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American Dental Association

# Constitution and Bylaws

*Revised to January 1, 2017*

**ADA** American  
Dental  
Association®

America's leading  
advocate for oral health



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# Constitution

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## ARTICLE I • NAME

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

## ARTICLE II • OBJECT

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

## ARTICLE III • ORGANIZATION

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

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

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

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

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

33 *Section 60. COMPONENT SOCIETIES:* Component  
34 societies of this Association shall be those dental  
35 societies or dental associations organized in  
36 conformity with Chapter III of the *Bylaws* of this  
37 Association and in conformity with the bylaws of their  
38 respective constituent societies.

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

#### ARTICLE IV • GOVERNMENT

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

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

#### ARTICLE V • OFFICERS

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

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

#### ARTICLE VI • ANNUAL SESSION

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

#### ARTICLE VII • PRINCIPLES OF ETHICS AND CODE OF PROFESSIONAL CONDUCT

64 *The Principles of Ethics and Code of Professional*  
65 *Conduct* of this Association and the codes of ethics of  
66 the constituent and component societies which are not  
67 in conflict with the *Principles of Ethics and Code of*

68    *Professional Conduct* of this Association, shall  
69    govern the professional conduct of all members.

#### ARTICLE VIII • AMENDMENTS

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

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





# Bylaws

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## CHAPTER I • MEMBERSHIP\*

- 80 *Section 10.* CLASSIFICATION: The members of this  
81 Association shall be classified as follows:  
82     Active Members  
83     Life Members  
84     Retired Members  
85     Nonpracticing Dentist Members  
86     Student Members  
87     Honorary Members  
88     Provisional Members  
89     Associate Members  
90     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 shall  
101    be a member in good standing of this Association's  
102    constituent and component societies, unless:  
103    (1) the dentist is in the exclusive employ of, or is  
104    serving on active duty in, one of the federal dental  
105    services. A dentist is considered to be in the  
106    exclusive employ of one of the federal dental  
107    services when the dentist is under contract to provide  
108    dental services to the beneficiaries of the federal  
109    agency on a full-time basis and does not engage in  
110    private practice within the jurisdiction of a  
111    constituent or component society;

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\* The 2016 House of Delegates adopted Resolution 78H-2016, by which the entirety of Chapter I of the ADA *Bylaws* was deleted and replaced with a new Chapter I and a Governance and Organizational Manual, with the transition to the new Chapter I to take effect at the conclusion of the 2017 House of Delegates. For convenience, the new Chapter I adopted by the 2016 House of Delegates is reproduced as Appendix II to this pamphlet and the Governance and Organizational Manual is appended as Appendix III. This footnote shall expire at the adjournment *sine die* of the 2017 House of Delegates.

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

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

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

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

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

b. PRIVILEGES.

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

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

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

c. DUES AND SPECIAL ASSESSMENTS.

Beginning January 1, 2006, and each year thereafter, the dues of active members shall be the amount established annually by the House of Delegates in accordance with the procedure set forth in Chapter V, Section 130Ad of these *Bylaws*. In addition to their annual dues, active members shall pay any special assessment, due January 1 of each year. Any dentist who satisfies the eligibility requirements for active membership and any of the following conditions shall be entitled to pay the reduced active member dues and any special assessment stated under such satisfied condition so long as that dentist maintains continuous membership, subject to the further reductions permitted under the provisions of Chapter I, Section 20Ad of these *Bylaws*:

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

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

special assessment then in effect through December 31 following completion of such course or program.

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

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

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

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

#### B. LIFE MEMBER.

a. QUALIFICATIONS. A life member shall be a member in good standing of this Association who (1) has been an active and/or retired member in good standing of this Association for thirty (30) consecutive years or a total of forty (40) years of active and/or retired membership or has been a

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

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

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

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

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

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

c. DUES AND SPECIAL ASSESSMENTS.

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

(2) RETIRED LIFE MEMBERS. Life members who have fulfilled the qualifications of Chapter I, Section 20C of these *Bylaws* with regard to income related to

dentistry shall be exempt from payment of dues and any special assessment.

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

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

C. RETIRED MEMBER.

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

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

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

officials of such member's component and constituent societies and this Association.

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

#### D. NONPRACTICING DENTIST MEMBER.

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

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

#### b. PRIVILEGES.

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

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

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

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

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

#### E. STUDENT MEMBER.

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



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

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

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

c. DUES AND SPECIAL ASSESSMENTS.

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

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

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

F. HONORARY MEMBER.

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

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

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

G. PROVISIONAL MEMBER.

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

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

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

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

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

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

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

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

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

#### H. ASSOCIATE MEMBER.

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

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

c. DUES AND SPECIAL ASSESSMENTS. The dues of associate members shall be twenty-five percent (25%) of the dues of active members, due

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\* 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.

## CHAPTER I • MEMBERSHIP

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

### I. INTERNATIONAL MEMBER.

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

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

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

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

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

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

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

The requirement of paying current dues does not apply to retired life, honorary and those members of this Association who pursuant to Section 50 of this Chapter have been granted dues waivers for the

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

*Section 40. LAPSE OF MEMBERSHIP AND REINSTATEMENT.*

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

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

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

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

B. FINANCIAL HARDSHIP WAIVERS. Those members who have suffered a significant financial hardship that prohibits them from payment of their full dues and/or any special assessment may be excused from the payment of twenty-five percent (25%), fifty percent (50%), seventy-five percent (75%) or all of the current year's dues and/or any special assessment as determined by their constituent

and component dental societies. The constituent and component societies shall certify the reason for the waiver, and the constituent and component societies shall provide the same proportionate waiver of their dues as that provided by this Association.\*

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

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

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

*Section 60.* INTERIM SERVICES FOR APPLICANTS. A dentist who has submitted a complete application for active membership in this

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\* 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

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697 Association and the appropriate constituent and  
698 component societies, if such exist, may on a one- time,  
699 interim basis: receive complimentary copies of *The*  
700 *Journal of the American Dental Association* and the  
701 *ADA News*, have access to the ADA.org member-only  
702 content areas and purchase items at a member rate  
703 through the ADA Catalog. Such interim services shall  
704 terminate when the membership application has been  
705 processed or within six (6) months of the application  
706 submission, whichever is sooner. Applicants shall  
707 have no right of appeal from a denial of membership  
708 in the Association.

CHAPTER II • CONSTITUENT SOCIETIES

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

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

722 *Section 30. POWERS AND DUTIES:*

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

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

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

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

738 E. It shall be its duty to collect membership dues and  
739 any special assessment for this Association in  
740 conformity with Chapter I, Section 20, of these  
741 *Bylaws*.

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

747 *Section 40. MEMBERSHIP:*

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

766 *Explanatory Note:* A dentist who has retired from  
767 active practice or who is engaged in activities  
768 furthering the object of this Association shall be  
769 considered to be practicing dentistry within the  
770 meaning of this Section.

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



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

807 C. PRIVILEGES. An active, life or retired member in  
 808 good standing shall enjoy all privileges of constituent  
 809 society membership except as otherwise provided by  
 810 these *Bylaws*.

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

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

837 *Section 60. SESSIONS:* A constituent society shall  
 838 hold a business session at least once each calendar  
 839 year.

840 *Section 70. CONSTITUTION AND BYLAWS:* Each  
 841 constituent society shall adopt and maintain a  
 842 constitution and bylaws which shall not be in conflict  
 843 with, or limit, the *Constitution and Bylaws*  
 844 of this Association and shall file a copy thereof and any  
 845 changes which may be made thereafter, with the  
 846 Executive Director of this Association.

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



## CHAPTER II • CONSTITUENT SOCIETIES

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849 *Ethics and Code of Professional Conduct* of this  
850 Association and the code of ethics adopted by the  
851 constituent society shall be the code of ethics of that  
852 constituent society for governing the professional  
853 conduct of its members.

854 *Section 90. RIGHT OF HEARING AND APPEAL:*  
855 Disputes arising between constituent societies or  
856 between a constituent society and one or more of its  
857 component societies may be referred to the Council  
858 on Ethics, Bylaws and Judicial Affairs of this  
859 Association for hearing and decision as provided in  
860 Chapter X, Section 120 in accordance with the  
861 procedure of Chapter XII, Section 20D and E of these  
862 *Bylaws* even though a disciplinary penalty is not  
863 involved.

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

877 Each constituent society and each federal dental  
878 service may select from among its active, life and  
879 retired members the same number of alternate  
880 delegates as delegates and shall designate the alternate  
881 delegate who shall replace an absent delegate.

882 *Section 110. CHARTERED CONSTITUENT*  
883 *SOCIETIES:* The Executive Director of the  
884 Association is authorized to issue a charter to each  
885 constituent society denoting its name and territorial  
886 jurisdiction. The following societies are chartered as  
887 constituent societies of this Association:

888 Alabama Dental Association  
889 Alaska Dental Society  
890 Arizona Dental Association  
891 Arkansas State Dental Association  
892 California Dental Association  
893 Colorado Dental Association  
894 Connecticut State Dental Association, The  
895 Delaware State Dental Society  
896 District of Columbia Dental Society, The  
897 Florida Dental Association  
898 Georgia Dental Association  
899 Hawaii Dental Association  
900 Idaho State Dental Association  
901 Illinois State Dental Society  
902 Indiana Dental Association

## CHAPTER II • CONSTITUENT SOCIETIES

### CHAPTER III • COMPONENT SOCIETIES

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

### CHAPTER III • COMPONENT SOCIETIES

941	<i>Section 10. ORGANIZATION:</i> Component societies
942	may be organized in conformity with a plan approved
943	by the constituent society of which they shall be
944	recognized entities provided, however, that the active,
945	life or retired members of each component society
946	shall consist of dentists who are members in good
947	standing of their respective constituent societies and
948	of this Association. The plan adopted by the
949	constituent society may or may not limit active
950	membership in a component society to dentists who
951	reside or practice within the geographic area of that
952	component society. Each component society shall
953	adopt and maintain a constitution and bylaws, which
954	shall not be in conflict with, or limit, the <i>Constitution</i>
955	<i>and Bylaws</i> of this Association or that of its

### CHAPTER III • COMPONENT SOCIETIES

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956 constituent society, and shall file a copy thereof and  
957 any changes which may be made thereafter with the  
958 Executive Director of this Association.

#### 959 *Section 20. POWER AND DUTIES:*

960 A. A component society shall have the power to select  
961 its active, life and retired members as active members  
962 of the constituent society in accordance with Chapter  
963 II, Section 40, of these *Bylaws*.

964 B. It shall have the power to provide for its financial  
965 support, to establish bylaws, rules and regulations, not  
966 in conflict with, or limiting, the *Constitution and*  
967 *Bylaws* of this Association or that of its constituent  
968 society and to adopt a code of ethics not in conflict  
969 with the *Principles of Ethics and Code of Professional*  
970 *Conduct* of this Association or code of ethics of its  
971 constituent society.

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

975 D. It shall have the power to establish committees,  
976 councils and commissions of the component society;  
977 to designate their powers and duties; and to adopt  
978 reasonable eligibility requirements for service  
979 thereon.

980 *Section 30. PRIVILEGES OF MEMBERSHIP:* An  
981 active, life or retired member in good standing shall  
982 have the opportunity of enjoying all privileges of  
983 component society membership except as otherwise  
984 provided by these *Bylaws*.

985 *Section 40. TRANSFER FROM ONE COMPONENT*  
986 *TO ANOTHER:* A member who has changed  
987 residence or location of practice within the  
988 jurisdiction of a constituent society so that the  
989 member no longer fulfills the membership  
990 requirements of the component society of which he or  
991 she is a member may maintain active membership in  
992 that component society for the calendar year  
993 following such change of residence or practice  
994 location.

995 A member who is required to transfer membership  
996 from one component society to another and whose  
997 application for transfer of membership is denied shall  
998 be entitled to a hearing (by either the component or  
999 constituent society), on the decision denying the  
1000 member's application for transfer of membership and  
1001 to appeal to the member's constituent society, if  
1002 applicable, and the Council on Ethics, Bylaws and  
1003 Judicial Affairs of this Association in accordance with  
1004 the procedures in Chapter XII, Section 20D and E of  
1005 these *Bylaws* even though a disciplinary penalty is not  
1006 involved. A component society which receives an  
1007 application for transfer of membership from a dentist

## CHAPTER III • COMPONENT SOCIETIES

### CHAPTER IV • TRUSTEE DISTRICTS

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1008 who has moved from the jurisdiction of another  
1009 constituent society is governed by Chapter II, Section  
1010 40B of these *Bylaws*.

### CHAPTER IV • TRUSTEE DISTRICTS

1011 *Section 10. ORGANIZATION:* The constituent  
1012 societies and the federal dental services shall be  
1013 organized into seventeen (17) trustee districts.

1014 *Section 20. PURPOSE:* The purpose of establishing  
1015 trustee districts is to provide representation of the  
1016 members of the constituent societies and the federal  
1017 dental services on the Board of Trustees.

