allocated by the
 1290 minimum allocation steps in paragraphs d.i and
 1291 d.ii. of this Subsection.
- 1292 iii. For each remaining constituent and federal
 1293 dental service, multiply its percentage of the non-
 1294 minimum membership total determined by the
 1295 calculation in paragraph f.i. of this Subsection and
 1296 the remaining number of delegates to be allocated
 1297 as determined by the calculation in paragraph f.ii.
 1298 of this Subsection. Round the result to the nearest
 1299 whole number.
- 1300 iv. For each remaining constituent and federal
 1301 dental service, multiply the result obtained in
 1302 paragraph f.i. of this subparagraph by the target
 1303 number of delegates specified in paragraph a. of
 1304 this Subsection less the number of delegates
 1305 allocated to the American Student Dental
 1306 Association pursuant to paragraph b. of the
 1307 Subsection and round the result to the nearest
 1308 whole number.
- 1309 v. For each remaining constituent and federal
 1310 dental service, subtract the result obtained in
 1311 subparagraph f.iv. of this Subsection from the
 1312 result obtained in subparagraph f.iii. of this
 1313 Subsection. If the result is negative, use the result
 1314 obtained in subparagraph f.iv. of this Subsection as
 1315 that constituent's allocated delegate total. If the
 1316 result is zero or positive, use the result obtained in
 1317 subparagraph f.iii. of this Subsection as that
 1318 constituent's allocated delegate total.
- 1319 g. Finalize the Delegate Allocation. Add together
 1320 the final delegate allocations for the constituent
 1321 societies, federal dental services and the American
 1322 Student Dental Association determined through the
 1323 calculations of paragraph b., subparagraphs d.i. and
 1324 d.ii. and subparagraph f.v. of this Subsection. The
 1325 result is the total delegates allocated. The total
 1326 delegates allocated should vary no more than 5%
 1327 from the target number of delegates set forth in
 1328 paragraph a. of this Subsection.
- 1329 h. Calculating the Fairness Ratio. Divide each
 1330 constituent's and each federal dental service's

1331 percentage of total delegates (the constituent's
 1332 allocated delegates divided by the total delegates
 1333 allocated as determined by the calculation set forth
 1334 in subparagraph f.v. of this Subsection) by its
 1335 percentage of total membership as calculated in
 1336 paragraph a. of this Subsection. Except for those
 1337 constituents that only receive the minimum number
 1338 of allocated delegates, the resulting "fairness ratio"
 1339 should deviate by a small amount on either side of
 1340 1, with 1 representing a perfectly proportional
 1341 delegate allocation. The fairness ratio for
 1342 constituents and federal dental services that receive
 1343 only the minimum allocation of delegates may
 1344 deviate from 1 to a larger degree because those
 1345 constituents and federal dental services may be
 1346 slightly over-represented.

1347 E. ALTERNATE DELEGATES. Each constituent
 1348 dental society and each federal dental service may
 1349 select from among its active, life and retired
 1350 members the same number of alternate delegates as
 1351 delegates. The American Student Dental
 1352 Association may select from among its active
 1353 members the same number of alternate delegates as
 1354 delegates.

1355 F. SELECTION OF AMERICAN STUDENT
 1356 DENTAL ASSOCIATION DELEGATES AND
 1357 ALTERNATE DELEGATES. The American
 1358 Student Dental Association shall select its five (5)
 1359 delegates from its even numbered regions in even
 1360 numbered years, and the odd numbered regions in
 1361 odd numbered years, with their alternate delegates
 1362 selected from the opposite groups of regions.

1363 G. TERM OF DELEGATES AND ALTERNATE
 1364 DELEGATES. The term of a delegate or alternate
 1365 delegate elected or selected pursuant to Section 20 of
 1366 this Chapter commences from the time such delegate
 1367 or alternate delegate is certified pursuant to Section
 1368 30 of this Chapter until another delegate or alternate
 1369 delegate elected or selected in place of such delegate
 1370 or alternate delegate is so certified.

1371 *Section 20.* ELECTION OF DELEGATES AND
 1372 ALTERNATE DELEGATES: The officially
 1373 certified delegates of each constituent society shall
 1374 be elected or, in the case of officially certified
 1375 alternate delegates, elected or selected, by one or
 1376 more of the following methods:

- 1377 1. By the membership at large of that constituent
 1378 society;
- 1379 2. By the constituent society's governing legislative
 1380 body or in the case of alternate delegates, selected
 1381 by the constituent society's board of directors, at the
 1382 discretion of the constituent society; and
- 1383 3. By a component with respect to the delegates
 1384 representing that component.

1385 Each federal dental service and the American
 1386 Student Dental Association may establish its own
 1387 method for selecting delegates.

1388 *Section 30. CERTIFICATION OF DELEGATES*
 1389 *AND ALTERNATE DELEGATES:* The executive
 1390 director or equivalent chief executive officer of each
 1391 constituent society, the ranking administrative officer
 1392 of each federal dental service, and the secretary of
 1393 the American Student Dental Association shall file
 1394 with the Executive Director of this Association, at
 1395 least sixty (60) days prior to the first day of the
 1396 annual session of the House of Delegates, the names
 1397 of the delegates and alternate delegates designated
 1398 by the society, service or association. The Executive
 1399 Director of this Association shall provide each
 1400 delegate and alternate delegate with credentials
 1401 which shall be presented to the Committee on
 1402 Credentials, Rules and Order of the House of
 1403 Delegates. In the event of a contest over the
 1404 credentials of any delegate or alternate delegate, the
 1405 Committee on Credentials, Rules and Order shall
 1406 hold a hearing and report its findings and
 1407 recommendations to the House of Delegates for final
 1408 action.

1409 *Section 40. POWERS:* The House of Delegates shall
 1410 be the supreme authoritative body. In addition to
 1411 possessing legislative power, it shall have the power to:
 1412

1413 A. Determine the policies which shall govern this
 1414 Association in all of its activities.

1415 B. Enact, amend and repeal the *Constitution and*
 1416 *Bylaws*.

1417 C. Adopt and amend the *Principles of Ethics and*
 1418 *Code of Professional Conduct* for governing the
 1419 professional conduct of the members.

1420 D. Grant, amend, suspend or revoke charters of
 1421 constituent societies. It shall also have the power by
 1422 a two-thirds (2/3) affirmative vote of the delegates
 1423 present and voting to suspend the representation of a
 1424 constituent society in the House of Delegates upon a
 1425 determination by the House that the bylaws of the
 1426 constituent society violate the *Constitution* or *Bylaws*
 1427 of this Association providing, however, such
 1428 suspension shall not be in effect until the House of
 1429 Delegates has voted that the constituent society is in
 1430 violation and has one year after notification of the
 1431 specific violation in which to correct its constitution
 1432 or bylaws.

1433 E. Create special committees of the Association.

1434 F. Establish branch offices of the Association.

1435 G. Approve all memorials, resolutions or opinions

CHAPTER V • HOUSE OF DELEGATES

1436 issued in the name of the American Dental
1437 Association.

1438 *Section 50. DUTIES:* It shall be the duty of the
1439 House of Delegates to:

1440 A. Elect the elective officers.

1441 B. Elect the members of the Board of Trustees.

1442 C. Elect the members of the councils and
1443 commissions except as otherwise provided by these
1444 *Bylaws*.

1445 D. Receive and act upon reports of the committees of
1446 the House of Delegates.

1447 E. Adopt an annual budget and establish the dues of
1448 active members for the following year.

1449 F. Serve as the court of appeal from decisions of the
1450 Council on Ethics, Bylaws and Judicial Affairs
1451 involving disputes arising between constituent
1452 societies or between constituent and component
1453 societies, and as provided in Chapter XII of these
1454 *Bylaws*.

1455 *Section 60. TRANSFER OF POWERS AND*
1456 *DUTIES OF THE HOUSE OF DELEGATES:* The
1457 powers and duties of the House of Delegates, except
1458 the power to amend, enact and repeal the
1459 *Constitution and Bylaws*, and the duty of electing the
1460 elective officers and the members of the Board of
1461 Trustees, may be transferred to the Board of Trustees
1462 of this Association in time of extraordinary
1463 emergency. The existence of a time of extraordinary
1464 emergency may be determined by unanimous
1465 consent of the members of the Board of Trustees
1466 present and voting at a regular or special session.
1467 Such extraordinary emergency may also be
1468 determined by mail vote of the current members of
1469 the House of Delegates on recommendation of at
1470 least four (4) of the elective officers. A mail vote to
1471 be valid shall consist of ballots received from not
1472 less than twenty-five percent (25%) of the current
1473 members of the House of Delegates. A majority of
1474 the votes cast within thirty (30) days after the
1475 mailing of the ballot shall decide the vote.

1476 *Section 70. ANNUAL SESSION:* The House of
1477 Delegates shall meet annually.

1478 *Section 80. SPECIAL SESSIONS:* A special session
1479 of the House of Delegates shall be called by the
1480 President on a three-fourths (3/4) affirmative vote of
1481 the members of the Board of Trustees or on written
1482 request of delegates representing at least one-third
1483 (1/3) of the constituent societies and not less than
1484 one-fifth (1/5) of the number of officially certified
1485 delegates of the last House of Delegates. The time
1486 and place of a special session shall be determined by

1487 the President, provided the time selected shall be not
1488 more than forty-five (45) days after the request was
1489 received. The business of a special session shall be
1490 limited to that stated in the official call except by
1491 unanimous consent.

1492 *Section 90. OFFICIAL CALL:*

1493 A. ANNUAL SESSION. The Executive Director of
1494 the Association shall direct that an official notice of
1495 the time and place of each annual session be
1496 published in *The Journal of the American Dental*
1497 *Association*. The Executive Director of the
1498 Association shall also send an official notice of the
1499 time and place of the annual session to each member
1500 of the House of Delegates at least thirty (30) days
1501 before the opening of such session.

1502 B. SPECIAL SESSION. The Executive Director of
1503 the Association shall send an official notice of the
1504 time and place of each special session and a
1505 statement of the business to be considered to every
1506 officially certified delegate and alternate delegate of
1507 the last House, not less than fifteen (15) days before
1508 the opening of such session.

1509 *Section 100. QUORUM:* Twenty-five percent (25%)
1510 of the voting members of the House of Delegates,
1511 representing at least twenty-five percent (25%) of the
1512 constituent societies, the American Student Dental
1513 Association and the federal dental services, shall
1514 constitute a quorum for the transaction of business at
1515 any meeting.

1516 *Section 110. OFFICERS:*

1517 A. SPEAKER AND SECRETARY. The officers of
1518 the House shall be the Speaker of the House of
1519 Delegates and the Secretary of the House of
1520 Delegates. The Executive Director of this
1521 Association shall serve as Secretary of the House of
1522 Delegates.

1523 In the absence of the Speaker the office shall be
1524 filled by the President. In the absence of the
1525 Secretary of the House of Delegates the Speaker
1526 shall appoint a Secretary of the House of Delegates
1527 *pro tem*.

1528 B. DUTIES.

1529 a. SPEAKER. The Speaker shall preside at all
1530 meetings of the House of Delegates and, in
1531 accordance with Chapter V, Section 140Bb,
1532 determine the order of business for all meetings
1533 subject to the approval of the House of Delegates,
1534 appoint tellers to assist in determining the result of
1535 any action taken by vote and perform such other
1536 duties as custom and parliamentary procedure
1537 require. The decision of the Speaker shall be final
1538 unless an appeal from such decision shall be made

- 1539 by a member of the House, in which case final
 1540 decision shall be by majority vote. In addition,
 1541 following adjournment of the Standing Committee
 1542 on Constitution and Bylaws, the Speaker and the
 1543 Chair of the Council on Ethics, Bylaws and Judicial
 1544 Affairs shall be responsible for reviewing and either
 1545 approving or redrafting any new resolutions or
 1546 changes to resolutions that propose amendments to
 1547 the *Constitution and Bylaws*, in accordance with
 1548 Chapter V, Section 140Ab.
- 1549 b. SECRETARY. The Secretary of the House of
 1550 Delegates shall serve as the recording officer of the
 1551 House and the custodian of its records, and shall
 1552 cause a record of the proceedings of the House to be
 1553 published as the official transactions of the House.
- 1554 *Section 120. ORDER OF BUSINESS:* The order of
 1555 business shall be that order of business adopted by
 1556 the House of Delegates in conformity with Chapter
 1557 V, Section 110Ba and Chapter V, Section 140Bb.
- 1558 *Section 130. RULES OF ORDER:*
- 1559 A. STANDING RULES AND REPORTS.
- 1560 a. REPORTS. All reports of elective officers,
 1561 councils and committees, except supplemental
 1562 reports, shall be sent to each delegate and alternate
 1563 delegate at least fourteen (14) days in advance of
 1564 the opening of the annual session. All supplemental
 1565 reports shall be distributed to each delegate before
 1566 such report is considered by the House of
 1567 Delegates.
- 1568 b. APPROPRIATION OF FUNDS. Any resolution
 1569 proposing an appropriation of funds, except those
 1570 relating to the annual budget, shall be referred to the
 1571 Board of Trustees for a report at the same session
 1572 on the availability of funds for the purpose
 1573 specified.
- 1574 c. APPROVAL OF ANNUAL BUDGET. The
 1575 proposed annual budget shall be submitted by the
 1576 Board of Trustees to the members of the House of
 1577 Delegates at least thirty (30) days prior to the
 1578 opening meeting of the annual session, shall be
 1579 referred to a special reference committee on budget
 1580 for hearings at the annual session and then shall be
 1581 considered for approval as a special order of
 1582 business at the second meeting of the House of
 1583 Delegates. In the event the budget as submitted is
 1584 not approved, all recommendations for changes
 1585 shall be referred to the Board of Trustees to prepare
 1586 and present a revised budget. This procedure shall
 1587 be repeated until a budget for the ensuing fiscal year
 1588 shall be adopted.
- 1589 d. APPROVAL OF THE DUES OF ACTIVE
 1590 MEMBERS. The dues of active members of this
 1591 Association shall be established by the House of
 1592 Delegates as the last item of business at each annual

1593 session. The resolution to establish the dues of
 1594 active members for the following year shall be
 1595 proposed at each annual session by the Board of
 1596 Trustees in conformity with Chapter VII, Section
 1597 100F of these *Bylaws*, may be amended to any
 1598 amount and/or reconsidered by the House of
 1599 Delegates until a resolution establishing the dues of
 1600 active members is adopted by a sixty percent (60%)
 1601 affirmative vote of the delegates present and voting.
 1602 e. INTRODUCTION OF NEW BUSINESS. No
 1603 new business shall be introduced into the House of
 1604 Delegates less than 15 days prior to the opening of
 1605 the annual session, unless submitted by a Trustee
 1606 District. No new business shall be introduced into
 1607 the House of Delegates at the last meeting of a
 1608 session except when such new business is submitted
 1609 by a Trustee District and is permitted to be
 1610 introduced by a two-thirds (2/3) affirmative vote of
 1611 the delegates present and voting. The motion
 1612 introducing such new business shall not be
 1613 debatable. Approval of such new business shall
 1614 require a majority vote except new business
 1615 introduced at the last meeting of a session that
 1616 would require a bylaw amendment cannot be
 1617 adopted at such last meeting. Reference committee
 1618 recommendations shall not be deemed new
 1619 business.
 1620 f. RESOLUTIONS. A resolution becomes the
 1621 property of the American Dental Association when
 1622 submitted to the ADA House of Delegates for
 1623 consideration. If adopted by the House of
 1624 Delegates, this Association shall be the sole owner
 1625 of the resolution which shall constitute “work made
 1626 for hire” under copyright laws. This Association
 1627 shall have the exclusive right to seek copyright
 1628 registration for the resolution and to secure
 1629 copyrights and retain ownership of such copyrights
 1630 in its own name.

1631 B. ADDITIONAL RULES. The rules contained in
 1632 the current edition of the *American Institute of*
 1633 *Parliamentarians Standard Code of Parliamentary*
 1634 *Procedure* shall govern the deliberations of the
 1635 House of Delegates in all cases in which they are
 1636 applicable and not in conflict with the standing rules
 1637 or these *Bylaws*.

1638 *Section 140. COMMITTEES:* The committees of the
 1639 House of Delegates shall be:

1640 A. COMMITTEE ON CONSTITUTION AND
 1641 BYLAWS.

1642 a. COMPOSITION. The Committee shall consist of
 1643 not more than eight (8) nor less than six (6)
 1644 members of the Council on Ethics, Bylaws and
 1645 Judicial Affairs of this Association appointed by the
 1646 President in consultation with the Speaker of the

- 1647 House of Delegates and the Council Chair.
- 1648 b. DUTIES. Prior to the first meeting of each new
- 1649 session of the House of Delegates, the Committee
- 1650 shall review all resolutions proposing amendments
- 1651 to the *Constitution and Bylaws* and shall either
- 1652 approve the text of the amendment as written or
- 1653 shall redraft the resolution to accomplish the intent
- 1654 of the maker in the form currently used by the
- 1655 House of Delegates. The Committee shall file a
- 1656 report of its findings and actions at the first meeting
- 1657 of the House of Delegates and then shall adjourn.
- 1658 Thereafter until the House of Delegates adjourns
- 1659 *sine die*, the Speaker of the House and the Chair of
- 1660 the Council on Ethics, Bylaws and Judicial Affairs
- 1661 shall be responsible for reviewing any new
- 1662 resolutions or changes to resolutions that propose
- 1663 amendments to the *Constitution and Bylaws*, and
- 1664 they shall either approve the text of the amendment
- 1665 as written or shall redraft the resolution to
- 1666 accomplish the intent of the maker in the form
- 1667 currently used by the House of Delegates.
- 1668 B. COMMITTEE ON CREDENTIALS, RULES
- 1669 AND ORDER.
- 1670 a. COMPOSITION. The Committee, consisting of
- 1671 nine (9) members from the officially certified
- 1672 delegates and alternate delegates, shall be appointed
- 1673 by the President at least sixty (60) days in advance
- 1674 of each session.
- 1675 b. DUTIES. It shall be the duty of the Committee
- 1676 (1) to record and report the roll call of the House of
- 1677 Delegates at each meeting; (2) to conduct a hearing
- 1678 on any contest regarding the certification of a
- 1679 delegate or alternate delegate and to report its
- 1680 recommendations to the House of Delegates; (3) to
- 1681 prepare a report, in consultation with the Speaker
- 1682 and Secretary of the House of Delegates, on matters
- 1683 relating to the order of business and special rules of
- 1684 order; (4) to consider all matters referred to it and
- 1685 report its recommendations to the House of
- 1686 Delegates.
- 1687 C. REFERENCE COMMITTEES.
- 1688 a. COMPOSITION. Reference committees,
- 1689 consisting of nine (9) members from the officially
- 1690 certified delegates and alternate delegates, shall be
- 1691 appointed by the President at least sixty (60) days in
- 1692 advance of each annual session.
- 1693 b. DUTIES. It shall be the duty of a reference
- 1694 committee to consider reports referred to it, to
- 1695 conduct open hearings and to report its
- 1696 recommendations to the House of Delegates.
- 1697 D. SPECIAL COMMITTEES. The Speaker, with the
- 1698 consent of the House of Delegates, shall appoint
- 1699 special committees to perform duties not otherwise
- 1700 assigned by these *Bylaws*, to serve until adjournment

- 1701 *sine die* of the session at which they were appointed.
- 1702 *Section 150. ELECTION PROCEDURE:* Elective
 1703 officers, members of the Board of Trustees and
 1704 members of councils and committees shall be elected
 1705 by the House of Delegates except as otherwise
 1706 provided in these *Bylaws*. Voting shall be by ballot,
 1707 except that when there is only one candidate for an
 1708 office, council or committee, such candidate may be
 1709 declared elected by the Speaker. The Secretary shall
 1710 provide facilities for voting. The polls shall be open
 1711 for at least one and one-half (1-1/2) hours.
- 1712 a. When one is to be elected, and more than one has
 1713 been nominated, the majority of the ballots cast
 1714 shall elect. In the event no candidate receives a
 1715 majority on the first ballot, the candidate with the
 1716 fewest votes shall be removed from the ballot and
 1717 the remaining candidates shall be balloted upon
 1718 again. This process shall be repeated until one (1)
 1719 candidate receives a majority of the votes cast.
- 1720 b. When more than one is to be elected, and the
 1721 nominees exceed the number to be elected, the
 1722 votes cast shall be non-cumulative, and the
 1723 candidates receiving the greatest number of votes
 1724 shall be elected.

CHAPTER VI • CONFLICT OF INTEREST

- 1725 It is the policy of this Association that individuals
 1726 who serve in elective, appointive or employed
 1727 offices or positions do so in a representative or
 1728 fiduciary capacity that requires loyalty to the
 1729 Association. At all times while serving in such
 1730 offices or
 1731 positions, these individuals shall further the interests
 1732 of the Association as a whole. In addition, they shall
 1733 avoid:
- 1734 a. placing themselves in a position where personal
 1735 or professional interests may conflict with their duty
 1736 to this Association.
- 1737 b. using information learned through such office or
 1738 position for personal gain or advantage.
- 1739 c. obtaining by a third party an improper gain or
 1740 advantage.
- 1741 As a condition for selection, each nominee,
 1742 candidate and applicant shall complete a conflict of
 1743 interest statement as prescribed by the Board of
 1744 Trustees, disclosing any situation which might be
 1745 construed as placing the individual in a position of
 1746 having an interest that may conflict with his or her
 1747 duty to the Association. Candidates for offices of
 1748 President-elect, Second Vice President, Treasurer,
 1749 Speaker of the House, nominees for office of trustee,
 1750 and nominees to councils and commissions shall file
 1751 such statements with the Secretary of the House of
 1752 Delegates to be made available to the delegates prior
 1753 to election. As a condition of appointment,

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CHAPTER VII • BOARD OF TRUSTEES

1754 consultants, advisers and staff of Councils,
1755 Commissions and Special Committees, and each
1756 person nominated or seeking such positions, shall
1757 file conflict of interest statements with the executive
1758 director of this Association.

1759 While serving in any elective, appointive or
1760 employed office or position, the individual shall
1761 comply with the conflict of interest policy applicable
1762 to his or her office or position, shall complete and
1763 file a conflict of interest statement for each year of
1764 service, and shall promptly report any situation in
1765 which a potential conflict of interest may arise.

1766 The Board of Trustees shall approve any additional
1767 compliance activities that will implement the
1768 requirements of this chapter. The Board of Trustees
1769 shall render a final judgment on what constitutes a
1770 conflict of interest.

CHAPTER VII • BOARD OF TRUSTEES

1771 *Section 10. COMPOSITION:* The Board of Trustees
1772 shall consist of one (1) trustee from each of the
1773 seventeen (17) trustee districts. Such seventeen (17)
1774 trustees, the President-elect and the two Vice
1775 Presidents shall constitute the voting membership of
1776 the Board of Trustees. In addition, the President, the
1777 Treasurer and the Executive Director of the
1778 Association, except as otherwise provided in the
1779 *Bylaws*, shall be non-voting members of the Board.

1780 *Section 20. QUALIFICATIONS:* A trustee must be
1781 an active, life or retired member, in good standing, of
1782 this Association and an active, life or retired member
1783 of one of the constituent societies of the trustee
1784 district which the trustee is elected to represent.
1785 Should the status of any trustee change in regard to
1786 the preceding qualifications during the trustee's term
1787 of office, that office shall be declared vacant by the
1788 President and the President shall fill such vacancy as
1789 provided in Chapter VII, Section 80, of these
1790 *Bylaws*.

1791 *Section 30. TERM OF OFFICE:* The term of office
1792 of a trustee shall be four (4) years. The tenure of a
1793 trustee shall be limited to one (1) term of four (4)
1794 years.

1795 *Section 40. NOMINATION:*

1796 A. SINGLE CONSTITUENT DISTRICT. In trustee
1797 districts consisting of a single constituent dental
1798 society, the trustee nomination procedures shall be
1799 determined by an elective process established by the
1800 constituent dental society which shall produce a
1801 single nominee for trustee. Until such time as the
1802 Speaker declares the nominee elected pursuant to
1803 Paragraph A of Section 50 of this Chapter, the
1804 nomination may be reconsidered by the duly

1805 constituted caucus of the trustee district during the
 1806 appropriate annual session, provided that at no time
 1807 shall more than one nominee be presented by the
 1808 trustee district for election. The House of Delegates
 1809 may vote to reject any such nominee and thereby
 1810 compel the trustee district caucus to select a different
 1811 nominee.

1812 **B. MULTIPLE CONSTITUENT DISTRICTS.** In
 1813 multiple constituent districts, the delegates from the
 1814 constituent societies of the trustee district in which
 1815 the term of the trustee is to terminate, shall hold a
 1816 caucus to select a nominee or nominees for the office
 1817 of trustee. Such caucus shall be called by the trustee
 1818 whose term is about to expire, or by the trustee's
 1819 designee. The notice of the time and place of such
 1820 caucus shall be reported to the Secretary of the
 1821 House.

1822 At the caucus the delegates shall nominate one (1) or
 1823 two (2) candidates for the office of trustee, whose
 1824 name or names shall be presented to the House of
 1825 Delegates in accordance with the following rules. An
 1826 action taken at a duly constituted caucus of the
 1827 trustee district to nominate or select a trustee may be
 1828 reconsidered at a later caucus during the appropriate
 1829 annual session.

1830 a. A person receiving the unanimous vote of the
 1831 delegates present and voting at the caucus shall be
 1832 the only nominee presented by the district.

1833 b. In the event that one (1) candidate receives a
 1834 majority vote, one (1) or more of the delegates
 1835 voting in the minority may select another nominee
 1836 and the names of both nominees shall be presented
 1837 to the House of Delegates as the nominees of that
 1838 district.

1839 c. The number of votes received by each nominee in
 1840 the caucus shall be reported to the House of
 1841 Delegates.

1842 **C. NOMINATING PROCEDURE.** Candidates for
 1843 the office of trustee shall be nominated from the
 1844 floor of the House of Delegates by a simple
 1845 declaratory statement, which may be followed by an
 1846 acceptance speech not to exceed four (4) minutes by
 1847 the candidate from the podium, according to the
 1848 protocol established by the Speaker of the House of
 1849 Delegates. Seconding a nomination is not permitted.

1850 *Section 50. ELECTION:* The trustee shall be elected
 1851 by the House of Delegates according to the following
 1852 rules:

1853 A. If there is only one (1) nominee from a trustee
 1854 district, the Speaker shall declare such nominee
 1855 elected.

1856 B. If there are two (2) nominees from a trustee
 1857 district, the election shall be by ballot in accordance

CHAPTER VII • BOARD OF TRUSTEES

1858 with Chapter V, Section 150. The nominee receiving
1859 the larger number of votes cast shall be declared
1860 elected. The method of election set forth in this
1861 paragraph shall not be used for any trustee district
1862 consisting of a single constituent dental society. A
1863 trustee district consisting of a single constituent
1864 dental society may present a single nominee to be
1865 elected pursuant to Paragraph A of this Section.

1866 *Section 60. INSTALLATION:* The trustee shall be
1867 installed by the President or by the President's
1868 designee.

1869 *Section 70. REMOVAL FOR CAUSE:* The House of
1870 Delegates may remove a trustee for cause in
1871 accordance with procedures established by the House
1872 of Delegates, which procedures shall provide for
1873 notice of the charges and an opportunity for the
1874 accused to be heard in his or her defense. A two-
1875 thirds (2/3) affirmative vote of the delegates present
1876 and voting is required to remove a trustee from
1877 office. If the House of Delegates elects to remove the
1878 trustee, that action shall create a vacancy on the
1879 Board of Trustees which shall be filled in accordance
1880 with Chapter VII, Section 80.

1881 *Section 80. VACANCY:* In the event of a vacancy in
1882 the office of trustee, an active, life or retired member
1883 may be appointed by the President to fill the
1884 unexpired term of the vacancy. The appointment
1885 shall be made by the President with the advice and
1886 consent of the former trustee's district. A trustee
1887 district may file rules with the Association's
1888 Executive Director setting forth how its nominee
1889 shall be chosen. In the event an appointment to fill
1890 the vacancy has not been made by the time of the
1891 next meeting of the House of Delegates following
1892 the occurrence of the vacancy, then a successor
1893 trustee shall be elected for the remainder of the
1894 unexpired term by the House of Delegates pursuant
1895 to the provisions of Chapter VII, Sections 40 and 50
1896 of these *Bylaws*. If the term of the vacated trustee
1897 position has less than fifty percent (50%) of a full
1898 four-year term remaining at the time the successor
1899 trustee is appointed or elected, the successor trustee
1900 shall be eligible for election to a new, consecutive
1901 four-year term. If fifty percent (50%) or more of the
1902 vacated term remains to be served at the time of the
1903 appointment or election, the successor trustee shall
1904 not be eligible for another term.

1905 *Section 90. POWERS:* The Board of Trustees shall
1906 be the managing body of the Association, vested
1907 with full power to:

1908 A. Conduct all business of the Association, subject to
1909 the laws of the State of Illinois, the *Articles of*
1910 *Incorporation*, the *Constitution and Bylaws* and the

- 1911 mandates of the House of Delegates. The power of
 1912 the Board of Trustees to act as the managing body of
 1913 the Association shall not be construed as limiting the
 1914 power of the House of Delegates to establish policy
 1915 with respect to the governance of this Association in
 1916 all its activities, except for areas expressly
 1917 reserved in these *Bylaws* as powers and/or duties of
 1918 the Board of Trustees, as the same may be amended
 1919 by the House of Delegates from time to time in
 1920 accordance with these *Bylaws*.
- 1921 B. Establish rules and regulations not inconsistent
 1922 with these *Bylaws* to govern its organization and
 1923 procedure.
- 1924 C. Direct the President to call a special session of the
 1925 House of Delegates as provided in Chapter V,
 1926 Section 80, of the *Bylaws*.
- 1927 D. Cause to be published in, or to be omitted from,
 1928 any official publication of the Association any article
 1929 in whole or in part relating to ADA policies,
 1930 advocacy efforts and legislative agendas.
- 1931 E. Appoint an editor of *The Journal of the American*
 1932 *Dental Association*.
- 1933 F. Appoint an editorial board whose members have
 1934 been nominated by the editor of *The Journal of the*
 1935 *American Dental Association*.
- 1936 G. Establish *ad interim* policies when the House of
 1937 Delegates is not in session and when such policies
 1938 are essential to the management of the Association
 1939 provided, however, that all such policies must be
 1940 presented for review and consideration by the House
 1941 of Delegates at its next session.
- 1942 H. Remove a council member for cause in
 1943 accordance with procedures established by the Board
 1944 of Trustees in its *Rules*.
- 1945 I. Elect honorary members.
- 1946 J. Appoint its members to committees that shall have
 1947 the power to perform any duty that the Board of
 1948 Trustees may lawfully delegate.
- 1949 K. Supervise, monitor and guide, on an interim basis,
 1950 the activities of all councils and special committees
 1951 in order to ensure the fulfillment of initiatives and
 1952 directives assigned to each council or special
 1953 committee by the House of Delegates or Board of
 1954 Trustees subject to the requirement that all interim
 1955 actions of the Board must be approved by the House
 1956 of Delegates.
- 1957 L. Establish rules and procedures authorizing the
 1958 councils, commissions and committees of this
 1959 Association to transact business by ballot without a
 1960 meeting.

- 1961 M. Appoint agents and/or other representatives for
 1962 the purpose of supervising, managing and otherwise
 1963 conducting business under its direction and in
 1964 accordance with these *Bylaws* and the laws of the
 1965 State of Illinois. No such appointment shall relieve
 1966 the Board of Trustees of its fiduciary duties as the
 1967 managing body of the Association as provided in
 1968 these *Bylaws*.
- 1969 N. Notwithstanding any other provision in the
 1970 *Bylaws*, authorize pilot programs of limited scope
 1971 (e.g. geographic or demographic), and guidelines
 1972 related thereto, provided that no such pilot program
 1973 shall exceed a period of three years without
 1974 authorization by the House of Delegates and
 1975 provided further that the Board of Trustees shall
 1976 annually report on any such program during its
 1977 duration, to the House of Delegates.
- 1978 *Section 100. DUTIES:* It shall be the duty of the
 1979 Board of Trustees to:
- 1980 A. Provide for the purchase, sale, mortgage,
 1981 maintenance and supervision of the Headquarters
 1982 Office and all other property or offices owned or
 1983 operated by this Association.
- 1984 B. Appoint the Executive Director and an interim
 1985 Executive Director of the Association.
- 1986 C. Determine the date and place for convening each
 1987 annual session and provide for the management and
 1988 general arrangements for each annual session as
 1989 provided in Chapter XVI, Section 30.
- 1990 D. Cause to be bonded by a surety company the
 1991 Treasurer, the Executive Director and employees of
 1992 the Association entrusted with Association funds.
- 1993 E. Provide guidelines and directives to govern the
 1994 Treasurer's custody, investment and disbursement of
 1995 Association funds and other property as provided in
 1996 Chapter VIII, Section 90F, of these *Bylaws*; and to
 1997 cause all accounts of the Association to be audited
 1998 by a certified public accountant at least once a year.
- 1999 F. Prepare a budget for carrying on the activities of
 2000 the Association for each ensuing fiscal year, and
 2001 present for action by each House of Delegates a
 2002 resolution setting forth the proposed dues of active
 2003 members for the following year. Notice of such a
 2004 resolution shall be sent electronically to each
 2005 constituent society and posted on ADA Connect or
 2006 its equivalent for the House of Delegates not less
 2007 than thirty (30) days before such session to permit
 2008 prompt, adequate notice by each constituent society
 2009 to its delegates and alternate delegates to the House
 2010 of Delegates of this Association, and shall be
 2011 announced to the general membership in an official

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- 2012 publication of the Association at least fifteen (15)
2013 days in advance of the annual session.
- 2014 G. Establish recommended qualifications for the
2015 office of Treasurer.
- 2016 H. Submit to the House of Delegates at the opening
2017 meeting of the annual session, in printed form,
2018 nominations for membership to the councils, except
2019 as otherwise provided in these *Bylaws*.
- 2020 I. Appoint annually the chair of each council, except
2021 as otherwise provided in these *Bylaws*, and to act
2022 upon council, commission, and bureau nominations
2023 for consultants and advisers except as otherwise
2024 provided in these *Bylaws*.
- 2025 J. Provide interim guidance and supervision to all
2026 councils and special committees in order to ensure
2027 the fulfillment of initiatives and directives assigned
2028 to each council or special committee by the House of
2029 Delegates or Board of Trustees.
- 2030 K. Review the reports of councils and special
2031 committees of the Association and to make
2032 recommendations concerning such reports to the
2033 House of Delegates.
- 2034 L. Act upon applications for active membership from
2035 applicants practicing in dependencies of the United
2036 States in which no constituent society exists or in
2037 federal dental services.
- 2038 M. Submit an annual report to the House of
2039 Delegates of its activities and those of the Treasurer
2040 and Executive Director.
- 2041 N. Review the periodic delegate allocations to the
2042 House of Delegates performed pursuant to the
2043 methodology set forth in CHAPTER V. HOUSE OF
2044 DELEGATES, Section 10. COMPOSITION,
2045 Subsection D. DELEGATE ALLOCATION
2046 METHODOLOGY against the representational
2047 requirements and goals as provided in Chapter V,
2048 Section 10C, of these *Bylaws*.
- 2049 O. Elect associate members.
- 2050 P. Establish other funds as divisions of the General
2051 Fund in accordance with the provisions of Chapter
2052 XVIII, Section 30.
- 2053 Q. Appoint special committees of the Association in
2054 accordance with Chapter XI, Section 10 of these
2055 *Bylaws*.
- 2056 R. Perform such other duties as are prescribed by
2057 these *Bylaws*.
- 2058 S. Establish such administrative agencies of this
2059 Association as may be necessary to implement the
2060 Association's programs, to assign the duties of such

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2061 agencies through the Executive Director of the
2062 Association under whose jurisdiction each shall
2063 operate, and to require reports of such agencies
2064 through the same channels.

2065 *Section 110. MEETINGS:*

2066 A. REGULAR MEETINGS. The Board of Trustees
2067 shall hold a minimum of three regular meetings each
2068 year. The number of actual regular meetings to be
2069 held in excess of three for the ensuing year shall be
2070 determined in advance by the Board of Trustees.

2071 B. SPECIAL MEETINGS. Special meetings of the
2072 Board of Trustees may be called at any time either
2073 by the President or at the request of five voting
2074 members of the Board, provided notice is given to
2075 each member in advance of the session.

2076 C. PLACE OF MEETINGS: Regular or special
2077 meetings may be held in a single geographic location
2078 or from multiple remote locations through the use of
2079 a conference telephone or other communications
2080 equipment. Special meetings held through the use of
2081 a conference telephone or other communications
2082 equipment may be called by the President or at the
2083 request of five voting members of the Board of
2084 Trustees for matters of the Association requiring
2085 immediate attention. Such meetings shall be
2086 conducted in accordance with rules and procedures
2087 established by the Board of Trustees.

2088 *Section 120. QUORUM:* A majority of the voting
2089 members of the Board of Trustees shall constitute a
2090 quorum.

2091 *Section 130. OFFICERS:*

2092 A. CHAIR AND SECRETARY. The officers of the
2093 Board of Trustees shall be the President of the
2094 Association who shall be the Chair, and the
2095 Executive Director of the Association who shall be
2096 the Secretary.