1018 *Section 30. COMPOSITION:* The trustee districts are  
1019 numbered and composed as follows:

#### 1020 DISTRICT 1

1021 Connecticut State Dental Association, The  
1022 Maine Dental Association  
1023 Massachusetts Dental Society  
1024 New Hampshire Dental Society  
1025 Rhode Island Dental Association  
1026 Vermont State Dental Society

#### 1027 DISTRICT 2

1028 New York State Dental Association

#### 1029 DISTRICT 3

1030 Pennsylvania Dental Association

#### 1031 DISTRICT 4

1032 Air Force Dental Corps  
1033 Army Dental Corps  
1034 Delaware State Dental Society  
1035 District of Columbia Dental Society, The  
1036 Maryland State Dental Association  
1037 Navy Dental Corps  
1038 New Jersey Dental Association  
1039 Public Health Service  
1040 Puerto Rico, Colegio de Cirujanos Dentistas de  
1041 Veterans Affairs  
1042 Virgin Islands Dental Association

#### 1043 DISTRICT 5

1044 Alabama Dental Association  
1045 Georgia Dental Association  
1046 Mississippi Dental Association, The

#### 1047 DISTRICT 6

1048 Kentucky Dental Association  
1049 Missouri Dental Association  
1050 Tennessee Dental Association  
1051 West Virginia Dental Association

#### 1052 DISTRICT 7

1053 Indiana Dental Association  
1054 Ohio Dental Association

CHAPTER IV • TRUSTEE DISTRICTS  
CHAPTER V • HOUSE OF DELEGATES

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- 1055 DISTRICT 8  
1056 Illinois State Dental Society  
1057 DISTRICT 9  
1058 Michigan Dental Association  
1059 Wisconsin Dental Association  
1060 DISTRICT 10  
1061 Iowa Dental Association  
1062 Minnesota Dental Association  
1063 Nebraska Dental Association, The  
1064 North Dakota Dental Association  
1065 South Dakota Dental Association  
1066 DISTRICT 11  
1067 Alaska Dental Society  
1068 Idaho State Dental Association  
1069 Montana Dental Association  
1070 Oregon Dental Association  
1071 Washington State Dental Association  
1072 DISTRICT 12  
1073 Arkansas State Dental Association  
1074 Kansas Dental Association  
1075 Louisiana Dental Association, The  
1076 Oklahoma Dental Association  
1077 DISTRICT 13  
1078 California Dental Association  
1079 DISTRICT 14  
1080 Arizona Dental Association  
1081 Colorado Dental Association  
1082 Hawaii Dental Association  
1083 Nevada Dental Association  
1084 New Mexico Dental Association  
1085 Utah Dental Association  
1086 Wyoming Dental Association  
1087 DISTRICT 15  
1088 Texas Dental Association  
1089 DISTRICT 16  
1090 North Carolina Dental Society, The  
1091 South Carolina Dental Association  
1092 Virginia Dental Association  
1093 DISTRICT 17  
1094 Florida Dental Association

CHAPTER V • HOUSE OF DELEGATES

- 1095 *Section 10. COMPOSITION.*  
1096 A. VOTING MEMBERS. The House of Delegates  
1097 shall be composed of the officially certified delegates  
1098 of the constituent dental societies and of the five (5)  
1099 federal dental services, who shall be active, life or  
1100 retired members and five (5) student members of the  
1101 American Student Dental Association who are

1102 officially certified delegates from the American  
 1103 Student Dental Association. Proxy voting is explicitly  
 1104 prohibited; however, an alternate delegate may vote  
 1105 when substituted for a voting member in accordance  
 1106 with procedures established by the Committee on  
 1107 Credentials, Rules and Order.

1108 B. NON-VOTING MEMBERS. The elective and  
 1109 appointive officers and trustees of this Association  
 1110 shall be members of the House of Delegates without  
 1111 the power to vote. They shall not serve as delegates.  
 1112 Past presidents of this Association shall be members  
 1113 of the House of Delegates without the power to vote  
 1114 unless designated as delegates.

1115 C. REPRESENTATIONAL REQUIREMENTS  
 1116 AND GOALS. Each constituent society and each of  
 1117 the five (5) federal dental services shall be entitled to  
 1118 the minimum number of delegates set forth in  
 1119 CHAPTER II. CONSTITUENT SOCIETIES, Section  
 1120 100. PRIVILEGE OF REPRESENTATION. The  
 1121 American Student Dental Association shall be entitled  
 1122 to the number of delegates set forth in CHAPTER V.  
 1123 HOUSE OF DELEGATES, Section 10.  
 1124 COMPOSITION, Subsection A.

1125 The allocation of the remaining delegates shall be  
 1126 made pursuant to the delegate allocation methodology  
 1127 set forth in Subsection D. of this Section, with the  
 1128 goals of (i) achieving as close to proportional  
 1129 representation of active, life and retired members of  
 1130 the Association as possible while providing for the  
 1131 minimum representational requirements set forth in  
 1132 CHAPTER II. CONSTITUENT SOCIETIES, Section  
 1133 100. PRIVILEGE OF REPRESENTATION; (ii)  
 1134 providing for representation of the American Student  
 1135 Dental Association; and (iii) maintaining the size of  
 1136 the House of Delegates as close to 473 delegates as  
 1137 possible while meeting the other goals recited in this  
 1138 Subsection.

1139 D. DELEGATE ALLOCATION METHODOLOGY.  
 1140 Commencing in 2014, based on the representational  
 1141 requirements and goals set forth in Section 10C,  
 1142 delegates shall be allocated according to the allocation  
 1143 methodology set forth below. Thereafter, to account  
 1144 for membership fluctuations, delegate allocations  
 1145 shall be reviewed and delegates shall be reallocated  
 1146 by the Secretary of the House of Delegates every four  
 1147 (4) years among the constituent dental societies, the  
 1148 five (5) federal dental services and the American  
 1149 Student Dental Association in accordance with that  
 1150 same methodology. Delegate allocations shall be  
 1151 based on the Association's year-end membership  
 1152 records for the second calendar year preceding the  
 1153 year in which the delegate allocations become  
 1154 effective. The review of delegates shall take place as  
 1155 soon as possible after the membership numbers on

1156 which the delegate allocations are based are available  
 1157 and the Secretary of the House of Delegates shall  
 1158 publish the new delegate allocations expeditiously  
 1159 thereafter to the constituent dental societies, the five  
 1160 (5) federal dental services and the American Student  
 1161 Dental Association. The delegate allocations shall  
 1162 also be published in the Manual of the House of  
 1163 Delegates. The delegate allocation methodology is as  
 1164 follows:

1165 a. The Target Delegate Number. For purposes of  
 1166 allocating delegates, the target number of delegates  
 1167 to be used in calculating the allocation is four  
 1168 hundred seventy-three (473). From that target  
 1169 number two delegates will be deducted for each  
 1170 constituent society except that only a single delegate  
 1171 will be deducted from each of the Colegio de  
 1172 Cirujanos Dentistas de Puerto Rico and the Virgin  
 1173 Islands Dental Association unless the number of  
 1174 members in either of those societies is equal to or  
 1175 greater than the number of members in the smallest  
 1176 state constituent society, in which case a minimum  
 1177 of two (2) delegates will be deducted from the target  
 1178 delegate number for that society. One delegate is  
 1179 deducted from the target delegate number for each of  
 1180 the five (5) dental services, except that a minimum of  
 1181 two (2) delegates will be deducted for any federal  
 1182 dental service where the number of members is equal  
 1183 to or greater than the number of members in the  
 1184 smallest state constituent society. In addition, five  
 1185 (5) delegates will be deducted from the target  
 1186 delegate number for the American Student Dental  
 1187 Association. For purposes of the delegate allocation  
 1188 methodology set forth in these *Bylaws*, the remaining  
 1189 number of delegates in the target number of delegates  
 1190 following the deductions of delegates listed above  
 1191 from the target number of delegates shall be referred  
 1192 to as the net delegate allocation pool.

1193 b. Allocation to the American Student Dental  
 1194 Association. Five (5) delegates shall be allocated to  
 1195 the American Student Dental Association regardless  
 1196 of the number of members.

1197 c. Determination of the True Proportional  
 1198 Delegate Counts for each Constituent and each  
 1199 Federal Dental Service. Divide each constituent's  
 1200 and each federal dental service's total membership  
 1201 by the total membership of the Association. Multiply  
 1202 the resulting percentage of membership for each  
 1203 constituent and federal dental service by the target  
 1204 number of delegates set forth in paragraph a. of this  
 1205 Subsection less the number of delegates allocated to  
 1206 the American Student Dental Association in  
 1207 paragraph b. of this Subsection. The resulting true  
 1208 proportional delegate numbers will be used later in  
 1209 the delegate allocation methodology.

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

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

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

e. Calculation of Non-Minimum Membership Total.

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

f. Allocation of Remaining Delegates.

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

ii. Calculate the remaining number of delegates to be allocated by subtracting from the target number of delegates listed in paragraph a. of this Subsection the delegates allocated to the American Student Dental Association in paragraph b. of this Subsection and the delegates allocated by the



minimum allocation steps in paragraphs d.i and d.ii. of this Subsection.

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

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

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

g. Finalize the Delegate Allocation. Add together the final delegate allocations for the constituent societies, federal dental services and the American Student Dental Association determined through the calculations of paragraph b., subparagraphs d.i. and d.ii. and subparagraph f.v. of this Subsection. The result is the total delegates allocated. The total delegates allocated should vary no more than 5% from the target number of delegates set forth in paragraph a. of this Subsection.

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

1322 E. ALTERNATE DELEGATES. Each constituent  
 1323 dental society and each federal dental service may  
 1324 select from among its active, life and retired members  
 1325 the same number of alternate delegates as delegates.  
 1326 The American Student Dental Association may select  
 1327 from among its active members the same number of  
 1328 alternate delegates as delegates.

1329 F. SELECTION OF AMERICAN STUDENT  
 1330 DENTAL ASSOCIATION DELEGATES AND  
 1331 ALTERNATE DELEGATES. The American Student  
 1332 Dental Association shall select its five (5) delegates  
 1333 from its even numbered regions in even numbered  
 1334 years, and the odd numbered regions in odd numbered  
 1335 years, with their alternate delegates selected from the  
 1336 opposite groups of regions.

1337 G. TERM OF DELEGATES AND ALTERNATE  
 1338 DELEGATES. The term of a delegate or alternate  
 1339 delegate elected or selected pursuant to Section 20 of  
 1340 this Chapter commences from the time such delegate  
 1341 or alternate delegate is certified pursuant to Section 30  
 1342 of this Chapter until another delegate or alternate  
 1343 delegate elected or selected in place of such delegate  
 1344 or alternate delegate is so certified.

1345 *Section 20.* ELECTION OF DELEGATES AND  
 1346 ALTERNATE DELEGATES: The officially certified  
 1347 delegates of each constituent society shall be elected  
 1348 or, in the case of officially certified alternate  
 1349 delegates, elected or selected, by one or more of the  
 1350 following methods:

- 1351 1. By the membership at large of that constituent
- 1352 society;
- 1353 2. By the constituent society's governing legislative
- 1354 body or in the case of alternate delegates, selected by
- 1355 the constituent society's board of directors, at the
- 1356 discretion of the constituent society; and
- 1357 3. By a component with respect to the delegates
- 1358 representing that component.

1359 Each federal dental service and the American  
 1360 Student Dental Association may establish its own  
 1361 method for selecting delegates.

1362 *Section 30.* CERTIFICATION OF DELEGATES  
 1363 AND ALTERNATE DELEGATES: The executive  
 1364 director or equivalent chief executive officer of each  
 1365 constituent society, the ranking administrative officer  
 1366 of each federal dental service, and the secretary of the  
 1367 American Student Dental Association shall file with  
 1368 the Executive Director of this Association, at least  
 1369 sixty (60) days prior to the first day of the annual  
 1370 session of the House of Delegates, the names of the  
 1371 delegates and alternate delegates designated by the  
 1372 society, service or association. The Executive  
 1373 Director of this Association shall provide each  
 1374 delegate and alternate delegate with credentials which  
 1375 shall be presented to the Committee on Credentials,

1376 Rules and Order of the House of Delegates. In the  
 1377 event of a contest over the credentials of any delegate  
 1378 or alternate delegate, the Committee on Credentials,  
 1379 Rules and Order shall hold a hearing and report its  
 1380 findings and recommendations to the House of  
 1381 Delegates for final action.

1382 *Section 40. POWERS:* The House of Delegates shall  
 1383 be the supreme authoritative body. In addition to  
 1384 possessing legislative power, it shall have the power  
 1385 to:

1386 A. Determine the policies which shall govern this  
 1387 Association in all of its activities.

1388 B. Enact, amend and repeal the *Constitution and*  
 1389 *Bylaws*.

1390 C. Adopt and amend the *Principles of Ethics and*  
 1391 *Code of Professional Conduct* for governing the  
 1392 professional conduct of the members.

1393 D. Grant, amend, suspend or revoke charters of  
 1394 constituent societies. It shall also have the power by a  
 1395 two-thirds (2/3) affirmative vote of the delegates  
 1396 present and voting to suspend the representation of a  
 1397 constituent society in the House of Delegates upon a  
 1398 determination by the House that the bylaws of the  
 1399 constituent society violate the *Constitution* or *Bylaws*  
 1400 of this Association providing, however, such  
 1401 suspension shall not be in effect until the House of  
 1402 Delegates has voted that the constituent society is in  
 1403 violation and has one year after notification of the  
 1404 specific violation in which to correct its constitution  
 1405 or bylaws.