2097 In the absence of the President, the office of Chair
2098 shall be filled by the President-elect and, in his or her
2099 absence, by the First or Second Vice President in that
2100 order and, in their absence, a voting member of the
2101 Board shall be elected Chair *pro tem*.

2102 In the absence of the Secretary, the Chair shall
2103 appoint a Secretary *pro tem*.

2104 B. DUTIES.

2105 a. CHAIR. The Chair shall preside at all meetings
2106 of the Board of Trustees. The Chair may cast a vote
2107 only in instances where there is a tie vote and the tie
2108 does not by itself determine the outcome of the
2109 vote.

2110 b. SECRETARY. The Secretary shall serve as the
2111 recording officer of the Board of Trustees and as the
2112 custodian of its records. The Secretary shall cause a

2113 factual record of the proceedings to be published as
2114 the official transactions of the Board.

2115 *Section 140. COMMITTEES:* The Board of Trustees
2116 shall have a standing New Dentist Committee. The
2117 Committee shall consist of one (1) member from
2118 each trustee district who are active members selected
2119 by the Board of Trustees and confirmed by the
2120 House of Delegates. Members of the Committee
2121 shall have received their D.D.S. or D.M.D. degree
2122 less than ten (10) years before the time of selection.
2123 The chair of the Committee shall be appointed
2124 annually by the Board of Trustees.

2125 Members of the Committee shall serve one (1) term
2126 of four (4) years. The Board of Trustees shall stagger
2127 the terms of the members of the Committee in a
2128 manner so four (4) members will complete their
2129 terms each year, except every fourth year when five
2130 (5) members shall complete their terms.

2131 The Board of Trustees shall have the power to
2132 remove a Committee member for cause in
2133 accordance with procedures established by the Board
2134 in its *Rules*. In the event of any vacancy on the
2135 Committee, the Board of Trustees shall select a
2136 member of this Association possessing the same
2137 qualifications as established by these *Bylaws* for the
2138 previous member, to fill such vacancy for the
2139 remainder of the unexpired term. If the term of the
2140 vacated Committee position has less than fifty
2141 percent (50%) of a full four-year term remaining at
2142 the time the successor member is selected, the
2143 successor member shall be eligible for selection to a
2144 new, consecutive four-year term. If fifty percent
2145 (50%) or more of the vacated term remains to be
2146 served at the time of selection, the successor member
2147 shall not be eligible for another term.

2148 The New Dentist Committee's work shall be
2149 assigned by the Board of Trustees, and reports and
2150 proposals formulated by the Committee shall be
2151 referred to the Board for decision and action. The
2152 duties of the Committee shall be to:

2153 a. Provide the Board of Trustees with expertise on
2154 issues affecting new dentists.

2155 b. Advocate to the Board of Trustees, other agencies
2156 of this Association and the tripartite dental societies
2157 the perspectives of the new dentist in the
2158 development of policies, programs, benefits and
2159 services of the Association.

2160 c. Identify the needs and concerns of new graduate
2161 dentists and make recommendations for any
2162 programs to assist with their transition to practice.

2163 d. Enhance member value, encourage involvement
2164 and active participation, and build a community of
2165 new dentists in organized dentistry.

2166 e. Serve as non-voting members of councils and
2167 commissions of this Association on issues affecting

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2168 new dentists; these appointments will be
2169 recommended by the Committee and assigned by
2170 the Board of Trustees.

2171 f. Facilitate the development of constituent and
2172 component new dentist committees and provide
2173 resources to assist constituent and component dental
2174 societies in meeting the needs of new dentists.

2175 g. Enhance the development of future leaders by
2176 providing and promoting leadership development
2177 opportunities and training for new dentists.

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2178 *Section 10. TITLE:* The elective officers of this
2179 Association shall be President, President-elect, First
2180 Vice President, Second Vice President, Treasurer
2181 and Speaker of the House of Delegates, as provided
2182 in Article V of the *Constitution*.

2183 *Section 20. ELIGIBILITY:* Only an active, life or
2184 retired member, in good standing, of this Association
2185 shall be eligible to serve as an elective officer.
2186 Trustees and elective officers may not apply for the
2187 office of Treasurer while serving in any of those
2188 offices, except that the Treasurer may apply for a
2189 second term pursuant to Chapter VIII, Section 50 of
2190 these *Bylaws*.

2191 *Section 30. NOMINATIONS:*

2192 A. Nominations for the offices of President-elect and
2193 Second Vice President shall be made in accordance
2194 with the order of business. Candidates for these
2195 elective offices shall be nominated from the floor of
2196 the House of Delegates by a simple declaratory
2197 statement, which may be followed by an acceptance
2198 speech not to exceed four (4) minutes by the
2199 candidate from the podium, according to the protocol
2200 established by the Speaker of the House of
2201 Delegates. Seconding a nomination is not permitted.

2202 B. Nominations for the office of Treasurer shall be
2203 made in accordance with the order of business. The
2204 search for Treasurer shall be announced in an official
2205 publication of the Association in November of the
2206 final year of the incumbent Treasurer's term,
2207 together with the recommended qualifications for
2208 that position as provided in Chapter VII, Section
2209 100G of these *Bylaws*. Candidates for the office of
2210 Treasurer shall apply by submitting a standardized
2211 Treasurer Curriculum Vitae form to the Executive
2212 Director at least one hundred twenty (120) days prior
2213 to the convening of the House of Delegates. Each
2214 candidate's application shall be reviewed by the
2215 Board of Trustees. At least sixty (60) days prior to
2216 the convening of the House of Delegates the
2217 Executive Director shall provide all members of the
2218 House of Delegates, with each candidate's

2219 standardized Treasurer Curriculum Vitae and the
2220 determination of the Board of Trustees as to whether
2221 the candidate meets the recommended qualifications
2222 for the office of Treasurer. Only those candidates
2223 shall be nominated from the floor of the House of
2224 Delegates. The nominations may be followed by an
2225 acceptance speech not to exceed four (4) minutes by
2226 each candidate from the podium, according to the
2227 protocol established by the Speaker of the House of
2228 Delegates. Seconding a nomination is not permitted.
2229 No further nominations for the office of Treasurer
2230 shall be accepted from the floor of the House of
2231 Delegates. If there are no eligible candidates for the
2232 office of Treasurer when the House of Delegates
2233 meets, the term of the incumbent Treasurer shall be
2234 extended by one (1) year. Should the incumbent
2235 Treasurer be unwilling or unable to serve an
2236 additional one (1) year term, the office of Treasurer
2237 shall be filled in the same manner as provided in
2238 Chapter VIII, Section 80 of these *Bylaws*. Under
2239 these circumstances, former Treasurers of this
2240 Association not otherwise eligible to serve as
2241 Treasurer due to term limits would be eligible to
2242 serve as Treasurer until the House of Delegates can
2243 elect a Treasurer.

2244 C. Nominations for the office of Speaker of the
2245 House shall be made in accordance with the order of
2246 business. The search for Speaker of the House shall
2247 be announced in an official publication of the
2248 Association in November of the final year of the
2249 incumbent Speaker of the House's term. Candidates
2250 for the office of Speaker of the House shall apply by
2251 submitting curriculum vitae along with a statement
2252 supporting their qualifications to the Executive
2253 Director at least one hundred twenty (120) days prior
2254 to the convening of the House of Delegates. At least
2255 sixty (60) days prior to the convening of the House
2256 of Delegates the Executive Director shall provide all
2257 members of the House of Delegates with each
2258 candidate's curriculum vitae and statement of
2259 qualifications for the office of Speaker of the House.
2260 If no candidate has applied, or if there is no
2261 remaining eligible candidate for election, then the
2262 Association shall inform all delegates of this
2263 circumstance and the period to apply shall be
2264 extended to thirty (30) days prior to the convening
2265 of the House of Delegates. If thirty (30) days prior
2266 to the convening of the House of Delegates there is no
2267 remaining candidate for election then the Association
2268 shall inform all delegates of this circumstance and
2269 also inform them that nominations shall be permitted
2270 from the floor of the House of Delegates. Only those
2271 candidates shall be nominated from the floor of the
2272 House of Delegates. The nominations may be
2273 followed by an acceptance speech not to exceed four

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2274 (4) minutes by each candidate from the podium,
2275 according to the protocol established by the Election
2276 Commission. Seconding a nomination is not
2277 permitted. No further nominations for the office of
2278 Speaker of the House shall be accepted from the
2279 floor of the House of Delegates. If there are no
2280 eligible candidates for the office of Speaker of the
2281 House when the House of Delegates meets, the term
2282 of the incumbent Speaker of the House shall be
2283 extended by one (1) year. Should the incumbent
2284 Speaker of the House be unwilling or unable to serve
2285 an additional one (1) year term, the office of Speaker
2286 of the House shall be filled in the same manner as
2287 provided in Chapter VIII, Section 80 of these
2288 *Bylaws*. Under these circumstances, former
2289 Speakers of the House of this Association not
2290 otherwise eligible to serve as Speaker of the House
2291 due to term limits would be eligible to serve as
2292 Speaker of the House until the House of Delegates
2293 can elect a Speaker of the House of Delegates.

2294 *Section 40. ELECTIONS:* The elective officers shall
2295 be elected in accordance with Chapter V, Section
2296 150.

2297 *Section 50. TERM OF OFFICE:* The President,
2298 President-elect, First Vice President and Second
2299 Vice President shall serve for a term of one (1) year,
2300 except as otherwise provided in this Chapter of the
2301 *Bylaws*, or until their successors are elected and
2302 installed. The Speaker of the House of Delegates
2303 shall be limited to two (2) terms of three (3) years
2304 each in total, consecutive or otherwise, excepting the
2305 case of a former Speaker of the House who has been
2306 elected Speaker of the House as provided in Chapter
2307 VIII, Section 30 of these *Bylaws*, who may serve
2308 until the House of Delegates can elect a Speaker of
2309 the House of Delegates. Serving any portion of a
2310 three (3) year term shall be considered service of a
2311 full three (3) year term. The term of office of the
2312 Treasurer shall be three (3) years, or until a successor
2313 is elected and installed. The Treasurer shall be
2314 limited to two (2) consecutive terms of three (3)
2315 years each, excepting the case of a former Treasurer
2316 who has been elected Treasurer as provided in
2317 Chapter VIII, Section 30 of these *Bylaws*, who may
2318 serve until the House of Delegates can elect a
2319 Treasurer. Serving any portion of a three (3) year
2320 term shall be considered service of a full three (3)
2321 year term.

2322 *Section 60. INSTALLATION:* The elective officers
2323 shall be installed at the last meeting of the annual
2324 session of the House of Delegates. The President-
2325 elect shall be installed as President at the next annual
2326 session of the House following election. The Second
2327 Vice President shall be installed as First Vice

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- 2328 President at the next annual session of the House
2329 following election.
- 2330 *Section 70. REMOVAL FOR CAUSE:* The House of
2331 Delegates may remove an elective officer for cause
2332 in accordance with procedures established by the
2333 House of Delegates, which shall include notice of the
2334 charges and an opportunity for the accused to be
2335 heard in his or her defense. A two-thirds (2/3)
2336 affirmative vote of the delegates present and voting
2337 is required to remove an elective officer from office.
2338 If the House of Delegates elects to remove the
2339 elective officer, that action shall create a vacancy
2340 which shall be filled in accordance with Chapter
2341 VIII, Section 80.
- 2342 *Section 80. VACANCIES:*
- 2343 A. *VACANCY OF ELECTIVE OFFICE:* In the
2344 event the office of President becomes vacant, the
2345 President-elect shall become President for the
2346 unexpired portion of the term. In the event the office
2347 of President becomes vacant for the second time in
2348 the same term or at a time when the office of
2349 President-elect is also vacant, the First Vice
2350 President shall become President for the unexpired
2351 portion of the term. In the event the office of First
2352 Vice President becomes vacant, the Second Vice
2353 President shall become the First Vice President for
2354 the unexpired portion of the term. A vacancy in the
2355 office of the Second Vice President shall be filled by
2356 a majority vote of the Board of Trustees. In the
2357 event of a vacancy in the office of Speaker of the
2358 House of Delegates, the President, with approval of
2359 the Board of Trustees, shall appoint an interim
2360 Speaker who shall serve until the House of Delegates
2361 can elect a Speaker of the House of Delegates for a
2362 three (3) year term. Service as an interim Speaker
2363 shall not count toward the term of office limitation
2364 for Speaker of the House as set forth in Section 50 of
2365 this Chapter. In the event the office of President-
2366 elect becomes vacant by reason other than the
2367 President-elect succeeding to the office of the
2368 President earlier than the next annual session, the
2369 office of President for the ensuing year shall be filled
2370 at the next annual session of the House of Delegates
2371 in the same manner as that provided for the
2372 nomination and election of elective officers, except
2373 that the ballot shall read "President for the Ensuing
2374 Year." A vacancy in the office of Treasurer shall be
2375 filled with an interim Treasurer by a majority vote of
2376 the Board of Trustees until the process of inviting
2377 applications, screening and nominating candidates
2378 and electing a new Treasurer has been completed by
2379 the Board of Trustees and the House of Delegates.
2380 Service as an interim Treasurer shall not count
2381 toward the term of office limitation for Treasurer as

2382 set forth in Section 50 of this Chapter. The newly
 2383 elected Treasurer shall be limited to two (2)
 2384 consecutive terms of three (3) years each, excepting
 2385 the case of a former Treasurer who has been elected
 2386 Treasurer as provided in Chapter VIII, Section 30 of
 2387 these *Bylaws*.

2388 B. TEMPORARY INCAPACITY OF THE
 2389 PRESIDENT: Whenever the President notifies the
 2390 Board of Trustees that he or she is unable to
 2391 discharge the duties of the office of President due to
 2392 temporary incapacity, the President-elect shall
 2393 assume the duties of the office of President, as
 2394 Acting President, until the President notifies the
 2395 Board of Trustees that he or she is prepared to
 2396 resume the duties of the office of President.
 2397 Whenever the voting members of the Board of
 2398 Trustees of this Association determine by majority
 2399 vote that the President is unable to discharge the
 2400 duties of his or her office due to temporary
 2401 incapacity, the President-elect shall assume the
 2402 duties of the office of President, as Acting President,
 2403 until the President satisfies the voting members of
 2404 the Board of Trustees that he or she is prepared to
 2405 resume the duties of the office of President.

2406 *Section 90. DUTIES:*

2407 A. PRESIDENT. It shall be the duty of the President
 2408 to:

- 2409 a. Serve as the primary official representative of this
 2410 Association in its contacts with governmental, civic,
 2411 business and professional organizations for the
 2412 purpose of advancing the objectives and policies of
 2413 this Association.
- 2414 b. Serve as Chair and, except as otherwise provided
 2415 in these *Bylaws*, non-voting member of the Board of
 2416 Trustees and to perform such duties as are provided
 2417 in Chapters V and VII of these *Bylaws*.
- 2418 c. Call special sessions of the House of Delegates
 2419 and the Board of Trustees as provided in Chapters
 2420 V and VII of these *Bylaws*.
- 2421 d. Appoint the members of all committees of the
 2422 House of Delegates except as otherwise provided in
 2423 these *Bylaws*.
- 2424 e. Fill vacancies in the office of trustee as provided
 2425 in Chapter VII, Section 80, of these *Bylaws* and to
 2426 fill other vacancies in accordance with these
 2427 *Bylaws*.
- 2428 f. Submit an annual report to the House of
 2429 Delegates.
- 2430 g. Perform such other duties as may be provided in
 2431 these *Bylaws*.

2432 B. PRESIDENT-ELECT. It shall be the duty of the
 2433 President-elect to:

- 2434 a. Assist the President as requested.
- 2435 b. Serve as a non-voting member of the House of

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- 2436 Delegates.
- 2437 c. Serve as a member of the Board of Trustees.
- 2438 d. Succeed to the office of President at the next
- 2439 annual session of the House of Delegates following
- 2440 election as President-elect.
- 2441 e. Succeed immediately to the office of President in
- 2442 the event of vacancy not only for the unexpired
- 2443 term but also for the succeeding year.
- 2444 C. FIRST VICE PRESIDENT. It shall be the duty of
- 2445 the First Vice President to:
- 2446 a. Assist the President as requested.
- 2447 b. Serve as a non-voting member of the House of
- 2448 Delegates.
- 2449 c. Serve as a member of the Board of Trustees.
- 2450 d. Succeed to the office of President, as provided in
- 2451 this Chapter of the *Bylaws*.
- 2452 D. SECOND VICE PRESIDENT. It shall be the duty
- 2453 of the Second Vice President to:
- 2454 a. Assist the President as requested.
- 2455 b. Serve as a non-voting member of the House of
- 2456 Delegates.
- 2457 c. Serve as a member of the Board of Trustees.
- 2458 d. Succeed to the office of First Vice President at
- 2459 the next annual session of the House of Delegates
- 2460 following election as Second Vice President.
- 2461 e. Succeed immediately to the office of First Vice
- 2462 President in the event of vacancy not only for the
- 2463 unexpired term but also for the succeeding term.
- 2464 E. SPEAKER OF THE HOUSE OF DELEGATES.
- 2465 The Speaker shall preside at the meetings of the
- 2466 House of Delegates and shall perform such duties as
- 2467 custom and parliamentary procedure require. The
- 2468 Speaker shall not be a member of the Board of
- 2469 Trustees.
- 2470 F. TREASURER. It shall be the duty of the
- 2471 Treasurer to:
- 2472 a. Serve as custodian of all monies, securities and
- 2473 deeds belonging to the Association which may
- 2474 come into the Treasurer's possession.
- 2475 b. Hold, invest and disburse all monies, securities
- 2476 and deeds, subject to the direction of the Board of
- 2477 Trustees.
- 2478 c. Design a budgetary process in concert with the
- 2479 Board of Trustees. d. Oversee Association finances
- 2480 and budget development.
- 2481 e. Serve as the principal resource person for the
- 2482 budget reference committee in the House of
- 2483 Delegates and to help interpret the Association's
- 2484 finances for the membership.
- 2485 f. Review all financial information and data and
- 2486 report on financial matters to the Board of Trustees
- 2487 on a quarterly basis.
- 2488 g. Review travel reimbursement for the elective
- 2489 officers, trustees and Executive Director.

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- 2490 h. Serve as a non-voting member of the House of
2491 Delegates.
2492 i. Serve as a non-voting member of the Board of
2493 Trustees.
2494 j. Perform such other duties as may be provided in
2495 these *Bylaws*.

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2496 *Section 10.* TITLE: The appointive officer of this
2497 Association shall be an Executive Director, as
2498 provided in Article V of the *Constitution*.

2499 *Section 20.* APPOINTMENTS: While any active,
2500 life or retired member in good standing may be
2501 appointed to the office of Executive Director, the
2502 Board of Trustees may appoint a qualified individual
2503 who is not eligible for membership in this
2504 Association.

2505 *Section 30.* TERM OF OFFICE AND SALARY:
2506 The Board of Trustees shall determine the salary, if
2507 any, and the tenure of the Executive Director, which
2508 shall not exceed three (3) years. The completion of
2509 the full term of any appointment shall be at the
2510 discretion of the Board of Trustees.

2511 *Section 40.* DUTIES: The Executive Director shall
2512 be the principal agent of the Board of Trustees and
2513 elective officers. As agent and under the direction of
2514 the Board of Trustees and elective officers, the
2515 Executive Director shall be the chief operating
2516 officer of this Association and all its branches. In this
2517 capacity, the Executive Director shall

2518 (a) preserve and protect the *Constitution and*
2519 *Bylaws* and the standing rules of this Association;

2520 (b) facilitate the activities of the officers and
2521 trustees of this Association in carrying out their
2522 respective administrative responsibilities under
2523 these *Bylaws*;

2524 (c) engage the staff of this Association and direct
2525 and coordinate their activities;

2526 (d) provide leadership in the formulation and
2527 recommendation of new
2528 policies to the Board of Trustees and elective
2529 officers;

2530 (e) oversee the management of Association policies
2531 that have been adopted by the Board of Trustees
2532 and/or the House of Delegates;

2533 (f) assist the Board of Trustees in supervising,
2534 monitoring and providing guidance to all
2535 Association councils, commissions and committees
2536 in regard to their administrative functions and
2537 specific assignments, and to systematize the
2538 preparation of their reports, and to encourage the
2539 exchange of information concerning mutual
2540 interests and issues between councils, committees
2541 and commissions;

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2542 (g) maintain effective internal and external
2543 relationships through frequent and comprehensive
2544 communication with all officers and trustees of this
2545 Association, the leadership of related dental
2546 organizations, and representatives from other
2547 leading public and private organizations that
2548 interact with this Association; and
2549 (h) perform such other duties as are prescribed by
2550 these *Bylaws*.

2551 *Section 50. VACANCY:* Upon the occurrence of a
2552 vacancy in the office of Executive Director, an
2553 interim Executive Director, whose duties shall be as
2554 defined in Section 40 of this Chapter, shall be
2555 appointed by the Board of Trustees within forty-five
2556 (45) days of such vacancy occurring. Any active, life
2557 or retired member in good standing may be
2558 appointed to serve as interim Executive Director.
2559 But, the Board of Trustees may appoint any qualified
2560 individual who is not eligible for membership in the
2561 Association, except that any current officer or
2562 member of the Board of Trustees shall not be eligible
2563 for such appointment. The interval of service and
2564 salary, if any, of the interim Executive Director shall
2565 be at the discretion of the Board of Trustees.

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2566 *Section 10. NAME:* The councils of this Association
2567 shall be:

2568 Council on Access, Prevention and Interprofessional
2569 Relations
2570 Council on ADA Sessions
2571 Council on Communications
2572 Council on Dental Benefit Programs
2573 Council on Dental Education and Licensure
2574 Council on Dental Practice
2575 Council on Ethics, Bylaws and Judicial Affairs
2576 Council on Government Affairs
2577 Council on Members Insurance and Retirement
2578 Programs
2579 Council on Membership
2580 Council on Scientific Affairs

2581 *Section 20. MEMBERS, SELECTIONS,*
2582 *NOMINATIONS AND ELECTIONS:*

2583 A. The composition of the councils of this
2584 Association shall be as follows: In addition, a
2585 council may request an additional member who shall
2586 be a nonpracticing dentist member appointed in
2587 accordance with Chapter I, Section 20Db of these
2588 *Bylaws*.

2589 Council on Access, Prevention and Interprofessional
2590 Relations shall be composed of nineteen (19)
2591 members, one (1) member from each trustee district
2592 whose terms of office shall be staggered in such a

2593 manner that four (4) members will complete their
2594 terms each year except every fourth year when five
2595 (5) members shall complete their terms. In addition,
2596 there shall be one (1) member who is a physician and
2597 one (1) member who is a health care facility
2598 administrator nominated by the Board of Trustees.
2599 Council on ADA Sessions shall be composed of
2600 nineteen (19) members, one (1) member from each
2601 trustee district whose terms of office shall be
2602 staggered in such a manner that four (4) members
2603 will complete their terms each year except every
2604 fourth year when five (5) members shall complete
2605 their terms. In addition, the General Chair of the
2606 Local Arrangements Committee for the current year
2607 and the General Chair-elect for the succeeding year
2608 shall serve as members and shall not be eligible to
2609 serve as Council Chair.
2610 Council on Communications shall be composed of
2611 seventeen (17) members, one (1) member from each
2612 trustee district whose terms of office shall be
2613 staggered in such a manner that four (4) members
2614 will complete their terms each year except every
2615 fourth year when five (5) members shall complete
2616 their terms.
2617 Council on Dental Benefit Programs shall be
2618 composed of seventeen (17) members, one (1)
2619 member from each trustee district whose terms of
2620 office shall be staggered in such a manner that four
2621 (4) members will complete their terms each year
2622 except every fourth year when five (5) members
2623 shall complete their terms.
2624 Council on Dental Education and Licensure shall be
2625 composed of sixteen (16) members selected as
2626 follows:
2627 a. Nominations and Selection.
2628 (1) Eight (8) members shall be nominated by the
2629 Board of Trustees on a rotational system by trustee
2630 district from the active, life or retired members of
2631 this Association, no one of whom shall be a full-
2632 time member of a faculty of a school of dentistry, a
2633 current dental examiner or member of a state or
2634 regional testing agency, state board of dentistry or
2635 jurisdictional dental licensing agency. A person
2636 shall be considered to be a full-time member of a
2637 faculty if he or she works for the school of dentistry
2638 more than two (2) days or sixteen (16) hours per
2639 week. (2) Four (4) members who are active, life or
2640 retired members of this Association shall be
2641 selected by the American Association of Dental
2642 Boards from the active membership of that body, no
2643 one of whom shall be a member of a faculty of a
2644 school of dentistry.
2645 (3) Four (4) members who are active, life or retired
2646 members of this Association shall be selected by the
2647 American Dental Education Association from its
2648 active membership. These members shall hold

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2649 positions of professorial rank in dental schools
2650 accredited by the Commission on Dental
2651 Accreditation and shall not be current dental
2652 examiners or members of any state or regional
2653 testing agency, state board of dentistry or
2654 jurisdictional dental licensing agency.
2655 b. Election. The eight (8) members of the Council
2656 on Dental Education and Licensure nominated by
2657 the Board of Trustees shall be elected by the House
2658 of Delegates from nominees selected in accordance
2659 with this Section.
2660 c. Committees. The Council on Dental Education
2661 and Licensure shall establish a standing Committee
2662 on Dental Education and a standing Committee on
2663 Licensure, each consisting of eight (8) members
2664 selected by the Council. The Council may establish
2665 additional committees when they are deemed
2666 essential to carry out the duties of this Council.
2667 Council on Dental Practice shall be composed of
2668 seventeen (17) members, one (1) member from each
2669 trustee district whose terms of office shall be
2670 staggered in such a manner that four (4) members
2671 will complete their terms each year except every
2672 fourth year when five (5) members shall complete
2673 their terms.
2674 Council on Ethics, Bylaws and Judicial Affairs shall
2675 be composed of seventeen (17) members, one (1)
2676 member from each trustee district whose terms of
2677 office shall be staggered in such a manner that four
2678 (4) members will complete their terms each year
2679 except every fourth year when five (5) members
2680 shall complete their terms.
2681 Council on Government Affairs shall be composed
2682 of eighteen (18) members, one (1) member from
2683 each trustee district whose terms of office shall be
2684 staggered in such a manner that four (4) members
2685 will complete their terms each year except every
2686 fourth year when five (5) members shall complete
2687 their terms. In addition, the chair of the political
2688 action committee shall be a non-voting member of
2689 the Council. Consideration shall be given to a
2690 candidate's experience in the military or other
2691 federal dental services. Members of the Council shall
2692 not be in the full-time employ of the federal
2693 government. Individuals called to active duty from
2694 the military reserves or national guard forces,
2695 providing such active duty has not been requested by
2696 the individual, shall not be considered to be in the
2697 full-time employ of the federal government.
2698 Council on Members Insurance and Retirement
2699 Programs shall be composed of seventeen (17)
2700 members, one (1) member from each trustee district
2701 whose terms of office shall be staggered in such a
2702 manner that four (4) members will complete their
2703 terms each year except every fourth year when five
2704 (5) members shall complete their terms.

2705 Council on Membership shall be composed of
 2706 seventeen (17) members, one (1) member from each
 2707 trustee district whose terms of office shall be
 2708 staggered in such a manner that four (4) members
 2709 will complete their terms each year except every
 2710 fourth year when five (5) members shall complete
 2711 their terms.

2712 Council on Scientific Affairs shall be composed of
 2713 sixteen (16) members who shall be selected from
 2714 nominations open to all trustee districts, and the
 2715 current recipient of the Gold Medal Award for
 2716 Excellence in Dental Research.

2717 B. Nominations for all councils shall be made by the
 2718 Board of Trustees except as otherwise provided in
 2719 these *Bylaws*. The Board of Trustees shall adhere to
 2720 the systems of nominations provided in Chapter X,
 2721 Section 20A of these *Bylaws*.^{*} The House of
 2722 Delegates may make additional nominations
 2723 pursuant to the systems for council nominations
 2724 provided in Chapter X, Section 20A of these *Bylaws*.
 2725 The elective and appointive officers and the trustees
 2726 of this Association shall not serve as members of
 2727 councils. Members of councils shall be elected by
 2728 the House of Delegates in accordance with Chapter
 2729 V, Section 150 except as otherwise provided in these
 2730 *Bylaws*.

2731 C. REMOVAL FOR CAUSE. The Board of Trustees
 2732 may remove a council member for cause in
 2733 accordance with procedures established by the Board
 2734 of Trustees, which procedures shall provide for
 2735 notice of the charges, including allegations of the
 2736 conduct purported to constitute each violation, and a
 2737 decision in writing which shall specify the findings
 2738 of fact which substantiate any and all of the charges,
 2739 and that prior to issuance of the decision of the
 2740 Board of Trustees, no council member shall be
 2741 excused from attending any meeting of a council
 2742 unless there is an opportunity to be heard or
 2743 compelling reasons exist which are specified in
 2744 writing by the Board of Trustees.

2745 *Section 30. ELIGIBILITY:*

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

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2746 A. All members of councils must be active, life,
2747 retired or nonpracticing dentist members in good
2748 standing of this Association except as otherwise
2749 provided in these *Bylaws*.

2750 B. No member of a council may serve concurrently
2751 as a member of another council or commission.

2752 C. A member of the Council on Dental Education
2753 and Licensure who was selected by the American
2754 Association of Dental Boards and who is no longer
2755 an active member of the American Association of
2756 Dental Boards, may continue as a member of the
2757 Council for the balance of that member's term.

2758 D. When a member of the Council on Dental
2759 Education and Licensure who was selected by the
2760 American Dental Education Association, shall cease
2761 to be a member of the faculty of a member school of
2762 that Association, such membership on the council
2763 shall terminate, and the President of the Association
2764 shall declare the position vacant.

2765 E. To be eligible to serve on the Council on
2766 Scientific Affairs, the current recipient of the Gold
2767 Medal Award for Excellence in Dental Research
2768 shall be an active, life, retired or nonpracticing
2769 dentist member in good standing of this Association
2770 if the current recipient qualifies for such
2771 membership.

2772 *Section 40. CHAIRS:* One member of each council
2773 shall be appointed annually by the Board of Trustees
2774 to serve as chair with exception of the Council on
2775 Dental Education and Licensure. The Chair of the
2776 Council on Dental Education and Licensure shall be
2777 appointed from nominations submitted by the
2778 Council, provided that every other year, the nominee
2779 shall be a member of the Council elected by the
2780 House of Delegates in accordance with Section 20.
2781 Members, Selections, Nominations and Elections, of
2782 this Chapter of the *Bylaws*.

2783 *Section 50. CONSULTANTS, ADVISERS AND*
2784 *STAFF:*

2785 A. *CONSULTANTS AND ADVISERS.* Each
2786 council shall have the authority to nominate
2787 consultants and advisers in conformity with rules and
2788 regulations established by the Board of Trustees
2789 except as otherwise provided in these *Bylaws*.

2790 B. *STAFF.* The Executive Director shall employ the
2791 staff of councils, in the event they are employees,
2792 and shall select the titles for council staff positions.

2793 *Section 60. TERM OF OFFICE:* The term of office
2794 of members of councils shall be four (4) years except
2795 as otherwise provided in these *Bylaws*. The tenure of
2796 a member of a council shall be limited to one (1)

2797 term of four (4) years except as otherwise provided
2798 in these *Bylaws*. A member shall not be eligible for
2799 appointment to another council or commission for a
2800 period of two (2) years after completing a previous
2801 council appointment. The physician and the health
2802 care facility administrator, nominated by the Board
2803 of Trustees for membership on the Council on
2804 Access, Prevention and Interprofessional Relations,
2805 shall be elected for a one (1) year term; however,
2806 such member shall not be limited as to the number of
2807 consecutive one (1) year terms that he or she may
2808 serve. The current recipient of the Gold Medal
2809 Award for Excellence in Dental Research shall serve
2810 on the Council on Scientific Affairs until the award
2811 is bestowed on the next honoree.

2812 *Section 70. VACANCY:* In the event of a vacancy in
2813 the membership of any council, the President shall
2814 appoint a member of the Association possessing the
2815 same qualifications as established by these *Bylaws*
2816 for the previous member, to fill such vacancy until a
2817 successor is elected by the next House of Delegates
2818 for the remainder of the unexpired term. In the event
2819 such vacancy involves the chair of the council, the
2820 President shall have the power to appoint an *ad*
2821 *interim* chair. In the event it is the current recipient
2822 of the Gold Medal Award for Excellence in Dental
2823 Research who cannot serve on the Council on
2824 Scientific Affairs, the President, in consultation with
2825 the Board of Trustees, shall have the power to
2826 appoint a prominent research scientist who shall
2827 serve until the award is bestowed on the next
2828 honoree.

2829 If the term of the vacated council position has less
2830 than fifty percent (50%) of a full four-year term
2831 remaining at the time the successor member is
2832 appointed or elected, the successor member shall be
2833 eligible for election to a new, consecutive four-year
2834 term. If fifty percent (50%) or more of the vacated
2835 term remains to be served at the time of the
2836 appointment or election, the successor member shall
2837 not be eligible for another term.

2838 *Section 80. MEETINGS OF COUNCILS:* Each
2839 council shall hold at least one regular meeting
2840 annually, provided that funds are available in the
2841 budget for that purpose and unless otherwise directed
2842 by the Board of Trustees. Meetings may be held in
2843 the Headquarters Building, the Washington Office or
2844 from multiple remote locations through the use of a
2845 conference telephone or other communications
2846 equipment by means of which all members can
2847 communicate with each other. Such meetings shall
2848 be conducted in accordance with rules and
2849 procedures established by the Board of Trustees.

2850 *Section 90. QUORUM:* Except as otherwise

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2851 provided in these *Bylaws*, a majority of the members
2852 of any council shall constitute a quorum.

2853 *Section 100. PRIVILEGE OF THE FLOOR:* Chairs
2854 and members of councils who are not members of
2855 the House of Delegates shall have the right to
2856 participate in the debate on their respective reports
2857 but shall not have the right to vote.

2858 *Section 110. ANNUAL REPORT AND BUDGET:*

2859 A. ANNUAL REPORT. Each council shall submit,
2860 through the Executive Director, an annual report to
2861 the House of Delegates and a copy thereof to the
2862 Board of Trustees.

2863 B. PROPOSED BUDGET. Each council shall submit
2864 to the Board of Trustees, through the Executive
2865 Director, a proposed itemized budget for the ensuing
2866 fiscal year.

2867 *Section 120. DUTIES:* Each council listed in Section
2868 10 of this Chapter shall have the following duties
2869 with respect to the subject matters for which each
2870 council is responsible as listed in Section 130 of this
2871 Chapter:

2872 A. Define, develop and oversee programming and
2873 projects that support and advance the strategic plan
2874 of the Association;

2875 B. Consider and investigate emerging issues;

2876 C. Respond to directives received from the House of
2877 Delegates or the Board of Trustees;

2878 D. Propose new policies and rescission of and
2879 amendments to existing policies for consideration by
2880 the House of Delegates; and

2881 E. Collaborate with external and internal agencies,
2882 upon direction or approval of the ADA President, on
2883 initiatives or issues that are within the responsibility
2884 of the council and communicate appropriate
2885 information to the Association membership.

2886 *Section 130. AREAS OF RESPONSIBILITY:*

2887 A. COUNCIL ON ACCESS, PREVENTION AND
2888 INTERPROFESSIONAL RELATIONS. The areas
2889 of subject matter responsibility of the Council shall
2890 be:

2891 a. Oral Health Literacy;

2892 b. Oral Disease Prevention and Intervention;

2893 c. Interprofessional Relations;

2894 d. Access to Oral Healthcare; and

2895 e. Community Oral Health.

2896 B. COUNCIL ON ADA SESSIONS. The areas of
2897 subject matter responsibility of the Council shall be:

2898 a. The conduct of the annual session of the
2899 Association, except the House of Delegates, subject

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2900 to the approval of the Board of Trustees as provided
2901 in the *ADA Bylaws*; and
2902 b. Plan and coordinate other Association sessions or
2903 regional meetings.

2904 C. COUNCIL ON COMMUNICATIONS. The areas
2905 of subject matter responsibility of the Council shall
2906 be:

2907 a. Advise on the management of the Association's
2908 reputation;

2909 b. Develop, recommend and maintain ADA
2910 strategic communications plans;

2911 c. Advise ADA agencies on branding;

2912 d. Advise on prioritization and allocation of
2913 communications resources; and

2914 e. Advise on communications and marketing for
2915 state and local dental societies, upon request.

2916 D. COUNCIL ON DENTAL BENEFIT
2917 PROGRAMS. The areas of subject matter
2918 responsibility of the Council shall be:

2919 a. Administration and financing of all dental benefit
2920 programs including both commercial and public
2921 programs;

2922 b. Dental Quality Alliance;

2923 c. Monitoring of quality reporting activities of third
2924 party payers;

2925 d. Peer review programs;

2926 e. Code sets and code taxonomies including but not
2927 limited to procedure and diagnostic codes;

2928 f. Electronic and paper dental claim content and
2929 completion instructions; and

2930 g. Standards pertaining to the capture and exchange
2931 of information used in dental benefit plan
2932 administration and reimbursement for services
2933 rendered.

2934 E. COUNCIL ON DENTAL EDUCATION AND
2935 LICENSURE. The areas of subject matter
2936 responsibility of the Council shall be:

2937 a. Dental, advanced dental and allied dental
2938 education and accreditation;

2939 b. Recognition of dental specialties and interest
2940 areas in general dentistry;

2941 c. Dental anesthesiology and sedation;

2942 d. Dental admission testing;

2943 e. Licensure;

2944 f. Certifying boards and credentialing for specialists
2945 and allied dental personnel; and

2946 g. Continuing dental education.