1406 E. Create special committees of the Association.

1407 F. Establish branch offices of the Association.

1408 G. Approve all memorials, resolutions or opinions  
 1409 issued in the name of the American Dental  
 1410 Association.

1411 *Section 50. DUTIES:* It shall be the duty of the House  
 1412 of Delegates to:

1413 A. Elect the elective officers.

1414 B. Elect the members of the Board of Trustees.

1415 C. Elect the members of the councils and  
 1416 commissions except as otherwise provided by these  
 1417 *Bylaws*.

1418 D. Receive and act upon reports of the committees of  
 1419 the House of Delegates.

1420 E. Adopt an annual budget and establish the dues of  
 1421 active members for the following year.

1422 F. Serve as the court of appeal from decisions of the  
 1423 Council on Ethics, Bylaws and Judicial Affairs

## CHAPTER V • HOUSE OF DELEGATES

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1424 involving disputes arising between constituent  
1425 societies or between constituent and component  
1426 societies, and as provided in Chapter XII of these  
1427 *Bylaws*.

1428 *Section 60. TRANSFER OF POWERS AND*  
1429 *DUTIES OF THE HOUSE OF DELEGATES:* The  
1430 powers and duties of the House of Delegates, except  
1431 the power to amend, enact and repeal the *Constitution*  
1432 *and Bylaws*, and the duty of electing the elective  
1433 officers and the members of the Board of Trustees,  
1434 may be transferred to the Board of Trustees of this  
1435 Association in time of extraordinary emergency. The  
1436 existence of a time of extraordinary emergency may  
1437 be determined by unanimous consent of the members  
1438 of the Board of Trustees present and voting at a  
1439 regular or special session. Such extraordinary  
1440 emergency may also be determined by mail vote of  
1441 the current members of the House of Delegates on  
1442 recommendation of at least four (4) of the elective  
1443 officers. A mail vote to be valid shall consist of ballots  
1444 received from not less than twenty-five percent (25%)  
1445 of the current members of the House of Delegates. A  
1446 majority of the votes cast within thirty (30) days after  
1447 the mailing of the ballot shall decide the vote.

1448 *Section 70. ANNUAL SESSION:* The House of  
1449 Delegates shall meet annually.

1450 *Section 80. SPECIAL SESSIONS:* A special session  
1451 of the House of Delegates shall be called by the  
1452 President on a three-fourths (3/4) affirmative vote of  
1453 the members of the Board of Trustees or on written  
1454 request of delegates representing at least one-third  
1455 (1/3) of the constituent societies and not less than one-  
1456 fifth (1/5) of the number of officially certified  
1457 delegates of the last House of Delegates. The time and  
1458 place of a special session shall be determined by the  
1459 President, provided the time selected shall be not  
1460 more than forty-five (45) days after the request was  
1461 received. The business of a special session shall be  
1462 limited to that stated in the official call except by  
1463 unanimous consent.

1464 *Section 90. OFFICIAL CALL:*

1465 A. ANNUAL SESSION. The Executive Director of  
1466 the Association shall direct that an official notice of  
1467 the time and place of each annual session be published  
1468 in *The Journal of the American Dental Association*.  
1469 The Executive Director of the Association shall also  
1470 send an official notice of the time and place of the  
1471 annual session to each member of the House of  
1472 Delegates at least thirty (30) days before the opening  
1473 of such session.

1474 B. SPECIAL SESSION. The Executive Director of  
1475 the Association shall send an official notice of the  
1476 time and place of each special session and a statement

## CHAPTER V • HOUSE OF DELEGATES

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1477 of the business to be considered to every officially  
1478 certified delegate and alternate delegate of the last  
1479 House, not less than fifteen (15) days before  
1480 the opening of such session.

1481 *Section 100. QUORUM:* Twenty-five percent (25%)  
1482 of the voting members of the House of Delegates,  
1483 representing at least twenty-five percent (25%) of the  
1484 constituent societies, the American Student Dental  
1485 Association and the federal dental services, shall  
1486 constitute a quorum for the transaction of business at  
1487 any meeting.

1488 *Section 110. OFFICERS:*

1489 A. SPEAKER AND SECRETARY. The officers of  
1490 the House shall be the Speaker of the House of  
1491 Delegates and the Secretary of the House of  
1492 Delegates. The Executive Director of this Association  
1493 shall serve as Secretary of the House of Delegates.  
1494 In the absence of the Speaker the office shall be filled  
1495 by the President. In the absence of the Secretary of the  
1496 House of Delegates the Speaker shall appoint a  
1497 Secretary of the House of Delegates *pro tem*.

1498 B. DUTIES.

1499 a. SPEAKER. The Speaker shall preside at all  
1500 meetings of the House of Delegates and, in  
1501 accordance with Chapter V, Section 140Bb,  
1502 determine the order of business for all meetings  
1503 subject to the approval of the House of Delegates,  
1504 appoint tellers to assist in determining the result of  
1505 any action taken by vote and perform such other  
1506 duties as custom and parliamentary procedure  
1507 require. The decision of the Speaker shall be final  
1508 unless an appeal from such decision shall be made by  
1509 a member of the House, in which case final decision  
1510 shall be by majority vote. In addition, following  
1511 adjournment of the Standing Committee on  
1512 Constitution and Bylaws, the Speaker and the Chair  
1513 of the Council on Ethics, Bylaws and Judicial Affairs  
1514 shall be responsible for reviewing and either  
1515 approving or redrafting any new resolutions or  
1516 changes to resolutions that propose amendments to  
1517 the *Constitution and Bylaws*, in accordance with  
1518 Chapter V, Section 140Ab.

1519 b. SECRETARY. The Secretary of the House of  
1520 Delegates shall serve as the recording officer of the  
1521 House and the custodian of its records, and shall  
1522 cause a record of the proceedings of the House to be  
1523 published as the official transactions of the House.

1524 *Section 120. ORDER OF BUSINESS:* The order of  
1525 business shall be that order of business adopted by the  
1526 House of Delegates in conformity with Chapter V,  
1527 Section 110Ba and Chapter V, Section 140Bb.

1528 *Section 130. RULES OF ORDER:*

- 1529 A. STANDING RULES AND REPORTS.
- 1530 a. REPORTS. All reports of elective officers,
- 1531 councils and committees, except supplemental
- 1532 reports, shall be sent to each delegate and alternate
- 1533 delegate at least fourteen (14) days in advance of the
- 1534 opening of the annual session. All supplemental
- 1535 reports shall be distributed to each delegate before
- 1536 such report is considered by the House of Delegates.
- 1537 b. APPROPRIATION OF FUNDS. Any resolution
- 1538 proposing an appropriation of funds, except those
- 1539 relating to the annual budget, shall be referred to the
- 1540 Board of Trustees for a report at the same session on
- 1541 the availability of funds for the purpose specified.
- 1542 c. APPROVAL OF ANNUAL BUDGET. The
- 1543 proposed annual budget shall be submitted by the
- 1544 Board of Trustees to the members of the House of
- 1545 Delegates at least thirty (30) days prior to the
- 1546 opening meeting of the annual session, shall be
- 1547 referred to a special reference committee on budget
- 1548 for hearings at the annual session and then shall be
- 1549 considered for approval as a special order of business
- 1550 at the second meeting of the House of Delegates. In
- 1551 the event the budget as submitted is not approved, all
- 1552 recommendations for changes shall be referred to the
- 1553 Board of Trustees to prepare and present a revised
- 1554 budget. This procedure shall be repeated until a
- 1555 budget for the ensuing fiscal year shall be adopted.
- 1556 d. APPROVAL OF THE DUES OF ACTIVE
- 1557 MEMBERS. The dues of active members of this
- 1558 Association shall be established by the House of
- 1559 Delegates as the last item of business at each annual
- 1560 session. The resolution to establish the dues of active
- 1561 members for the following year shall be proposed at
- 1562 each annual session by the Board of Trustees in
- 1563 conformity with Chapter VII, Section 100F of these
- 1564 *Bylaws*, may be amended to any amount and/or
- 1565 reconsidered by the House of Delegates until a
- 1566 resolution establishing the dues of active members is
- 1567 adopted by a sixty percent (60%) affirmative vote of
- 1568 the delegates present and voting.
- 1569 e. INTRODUCTION OF NEW BUSINESS. No new
- 1570 business shall be introduced into the House of
- 1571 Delegates less than 15 days prior to the opening of
- 1572 the annual session, unless submitted by a Trustee
- 1573 District or the American Student Dental Association
- 1574 Delegation. No new business shall be introduced into
- 1575 the House of Delegates at the last meeting of a
- 1576 session except when such new business is submitted
- 1577 by a Trustee District or the American Student Dental
- 1578 Association Delegation and is permitted to be
- 1579 introduced by a two-thirds (2/3) affirmative vote of
- 1580 the delegates present and voting. The motion
- 1581 introducing such new business shall not be
- 1582 debatable. Approval of such new business shall
- 1583 require a majority vote except new business
- 1584 introduced at the last meeting of a session that would

1585 require a bylaw amendment cannot be adopted at  
 1586 such last meeting. Reference committee  
 1587 recommendations shall not be deemed new business.  
 1588 f. RESOLUTIONS. A resolution becomes the  
 1589 property of the American Dental Association when  
 1590 submitted to the ADA House of Delegates for  
 1591 consideration. If adopted by the House of Delegates,  
 1592 this Association shall be the sole owner of the  
 1593 resolution which shall constitute “work made for  
 1594 hire” under copyright laws. This Association shall  
 1595 have the exclusive right to seek copyright  
 1596 registration for the resolution and to secure  
 1597 copyrights and retain ownership of such copyrights  
 1598 in its own name.

1599 B. ADDITIONAL RULES. The rules contained in the  
 1600 current edition of the *American Institute of*  
 1601 *Parliamentarians Standard Code of Parliamentary*  
 1602 *Procedure* shall govern the deliberations of the House  
 1603 of Delegates in all cases in which they are applicable  
 1604 and not in conflict with the standing rules or these  
 1605 *Bylaws*.

1606 *Section 140. COMMITTEES:* The committees of the  
 1607 House of Delegates shall be:

1608 A. COMMITTEE ON CONSTITUTION AND  
 1609 BYLAWS.

1610 a. COMPOSITION. The Committee shall consist of  
 1611 not more than eight (8) nor less than six (6) members  
 1612 of the Council on Ethics, Bylaws and Judicial Affairs  
 1613 of this Association appointed by the President in  
 1614 consultation with the Speaker of the House of  
 1615 Delegates and the Council Chair.

1616 b. DUTIES. Prior to the first meeting of each new  
 1617 session of the House of Delegates, the Committee  
 1618 shall review all resolutions proposing amendments to  
 1619 the *Constitution and Bylaws* and shall either approve  
 1620 the text of the amendment as written or shall redraft  
 1621 the resolution to accomplish the intent of the maker  
 1622 in the form currently used by the House of Delegates.  
 1623 The Committee shall file a report of its findings and  
 1624 actions at the first meeting of the House of Delegates  
 1625 and then shall adjourn. Thereafter until the House of  
 1626 Delegates adjourns *sine die*, the Speaker of the  
 1627 House and the Chair of the Council on Ethics,  
 1628 Bylaws and Judicial Affairs shall be responsible for  
 1629 reviewing any new resolutions or changes to  
 1630 resolutions that propose amendments to the  
 1631 *Constitution and Bylaws*, and they shall either  
 1632 approve the text of the amendment as written or shall  
 1633 redraft the resolution to accomplish the intent of the  
 1634 maker in the form currently used by the House of  
 1635 Delegates.

1636 B. COMMITTEE ON CREDENTIALS, RULES  
 1637 AND ORDER.

1638 a. COMPOSITION. The Committee, consisting of



1639 nine (9) members from the officially certified  
 1640 delegates and alternate delegates, shall be appointed  
 1641 by the President at least sixty (60) days in advance of  
 1642 each session.

1643 b. DUTIES. It shall be the duty of the Committee (1)  
 1644 to record and report the roll call of the House of  
 1645 Delegates at each meeting; (2) to conduct a hearing  
 1646 on any contest regarding the certification of a  
 1647 delegate or alternate delegate and to report its  
 1648 recommendations to the House of Delegates; (3) to  
 1649 prepare a report, in consultation with the Speaker and  
 1650 Secretary of the House of Delegates, on matters  
 1651 relating to the order of business and special rules of  
 1652 order; (4) to consider all matters referred to it and  
 1653 report its recommendations to the House of  
 1654 Delegates.

1655 C. REFERENCE COMMITTEES.

1656 a. COMPOSITION. Reference committees,  
 1657 consisting of nine (9) members from the officially  
 1658 certified delegates and alternate delegates, shall be  
 1659 appointed by the President at least sixty (60) days in  
 1660 advance of each annual session.

1661 b. DUTIES. It shall be the duty of a reference  
 1662 committee to consider reports referred to it, to  
 1663 conduct open hearings and to report its  
 1664 recommendations to the House of Delegates.

1665 D. SPECIAL COMMITTEES. The Speaker, with the  
 1666 consent of the House of Delegates, shall appoint  
 1667 special committees to perform duties not otherwise  
 1668 assigned by these *Bylaws*, to serve until adjournment  
 1669 *sine die* of the session at which they were appointed.