2947 F. COUNCIL ON DENTAL PRACTICE. The areas
2948 of subject matter responsibility of the Council shall
2949 be:

2950 a. Dental Practice, including:

2951 (1) Dental practice management;

2952 (2) Practice models and economics;

2953 (3) Scope of practice;

- 2954 (4) Impact of and compliance with regulatory
 2955 mandates; and
 2956 (5) Assessment of initiatives directed to the public
 2957 and the profession;
 2958 b. Allied Dental Personnel, including:
 2959 (1) Utilization, management and employment
 2960 practices; and
 2961 (2) Liaison relationships with organizations
 2962 representing allied dental personnel;
 2963 c. Dentist Health and Wellness, including:
 2964 (1) Dental professional well-being, wellness and
 2965 ergonomics;
 2966 (2) Patient safety and wellness; and
 2967 (3) Liaison relationships with state well-being
 2968 programs and related national organizations;
 2969 d. Dental Informatics and Standards for Electronic
 2970 Technologies; and
 2971 e. Activities and Resources Directed to the Success
 2972 of the Dental Practice and the Member.
- 2973 G. COUNCIL ON ETHICS, BYLAWS AND
 2974 JUDICIAL AFFAIRS. The areas of subject matter
 2975 responsibility of the Council shall be:
 2976 a. Ethics and professionalism, including disciplinary
 2977 matters relating thereto;
 2978 b. The *Constitution and Bylaws* of this Association,
 2979 including:
 2980 (1) Review of the constitutions and bylaws of state
 2981 and local societies to ensure consistency with the
 2982 Association's *Bylaws*; and
 2983 (2) Correct punctuation, grammar, spelling and
 2984 syntax, change names and gender references and
 2985 delete moot material where such revisions do not
 2986 alter the material's context or meaning in the
 2987 *Bylaws* and the ADA Procedures for Member
 2988 Disciplinary Hearings and Appeals upon the
 2989 unanimous vote of the Council members present
 2990 and voting; and
 2991 c. Acting as the Standing Committee of
 2992 Constitution and Bylaws of the House of Delegates
 2993 pursuant to CHAPTER V, Section 140A of the
 2994 *Bylaws*.
- 2995 H. COUNCIL ON GOVERNMENT AFFAIRS. The
 2996 areas of subject matter responsibility of the Council
 2997 shall be:
 2998 a. Encourage the improvement of the health of the
 2999 public and to promote the art and science of
 3000 dentistry in matters of legislation and regulations by
 3001 appropriate activities;
 3002 b. Formulate and recommend legislation, regulatory
 3003 activity, policies and governmental programs
 3004 relating to dentistry and oral health for submission
 3005 to Congress;
 3006 c. Serve and assist as liaison with those agencies of
 3007 the federal government which employ dental
 3008 personnel or have dental care programs, and

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3009 formulate polices which are designed to advance the
3010 professional status of federally employed dentists;
3011 and
3012 d. Disseminate information which will assist the
3013 constituent and component societies involving
3014 legislation and regulation affecting the dental health
3015 of the public.

3016 I. COUNCIL ON MEMBERS INSURANCE AND
3017 RETIREMENT PROGRAMS. The areas of subject
3018 matter responsibility of the Council shall be:

- 3019 a. Insurance and retirement plan products and
3020 resources; and
- 3021 b. Risk management education programs and
3022 resources.

3023 J. COUNCIL ON MEMBERSHIP. The areas of
3024 subject matter responsibility of the Council shall be:

- 3025 a. Membership recruitment and retention and
3026 related issues;
- 3027 b. Monitor and provide support and assistance for
3028 the membership activities of constituent and
3029 component dental societies; and
- 3030 c. Membership benefits and services.

3031 K. COUNCIL ON SCIENTIFIC AFFAIRS. The
3032 areas of subject matter responsibility of the Council
3033 shall be:

- 3034 a. Science and scientific research, including:
 - 3035 (1) Evidence-based dentistry;
 - 3036 (2) Evaluation of professional products;
 - 3037 (3) Promulgation of a biennial research agenda; and
 - 3038 (4) Promotion of student involvement in dental
3039 research;
- 3040 b. Scientific aspects of the dental practice
3041 environment related to the health of the public,
3042 dentists and allied health personnel;
- 3043 c. Standards development for dental products;
- 3044 d. The safety and efficacy of concepts, procedures
3045 and techniques for use in the treatment of patients;
- 3046 e. Liaison relationships with scientific regulatory,
3047 research and professional organizations and
3048 science-related agencies of professional healthcare
3049 organizations; and
- 3050 f. The ADA Seal of Acceptance program.

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3051 *Section 10.* APPOINTMENT AND TERM: Special
3052 committees of this Association may be created at any
3053 session of the House of Delegates or, when the
3054 House is not in session, by the Board of Trustees, for
3055 the purpose of performing duties not otherwise
3056 assigned by these *Bylaws*. Duties otherwise assigned
3057 by these *Bylaws* solely to one (1) council,
3058 commission or other agency should be assigned to
3059 that council, commission or other agency with the
3060 necessary funding to accomplish the task. If duties

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3061 are assigned to a special committee that are assigned
3062 under these *Bylaws* to more than one (1) council,
3063 commission or other agency, members of the
3064 relevant councils, commissions or other agencies
3065 shall be appointed to serve on the special committee.
3066 Such special committees may serve until
3067 adjournment *sine die* of the next annual session of
3068 the House of Delegates. The authority for appointing
3069 the members of a special committee and their
3070 number shall be set forth in the resolution creating
3071 such committee.

3072 *Section 20. PRIVILEGE OF THE FLOOR:* Chairs
3073 and members of special committees who are not
3074 members of the House of Delegates shall have the
3075 right to participate in the debate on their respective
3076 reports but shall not have the right to vote.

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

3077 *Section 10. PROFESSIONAL CONDUCT OF*
3078 *MEMBERS:* The professional conduct of a member
3079 of this Association shall be governed by the
3080 *Principles of Ethics and Code of Professional*
3081 *Conduct* of this Association and by the codes of
3082 ethics of the constituent and component societies
3083 within whose jurisdiction the member practices, or
3084 conducts or participates in other professional dental
3085 activities.

3086 *Section 20. DISCIPLINE OF MEMBERS:*

3087 A. CONDUCT SUBJECT TO DISCIPLINE. A
3088 member may be disciplined for (1) having been
3089 found guilty of a felony, (2) having been found
3090 guilty of violating the dental practice act of a state or
3091 other jurisdiction of the United States, (3) having
3092 been discharged or dismissed from practicing
3093 dentistry with one of the federal dental services
3094 under dishonorable circumstances, or (4) violating
3095 the *Bylaws*, the *Principles of Ethics and Code of*
3096 *Professional Conduct*, or the bylaws or code of
3097 ethics of the constituent or component society of
3098 which the accused is a member. For a member of a
3099 constituent society, disciplinary proceedings may be
3100 instituted by either the member's component or
3101 constituent society. Disciplinary proceedings against
3102 a direct member of this Association may be instituted
3103 by the Council on Ethics, Bylaws and Judicial
3104 Affairs of this Association.

3105 B. DISCIPLINARY PENALTIES. A member may
3106 be disciplined for any of the offenses enumerated in
3107 Section 20A of this Chapter as follows:
3108 a. CENSURE. Censure is a disciplinary sentence
3109 expressing in writing severe criticism or disapproval

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

- 3110 of a particular type of conduct or act.
- 3111 b. **SUSPENSION.** Suspension, subject to Chapter I,
- 3112 Section 30 of these *Bylaws*, means all membership
- 3113 privileges except continued entitlement to
- 3114 coverages under insurance programs are lost during
- 3115 the suspension period. Suspension shall be
- 3116 unconditional and for a specified period at the
- 3117 termination of which full membership privileges are
- 3118 automatically restored. A subsequent violation shall
- 3119 require a new disciplinary procedure before
- 3120 additional discipline may be imposed.
- 3121 c. **EXPULSION.** Expulsion is an absolute discipline
- 3122 and may not be imposed conditionally except as
- 3123 otherwise provided herein.
- 3124 d. **PROBATION.** Probation, to be imposed for a
- 3125 specified period and without loss of privileges with
- 3126 the exception of holding or seeking an elective or
- 3127 appointive office, may be administratively and
- 3128 conditionally imposed when circumstances warrant
- 3129 in lieu of a suspended disciplinary penalty.
- 3130 Probation shall be conditioned on good behavior.
- 3131 Additional reasonable conditions may be set forth in
- 3132 the decision for the continuation of probation. In the
- 3133 event that the conditions for probation are found by
- 3134 the society which preferred charges to have been
- 3135 violated, after a hearing on the probation violation
- 3136 charges in accordance with procedures set forth in
- 3137 the *ADA Procedures for Member Disciplinary*
- 3138 *Hearings and Appeals*, the original disciplinary
- 3139 penalty shall be automatically reinstated; except that
- 3140 when circumstances warrant the original
- 3141 disciplinary penalty may be reduced to a lesser
- 3142 penalty. There shall be no right of appeal from a
- 3143 finding that the conditions of probation have been
- 3144 violated.
- 3145 **C. REMINDER OF OBLIGATION.** In appropriate
- 3146 circumstances, a constituent or component society
- 3147 or, in the case of direct members, this Association,
- 3148 may issue a Reminder of Obligation to a member
- 3149 where the member may have committed a relatively
- 3150 minor infraction of the *ADA Bylaws*, the *Principles*
- 3151 *of Ethics and Code of Professional Conduct* or the
- 3152 bylaws or code of ethics of a constituent or
- 3153 component society of which the accused is a
- 3154 member. Such a Reminder of Obligation is not a
- 3155 disciplinary penalty but is a private administrative
- 3156 action and no record of the issuance of a Reminder
- 3157 of Obligation shall be placed in the member's
- 3158 membership records.
- 3159
- 3160 **D. PROCEDURES FOR DISCIPLINARY**
- 3161 **HEARINGS AND APPEALS.** The procedures for
- 3162 hearings and appeals conducted pursuant to this
- 3163 Chapter XII shall be set forth in the *ADA Procedures*
- 3164 *for Member Disciplinary Hearings and Appeals*, a

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

CHAPTER XIII • PROCEDURES AND HEARINGS RELATING TO MEMBER CONDUCT POLICY

3165 copy of which shall be appended to the ADA
3166 *Constitution and Bylaws* and otherwise made freely
3167 available to members of the Association. The
3168 procedures set forth in the *ADA Procedures for*
3169 *Member Disciplinary Hearings and Appeals* shall be
3170 amendable by the House of Delegates on majority
3171 vote.

3172 E. DISCIPLINARY HEARINGS. Before a
3173 disciplinary penalty is invoked against a member, a
3174 hearing held pursuant to the procedures set forth in
3175 the *ADA Procedures for Member Disciplinary*
3176 *Hearings and Appeals* shall be held.

3177 F. APPEALS. Before any penalty enumerated in
3178 Chapter XII, Section 20B, set forth in a decision
3179 following the hearing called for by Chapter XII,
3180 Section 20D and conducted pursuant to the *ADA*
3181 *Procedures for Member Disciplinary Hearings and*
3182 *Appeals* shall be final, the accused member has a
3183 right to appeal that decision, including any
3184 disciplinary sentence specified therein. Any such
3185 appeal shall be conducted within the timeframes and
3186 in accordance with the appeal procedures set forth in
3187 the *ADA Procedures for Member Disciplinary*
3188 *Hearings and Appeals*.

3189 G. SENTENCE. After all appeals are exhausted or
3190 after the time for filing an appeal has expired, a
3191 sentence of censure, suspension or expulsion meted
3192 out to any member, including those instances when
3193 the disciplined member has been placed on
3194 probation, shall be enforced by such individual's
3195 component and constituent societies, if such exist,
3196 and this Association.

3197 H. NON-COMPLIANCE. In the event of a failure of
3198 technical compliance with the procedural
3199 requirements of this Chapter, or as set forth in the
3200 *ADA Procedures for Member Disciplinary Hearings*
3201 *and Appeals*, the agency hearing the appeal shall
3202 determine the effect of non-compliance.

3203 CHAPTER XIII • PROCEDURES AND
3204 HEARINGS RELATING TO MEMBER
3205 CONDUCT POLICY

3206 *Section 10.* CONDUCT SUBJECT TO REVIEW:
3207 Each member of this Association shall be subject to
3208 the provisions of the Association's Member Conduct
3209 Policy.

3210 *Section 20.* DISCIPLINARY PROCEDURES AND
3211 HEARINGS:

3212 A. MEMBER CONDUCT SUBJECT TO
3213 DISCIPLINE. Any member charged with violating
3214 the Association's Member Conduct Policy shall be
3215 afforded a fair and impartial hearing conducted in

CHAPTER XIII • PROCEDURES AND HEARINGS
RELATING TO MEMBER CONDUCT POLICY

3216 accordance with the *ADA Procedures for Member*
3217 *Disciplinary Hearings and Appeals*.

3218 B. PROCEDURES FOR HEARINGS AND
3219 APPEALS HELD UNDER THE ASSOCIATION'S
3220 MEMBER CONDUCT POLICY. The procedures
3221 for hearings and appeals conducted pursuant to this
3222 Chapter XIII shall be set forth in the *ADA*
3223 *Procedures for Member Disciplinary Hearings and*
3224 *Appeals*, a copy of which shall be appended to the
3225 *ADA Constitution and Bylaws* and otherwise made
3226 freely available to members of the Association. The
3227 procedures set forth in the *ADA Procedures for*
3228 *Member Disciplinary Hearings and Appeals* shall be
3229 amendable by the House of Delegates on majority
3230 vote.

3231 C. REMINDER OF OBLIGATION. In appropriate
3232 circumstances, this Association, through the Council
3233 on Ethics, Bylaws and Judicial Affairs, may issue a
3234 Reminder of Obligation to a member where the
3235 member may have committed a relatively minor
3236 infraction of the ADA Member Conduct Policy or
3237 engaged in conduct to which the ADA Member
3238 Conduct Policy might apply. Such a Reminder of
3239 Obligation is not a disciplinary penalty but is a
3240 private administrative action and no record of the
3241 issuance of a Reminder of Obligation shall be placed
3242 in the member's membership records.

3243 D. DISCIPLINARY PENALTIES. Members may be
3244 disciplined for violating the Association's Member
3245 Conduct Policy as follows:

3246 a. CENSURE. Censure is a disciplinary sentence
3247 expressing in writing severe criticism or
3248 disapproval of a particular type of conduct or act.

3249 b. SUSPENSION. Suspension, subject to Chapter
3250 I, Section 30 of these *Bylaws*, means all
3251 membership privileges except continued
3252 entitlement to coverage under insurance programs
3253 are lost during the suspension period. Suspension
3254 shall be unconditional and for a specified period at
3255 the termination of which full membership privileges
3256 are automatically restored. A subsequent violation
3257 shall require a new disciplinary procedure before
3258 additional discipline may be imposed.

3259 c. EXPULSION. Expulsion is an absolute discipline
3260 and may not be imposed conditionally except as
3261 otherwise provided herein.

3262 d. PROBATION. Probation, to be imposed for a
3263 specified period and without loss of privileges with
3264 the exception of holding or seeking an elective or
3265 appointive office, may be administratively and
3266 conditionally imposed when circumstances warrant
3267 in lieu of a suspended disciplinary penalty.
3268 Probation shall be conditioned on good behavior.
3269 Additional reasonable conditions may be set forth

CHAPTER XIII • PROCEDURES AND HEARINGS
RELATING TO MEMBER CONDUCT POLICY

- 3270 in the decision for the continuation of probation. In
3271 the event that the conditions for probation are found
3272 by the Council on Ethics, Bylaws and Judicial
3273 Affairs to have been violated, after a hearing on the
3274 probation violation charges in accordance with
3275 Chapter XIII, Section 20D, the original disciplinary
3276 penalty shall be automatically reinstated, except
3277 that when circumstances warrant the original
3278 disciplinary penalty may be reduced to a lesser
3279 penalty. There shall be no right of appeal from a
3280 finding that the conditions of probation have been
3281 violated.
- 3282 e. REMOVAL FROM OFFICE. Removal from
3283 office as a trustee, delegate, alternate delegate or
3284 elective officer for the remaining term may be
3285 imposed in addition to, or in lieu of, any of the
3286 penalties enumerated in this Section of these
3287 *Bylaws*.
- 3288 E. DISCIPLINARY PROCEEDINGS. Before a
3289 disciplinary penalty is invoked against a member for
3290 violating the Association's Member Conduct Policy,
3291 a hearing held pursuant to the procedures set forth in
3292 the *ADA Procedures for Member Disciplinary*
3293 *Hearings and Appeals* shall be held.
- 3294 F. APPEALS TO FULL COUNCIL. Before any
3295 penalty enumerated in Chapter XIII, Section 20B, set
3296 forth in a decision following the hearing called for
3297 by Chapter XIII, Section 20D and conducted
3298 pursuant to the *ADA Procedures for Member*
3299 *Disciplinary Hearings and Appeals* shall be final, the
3300 accused member has a right to appeal that decision,
3301 including any disciplinary sentence specified therein.
3302 Any such appeal shall be conducted within the
3303 timeframes and in accordance with the appeal
3304 procedures set forth in the *ADA Procedures for*
3305 *Member Disciplinary Hearings and Appeals*.
- 3306 G. CONSIDERATION OF RECOMMENDED
3307 PROBATION, SUSPENSION, EXPULSION
3308 AND/OR REMOVAL FROM OFFICE OF
3309 TRUSTEES OR ELECTIVE OFFICERS BY
3310 HOUSE OF DELEGATES. The House of Delegates
3311 shall decide whether to accept or reject any
3312 recommendation of a sentence of probation,
3313 suspension, expulsion and/or removal from office
3314 made pursuant to this Chapter XIII against Trustees
3315 or Elected Officers of this Association. Delegates
3316 and alternate delegates who participated in any
3317 portion of the procedures that resulted in such
3318 recommendation shall be recused from deliberations
3319 under this Section 20F. A two-thirds (2/3)
3320 affirmative vote of the delegates present and voting
3321 is required to impose a disciplinary sentence of
3322 expulsion from membership or removal from office,
3323 suspension or probation.

CHAPTER XIII • PROCEDURES AND HEARINGS
RELATING TO MEMBER CONDUCT POLICY

CHAPTER XIV • AMERICAN DENTAL
ASSOCIATION FOUNDATION

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3324 H. SENTENCE. After all appeals are exhausted or
3325 after the time for filing an appeal has expired, a
3326 sentence of censure, suspension, expulsion and/or
3327 removal from office meted out to any member,
3328 including those instances when the disciplined
3329 member has been placed on probation, shall be
3330 enforced by such individual's component and
3331 constituent societies, if such exist, and this
3332 Association.

3333 I. NON-COMPLIANCE. In the event of a failure of
3334 technical compliance with the procedural
3335 requirements of this Chapter or of the procedures set
3336 forth in the *ADA Procedures for Member*
3337 *Disciplinary Hearings and Appeals*, the Council on
3338 Ethics, Bylaws and Judicial Affairs shall determine
3339 the effect of non-compliance.

CHAPTER XIV • AMERICAN DENTAL
ASSOCIATION FOUNDATION

3340 *Section 10. FINANCIAL SUPPORT:* The
3341 Association is the sole Member of the American
3342 Dental Association Foundation. The Association
3343 shall annually furnish sufficient financial support, as
3344 an addition to generated non-Association funding, to
3345 assure the continued viability of the Foundation's
3346 research activities.

3347 *Section 20. DUTIES:*

3348 In addition, the Foundation's Administrative/
3349 Charitable group shall submit, through the ADA
3350 Board of Trustees acting as the Member, an annual
3351 report to the House of Delegates, interim reports on
3352 request to the Member, and an annual budget to the
3353 Board of Trustees for such financial support
3354 allocations as the Board may deem necessary.

CHAPTER XV • COMMISSIONS

3355 *Section 10. NAME:* The commissions of this
3356 Association shall be:

3357 Commission on Dental Accreditation
3358 Joint Commission on National Dental Examinations
3359 Commission for Continuing Education Provider
3360 Recognition

3361 *Section 20. MEMBERS, SELECTIONS,*
3362 *NOMINATIONS AND ELECTIONS:*

3363 A. COMMISSION ON DENTAL
3364 ACCREDITATION. The number of members and
3365 the method of selection of the members of the
3366 Commission on Dental Accreditation shall be
3367 governed by the *Rules of the Commission on Dental*
3368 *Accreditation* and these *Bylaws*.

3369 Twelve (12) of the members of the Commission on
3370 Dental Accreditation shall be selected as follows:

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- 3371 (1) Four (4) members shall be selected from
3372 nominations open to all trustee districts from the
3373 active, life or retired members of this Association,
3374 no one of whom shall be a faculty member working
3375 for a school of dentistry more than one day per
3376 week or a member of a state board of dental
3377 examiners or jurisdictional dental licensing agency.
3378 These members shall be nominated by the Board of
3379 Trustees and elected by the House of Delegates.
- 3380 (2) Four (4) members who are active, life or retired
3381 members of this Association shall be selected by the
3382 American Association of Dental Boards from the
3383 active membership of that body, no one of whom
3384 shall be a member of a faculty of a school of
3385 dentistry.
- 3386 (3) Four (4) members who are active, life or retired
3387 members of this Association shall be selected by the
3388 American Dental Education Association from its
3389 active membership. These members shall hold
3390 positions of professorial rank in dental schools
3391 accredited by the Commission on Dental
3392 Accreditation and shall not be members of any state
3393 board of dental examiners or jurisdictional dental
3394 licensing agency.
- 3395 B. JOINT COMMISSION ON NATIONAL
3396 DENTAL EXAMINATIONS. The Joint
3397 Commission on National Dental Examinations shall
3398 be composed of fifteen (15) members selected as
3399 follows:
- 3400 a. Three (3) members shall be nominated by the
3401 Board of Trustees from the active, life or retired
3402 members of this Association and additional
3403 nominations may be made by the House of
3404 Delegates but no one of such nominees shall be a
3405 member of a faculty of a school of dentistry or a
3406 member of a state board of dental examiners or
3407 jurisdictional dental licensing agency. The House of
3408 Delegates shall elect the three (3) members from
3409 those nominated by the Board of Trustees and the
3410 House of Delegates.
- 3411 b. Six (6) members who are active, life or retired
3412 members of this Association shall be selected by the
3413 American Association of Dental Boards from the
3414 active membership of that body, no one of whom
3415 shall be a member of a faculty of a dental school.
- 3416 c. Three (3) members who are active, life or retired
3417 members of this Association shall be selected by the
3418 American Dental Education Association from its
3419 active membership. These members shall hold
3420 positions of professorial rank in the dental schools
3421 accredited by this Association and shall not be
3422 members of any state board of dental examiners or
3423 jurisdictional dental licensing agency.
- 3424 d. One (1) member who is a dental hygienist shall
3425 be selected by the American Dental Hygienists'

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- 3426 Association.
- 3427 e. One (1) member who is a public representative
- 3428 shall be selected by the Joint Commission on
- 3429 National Dental Examinations.
- 3430 f. One (1) member who is a dental student shall be
- 3431 selected annually by the American Student Dental
- 3432 Association.
- 3433 C. COMMISSION FOR CONTINUING
- 3434 EDUCATION PROVIDER RECOGNITION. The
- 3435 Commission for Continuing Education Provider
- 3436 Recognition shall be composed of members selected
- 3437 as follows:
- 3438 a. Four (4) members, at least two of whom shall be
- 3439 general dentists, shall be selected from nominations
- 3440 open to all trustee districts from the active, life or
- 3441 retired members of this Association. These
- 3442 members shall be nominated by the Board of
- 3443 Trustees and elected by the House of Delegates.
- 3444 b. One (1) member who is an active, life or retired
- 3445 member of this Association (if eligible) shall be
- 3446 selected by the American Association of Dental
- 3447 Boards from the active membership of that body.
- 3448 c. One (1) member who is an active, life or retired
- 3449 member of this Association (if eligible) shall be
- 3450 selected by the American Dental Education
- 3451 Association from its active membership.
- 3452 d. One (1) member who is an active, life or retired
- 3453 member of this Association (if eligible) shall be
- 3454 selected by the American Society of Constituent
- 3455 Dental Executives from its active membership.
- 3456 e. One (1) member who is an active, life or retired
- 3457 member of this Association shall be selected by
- 3458 each sponsoring organization of the ADA
- 3459 recognized 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

CHAPTER XV • COMMISSIONS

3460 *Section 30. REMOVAL FOR CAUSE:* The Board of
3461 Trustees may remove a commission member for
3462 cause in accordance with procedures established by
3463 the Board of Trustees, which procedures shall
3464 provide for notice of the charges, including
3465 allegations of the conduct purported to constitute
3466 each violation, and a decision in writing which shall
3467 specify the findings of fact which substantiate any
3468 and all of the charges, and that prior to issuance of
3469 the decision of the Board of Trustees, no commission
3470 member shall be excused from attending any
3471 meeting of a commission unless there is an
3472 opportunity to be heard or compelling reasons exist
3473 which are specified in writing by the Board of
3474 Trustees.

3475 *Section 40. ELIGIBILITY:*

3476 A. All members of commissions who are dentists
3477 must be active, life or retired members in good
3478 standing of this Association except as otherwise
3479 provided in these *Bylaws*.

3480 B. A member of the Joint Commission on National
3481 Dental Examinations, who was selected by the
3482 American Association of Dental Boards and who is
3483 no longer an active member of that Association, may
3484 continue as a member of the Commission for the
3485 balance of that member's term.

3486 C. When a member of the Joint Commission on
3487 National Dental Examinations, who was selected by
3488 the American Dental Education Association, shall
3489 cease to be a member of the faculty of a member
3490 school of that Association, such membership on the
3491 Commission shall terminate, and the President of the
3492 American Dental Association shall declare the
3493 position vacant.

3494 D. Any organizations that select members to serve
3495 on the Commission for Continuing Education
3496 Provider Recognition and offer continuing dental
3497 education courses shall be continuing education
3498 providers currently approved by that Commission.

3499 E. No member of a commission may serve
3500 concurrently as a member of a council or another
3501 commission.

3502 F. The Commissions of this Association shall elect
3503 their own chairs who shall be active, life or retired
3504 members of this Association.

3505 *Section 50. CONSULTANTS, ADVISERS AND*
3506 *STAFF:*

3507 A. *CONSULTANTS AND ADVISERS.* Each
3508 commission shall have the authority to nominate

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3509 consultants and advisers in conformity with rules and
3510 regulations established by the Board of Trustees
3511 except as otherwise provided in these *Bylaws*. The
3512 Joint Commission on National Dental Examinations
3513 also shall select consultants to serve on the
3514 Commission's test construction committees. The
3515 Commission on Dental Accreditation shall have the
3516 power to appoint consultants to assist in developing
3517 requirements and guidelines for the conducting of
3518 accreditation evaluations, including site visitations,
3519 of predoctoral, advanced dental educational, and
3520 dental auxiliary educational programs. The
3521 Commission for Continuing Education Provider
3522 Recognition shall have the power to appoint
3523 consultants to assist in developing standards and
3524 procedures, conducting recognition reviews and
3525 conducting appeals.

3526 B. STAFF. The Executive Director shall employ the
3527 staff of Commissions, in the event they are
3528 employees, and shall select the titles for commission
3529 staff positions.

3530 *Section 60. TERM OF OFFICE:* The term of office
3531 of members of the commissions shall be four (4)
3532 years except that (a) the term of office of members of
3533 the Commission on Dental Accreditation selected
3534 pursuant to the *Rules of the Commission on Dental*
3535 *Accreditation* shall be governed by those *Rules* and
3536 (b) the term of office of the dental student selected
3537 by the American Student Dental Association for
3538 membership on the Joint Commission on National
3539 Dental Examinations shall be one (1) year.

3540 The tenure of a member of a commission shall be
3541 limited to one (1) term of four (4) years except that
3542 (a) the consecutive tenure of members of the
3543 Commission on Dental Accreditation selected
3544 pursuant to the *Rules of the Commission on Dental*
3545 *Accreditation* shall be governed by those *Rules* and
3546 (b) tenure in office of the dental student selected by
3547 the American Student Dental Association for
3548 membership on the Joint Commission on National
3549 Dental Examinations shall be one (1) term. A
3550 member shall not be eligible for appointment to
3551 another commission or council for a period of two
3552 (2) years after completing a previous commission
3553 appointment.

3554 *Section 70. VACANCY:* In the event of a vacancy in
3555 the office of a commissioner, the following
3556 procedure shall be followed:

3557 A. In the event the member of a commission, whose
3558 office is vacant, is or was a member of and was
3559 appointed or elected by this Association, the
3560 President of this Association shall appoint a member
3561 of this Association possessing the same
3562 qualifications as established by these *Bylaws* for the

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3563 previous member, to fill such vacancy until a
3564 successor is elected by the next House of Delegates
3565 of this Association for the remainder of the
3566 unexpired term.

3567 B. In the event the member of a commission whose
3568 office is vacant was selected by an organization other
3569 than this Association, such other organization shall
3570 appoint a successor possessing the same
3571 qualifications as those possessed by the previous
3572 member of the commission.

3573 C. In the event such vacancy involves the chair of
3574 the commission, the President of this Association
3575 shall have the power to appoint an *ad interim* chair,
3576 except as otherwise provided in these *Bylaws*.

3577 D. If the term of the vacated commission position
3578 has less than fifty percent (50%) of a full four-year
3579 term remaining at the time the successor member is
3580 appointed or elected, the successor member shall be
3581 eligible for election to a new, consecutive four-year
3582 term. If fifty percent (50%) or more of the vacated
3583 term remains to be served at the time of the
3584 appointment or election, the successor member shall
3585 not be eligible for another term.

3586 *Section 80. MEETINGS OF COMMISSIONS:* Each
3587 commission shall hold at least one regular meeting
3588 annually, provided that funds are available in the
3589 budget for that purpose and unless otherwise directed
3590 by the Board of Trustees. Meetings may be held at
3591 the Headquarters Building, the Washington Office or
3592 from multiple remote locations through the use of a
3593 conference telephone or other communications
3594 equipment by means of which all members can
3595 communicate with each other. Such meetings shall
3596 be conducted in accordance with rules and
3597 procedures established by the Board of Trustees.

3598 *Section 90. QUORUM:* A majority of the members
3599 of any commission shall constitute a quorum.

3600 *Section 100. PRIVILEGE OF THE FLOOR:* Chairs
3601 and members of the commissions who are not
3602 members of the House of Delegates shall have the
3603 right to participate in the debate on their respective
3604 reports but shall not have the right to vote.

3605 *Section 110. ANNUAL REPORT AND BUDGET:*

3606 A. ANNUAL REPORT. Each commission shall
3607 submit, through the Executive Director, an annual
3608 report to the House of Delegates and a copy thereof
3609 to the Board of Trustees.

3610 B. PROPOSED BUDGET. Each commission shall
3611 submit to the Board of Trustees, through the
3612 Executive Director, a proposed itemized budget for
3613 the ensuing fiscal year.

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3614 *Section 120. POWER TO ADOPT RULES:* Any
3615 commission of this Association shall have the power
3616 to adopt rules for such commission and amendments
3617 thereto, provided such rules and amendments thereto
3618 do not conflict with or limit the *Constitution and*
3619 *Bylaws* of this Association. Rules and amendments
3620 thereto, adopted by any commission of this
3621 Association, shall not be effective until submitted in
3622 writing to and approved by majority vote of the
3623 House of Delegates of this Association, except the
3624 Joint Commission on National Dental Examinations
3625 shall have such bylaws and amendments thereto as
3626 the House of Delegates of this Association may
3627 adopt by majority vote for the conduct of the
3628 purposes and management of the Joint Commission
3629 on National Dental Examinations. The Commission
3630 on Dental Accreditation shall have the authority to
3631 make corrections in punctuation, grammar, spelling,
3632 name changes, gender references, and similar
3633 editorial corrections to the *Rules* of the Commission
3634 on Dental Accreditation which do not alter its
3635 context or meaning without the need to submit such
3636 editorial corrections to the House of Delegates. Such
3637 corrections shall be made only by a unanimous vote
3638 of the Commission on Dental Accreditation members
3639 present and voting.

3640 *Section 130. DUTIES:*

3641 A. COMMISSION ON DENTAL
3642 ACCREDITATION. The duties of the Commission
3643 on Dental Accreditation shall be to:

3644 a. Formulate and adopt requirements and guidelines
3645 for the accreditation of dental, advanced dental and
3646 allied dental educational programs.

3647 b. Accredite dental, advanced dental and allied dental
3648 educational programs.

3649 c. Provide a means for appeal from an adverse
3650 decision of the accrediting body of the Commission
3651 to a separate and distinct body of the Commission
3652 whose membership shall be totally different from
3653 that of the accrediting body of the Commission.

3654 d. Submit an annual report to the House of
3655 Delegates of this Association and interim reports,
3656 on request, and the Commission's annual budget to
3657 the Board of Trustees of the Association.

3658 e. Submit the Commission's articles of
3659 incorporation and rules and amendments thereto to
3660 this Association's House of Delegates for approval
3661 by majority vote.

3662 B. JOINT COMMISSION ON NATIONAL
3663 DENTAL EXAMINATIONS. The duties of the Joint
3664 Commission on National Dental Examinations shall
3665 be to:

3666 a. Provide and conduct written examinations,
3667 exclusive of clinical demonstrations for the purpose

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- 3668 of assisting state boards of dental examiners in
3669 determining qualifications of dentists who seek
3670 license to practice in any state or other jurisdiction
3671 of the United States. Dental licensure is subject to
3672 the laws of the state or other jurisdiction of the
3673 United States and the conduct of all clinical
3674 examinations for licensure is reserved to the
3675 individual board of dental examiners.
3676 b. Provide and conduct written examinations,
3677 exclusive of clinical demonstrations for the purpose
3678 of assisting state boards of dental examiners in
3679 determining qualifications of dental hygienists who
3680 seek license to practice in any state or other
3681 jurisdiction of the United States. Dental hygiene
3682 licensure is subject to the laws of the state or other
3683 jurisdiction of the United States and the conduct of
3684 all clinical examinations for licensure is reserved to
3685 the individual board of dental examiners.
3686 c. Make rules and regulations for the conduct of
3687 examinations and the certification of successful
3688 candidates.
3689 d. Serve as a resource of the dental profession in the
3690 development of written examinations.
- 3691 C. COMMISSION FOR CONTINUING
3692 EDUCATION PROVIDER RECOGNITION. The
3693 duties of the Commission for Continuing Education
3694 Provider Recognition shall be to:
3695 a. Formulate and adopt requirements, guidelines and
3696 procedures for the recognition of continuing dental
3697 education providers.
3698 b. Approve providers of continuing dental education
3699 programs and activities.
3700 c. Provide a means for continuing dental education
3701 providers to appeal adverse recognition decisions.
3702 d. Submit an annual report to the House of
3703 Delegates of this Association and interim reports,
3704 on request, and the Commission's annual budget to
3705 the Board of Trustees of the Association.
3706 e. Submit the Commission's rules and amendments
3707 thereto to this Association's House of Delegates for
3708 approval by majority vote either through or in
3709 cooperation with the Council on Dental Education
3710 and Licensure.

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- 3711 *Section 10.* OBJECT: The scientific session of this
3712 Association is established to foster the presentation
3713 and discussion of subjects pertaining to the
3714 improvement of the health of the public and the
3715 science and art of dentistry.
- 3716 *Section 20.* TIME AND PLACE: The scientific
3717 session of the Association shall be held annually at a
3718 time and place selected by the Board of Trustees.
3719 Such selection shall be made at least one (1) year in

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3720 advance.

3721 *Section 30. MANAGEMENT AND GENERAL*
3722 *ARRANGEMENTS:* The Board of Trustees shall
3723 provide for the management of, and make all
3724 arrangements for, each scientific session unless
3725 otherwise provided in these *Bylaws*.

3726 *Section 40. TRADE AND LABORATORY*
3727 *EXHIBITS:* Products of the dental trade and dental
3728 laboratories and other products may be exhibited at
3729 each scientific session under the direction of the
3730 Board of Trustees and in accordance with rules and
3731 regulations established by that body.

3732 *Section 50. ADMISSION:* Admission to meetings of
3733 the scientific sessions shall be limited to members of
3734 this Association who are in good standing and to
3735 others admitted in accordance with rules and
3736 regulations established by the Board of Trustees.

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3737 *Section 10. OFFICIAL JOURNAL:*

3738 A. TITLE. This Association shall publish or cause to
3739 be published an official journal under the title of *The*
3740 *Journal of the American Dental Association*,
3741 hereinafter referred to as *The Journal*.

3742 B. OBJECT. The object of *The Journal* shall be to
3743 report, chronicle and evaluate activities of scientific
3744 and professional interest to members of the dental
3745 profession.

3746 C. FREQUENCY OF ISSUE AND
3747 SUBSCRIPTION RATE. The frequency of issue and
3748 the subscription rate of *The Journal* shall be
3749 determined by the Board of Trustees.

3750 D. EDITOR OF THE JOURNAL. Except as
3751 otherwise provided in the powers of the Board of
3752 Trustees under these *Bylaws*, as provided in Chapter
3753 VII, Section 90D, the editor of *The Journal of the*
3754 *American Dental Association* shall have the authority
3755 to determine the editorial content of *The Journal*,
3756 including scientific-based content, and shall, with the
3757 assistance of an editorial board nominated by the
3758 editor and appointed by the Board of Trustees,
3759 establish and maintain a written editorial policy for
3760 *The Journal*.