1670 *Section 150. ELECTION PROCEDURE:* Elective  
 1671 officers, members of the Board of Trustees and  
 1672 members of councils and committees shall be elected  
 1673 by the House of Delegates except as otherwise  
 1674 provided in these *Bylaws*. Voting shall be by ballot,  
 1675 except that when there is only one candidate for an  
 1676 office, council or committee, such candidate may be  
 1677 declared elected by the Speaker. The Secretary shall  
 1678 provide facilities for voting.

1679 a. When one is to be elected, and more than one has  
 1680 been nominated, the majority of the ballots cast shall  
 1681 elect. In the event no candidate receives a majority  
 1682 on the first ballot, the candidate with the fewest votes  
 1683 shall be removed from the ballot and the remaining  
 1684 candidates shall be balloted upon again. This process  
 1685 shall be repeated until one (1) candidate receives a  
 1686 majority of the votes cast.

1687 b. When more than one is to be elected, and the  
 1688 nominees exceed the number to be elected, the votes  
 1689 cast shall be non-cumulative, and the candidates  
 1690 receiving the greatest number of votes shall be  
 1691 elected.



## CHAPTER VI • CONFLICT OF INTEREST

### CHAPTER VII • BOARD OF TRUSTEES

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#### CHAPTER VI • CONFLICT OF INTEREST

1692 It is the policy of this Association that individuals who  
1693 serve in elective, appointive or employed offices or  
1694 positions do so in a representative or fiduciary  
1695 capacity that requires loyalty to the Association. At all  
1696 times while serving in such offices or  
1697 positions, these individuals shall further the interests  
1698 of the Association as a whole. In addition, they shall  
1699 avoid:

1700 a. placing themselves in a position where personal or  
1701 professional interests may conflict with their duty to  
1702 this Association.

1703 b. using information learned through such office or  
1704 position for personal gain or advantage.

1705 c. obtaining by a third party an improper gain or  
1706 advantage.

1707 As a condition for selection, each nominee, candidate  
1708 and applicant shall complete a conflict of interest  
1709 statement as prescribed by the Board of Trustees,  
1710 disclosing any situation which might be construed as  
1711 placing the individual in a position of having an  
1712 interest that may conflict with his or her duty to the  
1713 Association. Candidates for offices of President-elect,  
1714 Second Vice President, Treasurer, Speaker of the  
1715 House, nominees for office of trustee, and nominees  
1716 to councils and commissions shall file such statements  
1717 with the Secretary of the House of Delegates to be  
1718 made available to the delegates prior to election. As  
1719 a condition of appointment, consultants, advisers and  
1720 staff of Councils, Commissions and Special  
1721 Committees, and each person nominated or seeking  
1722 such positions, shall file conflict of interest statements  
1723 with the executive director of this Association.

1724 While serving in any elective, appointive or employed  
1725 office or position, the individual shall comply with the  
1726 conflict of interest policy applicable to his or her  
1727 office or position, shall complete and file a conflict of  
1728 interest statement for each year of service, and shall  
1729 promptly report any situation in which a potential  
1730 conflict of interest may arise.

1731 The Board of Trustees shall approve any additional  
1732 compliance activities that will implement the  
1733 requirements of this chapter. The Board of Trustees  
1734 shall render a final judgment on what constitutes a  
1735 conflict of interest.

#### CHAPTER VII • BOARD OF TRUSTEES

1736 *Section 10. COMPOSITION:* The Board of Trustees  
1737 shall consist of one (1) trustee from each of the  
1738 seventeen (17) trustee districts. Such seventeen (17)  
1739 trustees, the President-elect and the two Vice  
1740 Presidents shall constitute the voting membership of  
1741 the Board of Trustees. In addition, the President, the  
1742 Treasurer and the Executive Director of the  
1743 Association, except as otherwise provided in the

1744 *Bylaws*, shall be non-voting members of the Board.

1745 *Section 20. QUALIFICATIONS:* A trustee must be an  
 1746 active, life or retired member, in good standing, of this  
 1747 Association and an active, life or retired member of  
 1748 one of the constituent societies of the trustee district  
 1749 which the trustee is elected to represent. Should the  
 1750 status of any trustee change in regard to the preceding  
 1751 qualifications during the trustee's term of office, that  
 1752 office shall be declared vacant by the President and  
 1753 the President shall fill such vacancy as provided in  
 1754 Chapter VII, Section 80, of these *Bylaws*.

1755 *Section 30. TERM OF OFFICE:* The term of office of  
 1756 a trustee shall be four (4) years. The tenure of a trustee  
 1757 shall be limited to one (1) term of four (4) years.

1758 *Section 40. NOMINATION:*

1759 A. SINGLE CONSTITUENT DISTRICT. In trustee  
 1760 districts consisting of a single constituent dental  
 1761 society, the trustee nomination procedures shall be  
 1762 determined by an elective process established by the  
 1763 constituent dental society which shall produce a single  
 1764 nominee for trustee. Until such time as the Speaker  
 1765 declares the nominee elected pursuant to Paragraph A  
 1766 of Section 50 of this Chapter, the nomination may be  
 1767 reconsidered by the duly constituted caucus of the  
 1768 trustee district during the appropriate annual session,  
 1769 provided that at no time shall more than one nominee  
 1770 be presented by the trustee district for election. The  
 1771 House of Delegates may vote to reject any such  
 1772 nominee and thereby compel the trustee district  
 1773 caucus to select a different nominee.

1774 B. MULTIPLE CONSTITUENT DISTRICTS. In  
 1775 multiple constituent districts, the delegates from the  
 1776 constituent societies of the trustee district in which the  
 1777 term of the trustee is to terminate, shall hold a caucus  
 1778 to select a nominee or nominees for the office of  
 1779 trustee. Such caucus shall be called by the trustee  
 1780 whose term is about to expire, or by the trustee's  
 1781 designee. The notice of the time and place of such  
 1782 caucus shall be reported to the Secretary of the House.  
 1783 At the caucus the delegates shall nominate one (1) or  
 1784 two (2) candidates for the office of trustee, whose  
 1785 name or names shall be presented to the House of  
 1786 Delegates in accordance with the following rules. An  
 1787 action taken at a duly constituted caucus of the trustee  
 1788 district to nominate or select a trustee may be  
 1789 reconsidered at a later caucus during the appropriate  
 1790 annual session.

1791 a. A person receiving the unanimous vote of the  
 1792 delegates present and voting at the caucus shall be  
 1793 the only nominee presented by the district.

1794 b. In the event that one (1) candidate receives a  
 1795 majority vote, one (1) or more of the delegates voting  
 1796 in the minority may select another nominee and the

## CHAPTER VII • BOARD OF TRUSTEES

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1797 names of both nominees shall be presented to the  
1798 House of Delegates as the nominees of that district.  
1799 c. The number of votes received by each nominee in  
1800 the caucus shall be reported to the House of  
1801 Delegates.

1802 C. NOMINATING PROCEDURE. Candidates for the  
1803 office of trustee shall be nominated from the floor of  
1804 the House of Delegates by a simple declaratory  
1805 statement, which may be followed by an acceptance  
1806 speech not to exceed four (4) minutes by the candidate  
1807 from the podium, according to the protocol  
1808 established by the Speaker of the House of Delegates.  
1809 Seconding a nomination is not permitted.

1810 *Section 50. ELECTION:* The trustee shall be elected  
1811 by the House of Delegates according to the following  
1812 rules:

1813 A. If there is only one (1) nominee from a trustee  
1814 district, the Speaker shall declare such nominee  
1815 elected.

1816 B. If there are two (2) nominees from a trustee district,  
1817 the election shall be by ballot in accordance with  
1818 Chapter V, Section 150. The nominee receiving the  
1819 larger number of votes cast shall be declared elected.  
1820 The method of election set forth in this paragraph shall  
1821 not be used for any trustee district consisting of a  
1822 single constituent dental society. A trustee district  
1823 consisting of a single constituent dental society may  
1824 present a single nominee to be elected pursuant to  
1825 Paragraph A of this Section.

1826 *Section 60. INSTALLATION:* The trustee shall be  
1827 installed by the President or by the President's  
1828 designee.

1829 *Section 70. REMOVAL FOR CAUSE:* The House of  
1830 Delegates may remove a trustee for cause in  
1831 accordance with procedures established by the House  
1832 of Delegates, which procedures shall provide for  
1833 notice of the charges and an opportunity for the  
1834 accused to be heard in his or her defense. A two-thirds  
1835 (2/3) affirmative vote of the delegates present and  
1836 voting is required to remove a trustee from office. If  
1837 the House of Delegates elects to remove the trustee,  
1838 that action shall create a vacancy on the Board of  
1839 Trustees which shall be filled in accordance with  
1840 Chapter VII, Section 80.

1841 *Section 80. VACANCY:* In the event of a vacancy in  
1842 the office of trustee, an active, life or retired member  
1843 may be appointed by the President to fill the unexpired  
1844 term of the vacancy. The appointment shall be made  
1845 by the President with the advice and consent of the  
1846 former trustee's district. A trustee district may file  
1847 rules with the Association's Executive Director  
1848 setting forth how its nominee shall be chosen. In the

- 1849 event an appointment to fill the vacancy has not been  
 1850 made by the time of the next meeting of the House of  
 1851 Delegates following the occurrence of the vacancy,  
 1852 then a successor trustee shall be elected for the  
 1853 remainder of the unexpired term by the House of  
 1854 Delegates pursuant to the provisions of Chapter VII,  
 1855 Sections 40 and 50 of these *Bylaws*. If the term of the  
 1856 vacated trustee position has less than fifty percent  
 1857 (50%) of a full four-year term remaining at the time  
 1858 the successor trustee is appointed or elected, the  
 1859 successor trustee shall be eligible for election to a  
 1860 new, consecutive four-year term. If fifty percent  
 1861 (50%) or more of the vacated term remains to be  
 1862 served at the time of the appointment or election, the  
 1863 successor trustee shall not be eligible for another term.
- 1864 *Section 90. POWERS:* The Board of Trustees shall be  
 1865 the managing body of the Association, vested with  
 1866 full power to:
- 1867 A. Conduct all business of the Association, subject to  
 1868 the laws of the State of Illinois, the *Articles of*  
 1869 *Incorporation*, the *Constitution and Bylaws* and the  
 1870 mandates of the House of Delegates. The power of the  
 1871 Board of Trustees to act as the managing body of the  
 1872 Association shall not be construed as limiting the  
 1873 power of the House of Delegates to establish policy  
 1874 with respect to the governance of this Association in  
 1875 all its activities, except for areas expressly  
 1876 reserved in these *Bylaws* as powers and/or duties of  
 1877 the Board of Trustees, as the same may be amended  
 1878 by the House of Delegates from time to time in  
 1879 accordance with these *Bylaws*.
- 1880 B. Establish rules and regulations not inconsistent  
 1881 with these *Bylaws* to govern its organization and  
 1882 procedure.
- 1883 C. Direct the President to call a special session of the  
 1884 House of Delegates as provided in Chapter V, Section  
 1885 80, of the *Bylaws*.
- 1886 D. Cause to be published in, or to be omitted from,  
 1887 any official publication of the Association any article  
 1888 in whole or in part relating to ADA policies, advocacy  
 1889 efforts and legislative agendas.
- 1890 E. Appoint an editor of *The Journal of the American*  
 1891 *Dental Association*.
- 1892 F. Appoint an editorial board whose members have  
 1893 been nominated by the editor of *The Journal of the*  
 1894 *American Dental Association*.
- 1895 G. Establish *ad interim* policies when the House of  
 1896 Delegates is not in session and when such policies are  
 1897 essential to the management of the Association  
 1898 provided, however, that all such policies must be  
 1899 presented for review and consideration by the House  
 1900 of Delegates at its next session.