3761 *Section 20. OTHER JOURNALS:* The Association
3762 may publish or cause to be published other journals
3763 in the field of dentistry subject to the direction and
3764 regulations of the Board of Trustees.

3765 *Section 30. OFFICIAL TRANSACTIONS:* The
3766 official transactions of the House of Delegates and
3767 the Board of Trustees and the reports of officers,
3768 councils and committees shall be published under the

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3769 direction of the Executive Director.

3770 *Section 40. AMERICAN DENTAL DIRECTORY:*
3771 This Association shall cause to be published an
3772 *American Dental Directory.*

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3773 *Section 10. FISCAL YEAR:* The fiscal year of the
3774 Association shall begin January 1 of each calendar
3775 year and end December 31 of the same year.

3776 *Section 20. GENERAL FUND:* The General Fund
3777 shall consist of all monies received other than those
3778 specifically allocated to other funds by these *Bylaws*.
3779 This fund shall be used for defraying all expenses
3780 incurred by this Association not otherwise provided
3781 for in these *Bylaws*. The General Fund may be
3782 divided into Operating and Reserve Divisions at the
3783 direction of the Board of Trustees.

3784 *Section 30. OTHER FUNDS:* The Association may
3785 establish other funds, at the direction of the Board of
3786 Trustees, for activities and programs requiring
3787 separate accounting records to meet governmental
3788 and administrative requirements. Such funds shall
3789 consist of monies and other assets received or
3790 allocated in accordance with the purpose for which
3791 they are established. Such funds shall be used for
3792 defraying all expenses incurred in their operation,
3793 shall serve only as separate accounting entities and
3794 continue to be held in the name of the American
3795 Dental Association as divisions of the General Fund.

3796 *Section 40. SPECIAL ASSESSMENTS:* In addition
3797 to the payment of dues required in Chapter I, Section
3798 20 of these *Bylaws*, a special assessment may be
3799 levied by the House of Delegates upon active, active
3800 life, retired and associate members of this
3801 Association as provided in Chapter I, Section 20 of
3802 these *Bylaws*, for the purpose of funding a specific
3803 project of limited duration. Such an assessment may
3804 be levied at any annual or special session of the
3805 House of Delegates by a two-thirds (2/3) affirmative
3806 vote of the delegates present and voting, provided
3807 notice of the proposed assessment has been
3808 presented at least thirty (30) days prior to the first
3809 day of the session of the House of Delegates at
3810 which it is to be considered. Notice of such a
3811 resolution shall be sent electronically to each
3812 constituent society and posted on ADA Connect or
3813 its equivalent for the House of Delegates not less
3814 than thirty (30) days before such session to permit
3815 prompt, adequate notice by each constituent society
3816 to its delegates and alternate delegates to the House
3817 of Delegates of this Association, and shall be
3818 announced to the general membership in an official
3819 publication of this Association at least fifteen (15)

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3820 days in advance of the session. The specific project
3821 to be funded by the proposed assessment, the time
3822 frame of the project, and the amount and duration of
3823 the proposed assessment shall be clearly presented in
3824 giving notice to the members of this Association.
3825 Revenue from a special assessment and any earnings
3826 thereon shall be deposited in a separate fund as
3827 provided in Chapter XVII, Section 30 of these
3828 *Bylaws*. The House of Delegates may amend the
3829 main motion to levy a special assessment only if the
3830 amendment is germane and adopted by a two-thirds
3831 (2/3) affirmative vote of the delegates present and
3832 voting. The House of Delegates may consider only
3833 one (1) specific project to be funded by a proposed
3834 assessment at a time. However, if properly adopted
3835 by the House of Delegates, two (2) or more special
3836 assessments may be in force at the same time. Any
3837 resolution to levy a special assessment that does not
3838 meet the notice requirements set forth in the previous
3839 paragraph also may be adopted by a unanimous vote
3840 of the House of Delegates, provided the resolution
3841 has been presented in writing at a previous meeting
3842 of the same session.

CHAPTER XIX • INDEMNIFICATION

3843 Each trustee, officer, council member, committee
3844 member, employee and other agent of the
3845 Association shall be held harmless and indemnified
3846 by the Association against all claims and liabilities
3847 and all costs and expenses, including attorney's fees,
3848 reasonably incurred or imposed upon such person in
3849 connection with or resulting from any action, suit or
3850 proceeding, or the settlement or compromise thereof,
3851 to which such person may be made a party by reason
3852 of any action taken or omitted to be taken by such
3853 person as a trustee, officer, council member,
3854 committee member, employee or agent of the
3855 Association, in good faith. This right of
3856 indemnification shall inure to such person whether or
3857 not such person is a trustee, officer, council member,
3858 committee member, employee or agent at the time
3859 such liabilities, costs or expenses are imposed or
3860 incurred and, in the event of such person's death,
3861 shall extend to such person's legal representatives.
3862 To the extent available, the Association shall insure
3863 against any potential liability hereunder.

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3864 *Section 10. PROCEDURE:* These *Bylaws* may be
3865 amended at any session of the House of Delegates by
3866 a two-thirds (2/3) affirmative vote of the delegates
3867 present and voting, provided the proposed
3868 amendments shall have been presented in writing at a
3869 previous session or a previous meeting of the same
3870 session.

3871 *Section 20. AMENDMENT AFFECTING THE*
3872 *PROCEDURE FOR CHANGING THE DUES OF*
3873 *ACTIVE MEMBERS: An amendment of these*
3874 *Bylaws affecting the procedure for changing the dues*
3875 *of active members may be adopted only if the*
3876 *proposed amendment has been presented in writing*
3877 *at least thirty (30) days prior to the first day of the*
3878 *session of the House of Delegates at which it is to be*
3879 *considered. Notice of such a resolution shall be sent*
3880 *electronically to each constituent society not less*
3881 *than thirty (30) days before such session to permit*
3882 *prompt, adequate notice by each constituent society*
3883 *to its delegates and alternate delegates to the House*
3884 *of Delegates of this Association, and shall be*
3885 *announced to the general membership in an official*
3886 *publication of the Association at least fifteen (15)*
3887 *days in advance of the annual session.*

3888 Amendments affecting the procedure for changing
3889 the dues of active members may also be adopted by a
3890 unanimous vote provided that the proposed
3891 amendment has been presented in writing at a
3892 previous meeting of the same session.

*Articles of
Incorporation*



- 3893 1. NAME. The name of this corporation is
3894 AMERICAN DENTAL ASSOCIATION.
- 3895 2. DURATION. The duration of the corporation is
3896 perpetual.
- 3897 3. PURPOSE AND OBJECT. The purpose and
3898 object of this corporation are to encourage the
3899 improvement of the health of the public and to
3900 promote the art and science of dentistry.
- 3901 4. OFFICE. The principal office of the corporation
3902 shall be in the City of Chicago, Cook County,
3903 Illinois.
- 3904 5. *BYLAWS*. The bylaws of the corporation shall be
3905 divided into two categories designated, respectively,
3906 “Constitution” and “Bylaws” and each category shall
3907 be amendable from time to time in the manner and
3908 by the method therein set forth, but in case of any
3909 conflict between the *Constitution* and the *Bylaws* the
3910 provisions of the *Constitution* shall control.
- 3911 6. MEMBERSHIP. The qualifications, the method of
3912 election, designation or selection, the privileges and
3913 obligations, and the voting rights, if any, of the
3914 various classes of members which are established by
3915 the *Constitution and Bylaws* of the corporation from
3916 time to time shall be set forth in and governed by
3917 such *Constitution and Bylaws*.
- 3918 7. EXERCISE OF CORPORATE POWERS. Except
3919 as otherwise provided by law, the affairs of this
3920 corporation shall be governed and the corporate
3921 powers of the corporation shall be exercised by a
3922 Board of Directors (to be known as the Board of
3923 Trustees), House of Delegates, officers, councils,
3924 committees, members, agents and employees as set
3925 forth in the *Constitution and Bylaws* and the titles,
3926 duties, powers, and methods of electing, designating
3927 or selecting all of the foregoing shall be as provided
3928 therein.
- 3929 8. VOTING RIGHTS WITH RESPECT TO
3930 ARTICLES OF INCORPORATION. Only those
3931 members of the corporation shall have voting rights
3932 in respect to amendments to the Articles of
3933 Incorporation who shall have a right to vote on
3934 amendments to the *Constitution* of the corporation.

2 **ADA PROCEDURES FOR MEMBER**
3 **DISCIPLINARY HEARINGS AND APPEALS**
4 **AND THE ISSUANCE OF REMINDERS OF**
5 **OBLIGATION**

6 **I. INITIAL DISCIPLINARY HEARINGS HELD**
7 **PURSUANT TO ADA BYLAWS CHAPTER XII**

8 The following procedures are to be followed by a
9 society bringing ethics violation charges:

10 **A. NOTICE.** A society bringing charges against a
11 member alleging a violation of Chapter XII, Section
12 20A of the ADA Bylaws shall issue a notice of
13 charges that will meet the following specifications:

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

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

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

33 **B. HEARING.** Any member accused of a violation
34 of Chapter XII, Section 20A of the ADA Bylaws is
35 entitled to a hearing before a hearing body of the
36 society bringing the charges.

37 1. Purpose. The purpose of a disciplinary hearing is
38 to provide the accused member with the opportunity
39 to present a defense to the charges brought against
40 him or her.

41 2. Representation by Counsel. The society bringing
42 the charges must allow the accused member to be
43 represented by legal counsel at any hearing
44 convened under these procedures.

45 3. Continuances. An accused member is entitled to
46 one (1) hearing postponement. The postponement
47 cannot exceed thirty (30) days. Additional requests

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48 for postponement may be granted or denied by the
49 hearing body in its reasonable discretion.

50 C. DECISION.

51 1. Requirement of Written Decision. Every decision
52 of a hearing body that imposes a penalty of censure,
53 suspension, expulsion, or probation will be in
54 writing. The written decision will:

55 (a) Contain a statement of the charge(s) made
56 against the member;

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

59 (c) State the penalty imposed and, if the penalty is
60 to be suspended during a period of probation, the
61 length of the probationary period and any other
62 conditions included in the probation; and

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

66 (e) Be sent to by certified mail, return receipt
67 requested, to the last known address of each of the
68 following:

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

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

73 (iii) The Chair of the American Dental Association
74 Council on Ethics, Bylaws and Judicial Affairs;
75 and

76 (iv) The Executive Director of the American
77 Dental Association.

78 D. NOTICE OF RIGHT TO APPEAL. Every written
79 decision issued by a hearing body that imposes a
80 penalty of censure, suspension, expulsion, or
81 probation will be accompanied by a separate notice
82 stating that the accused member has a right to appeal
83 the decision. The notice of right to appeal will direct
84 the member to Article II of these Procedures for
85 Member Disciplinary Hearings and Appeals.

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

90 1. Non-Appeal of Decision Containing Sentence of
91 Expulsion. If a decision includes a sentence of
92 expulsion and a notice of appeal is not received
93 within the thirty (30) day period within which to
94 appeal, the constituent society will notify all parties
95 of the failure of the accused member to file an
96 appeal. The sentence of expulsion will take effect

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97 on the date the parties receive such notice. The
98 component and constituent societies shall each
99 determine what portion of their current dues and
100 special assessments, if any, shall be returned to the
101 expelled member. Dues and special assessments
102 paid to this Association will not be refunded to an
103 expelled member.

104 II. APPEALS FROM DISCIPLINARY DECISIONS 105 ISSUED PURSUANT TO ADA BYLAWS 106 CHAPTER XII

107 The following procedures shall be followed in any
108 appeal from a decision issued as a result of a
109 disciplinary hearing pursuant to Chapter XII, Section
110 20D of the ADA Bylaws:

111 A. RIGHT TO APPEAL.

112 1. Disciplinary Decision of a Component Society.
113 Any member shall have the right to appeal a
114 disciplinary decision issued by the member's
115 component society that imposes a penalty of
116 censure, suspension, expulsion, or probation. That
117 appeal shall be made to member's constituent
118 society by filing a notice of appeal in affidavit form
119 with the secretary of the constituent society.

120 2. Disciplinary Decision of a Constituent Society.
121 Any member or component society shall have a
122 right to appeal a disciplinary decision that is adverse
123 to it that is issued by a constituent society. That
124 appeal shall be made to the Council on Ethics,
125 Bylaws and Judicial Affairs of this Association by
126 filing a notice of appeal in affidavit form with the
127 Chair of the Council on Ethics, Bylaws and Judicial
128 Affairs.

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

142 B. TIME TO APPEAL. An appeal from any decision
143 shall not be valid unless the appeal is filed within
144 thirty (30) days of the date the decision appealed
145 from was issued.

146 C. TIME FOR THE FILING OF BRIEFS ON
147 APPEAL. Briefs in appeals brought under this

APPENDIX

- 148 Article II must be filed in accordance with the
149 following schedule:
- 150 1. Appellant's Initial Brief. If being filed, an initial
151 brief supporting an appeal must be filed within sixty
152 (60) days of the issue date of the decision being
153 appealed.
 - 154 2. Reply Brief. If being filed, a reply brief must be
155 filed within ninety (90) days of the issue date of the
156 decision being appealed.
 - 157 3. Rejoinder Brief. If being filed, a rejoinder brief
158 must be filed within one hundred five (105) days of
159 the issue date of the decision being appealed.
- 160 D. TIME FOR APPEAL HEARING. No hearing
161 shall be held within one hundred fifty (150) days of
162 the issue date of the decision being appealed or
163 forty-five (45) days after the last brief in the appeal
164 was filed, whichever is later. Omission of briefs will
165 not alter the date for the hearing of an appeal unless
166 otherwise agreed to by the parties and the chair of
167 the body hearing the appeal.
- 168 E. CONDUCT OF THE APPEAL HEARING. The
169 following procedure shall be used in processing
170 appeals:
- 171 1. Appeal Hearings. If the requirements of Sections
172 A and B of this Article II are met, the party bringing
173 the appeal shall be entitled to a hearing.
 - 174 2. Parties to an Appeal. The parties to an appeal are
175 the accused member and the society or body that
176 brought the charges against the accused member. In
177 appeals to the Council on Ethics, Bylaws and
178 Judicial Affairs of this Association, the society
179 which heard the first appeal, if any, may, at its
180 option, participate in the appeal.
 - 181 3. Right to be Represented by Counsel. The parties
182 to an appeal shall be entitled to be represented by
183 counsel in the appeal.
 - 184 4. Appearance at Hearing not Required. A party to
185 an appeal is not required to attend a hearing in an
186 appeal brought pursuant to this Article.
 - 187 5. Option to Conduct Telephonic Hearings. Upon
188 the request by a party and the concurrence of all
189 other parties, the body hearing the appeal may
190 permit one or more of the parties to an appeal to
191 participate in the hearing remotely via telephone or
192 other suitable means. The decision whether to allow
193 remote participation in an appeal hearing is
194 discretionary with the body hearing the appeal and
195 granting such a request can be subject to meeting
196 reasonable terms and conditions set by the hearing
197 body.

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- 198 6. Hearing Notice. A body that receives a notice of
199 appeal shall notify the society (or societies)
200 concerned or, where applicable, the hearing panel of
201 the Council on Ethics, Bylaws and Judicial Affairs,
202 and the accused member of the time and place of
203 the appeal hearing. Such notice shall be sent by
204 certified mail, return receipt requested, to the last
205 known address of each party to the appeal. The
206 hearing notice should be mailed not less than thirty
207 (30) days prior to the hearing date.
- 208 7. Hearing Continuances. Granting of hearing
209 continuances shall be at the discretion of the hearing
210 body.
- 211 8. Prehearing Matters. Prehearing requests shall be
212 granted at the discretion of the hearing body. In
213 appeals to this Association's Council on Ethics,
214 Bylaws and Judicial Affairs, the Council chair has
215 the authority to rule on requests from the parties for
216 continuances and other prehearing procedural
217 matters with advice from legal counsel of this
218 Association. The Council chair may consult with
219 the Council before rendering prehearing decisions.
- 220 9. Briefs. Each party to an appeal shall be entitled to
221 submit a brief in support of the party's position. The
222 briefs of the parties shall be submitted to the
223 secretary of the constituent society or the Chair of
224 the Council on Ethics, Bylaws and Judicial Affairs
225 of this Association, as appropriate, in accordance
226 with the prescribed briefing schedule. A copy of
227 any brief filed in the appeal must be delivered to
228 every other party in the appeal at the same time as
229 the filing of the brief. The party initiating the appeal
230 may choose to rely on the record and/or on an oral
231 presentation and not file a brief.
- 232 10. Record of Disciplinary Proceedings. Upon
233 notice of an appeal, the society or body that issued
234 the decision being appealed shall provide to the
235 body hearing the appeal and to the accused member
236 a transcript, or an officially certified copy of the
237 minutes, of the hearing accorded the accused
238 member. Certified copies of any affidavits or other
239 documents submitted as evidence to support or
240 refute the charges against the accused member in
241 the disciplinary hearing and any other material
242 considered by the body issuing the decision being
243 appealed will accompany the transcript or minutes.
244 Where the body conducting the hearing resulting in
245 the decision being appealed does not transcribe the
246 hearing, the accused member, at the accused's own
247 expense, is entitled to arrange for transcription of
248 the hearing by a court reporter.
- 249 11. Appeals Jurisdiction. The body to which a
250 decision has been appealed shall be required to

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251 review the decision appealed from to determine
252 whether the evidence before the society or body
253 which brought the charges against the accused
254 member supports that decision or warrants the
255 penalty imposed. The body hearing the appeal shall
256 not be required to consider additional evidence
257 unless there is a clear showing that a party to the
258 appeal will be unreasonably harmed by failure to
259 consider the additional evidence.

260 12. Decisions on Appeals. Every decision on appeal
261 shall be in writing and must clearly state the
262 conclusion of the hearing body and the reasons for
263 that conclusion. The body hearing the appeal shall
264 have the discretion to:

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

267 (b) Reverse the decision of the society or body that
268 brought the charges and thereby exonerate the
269 accused member;

270 (c) Deny an appeal where it fails to satisfy the
271 requirements of Chapter XII, Section 20D of the
272 ADA Bylaws;

273 (d) Refer the case back to the body that brought the
274 charges for new proceedings, if the rights of the
275 accused member under all applicable bylaws were
276 violated or if adopted disciplinary procedures were
277 not followed to the detriment of the accused;

278 (e) Remand the case back to the agency that issued
279 the charges for further proceedings when the
280 record in the appeal is insufficient to enable the
281 body hearing the appeal to form a conclusion
282 concerning the correctness of the decision being
283 appealed; or

284 (f) Modify the decision of the agency that issued
285 the charges against the accused member by
286 reducing the penalty imposed.