## CHAPTER VII • BOARD OF TRUSTEES

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- 1901 H. Remove a council member for cause in accordance  
1902 with procedures established by the Board of Trustees  
1903 in its *Rules*.
- 1904 I. Elect honorary members.
- 1905 J. Appoint its members to committees that shall have  
1906 the power to perform any duty that the Board of  
1907 Trustees may lawfully delegate.
- 1908 K. Supervise, monitor and guide, on an interim basis,  
1909 the activities of all councils and special committees in  
1910 order to ensure the fulfillment of initiatives and  
1911 directives assigned to each council or special  
1912 committee by the House of Delegates or Board of  
1913 Trustees subject to the requirement that all interim  
1914 actions of the Board must be approved by the House  
1915 of Delegates.
- 1916 L. Establish rules and procedures authorizing the  
1917 councils, commissions and committees of this  
1918 Association to transact business by ballot without a  
1919 meeting.
- 1920 M. Appoint agents and/or other representatives for the  
1921 purpose of supervising, managing and otherwise  
1922 conducting business under its direction and in  
1923 accordance with these *Bylaws* and the laws of the  
1924 State of Illinois. No such appointment shall relieve  
1925 the Board of Trustees of its fiduciary duties as the  
1926 managing body of the Association as provided in  
1927 these *Bylaws*.
- 1928 N. Notwithstanding any other provision in the *Bylaws*,  
1929 authorize pilot programs of limited scope (e.g.  
1930 geographic or demographic), and guidelines related  
1931 thereto, provided that no such pilot program shall  
1932 exceed a period of three years without authorization  
1933 by the House of Delegates and provided further that  
1934 the Board of Trustees shall annually report on any  
1935 such program during its duration, to the House of  
1936 Delegates.
- 1937 *Section 100. DUTIES:* It shall be the duty of the Board  
1938 of Trustees to:
- 1939 A. Provide for the purchase, sale, mortgage,  
1940 maintenance and supervision of the Headquarters  
1941 Office and all other property or offices owned or  
1942 operated by this Association.
- 1943 B. Appoint the Executive Director and an interim  
1944 Executive Director of the Association.
- 1945 C. Determine the date and place for convening each  
1946 annual session and provide for the management and  
1947 general arrangements for each annual session as  
1948 provided in Chapter XVI, Section 30.
- 1949 D. Cause to be bonded by a surety company the  
1950 Treasurer, the Executive Director and employees of

## CHAPTER VII • BOARD OF TRUSTEES

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- 1951 the Association entrusted with Association funds.
- 1952 E. Provide guidelines and directives to govern the  
1953 Treasurer's custody, investment and disbursement of  
1954 Association funds and other property as provided in  
1955 Chapter VIII, Section 90F, of these *Bylaws*; and to  
1956 cause all accounts of the Association to be audited by  
1957 a certified public accountant at least once a year.
- 1958 F. Prepare a budget for carrying on the activities of the  
1959 Association for each ensuing fiscal year, and present  
1960 for action by each House of Delegates a resolution  
1961 setting forth the proposed dues of active members for  
1962 the following year. Notice of such a resolution shall  
1963 be sent electronically to each constituent society and  
1964 posted on ADA Connect or its equivalent for the  
1965 House of Delegates not less than thirty (30) days  
1966 before such session to permit prompt, adequate notice  
1967 by each constituent society to its delegates and  
1968 alternate delegates to the House of Delegates of this  
1969 Association, and shall be announced to the general  
1970 membership in an official publication of the  
1971 Association at least fifteen (15) days in advance of the  
1972 annual session.
- 1973 G. Establish recommended qualifications for the  
1974 office of Treasurer.
- 1975 H. Submit to the House of Delegates at the opening  
1976 meeting of the annual session, in printed form,  
1977 nominations for membership to the councils, except  
1978 as otherwise provided in these *Bylaws*.
- 1979 I. Appoint annually the chair of each council, except  
1980 as otherwise provided in these *Bylaws*, and to act upon  
1981 council, commission, and bureau nominations for  
1982 consultants and advisers except as otherwise provided  
1983 in these *Bylaws*.
- 1984 J. Provide interim guidance and supervision to all  
1985 councils and special committees in order to ensure the  
1986 fulfillment of initiatives and directives assigned to  
1987 each council or special committee by the House of  
1988 Delegates or Board of Trustees.
- 1989 K. Review the reports of councils and special  
1990 committees of the Association and to make  
1991 recommendations concerning such reports to the  
1992 House of Delegates.
- 1993 L. Act upon applications for active membership from  
1994 applicants practicing in dependencies of the United  
1995 States in which no constituent society exists or in  
1996 federal dental services.
- 1997 M. Submit an annual report to the House of Delegates  
1998 of its activities and those of the Treasurer and  
1999 Executive Director.
- 2000 N. Review the periodic delegate allocations to the  
2001 House of Delegates performed pursuant to the

## CHAPTER VII • BOARD OF TRUSTEES

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2002 methodology set forth in CHAPTER V. HOUSE OF  
2003 DELEGATES, Section 10. COMPOSITION,  
2004 Subsection D. DELEGATE ALLOCATION  
2005 METHODOLOGY against the representational  
2006 requirements and goals as provided in Chapter V,  
2007 Section 10C, of these *Bylaws*.

2008 O. Elect associate members.

2009 P. Establish other funds as divisions of the General  
2010 Fund in accordance with the provisions of Chapter  
2011 XVIII, Section 30.

2012 Q. Appoint special committees of the Association in  
2013 accordance with Chapter XI, Section 10 of these  
2014 *Bylaws*.

2015 R. Perform such other duties as are prescribed by  
2016 these *Bylaws*.

2017 S. Establish such administrative agencies of this  
2018 Association as may be necessary to implement the  
2019 Association's programs, to assign the duties of such  
2020 agencies through the Executive Director of the  
2021 Association under whose jurisdiction each shall  
2022 operate, and to require reports of such agencies  
2023 through the same channels.

2024 *Section 110. MEETINGS:*

2025 A. REGULAR MEETINGS. The Board of Trustees  
2026 shall hold a minimum of three regular meetings each  
2027 year. The number of actual regular meetings to be held  
2028 in excess of three for the ensuing year shall be  
2029 determined in advance by the Board of Trustees.

2030 B. SPECIAL MEETINGS. Special meetings of the  
2031 Board of Trustees may be called at any time either by  
2032 the President or at the request of five voting members  
2033 of the Board, provided notice is given to each member  
2034 in advance of the session.

2035 C. PLACE OF MEETINGS: Regular or special  
2036 meetings may be held in a single geographic location  
2037 or from multiple remote locations through the use of  
2038 a conference telephone or other communications  
2039 equipment. Special meetings held through the use of  
2040 a conference telephone or other communications  
2041 equipment may be called by the President or at the  
2042 request of five voting members of the Board of  
2043 Trustees for matters of the Association requiring  
2044 immediate attention. Such meetings shall be  
2045 conducted in accordance with rules and procedures  
2046 established by the Board of Trustees.

2047 *Section 120. QUORUM:* A majority of the voting  
2048 members of the Board of Trustees shall constitute a  
2049 quorum.

2050 *Section 130. OFFICERS:*

2051 A. CHAIR AND SECRETARY. The officers of the



2052 Board of Trustees shall be the President of the  
 2053 Association who shall be the Chair, and the Executive  
 2054 Director of the Association who shall be the  
 2055 Secretary.

2056 In the absence of the President, the office of Chair  
 2057 shall be filled by the President-elect and, in his or her  
 2058 absence, by the First or Second Vice President in that  
 2059 order and, in their absence, a voting member of the  
 2060 Board shall be elected Chair *pro tem*.

2061 In the absence of the Secretary, the Chair shall appoint  
 2062 a Secretary *pro tem*.

2063 B. DUTIES.

2064 a. CHAIR. The Chair shall preside at all meetings of  
 2065 the Board of Trustees. The Chair may cast a vote  
 2066 only in instances where there is a tie vote and the tie  
 2067 does not by itself determine the outcome of the vote.

2068 b. SECRETARY. The Secretary shall serve as the  
 2069 recording officer of the Board of Trustees and as the  
 2070 custodian of its records. The Secretary shall cause a  
 2071 factual record of the proceedings to be published as  
 2072 the official transactions of the Board.

2073 *Section 140. COMMITTEES:* The Board of Trustees  
 2074 shall have a standing New Dentist Committee. The  
 2075 Committee shall consist of one (1) member from each  
 2076 trustee district who are active members selected by the  
 2077 Board of Trustees and confirmed by the House of  
 2078 Delegates. Members of the Committee shall have  
 2079 received their D.D.S. or D.M.D. degree less than ten  
 2080 (10) years before the time of selection. The chair of  
 2081 the Committee shall be appointed annually by the  
 2082 Board of Trustees.

2083 Members of the Committee shall serve one (1) term  
 2084 of four (4) years. The Board of Trustees shall stagger  
 2085 the terms of the members of the Committee in a  
 2086 manner so four (4) members will complete their terms  
 2087 each year, except every fourth year when five (5)  
 2088 members shall complete their terms.

2089 The Board of Trustees shall have the power to remove  
 2090 a Committee member for cause in accordance with  
 2091 procedures established by the Board in its *Rules*. In  
 2092 the event of any vacancy on the Committee, the Board  
 2093 of Trustees shall select a member of this Association  
 2094 possessing the same qualifications as established by  
 2095 these *Bylaws* for the previous member, to fill such  
 2096 vacancy for the remainder of the unexpired term. If  
 2097 the term of the vacated Committee position has less  
 2098 than fifty percent (50%) of a full four-year term  
 2099 remaining at the time the successor member is  
 2100 selected, the successor member shall be eligible for  
 2101 selection to a new, consecutive four-year term. If fifty  
 2102 percent (50%) or more of the vacated term remains to  
 2103 be served at the time of selection, the successor  
 2104 member shall not be eligible for another term.

2105 The New Dentist Committee's work shall be assigned  
 2106 by the Board of Trustees, and reports and proposals



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- 2107 formulated by the Committee shall be referred to the  
2108 Board for decision and action. The duties of the  
2109 Committee shall be to:  
2110 a. Provide the Board of Trustees with expertise on  
2111 issues affecting new dentists.  
2112 b. Advocate to the Board of Trustees, other agencies  
2113 of this Association and the tripartite dental societies  
2114 the perspectives of the new dentist in the  
2115 development of policies, programs, benefits and  
2116 services of the Association.  
2117 c. Identify the needs and concerns of new graduate  
2118 dentists and make recommendations for any  
2119 programs to assist with their transition to practice.  
2120 d. Enhance member value, encourage involvement  
2121 and active participation, and build a community of  
2122 new dentists in organized dentistry.  
2123 e. Serve as non-voting members of councils and  
2124 commissions of this Association on issues affecting  
2125 new dentists; these appointments will be  
2126 recommended by the Committee and assigned by the  
2127 Board of Trustees.  
2128 f. Facilitate the development of constituent and  
2129 component new dentist committees and provide  
2130 resources to assist constituent and component dental  
2131 societies in meeting the needs of new dentists.  
2132 g. Enhance the development of future leaders by  
2133 providing and promoting leadership development  
2134 opportunities and training for new dentists.

CHAPTER VIII • ELECTIVE OFFICERS

- 2135 *Section 10. TITLE:* The elective officers of this  
2136 Association shall be President, President-elect, First  
2137 Vice President, Second Vice President, Treasurer and  
2138 Speaker of the House of Delegates, as provided in  
2139 Article V of the *Constitution*.
- 2140 *Section 20. ELIGIBILITY:* Only an active, life or  
2141 retired member, in good standing, of this Association  
2142 shall be eligible to serve as an elective officer.  
2143 Trustees and elective officers may not apply for the  
2144 office of Treasurer while serving in any of those  
2145 offices, except that the Treasurer may apply for a  
2146 second term pursuant to Chapter VIII, Section 50 of  
2147 these *Bylaws*.
- 2148 *Section 30. NOMINATIONS:*
- 2149 A. Nominations for the offices of President-elect and  
2150 Second Vice President shall be made in accordance  
2151 with the order of business. Candidates for these  
2152 elective offices shall be nominated from the floor of  
2153 the House of Delegates by a simple declaratory  
2154 statement, which may be followed by an acceptance  
2155 speech not to exceed four (4) minutes by the candidate  
2156 from the podium, according to the protocol  
2157 established by the Speaker of the House of Delegates.  
2158 Seconding a nomination is not permitted.

- 2159 B. Nominations for the office of Treasurer shall be  
 2160 made in accordance with the order of business. The  
 2161 search for Treasurer shall be announced in an official  
 2162 publication of the Association in November of the  
 2163 final year of the incumbent Treasurer's term, together  
 2164 with the recommended qualifications for that position  
 2165 as provided in Chapter VII, Section 100G of these  
 2166 *Bylaws*. Candidates for the office of Treasurer shall  
 2167 apply by submitting a standardized Treasurer  
 2168 Curriculum Vitae form to the Executive Director at  
 2169 least one hundred twenty (120) days prior to the  
 2170 convening of the House of Delegates. Each  
 2171 candidate's application shall be reviewed by the  
 2172 Board of Trustees. At least sixty (60) days prior to the  
 2173 convening of the House of Delegates the Executive  
 2174 Director shall provide all members of the House of  
 2175 Delegates, with each candidate's standardized  
 2176 Treasurer Curriculum Vitae and the determination of  
 2177 the Board of Trustees as to whether the candidate  
 2178 meets the recommended qualifications for the office  
 2179 of Treasurer. Only those candidates shall be  
 2180 nominated from the floor of the House of Delegates.  
 2181 The nominations may be followed by an acceptance  
 2182 speech not to exceed four (4) minutes by each  
 2183 candidate from the podium, according to the protocol  
 2184 established by the Speaker of the House of Delegates.  
 2185 Seconding a nomination is not permitted. No further  
 2186 nominations for the office of Treasurer shall be  
 2187 accepted from the floor of the House of Delegates. If  
 2188 there are no eligible candidates for the office of  
 2189 Treasurer when the House of Delegates meets, the  
 2190 term of the incumbent Treasurer shall be extended by  
 2191 one (1) year. Should the incumbent Treasurer be  
 2192 unwilling or unable to serve an additional one (1) year  
 2193 term, the office of Treasurer shall be filled in the same  
 2194 manner as provided in Chapter VIII, Section 80 of  
 2195 these *Bylaws*. Under these circumstances, former  
 2196 Treasurers of this Association not otherwise eligible  
 2197 to serve as Treasurer due to term limits would be  
 2198 eligible to serve as Treasurer until the House of  
 2199 Delegates can elect a Treasurer.
- 2200 C. Nominations for the office of Speaker of the House  
 2201 shall be made in accordance with the order of  
 2202 business. The search for Speaker of the House shall  
 2203 be announced in an official publication of the  
 2204 Association in November of the final year of the  
 2205 incumbent Speaker of the House's term. Candidates  
 2206 for the office of Speaker of the House shall apply by  
 2207 submitting curriculum vitae along with a statement  
 2208 supporting their qualifications to the Executive  
 2209 Director at least one hundred twenty (120) days prior  
 2210 to the convening of the House of Delegates. At least  
 2211 sixty (60) days prior to the convening of the House of  
 2212 Delegates the Executive Director shall provide all  
 2213 members of the House of Delegates with each