287 13. Delivery of the Appeal Decision to the Parties.
288 Within thirty (30) days of the date on which a
289 written decision on appeal is approved by the
290 agency conducting the appeal, a copy of the written
291 decision shall be sent by certified mail, return
292 receipt requested, to the last known address of each
293 of the following: the accused member; the secretary
294 of the component society of which the accused is a
295 member, if applicable; the secretary of the
296 constituent society of which the accused is a
297 member, if applicable; the Chair of the Council on
298 Ethics, Bylaws and Judicial Affairs of this
299 Association; and the Executive Director of this
300 Association.

301 III. MEMBER CONDUCT HEARINGS

APPENDIX

302 The following procedures will be followed by the
303 Council on Ethics, Bylaws and Judicial Affairs in
304 cases involving allegations of violations of the
305 Member Conduct Policy of the Association:

306 A. CHARGES. Any member of the Association or
307 the Association's staff will have the right to bring
308 charges alleging a violation or violations of the
309 Association's Member Conduct Policy. Charges
310 must:

311 1. Be in writing.

312 2. Sent to the Chair of the Council on Ethics,
313 Bylaws and Judicial Affairs.

314 3. Include an identification of the provision(s) of the
315 Association's Member Conduct Policy alleged to
316 have been violated and a detailed description of the
317 conduct alleged to constitute the violation.

318 B. PRELIMINARY INVESTIGATION.

319 1. Selection. Upon receipt of charges alleging
320 violation of the Member Conduct Policy, the Chair
321 of the Council on Ethics, Bylaws and Judicial
322 Affairs will select an investigatory panel of three (3)
323 members of the Council.

324 2. Ineligible Council Member. The Council member
325 from the Trustee District of the member accused of
326 violating the Member Conduct Policy is ineligible
327 to serve on the investigatory panel. The
328 investigatory panel will conduct a preliminary
329 investigation of the charges alleged and determine
330 whether the allegations made in the charges
331 sufficiently state a violation of the Member Conduct
332 Policy.

333 C. NOTICE OF DETERMINATION OF
334 INVESTIGATORY PANEL.

335 1. No Violation. If, upon preliminary investigation,
336 the investigatory panel determines that the charges
337 do not sufficiently state a violation of the Member
338 Conduct Policy, the Association member or
339 Association staff member bringing the charges will
340 be advised in writing of the investigatory panel's
341 determination. The investigatory panel's decision
342 will be final and without right of appeal.

343 2. Determination of Possible Violation. If the
344 investigatory panel determines that the charge does
345 sufficiently state a violation of the Member Conduct
346 Policy, the accused member shall be notified in
347 writing.

348 3. Notice of Possible Violation. The notice of
349 possible violation shall:

350 (a) Provide a specification of the charges brought
351 against him or her;

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- 352 (b) Specify the time and place of hearing on the
353 charges brought against the accused member;
- 354 (c) Be sent via certified mail, return receipt
355 requested, to the accused's last known address; and
- 356 (d) Be mailed not less than twenty-one (21) days
357 prior to the date set for the hearing.
- 358 D. HEARING. The accused member shall be entitled
359 to a hearing before a panel of three (3) members of
360 the Council on Ethics, Bylaws and Judicial Affairs.
- 361 1. Hearing Panel Make Up. Members of the
362 investigatory panel that investigated the allegations
363 against the accused member and the Council
364 member from the accused's trustee district are
365 ineligible to sit on the hearing panel.
- 366 2. Purpose. The purpose of the hearing is to provide
367 the accused member with an opportunity to present
368 a defense to the charges brought against him or her.
- 369 3. Representation by Counsel. The accused member
370 is entitled to be represented by legal counsel at the
371 member conduct hearing.
- 372 4. Continuances. An accused member is entitled to
373 one (1) hearing postponement. The postponement
374 cannot exceed thirty (30) days. Additional requests
375 for postponement may be granted or denied at the
376 discretion of the chair of the Council on Ethics,
377 Bylaws and Judicial Affairs, who may but need not
378 consult with the Council or the hearing panel on the
379 request.
- 380 E. DECISION.
- 381 1. Requirement of Written Decision. Every decision
382 of a member conduct hearing panel will be in
383 writing. The written decision will:
- 384 (a) Contain a statement of the charges made
385 against the member;
- 386 (b) State the relevant facts;
- 387 (c) State the verdict arrived at by the hearing body;
388 and
- 389 (d) State the penalty imposed or recommended
390 and, if the penalty is to be suspended during a
391 period of probation, the length of the probationary
392 period and any other conditions included in the
393 probation.
- 394 2. Mailing of Decision. Every hearing panel
395 decision must be sent, by certified mail, return
396 receipt requested, within ten (10) days of the written
397 decision being approved by the hearing panel, to the
398 last known address of each of the following:
- 399 (a) The accused member;

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- 400 (b) The Association member or staff member who
401 brought the charges;
- 402 (c) The secretary of the accused member's
403 component society, if any;
- 404 (d) The secretary of the accused member's
405 constituent society, if applicable;
- 406 (e) The Chair of the American Dental Association
407 Council on Ethics, Bylaws and Judicial Affairs;
- 408 (f) The Executive Director of the American Dental
409 Association; and, if applicable
- 410 (g) The Election Commission of the Association.

411 F. NOTICE OF RIGHT TO APPEAL. A written
412 notice to the accused member informing the member
413 of his or her right to appeal the decision of the
414 hearing panel must accompany the copies of the
415 decision sent pursuant to Section E2 of Article III of
416 these procedures.

417 G. FINALITY OF DECISION. A decision will not
418 become final while an appeal of the decision is
419 pending or until the thirty (30) day period for filing
420 notice of appeal has expired.

421 1. Non-Appeal of Decision Containing Sentence of
422 Expulsion. If a decision includes a sentence of
423 expulsion and no notice of appeal is received within
424 the thirty (30) day period within which to appeal,
425 the Council on Ethics, Bylaws and Judicial Affairs
426 shall notify all parties of the failure of the accused
427 member to file an appeal. The sentence of expulsion
428 will take effect on the date the parties receive such
429 notice. The disciplined member's component and
430 constituent societies shall each determine what
431 portion of their current dues and special
432 assessments, if any, shall be returned to the expelled
433 member. Dues and special assessments paid to this
434 Association will not be refunded to an expelled
435 member.

436 IV. MEMBER CONDUCT APPEALS

437 The following procedures shall be followed in any
438 appeal from a decision issued as a result of a member
439 conduct hearing pursuant to Chapter XIII, Section
440 20D of the ADA Bylaws:

441 A. RIGHT TO APPEAL. Any member shall have the
442 right to appeal a disciplinary decision issued by a
443 member conduct hearing panel that imposes a
444 penalty of censure, suspension, expulsion or
445 probation on him or her to the full Council on Ethics,
446 Bylaws and Judicial Affairs by filing an appeal in
447 affidavit form with the chair of the Council on
448 Ethics, Bylaws and Judicial Affairs of this
449 Association.

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

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

457 1. Appellant's Initial Brief. If being filed, an initial
458 brief supporting an appeal must be filed within sixty
459 (60) days after the date the decision being appealed
460 was issued.

461 2. Reply Brief. If being filed, a reply brief
462 supporting the decision appealed from must be filed
463 by the Association member or staff member who
464 lodged the member conduct complaint within ninety
465 (90) days after the decision being appealed was
466 issued.

467 3. Rejoinder Brief. If being filed, a rejoinder brief
468 supporting an appeal must be filed within one
469 hundred five (105) days after the date the decision
470 being appealed was issued.

471 D. TIME FOR APPEAL HEARING. No hearing on
472 an appeal will be held within one hundred fifty (150)
473 days of the date the decision appealed from was
474 issued or forty-five (45) days after the last brief in
475 the appeal was filed, whichever is later. Omission of
476 briefs will not alter the hearing date unless otherwise
477 agreed to by the parties and the chair of the body
478 hearing the appeal.

479 E. CONDUCT OF THE APPEAL HEARING. The
480 accused member shall be entitled to a hearing on an
481 appeal, provided that such appeal meets the
482 requirements of this Article.

483 1. Council Members Hearing the Appeal. Members
484 of the investigatory and hearing panels involved in
485 the action being appealed and the Council
486 representative from the accused member's Trustee
487 District shall be recused from and will not take part
488 in the appeal.

489 2. Parties to the Appeal. In any appeal of a decision
490 under the Member Conduct Policy, the parties to
491 such an appeal shall be the accused member and the
492 Association member or the Association staff
493 member who brought the charges.

494 3. Representation by Counsel. In any appeal, the
495 accused member is entitled to be represented by
496 legal counsel.

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

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- 500 5. Option to Conduct Telephonic Hearings. Upon
501 the request by a party and the concurrence of all
502 other parties, the Council on Ethics, Bylaws and
503 Judicial Affairs may permit one or more of the
504 parties to an appeal to participate in the hearing
505 remotely via telephone or other suitable means. The
506 decision whether to allow remote participation in an
507 appeal hearing is discretionary with the Council and
508 granting such a request can be subject to meeting
509 reasonable terms and conditions set by the Council.
- 510 6. Hearing Notice. The Council on Ethics, Bylaws
511 and Judicial Affairs shall notify the accused
512 member; the Association member or Association
513 staff member bringing the charges; the secretary of
514 the accused member's component society, if
515 applicable; and the secretary of the accused
516 member's constituent society, if applicable of the
517 time and place of the appeal hearing. The hearing
518 notice will be sent by certified—return receipt
519 requested letter to the last known addresses of the
520 parties to the appeal and the other entities receiving
521 notice. The notice of hearing is to be mailed not less
522 than thirty (30) days prior to the hearing date.
- 523 7. Hearing Continuances. The granting of
524 continuances shall be at the discretion of the
525 Council on Ethics, Bylaws and Judicial Affairs.
- 526 8. Prehearing Matters. Prehearing requests shall be
527 granted at the discretion of the Council on Ethics,
528 Bylaws and Judicial Affairs. The Council chair has
529 the authority to rule on requests from the parties for
530 continuances and other prehearing procedural
531 matters with advice from legal counsel of this
532 Association. The Council chair may consult with
533 the Council before rendering prehearing decisions.
- 534 9. Briefs. Each party to an appeal shall be entitled to
535 submit a brief in support of the party's position. The
536 briefs of the parties shall be submitted to the Chair
537 of the Council on Ethics, Bylaws and Judicial
538 Affairs of this Association in accordance with the
539 prescribed briefing schedule. A copy of each brief
540 filed in an appeal must be delivered to the opposing
541 party in the appeal at the same time as the filing of
542 the brief. The party initiating the appeal may choose
543 to rely on the record and/or an oral presentation and
544 not file a brief.
- 545 10. Record of Hearing. Upon receiving a notice of
546 an appeal, the hearing panel of the Council on
547 Ethics, Bylaws and Judicial Affairs that presided
548 over the initial hearing shall furnish a transcript or
549 an officially certified copy of the minutes of the
550 hearing being appealed to the Council on Ethics,
551 Bylaws and Judicial Affairs and the parties to the
552 appeal. The transcript or minutes shall be

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553 accompanied by certified copies of any affidavits or
554 other documents submitted as evidence to support
555 the charges against the accused member or
556 submitted by the accused as part of the accused's
557 defense. If the hearing panel did not provide for
558 transcription of the hearing, any party shall be
559 entitled to arrange for the services of a court
560 reporter to transcribe the hearing.

561 11. Appeals Jurisdiction. The Council on Ethics,
562 Bylaws and Judicial Affairs is required to review
563 the decision appealed from to determine whether
564 the evidence before the hearing panel supports that
565 decision or warrants the penalty(ies) imposed. The
566 Council on Ethics, Bylaws and Judicial Affairs shall
567 not be required to consider additional evidence
568 unless there is a clear showing that a party to the
569 appeal will be unreasonably harmed by failure to
570 consider the additional evidence.

571 F. DECISION ON APPEALS

572 1. Appeals not Involving Recommended Probation,
573 Suspension, Expulsion and/or Removal of a Trustee
574 or Elective Officer.

575 (a) Written Decision. In any appeal that does not
576 involve the recommended probation, suspension,
577 expulsion and/or removal from office of a trustee
578 or elective officer, the decision of the Council on
579 Ethics, Bylaws and Judicial Affairs shall be
580 reduced to writing. The decision must clearly state
581 the conclusion of the Council and the reasons for
582 reaching that conclusion.

583 (b) Permissible Penalties. The Council shall have
584 the discretion to:

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

586 (ii) Reverse the decision of the hearing panel and
587 thereby exonerate the accused member;

588 (iii) Deny an appeal that fails to satisfy the
589 requirements of Chapter XIII, Section 20D of the
590 ADA Bylaws;

591 (iv) Refer the case back to the hearing panel for
592 new proceedings, if the rights enumerated under
593 all applicable bylaws and procedures were not
594 accorded the accused;

595 (v) Remand the case back to the member conduct
596 hearing panel for further proceedings when the
597 appellate record is insufficient in the opinion of
598 the Council on Ethics, Bylaws and Judicial
599 Affairs to enable it to render a decision; or

600 (vi) Modify the decision of the hearing panel by
601 reducing the penalty imposed.

602 (c) Final Decision. The decision of the Council on

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603 Ethics, Bylaws and Judicial Affairs in an appeal
604 not involving a recommended probation,
605 suspension, expulsion and/or removal of a trustee
606 or elective officer shall be final and non-
607 appealable.

608 (d) Delivery of the Appeal Decision to the Parties.
609 Within thirty (30) days of the date on which a final
610 decision on appeal is approved by the Council on
611 Ethics, Bylaws and Judicial Affairs, a copy of the
612 written decision shall be sent by certified mail,
613 return receipt requested, to the last known address
614 of each of the following parties: the accused
615 member; the Association member or Association
616 staff member bringing charges; the secretary of the
617 component society of which the accused is a
618 member, if applicable; the secretary of the
619 constituent society of which the accused is a
620 member, if applicable; the Election Commission of
621 the Association and the Executive Director of this
622 Association.

623 2. Appeals Involving Recommended Probation,
624 Suspension, Expulsion and/or Removal of a Trustee
625 or Elective Officer.

626 (a) Written Decision. In any appeal that involves
627 the recommended probation, suspension, expulsion
628 or removal of a trustee or elective officer, the
629 decision of the Council on Ethics, Bylaws and
630 Judicial Affairs shall be reduced to writing. The
631 decision must clearly state the conclusion of the
632 Council and the reasons for reaching that
633 conclusion.

634 (b) Permissible Penalties. The Council shall have
635 the discretion to:

636 (i) Recommend upholding the decision of the
637 hearing panel;

638 (ii) Reverse the recommended decision of the
639 hearing panel and thereby exonerate the accused
640 member;

641 (iii) Recommend denial of an appeal that fails to
642 satisfy the requirements of Chapter XIII, Section
643 20D of the ADA Bylaws;

644 (iv) Refer the case back to the hearing panel for
645 new proceedings, if the rights enumerated under
646 all applicable bylaws and procedures were not
647 accorded the accused;

648 (v) Remand the case back to the hearing panel for
649 further proceedings when the appellate record is
650 insufficient in the opinion of the Council on
651 Ethics, Bylaws and Judicial Affairs to enable it to
652 render a decision; or

653 (vi) Modify the decision of the hearing panel by

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654 reducing the penalty imposed, except in cases in
655 which the reduced penalty is probation,
656 suspension and/or removal from office, the
657 Council's decision shall be a recommendation.

658 (c) Final Decision. The decision of the Council on
659 Ethics, Bylaws and Judicial Affairs shall be final
660 and non-appealable only in cases where the
661 Council's decision does not result in the
662 recommendation of a sentence of probation,
663 suspension, expulsion and/or removal from office.

664 (d) Delivery of the Appeal Decision in Cases not
665 Involving Recommended Probation, Suspension,
666 Expulsion and/or Removal from Office. Within
667 thirty (30) days of the date on which a final
668 decision that does not recommend probation,
669 suspension, expulsion and/or removal from office
670 is approved by the Council on Ethics, Bylaws and
671 Judicial Affairs, a copy of the decision shall be
672 sent by certified-return receipt requested mail to
673 the last known address of each of the following
674 parties: the accused trustee or elective officer; the
675 Association member or Association staff member
676 preferring charges; the secretary of the component
677 society of which the trustee is a member, if
678 applicable; the secretary of the constituent society
679 of which the trustee or elective officer is a
680 member, if applicable; the Election Commission
681 and the Executive Director of this Association.

682 (e) Delivery of the Appeal Decision in Cases
683 Involving Recommended Probation, Suspension,
684 Expulsion and/or Removal from Office. Within
685 thirty (30) days of the date on which a decision
686 that recommends probation, suspension, expulsion
687 and/or removal from office of a trustee or elective
688 officer is approved by the Council on Ethics,
689 Bylaws and Judicial Affairs, on appeal is rendered,
690 a copy thereof shall be sent by certified mail,
691 return receipt requested, to the last known address
692 of each of the following parties: the accused
693 trustee or elective officer; the Association member
694 or Association staff member preferring charges;
695 the Election Commission, the secretary of the
696 component society of which the trustee or elective
697 officer is a member, if applicable; the secretary of
698 the constituent society of which the trustee or
699 elective officer is a member, if applicable; and the
700 Executive Director of this Association.

701 (f) Right to Respond. When a decision
702 recommends that a trustee or elective official be
703 sentenced to probation, expulsion, suspension
704 and/or removal from office, that trustee or elected
705 official has the right to respond in writing to the
706 decision and recommendation. The response of the
707 trustee or elective official must be delivered to the

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708 chair of the Council on Ethics, Bylaws and Judicial
709 Affairs within thirty (30) days from the date the
710 decision and recommendation was issued. The
711 chair of the Council on Ethics, Bylaws and Judicial
712 Affairs will forward the decision and
713 recommendation, along with any response received
714 from the trustee or elected official, to the Speaker
715 of the House of Delegates, the Election
716 Commission and the Association's Executive
717 Director.

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

725 V. REMINDERS OF OBLIGATION

726 Because Reminders of Obligation issued pursuant
727 to CHAPTER XII PRINCIPLES OF ETHICS
728 AND CODE OF PROFESSIONAL CONDUCT,
729 Section 20 DISCIPLINE OF MEMBERS,
730 Subsection C. REMINDER OF OBLIGATION
731 and CHAPTER XIII. PROCEDURES AND
732 HEARINGS RELATED TO MEMBER
733 CONDUCT POLICY, Section 20 DISCIPLINE
734 OF MEMBERS, Subsection C. REMINDER OF
735 OBLIGATION of the ADA *Bylaws* are private
736 administrative actions and not disciplinary
737 penalties, copies of such Reminders of Obligation
738 shall only be kept by the Council on Ethics,
739 Bylaws and Judicial Affairs for a period of six (6)
740 months after issuance following which such copies
741 shall be destroyed.

American Dental Association

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