2214 candidate's curriculum vitae and statement of  
 2215 qualifications for the office of Speaker of the House.  
 2216 If no candidate has applied, or if there is no remaining  
 2217 eligible candidate for election, then the Association  
 2218 shall inform all delegates of this circumstance and the  
 2219 period to apply shall be extended to thirty (30) days  
 2220 prior to the convening of the House of Delegates. If  
 2221 thirty (30) days prior to the convening of the House of  
 2222 Delegates there is no remaining candidate for election  
 2223 then the Association shall inform all delegates of this  
 2224 circumstance and also inform them that nominations  
 2225 shall be permitted from the floor of the House of  
 2226 Delegates. Only those candidates shall be nominated  
 2227 from the floor of the House of Delegates. The  
 2228 nominations may be followed by an acceptance  
 2229 speech not to exceed four (4) minutes by each  
 2230 candidate from the podium, according to the protocol  
 2231 established by the Election Commission. Seconding  
 2232 a nomination is not permitted. No further  
 2233 nominations for the office of Speaker of the House  
 2234 shall be accepted from the floor of the House of  
 2235 Delegates. If there are no eligible candidates for the  
 2236 office of Speaker of the House when the House of  
 2237 Delegates meets, the term of the incumbent Speaker  
 2238 of the House shall be extended by one (1) year.  
 2239 Should the incumbent Speaker of the House be  
 2240 unwilling or unable to serve an additional one (1) year  
 2241 term, the office of Speaker of the House shall be filled  
 2242 in the same manner as provided in Chapter VIII,  
 2243 Section 80 of these *Bylaws*. Under these  
 2244 circumstances, former Speakers of the House of this  
 2245 Association not otherwise eligible to serve as  
 2246 Speaker of the House due to term limits would be  
 2247 eligible to serve as Speaker of the House until the  
 2248 House of Delegates can elect a Speaker of the House  
 2249 of Delegates.

2250 *Section 40. ELECTIONS:* The elective officers shall  
 2251 be elected in accordance with Chapter V, Section 150.

2252 *Section 50. TERM OF OFFICE:* The President,  
 2253 President-elect, First Vice President and Second Vice  
 2254 President shall serve for a term of one (1) year, except  
 2255 as otherwise provided in this Chapter of the *Bylaws*,  
 2256 or until their successors are elected and installed. The  
 2257 Speaker of the House of Delegates shall be limited to  
 2258 two (2) terms of three (3) years each in total,  
 2259 consecutive or otherwise, excepting the case of a  
 2260 former Speaker of the House who has been elected  
 2261 Speaker of the House as provided in Chapter VIII,  
 2262 Section 30 of these *Bylaws*, who may serve until the  
 2263 House of Delegates can elect a Speaker of the House  
 2264 of Delegates.\* Serving any portion of a three (3) year

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\* In order to stagger the terms of the Speaker of the House and the Treasurer, the term of the Speaker of the House for 2015-2018 shall be extended for one (1) year, and shall end at the

2265 term shall be considered service of a full three (3) year  
 2266 term. The term of office of the Treasurer shall be  
 2267 three (3) years, or until a successor is elected and  
 2268 installed. The Treasurer shall be limited to two (2)  
 2269 consecutive terms of three (3) years each, excepting  
 2270 the case of a former Treasurer who has been elected  
 2271 Treasurer as provided in Chapter VIII, Section 30 of  
 2272 these *Bylaws*, who may serve until the House of  
 2273 Delegates can elect a Treasurer. Serving any portion  
 2274 of a three (3) year term shall be considered service of  
 2275 a full three (3) year term.

2276 *Section 60. INSTALLATION:* The elective officers  
 2277 shall be installed at the last meeting of the annual  
 2278 session of the House of Delegates. The President-elect  
 2279 shall be installed as President at the next annual  
 2280 session of the House following election. The Second  
 2281 Vice President shall be installed as First Vice  
 2282 President at the next annual session of the House  
 2283 following election.

2284 *Section 70. REMOVAL FOR CAUSE:* The House of  
 2285 Delegates may remove an elective officer for cause in  
 2286 accordance with procedures established by the House  
 2287 of Delegates, which shall include notice of the charges  
 2288 and an opportunity for the accused to be heard in his  
 2289 or her defense. A two-thirds (2/3) affirmative vote of  
 2290 the delegates present and voting is required to remove  
 2291 an elective officer from office. If the House of  
 2292 Delegates elects to remove the elective officer, that  
 2293 action shall create a vacancy which shall be filled in  
 2294 accordance with Chapter VIII, Section 80.

2295 *Section 80. VACANCIES:*

2296 A. VACANCY OF ELECTIVE OFFICE: In the  
 2297 event the office of President becomes vacant, the  
 2298 President-elect shall become President for the  
 2299 unexpired portion of the term. In the event the office  
 2300 of President becomes vacant for the second time in the  
 2301 same term or at a time when the office of President-  
 2302 elect is also vacant, the First Vice President shall  
 2303 become President for the unexpired portion of the  
 2304 term. In the event the office of First Vice President  
 2305 becomes vacant, the Second Vice President shall  
 2306 become the First Vice President for the unexpired  
 2307 portion of the term. A vacancy in the office of the  
 2308 Second Vice President shall be filled by a majority  
 2309 vote of the Board of Trustees. In the event of a  
 2310 vacancy in the office of Speaker of the House of  
 2311 Delegates, the President, with approval of the Board  
 2312 of Trustees, shall appoint an interim Speaker who  
 2313 shall serve until the House of Delegates can elect a  
 2314 Speaker of the House of Delegates for a three (3) year

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adjournment *sine die* of the 2019 House of Delegates. This footnote shall expire at the adjournment *sine die* of the 2019 House of Delegates.

term. Service as an interim Speaker shall not count toward the term of office limitation for Speaker of the House as set forth in Section 50 of this Chapter. In the event the office of President-elect becomes vacant by reason other than the President-elect succeeding to the office of the President earlier than the next annual session, the office of President for the ensuing year shall be filled at the next annual session of the House of Delegates in the same manner as that provided for the nomination and election of elective officers, except that the ballot shall read "President for the Ensuing Year." A vacancy in the office of Treasurer shall be filled with an interim Treasurer by a majority vote of the Board of Trustees until the process of inviting applications, screening and nominating candidates and electing a new Treasurer has been completed by the Board of Trustees and the House of Delegates. Service as an interim Treasurer shall not count toward the term of office limitation for Treasurer as set forth in Section 50 of this Chapter. The newly elected Treasurer shall be limited to two (2) consecutive terms of three (3) years each, excepting the case of a former Treasurer who has been elected Treasurer as provided in Chapter VIII, Section 30 of these *Bylaws*.

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

*Section 90. DUTIES:*

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

- a. Serve as the primary official representative of this Association in its contacts with governmental, civic, business and professional organizations for the purpose of advancing the objectives and policies of this Association.
- b. Serve as Chair and, except as otherwise provided in these *Bylaws*, non-voting member of the Board of Trustees and to perform such duties as are provided in Chapters V and VII of these *Bylaws*.

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- 2369 c. Call special sessions of the House of Delegates and  
2370 the Board of Trustees as provided in Chapters V and  
2371 VII of these *Bylaws*.  
2372 d. Appoint the members of all committees of the  
2373 House of Delegates except as otherwise provided in  
2374 these *Bylaws*.  
2375 e. Fill vacancies in the office of trustee as provided  
2376 in Chapter VII, Section 80, of these *Bylaws* and to fill  
2377 other vacancies in accordance with these *Bylaws*.  
2378 f. Submit an annual report to the House of Delegates.  
2379 g. Perform such other duties as may be provided in  
2380 these *Bylaws*.
- 2381 B. PRESIDENT-ELECT. It shall be the duty of the  
2382 President-elect to:  
2383 a. Assist the President as requested.  
2384 b. Serve as a non-voting member of the House of  
2385 Delegates.  
2386 c. Serve as a member of the Board of Trustees.  
2387 d. Succeed to the office of President at the next  
2388 annual session of the House of Delegates following  
2389 election as President-elect.  
2390 e. Succeed immediately to the office of President in  
2391 the event of vacancy not only for the unexpired term  
2392 but also for the succeeding year.
- 2393 C. FIRST VICE PRESIDENT. It shall be the duty of  
2394 the First Vice President to:  
2395 a. Assist the President as requested.  
2396 b. Serve as a non-voting member of the House of  
2397 Delegates.  
2398 c. Serve as a member of the Board of Trustees.  
2399 d. Succeed to the office of President, as provided in  
2400 this Chapter of the *Bylaws*.
- 2401 D. SECOND VICE PRESIDENT. It shall be the duty  
2402 of the Second Vice President to:  
2403 a. Assist the President as requested.  
2404 b. Serve as a non-voting member of the House of  
2405 Delegates.  
2406 c. Serve as a member of the Board of Trustees.  
2407 d. Succeed to the office of First Vice President at the  
2408 next annual session of the House of Delegates  
2409 following election as Second Vice President.  
2410 e. Succeed immediately to the office of First Vice  
2411 President in the event of vacancy not only for the  
2412 unexpired term but also for the succeeding term.
- 2413 E. SPEAKER OF THE HOUSE OF DELEGATES.  
2414 The Speaker shall preside at the meetings of the House  
2415 of Delegates and shall perform such duties as custom  
2416 and parliamentary procedure require. The Speaker  
2417 shall not be a member of the Board of Trustees.
- 2418 F. TREASURER. It shall be the duty of the Treasurer  
2419 to:  
2420 a. Serve as custodian of all monies, securities and  
2421 deeds belonging to the Association which may come

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CHAPTER IX • APPOINTIVE OFFICER

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- 2422 into the Treasurer's possession.  
2423 b. Hold, invest and disburse all monies, securities  
2424 and deeds, subject to the direction of the Board of  
2425 Trustees.  
2426 c. Design a budgetary process in concert with the  
2427 Board of Trustees. d. Oversee Association finances  
2428 and budget development.  
2429 e. Serve as the principal resource person for the  
2430 budget reference committee in the House of  
2431 Delegates and to help interpret the Association's  
2432 finances for the membership.  
2433 f. Review all financial information and data and  
2434 report on financial matters to the Board of Trustees  
2435 on a quarterly basis.  
2436 g. Review travel reimbursement for the elective  
2437 officers, trustees and Executive Director.  
2438 h. Serve as a non-voting member of the House of  
2439 Delegates.  
2440 i. Serve as a non-voting member of the Board of  
2441 Trustees.  
2442 j. Perform such other duties as may be provided in  
2443 these *Bylaws*.

CHAPTER IX • APPOINTIVE OFFICER

- 2444 *Section 10. TITLE: The appointive officer of this*  
2445 *Association shall be an Executive Director, as*  
2446 *provided in Article V of the Constitution.*
- 2447 *Section 20. APPOINTMENTS: While any active, life*  
2448 *or retired member in good standing may be appointed*  
2449 *to the office of Executive Director, the Board of*  
2450 *Trustees may appoint a qualified individual who is not*  
2451 *eligible for membership in this Association.*
- 2452 *Section 30. TERM OF OFFICE AND SALARY: The*  
2453 *Board of Trustees shall determine the salary, if any,*  
2454 *and the tenure of the Executive Director, which shall*  
2455 *not exceed three (3) years. The completion of the full*  
2456 *term of any appointment shall be at the discretion of*  
2457 *the Board of Trustees.*
- 2458 *Section 40. DUTIES: The Executive Director shall be*  
2459 *the principal agent of the Board of Trustees and*  
2460 *elective officers. As agent and under the direction of*  
2461 *the Board of Trustees and elective officers, the*  
2462 *Executive Director shall be the chief operating officer*  
2463 *of this Association and all its branches. In this*  
2464 *capacity, the Executive Director shall*  
2465 *(a) preserve and protect the Constitution and Bylaws*  
2466 *and the standing rules of this Association;*  
2467 *(b) facilitate the activities of the officers and trustees*  
2468 *of this Association in carrying out their respective*  
2469 *administrative responsibilities under these Bylaws;*  
2470 *(c) engage the staff of this Association and direct and*  
2471 *coordinate their activities;*  
2472 *(d) provide leadership in the formulation and*  
2473 *recommendation of new policies to the Board of*



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2474 Trustees and elective officers;  
2475 (e) oversee the management of Association policies  
2476 that have been adopted by the Board of Trustees  
2477 and/or the House of Delegates;  
2478 f) assist the Board of Trustees in supervising,  
2479 monitoring and providing guidance to all  
2480 Association councils, commissions and committees  
2481 in regard to their administrative functions and  
2482 specific assignments, and to systematize the  
2483 preparation of their reports, and to encourage the  
2484 exchange of information concerning mutual interests  
2485 and issues between councils, committees and  
2486 commissions;  
2487 (g) maintain effective internal and external  
2488 relationships through frequent and comprehensive  
2489 communication with all officers and trustees of this  
2490 Association, the leadership of related dental  
2491 organizations, and representatives from other leading  
2492 public and private organizations that interact with  
2493 this Association; and  
2494 (h) perform such other duties as are prescribed by  
2495 these *Bylaws*.

2496 *Section 50. VACANCY:* Upon the occurrence of a  
2497 vacancy in the office of Executive Director, an interim  
2498 Executive Director, whose duties shall be as defined  
2499 in Section 40 of this Chapter, shall be appointed by  
2500 the Board of Trustees within forty-five (45) days of  
2501 such vacancy occurring. Any active, life or retired  
2502 member in good standing may be appointed to serve  
2503 as interim Executive Director. But, the Board of  
2504 Trustees may appoint any qualified individual who is  
2505 not eligible for membership in the Association, except  
2506 that any current officer or member of the Board of  
2507 Trustees shall not be eligible for such appointment.  
2508 The interval of service and salary, if any, of the  
2509 interim Executive Director shall be at the discretion of  
2510 the Board of Trustees.

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2511 *Section 10. NAME:* The councils of this Association  
2512 shall be:

2513 Council on Advocacy for Access and Prevention  
2514 Council on Communications  
2515 Council on Dental Benefit Programs  
2516 Council on Dental Education and Licensure  
2517 Council on Dental Practice  
2518 Council on Ethics, Bylaws and Judicial Affairs  
2519 Council on Government Affairs  
2520 Council on Members Insurance and Retirement  
2521 Programs  
2522 Council on Membership  
2523 Council on Scientific Affairs

2524 *Section 20. MEMBERS, SELECTIONS,*  
2525 *NOMINATIONS AND ELECTIONS:*



## CHAPTER X • COUNCILS

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2526 A. The composition of the councils of this Association  
2527 shall be as follows: In addition, a council may request  
2528 an additional member who shall be a nonpracticing  
2529 dentist member appointed in accordance with Chapter  
2530 I, Section 20Db of these *Bylaws*.

2531 Council on Advocacy for Access and Prevention shall  
2532 be composed of seventeen (17) members, one (1)  
2533 member from each trustee district whose terms of  
2534 office shall be staggered in such a manner that four (4)  
2535 members will complete their terms each year except  
2536 every fourth year when five (5) members shall  
2537 complete their terms.

2538 Council on Communications shall be composed of  
2539 seventeen (17) members, one (1) member from each  
2540 trustee district whose terms of office shall be  
2541 staggered in such a manner that four (4) members will  
2542 complete their terms each year except every fourth  
2543 year when five (5) members shall complete their  
2544 terms.

2545 Council on Dental Benefit Programs shall be  
2546 composed of seventeen (17) members, one (1)  
2547 member from each trustee district whose terms of  
2548 office shall be staggered in such a manner that four (4)  
2549 members will complete their terms each year except  
2550 every fourth year when five (5) members shall  
2551 complete their terms.

2552 Council on Dental Education and Licensure shall be  
2553 composed of sixteen (16) members selected as  
2554 follows:

2555 a. Nominations and Selection.

2556 (1) Eight (8) members shall be nominated by the  
2557 Board of Trustees on a rotational system by trustee  
2558 district from the active, life or retired members of this  
2559 Association, no one of whom shall be a full-time  
2560 member of a faculty of a school of dentistry, a current  
2561 dental examiner or member of a state or regional  
2562 testing agency, state board of dentistry or  
2563 jurisdictional dental licensing agency. A person shall  
2564 be considered to be a full-time member of a faculty  
2565 if he or she works for the school of dentistry more  
2566 than two (2) days or sixteen (16) hours per week. (2)  
2567 Four (4) members who are active, life or retired  
2568 members of this Association shall be selected by the  
2569 American Association of Dental Boards from the  
2570 active membership of that body, no one of whom  
2571 shall be a member of a faculty of a school of  
2572 dentistry.

2573 (3) Four (4) members who are active, life or retired  
2574 members of this Association shall be selected by the  
2575 American Dental Education Association from its  
2576 active membership. These members shall hold  
2577 positions of professorial rank in dental schools  
2578 accredited by the Commission on Dental  
2579 Accreditation and shall not be current dental  
2580 examiners or members of any state or regional testing

2581 agency, state board of dentistry or jurisdictional  
2582 dental licensing agency.

2583 b. Election. The eight (8) members of the Council on  
2584 Dental Education and Licensure nominated by the  
2585 Board of Trustees shall be elected by the House of  
2586 Delegates from nominees selected in accordance  
2587 with this Section.

2588 c. Committees. The Council on Dental Education and  
2589 Licensure shall establish a standing Committee on  
2590 Dental Education and a standing Committee on  
2591 Licensure, each consisting of eight (8) members  
2592 selected by the Council. The Council may establish  
2593 additional committees when they are deemed  
2594 essential to carry out the duties of this Council.

2595 Council on Dental Practice shall be composed of  
2596 seventeen (17) members, one (1) member from each  
2597 trustee district whose terms of office shall be  
2598 staggered in such a manner that four (4) members will  
2599 complete their terms each year except every fourth  
2600 year when five (5) members shall complete their  
2601 terms.

2602 Council on Ethics, Bylaws and Judicial Affairs shall  
2603 be composed of seventeen (17) members, one (1)  
2604 member from each trustee district whose terms of  
2605 office shall be staggered in such a manner that four (4)  
2606 members will complete their terms each year except  
2607 every fourth year when five (5) members shall  
2608 complete their terms.

2609 Council on Government Affairs shall be composed of  
2610 eighteen (18) members, one (1) member from each  
2611 trustee district whose terms of office shall be  
2612 staggered in such a manner that four (4) members will  
2613 complete their terms each year except every fourth  
2614 year when five (5) members shall complete their  
2615 terms. In addition, the chair of the political action  
2616 committee shall be a non-voting member of the  
2617 Council. Consideration shall be given to a candidate's  
2618 experience in the military or other federal dental  
2619 services. Members of the Council shall not be in the  
2620 full-time employ of the federal government.

2621 Individuals called to active duty from the military  
2622 reserves or national guard forces, providing such  
2623 active duty has not been requested by the individual,  
2624 shall not be considered to be in the full-time employ  
2625 of the federal government.

2626 Council on Members Insurance and Retirement  
2627 Programs shall be composed of seventeen (17)  
2628 members, one (1) member from each trustee district  
2629 whose terms of office shall be staggered in such a  
2630 manner that four (4) members will complete their  
2631 terms each year except every fourth year when five (5)  
2632 members shall complete their terms.

2633 Council on Membership shall be composed of  
2634 seventeen (17) members, one (1) member from each  
2635 trustee district whose terms of office shall be  
2636 staggered in such a manner that four (4) members will

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2637 complete their terms each year except every fourth  
2638 year when five (5) members shall complete their  
2639 terms.

2640 Council on Scientific Affairs shall be composed of  
2641 sixteen (16) members who shall be selected from  
2642 nominations open to all trustee districts, and the  
2643 current recipient of the Gold Medal Award for  
2644 Excellence in Dental Research.

2645 B. Nominations for all councils shall be made by the  
2646 Board of Trustees except as otherwise provided in  
2647 these *Bylaws*. The Board of Trustees shall adhere to  
2648 the systems of nominations provided in Chapter X,  
2649 Section 20A of these *Bylaws*.<sup>\*</sup> The House of  
2650 Delegates may make additional nominations pursuant  
2651 to the systems for council nominations provided in  
2652 Chapter X, Section 20A of these *Bylaws*. The elective  
2653 and appointive officers and the trustees of this  
2654 Association shall not serve as members of councils.  
2655 Members of councils shall be elected by the House of  
2656 Delegates in accordance with Chapter V, Section 150  
2657 except as otherwise provided in these *Bylaws*.

2658 C. REMOVAL FOR CAUSE. The Board of Trustees  
2659 may remove a council member for cause in  
2660 accordance with procedures established by the Board  
2661 of Trustees, which procedures shall provide for notice  
2662 of the charges, including allegations of the conduct  
2663 purported to constitute each violation, and a decision  
2664 in writing which shall specify the findings of fact  
2665 which substantiate any and all of the charges, and that  
2666 prior to issuance of the decision of the Board of  
2667 Trustees, no council member shall be excused from  
2668 attending any meeting of a council unless there is an  
2669 opportunity to be heard or compelling reasons exist  
2670 which are specified in writing by the Board of  
2671 Trustees.

### 2672 *Section 30. ELIGIBILITY:*

2673 A. All members of councils must be active, life,  
2674 retired or nonpracticing dentist members in good  
2675 standing of this Association except as otherwise  
2676 provided in these *Bylaws*.

2677 B. No member of a council may serve concurrently as  
2678 a member of another council or commission.

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<sup>\*</sup> 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.

2679 C. A member of the Council on Dental Education and  
 2680 Licensure who was selected by the American  
 2681 Association of Dental Boards and who is no longer an  
 2682 active member of the American Association of Dental  
 2683 Boards, may continue as a member of the Council for  
 2684 the balance of that member's term.

2685 D. When a member of the Council on Dental  
 2686 Education and Licensure who was selected by the  
 2687 American Dental Education Association, shall cease  
 2688 to be a member of the faculty of a member school of  
 2689 that Association, such membership on the council  
 2690 shall terminate, and the President of the Association  
 2691 shall declare the position vacant.

2692 E. To be eligible to serve on the Council on Scientific  
 2693 Affairs, the current recipient of the Gold Medal  
 2694 Award for Excellence in Dental Research shall be an  
 2695 active, life, retired or nonpracticing dentist member in  
 2696 good standing of this Association if the current  
 2697 recipient qualifies for such membership.

2698 *Section 40. CHAIRS:* One member of each council  
 2699 shall be selected annually by each council from  
 2700 among its members to serve as chair, with written  
 2701 notification to the Board of Trustees, with exception  
 2702 of the Council on Dental Education and Licensure.  
 2703 The Chair of the Council on Dental Education and  
 2704 Licensure shall be selected from nominations  
 2705 submitted by the Council, with written notification to  
 2706 the Board of Trustees, provided that every other year,  
 2707 the chair selected shall be a member of the Council  
 2708 elected by the House of Delegates in accordance with  
 2709 Section 20. Members, Selections, Nominations and  
 2710 Elections, of this Chapter of the *Bylaws*.

2711 *Section 50. CONSULTANTS AND STAFF:*

2712 A. CONSULTANTS. Each council shall have the  
 2713 authority to appoint consultants in conformity with  
 2714 rules and regulations established by the Board of  
 2715 Trustees except as otherwise provided in these  
 2716 *Bylaws*. The councils shall inform the Board in  
 2717 writing of the selection of consultants in conformity  
 2718 with rules and regulations established by the Board of  
 2719 Trustees.

2720 B. STAFF. The Executive Director shall employ the  
 2721 staff of councils, in the event they are employees, and  
 2722 shall select the titles for council staff positions.

2723 *Section 60. TERM OF OFFICE:* The term of office of  
 2724 members of councils shall be four (4) years except as  
 2725 otherwise provided in these *Bylaws*. The tenure of a  
 2726 member of a council shall be limited to one (1) term  
 2727 of four (4) years except as otherwise provided in these  
 2728 *Bylaws*. A member shall not be eligible for  
 2729 appointment to another council or commission for a  
 2730 period of two (2) years after completing a previous

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2731 council appointment. The current recipient of the  
2732 Gold Medal Award for Excellence in Dental Research  
2733 shall serve on the Council on Scientific Affairs until  
2734 the award is bestowed on the next honoree.

2735 *Section 70. VACANCY:* In the event of a vacancy in  
2736 the membership of any council, the President shall  
2737 appoint a member of the Association possessing the  
2738 same qualifications as established by these *Bylaws* for  
2739 the previous member, to fill such vacancy until a  
2740 successor is elected by the next House of Delegates  
2741 for the remainder of the unexpired term. In the event  
2742 such vacancy involves the chair of the council, the  
2743 President shall have the power to appoint an *ad*  
2744 *interim* chair. In the event it is the current recipient of  
2745 the Gold Medal Award for Excellence in Dental  
2746 Research who cannot serve on the Council on  
2747 Scientific Affairs, the President, in consultation with  
2748 the Board of Trustees, shall have the power to appoint  
2749 a prominent research scientist who shall serve until  
2750 the award is bestowed on the next honoree.

2751 If the term of the vacated council position has less  
2752 than fifty percent (50%) of a full four-year term  
2753 remaining at the time the successor member is  
2754 appointed or elected, the successor member shall be  
2755 eligible for election to a new, consecutive four-year  
2756 term. If fifty percent (50%) or more of the vacated  
2757 term remains to be served at the time of the  
2758 appointment or election, the successor member shall  
2759 not be eligible for another term.

2760 *Section 80. MEETINGS OF COUNCILS:* Each  
2761 council shall hold at least one regular meeting  
2762 annually, provided that funds are available in the  
2763 budget for that purpose and unless otherwise directed  
2764 by the Board of Trustees. Meetings may be held in the  
2765 Headquarters Building, the Washington Office or  
2766 from multiple remote locations through the use of a  
2767 conference telephone or other communications  
2768 equipment by means of which all members can  
2769 communicate with each other. Such meetings shall be  
2770 conducted in accordance with rules and procedures  
2771 established by the Board of Trustees.

2772 *Section 90. QUORUM:* Except as otherwise provided  
2773 in these *Bylaws*, a majority of the members of any  
2774 council shall constitute a quorum.

2775 *Section 100. PRIVILEGE OF THE FLOOR:* Chairs  
2776 and members of councils who are not members of the  
2777 House of Delegates shall have the right to participate  
2778 in the debate on their respective reports but shall not  
2779 have the right to vote.

2780 *Section 110. ANNUAL REPORT AND BUDGET:*

2781 A. ANNUAL REPORT. Each council shall submit,  
2782 through the Executive Director, an annual report to

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2783 the House of Delegates and a copy thereof to the  
2784 Board of Trustees.

2785 B. PROPOSED BUDGET. Each council shall submit  
2786 to the Board of Trustees, through the Executive  
2787 Director, a proposed itemized budget for the ensuing  
2788 fiscal year.

2789 *Section 120. DUTIES:* Each council listed in Section  
2790 10 of this Chapter shall have the following duties with  
2791 respect to the subject matters for which each council  
2792 is responsible as listed in Section 130 of this Chapter:

2793 A. Define, develop and oversee programming and  
2794 projects that support and advance the strategic plan of  
2795 the Association;

2796 B. Consider and investigate emerging issues;

2797 C. Respond to directives received from the House of  
2798 Delegates or the Board of Trustees;

2799 D. Propose new policies and rescission of and  
2800 amendments to existing policies for consideration by  
2801 the House of Delegates; and

2802 E. Collaborate with external and internal agencies,  
2803 upon direction or approval of the ADA President, on  
2804 initiatives or issues that are within the responsibility  
2805 of the council and communicate appropriate  
2806 information to the Association membership.

2807 *Section 130. AREAS OF RESPONSIBILITY:*

2808 A. COUNCIL ON ADVOCACY FOR ACCESS  
2809 AND PREVENTION. The areas of subject matter  
2810 responsibility of the Council shall be:

- 2811 a. Oral Health Literacy;
- 2812 b. Oral Disease Prevention and Intervention;
- 2813 c. Access to Oral Healthcare; and
- 2814 d. Community Oral Health Advocacy.

2815 B. COUNCIL ON COMMUNICATIONS. The areas  
2816 of subject matter responsibility of the Council shall  
2817 be:

- 2818 a. Advise on the management of the Association's  
2819 reputation;
- 2820 b. Develop, recommend and maintain ADA strategic  
2821 communications plans;
- 2822 c. Advise ADA agencies on branding;
- 2823 d. Advise on prioritization and allocation of  
2824 communications resources; and
- 2825 e. Advise on communications and marketing for state  
2826 and local dental societies, upon request.

2827 C. COUNCIL ON DENTAL BENEFIT  
2828 PROGRAMS. The areas of subject matter  
2829 responsibility of the Council shall be:

- 2830 a. Administration and financing of all dental benefit  
2831 programs including both commercial and public  
2832 programs;

2833 b. Dental Quality Alliance;  
2834 c. Monitoring of quality reporting activities of third  
2835 party payers;  
2836 d. Peer review programs;  
2837 e. Code sets and code taxonomies including but not  
2838 limited to procedure and diagnostic codes;  
2839 f. Electronic and paper dental claim content and  
2840 completion instructions; and  
2841 g. Standards pertaining to the capture and exchange  
2842 of information used in dental benefit plan  
2843 administration and reimbursement for services  
2844 rendered.

2845 D. COUNCIL ON DENTAL EDUCATION AND  
2846 LICENSURE. The areas of subject matter  
2847 responsibility of the Council shall be:

2848 a. Dental, advanced dental and allied dental  
2849 education and accreditation;  
2850 b. Recognition of dental specialties and interest areas  
2851 in general dentistry;  
2852 c. Dental anesthesiology and sedation;  
2853 d. Dental admission testing;  
2854 e. Licensure;  
2855 f. Certifying boards and credentialing for specialists  
2856 and allied dental personnel; and  
2857 g. Continuing dental education.

2858 E. COUNCIL ON DENTAL PRACTICE. The areas  
2859 of subject matter responsibility of the Council shall  
2860 be:

2861 a. Dental Practice, including:  
2862 (1) Dental practice management;  
2863 (2) Practice models and economics;  
2864 (3) Scope of practice;  
2865 (4) Impact of and compliance with regulatory  
2866 mandates; and  
2867 (5) Assessment of initiatives directed to the public  
2868 and the profession;  
2869 b. Allied Dental Personnel, including:  
2870 (1) Utilization, management and employment  
2871 practices; and  
2872 (2) Liaison relationships with organizations  
2873 representing allied dental personnel;  
2874 c. Dentist Health and Wellness, including:  
2875 (1) Dental professional well-being, wellness and  
2876 ergonomics;  
2877 (2) Patient safety and wellness; and  
2878 (3) Liaison relationships with state well-being  
2879 programs and related national organizations;  
2880 d. Dental Informatics and Standards for Electronic  
2881 Technologies; and  
2882 e. Activities and Resources Directed to the Success  
2883 of the Dental Practice and the Member.

2884 F. COUNCIL ON ETHICS, BYLAWS AND  
2885 JUDICIAL AFFAIRS. The areas of subject matter  
2886 responsibility of the Council shall be:



- 2887 a. Ethics and professionalism, including disciplinary  
2888 matters relating thereto;  
2889 b. The *Constitution and Bylaws* of this Association,  
2890 including:  
2891 (1) Review of the constitutions and bylaws of state  
2892 and local societies to ensure consistency with the  
2893 Association's *Bylaws*; and  
2894 (2) Correct punctuation, grammar, spelling and  
2895 syntax, change names and gender references and  
2896 delete moot material where such revisions do not  
2897 alter the material's context or meaning in the *Bylaws*  
2898 and the ADA Procedures for Member Disciplinary  
2899 Hearings and Appeals upon the unanimous vote of  
2900 the Council members present and voting; and  
2901 c. Acting as the Standing Committee of Constitution  
2902 and Bylaws of the House of Delegates pursuant to  
2903 CHAPTER V, Section 140A of the *Bylaws*.
- 2904 G. COUNCIL ON GOVERNMENT AFFAIRS. The  
2905 areas of subject matter responsibility of the Council  
2906 shall be:  
2907 a. Encourage the improvement of the health of the  
2908 public and to promote the art and science of dentistry  
2909 in matters of legislation and regulations by  
2910 appropriate activities;  
2911 b. Formulate and recommend legislation, regulatory  
2912 activity, policies and governmental programs  
2913 relating to dentistry and oral health for submission to  
2914 Congress;  
2915 c. Serve and assist as liaison with those agencies of  
2916 the federal government which employ dental  
2917 personnel or have dental care programs, and  
2918 formulate policies which are designed to advance the  
2919 professional status of federally employed dentists;  
2920 and  
2921 d. Disseminate information which will assist the  
2922 constituent and component societies involving  
2923 legislation and regulation affecting the dental health  
2924 of the public.
- 2925 H. COUNCIL ON MEMBERS INSURANCE AND  
2926 RETIREMENT PROGRAMS. The areas of subject  
2927 matter responsibility of the Council shall be:  
2928 a. Insurance and retirement plan products and  
2929 resources; and  
2930 b. Risk management education programs and  
2931 resources.
- 2932 I. COUNCIL ON MEMBERSHIP. The areas of  
2933 subject matter responsibility of the Council shall be:  
2934 a. Membership recruitment and retention and related  
2935 issues;  
2936 b. Monitor and provide support and assistance for the  
2937 membership activities of constituent and component  
2938 dental societies; and  
2939 c. Membership benefits and services.
- 2940 J. COUNCIL ON SCIENTIFIC AFFAIRS. The areas



## CHAPTER X • COUNCILS

### CHAPTER XI • SPECIAL COMMITTEES

### CHAPTER XII • PRINCIPALS OF ETHICS AND CODE OF PROFESSIONAL CONDUCT AND JUDICIAL PROCEDURE

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- 2941 of subject matter responsibility of the Council shall  
2942 be:
- 2943 a. Science and scientific research, including:
- 2944 (1) Evidence-based dentistry;
- 2945 (2) Evaluation of professional products;
- 2946 (3) Promulgation of a biennial research agenda; and
- 2947 (4) Promotion of student involvement in dental  
2948 research;
- 2949 b. Scientific aspects of the dental practice  
2950 environment related to the health of the public,  
2951 dentists and allied health personnel;
- 2952 c. Standards development for dental products;
- 2953 d. The safety and efficacy of concepts, procedures  
2954 and techniques for use in the treatment of patients;
- 2955 e. Liaison relationships with scientific regulatory,  
2956 research and professional organizations and science-  
2957 related agencies of professional healthcare  
2958 organizations; and
- 2959 f. The ADA Seal of Acceptance program.

### CHAPTER XI • SPECIAL COMMITTEES

- 2960 *Section 10. APPOINTMENT AND TERM:* Special  
2961 committees of this Association may be created at any  
2962 session of the House of Delegates or, when the House  
2963 is not in session, by the Board of Trustees, for the  
2964 purpose of performing duties not otherwise assigned  
2965 by these *Bylaws*. Duties otherwise assigned by these  
2966 *Bylaws* solely to one (1) council, commission or other  
2967 agency should be assigned to that council,  
2968 commission or other agency with the necessary  
2969 funding to accomplish the task. If duties are assigned  
2970 to a special committee that are assigned under these  
2971 *Bylaws* to more than one (1) council, commission or  
2972 other agency, members of the relevant councils,  
2973 commissions or other agencies shall be appointed to  
2974 serve on the special committee. Such special  
2975 committees may serve until adjournment *sine die* of  
2976 the next annual session of the House of Delegates. The  
2977 authority for appointing the members of a special  
2978 committee and their number shall be set forth in the  
2979 resolution creating such committee.
- 2980 *Section 20. PRIVILEGE OF THE FLOOR:* Chairs  
2981 and members of special committees who are not  
2982 members of the House of Delegates shall have the  
2983 right to participate in the debate on their respective  
2984 reports but shall not have the right to vote.

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

- 2985 *Section 10. PROFESSIONAL CONDUCT OF*  
2986 *MEMBERS:* The professional conduct of a member  
2987 of this Association shall be governed by the *Principles*  
2988 *of Ethics and Code of Professional Conduct* of this

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

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2989 Association and by the codes of ethics of the  
2990 constituent and component societies within whose  
2991 jurisdiction the member practices, or conducts or  
2992 participates in other professional dental activities.

2993 *Section 20. DISCIPLINE OF MEMBERS:*

2994 A. CONDUCT SUBJECT TO DISCIPLINE. A  
2995 member may be disciplined for (1) having been found  
2996 guilty of a felony, (2) having been found guilty of  
2997 violating the dental practice act of a state or other  
2998 jurisdiction of the United States, (3) having been  
2999 discharged or dismissed from practicing dentistry  
3000 with one of the federal dental services under  
3001 dishonorable circumstances, or (4) violating the  
3002 *Bylaws*, the *Principles of Ethics and Code of*  
3003 *Professional Conduct*, or the bylaws or code of ethics  
3004 of the constituent or component society of which the  
3005 accused is a member. For a member of a constituent  
3006 society, disciplinary proceedings may be instituted by  
3007 either the member's component or constituent society.  
3008 Disciplinary proceedings against a direct member of  
3009 this Association may be instituted by the Council on  
3010 Ethics, Bylaws and Judicial Affairs of this  
3011 Association.

3012 B. DISCIPLINARY PENALTIES. A member may be  
3013 disciplined for any of the offenses enumerated in  
3014 Section 20A of this Chapter as follows:

3015 a. CENSURE. Censure is a disciplinary sentence  
3016 expressing in writing severe criticism or disapproval  
3017 of a particular type of conduct or act.

3018 b. SUSPENSION. Suspension, subject to Chapter I,  
3019 Section 30 of these *Bylaws*, means all membership  
3020 privileges except continued entitlement to coverages  
3021 under insurance programs are lost during the  
3022 suspension period. Suspension shall be  
3023 unconditional and for a specified period at the  
3024 termination of which full membership privileges are  
3025 automatically restored. A subsequent violation shall  
3026 require a new disciplinary procedure before  
3027 additional discipline may be imposed.

3028 c. EXPULSION. Expulsion is an absolute discipline  
3029 and may not be imposed conditionally except as  
3030 otherwise provided herein.

3031 d. PROBATION. Probation, to be imposed for a  
3032 specified period and without loss of privileges with  
3033 the exception of holding or seeking an elective or  
3034 appointive office, may be administratively and  
3035 conditionally imposed when circumstances warrant  
3036 in lieu of a suspended disciplinary penalty. Probation  
3037 shall be conditioned on good behavior. Additional  
3038 reasonable conditions may be set forth in the decision  
3039 for the continuation of probation. In the event that the  
3040 conditions for probation are found by the society  
3041 which preferred charges to have been violated, after  
3042 a hearing on the probation violation charges in

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3043 accordance with procedures set forth in the *ADA*  
3044 *Procedures for Member Disciplinary Hearings and*  
3045 *Appeals*, the original disciplinary penalty shall be  
3046 automatically reinstated; except that when  
3047 circumstances warrant the original disciplinary  
3048 penalty may be reduced to a lesser penalty. There  
3049 shall be no right of appeal from a finding that the  
3050 conditions of probation have been violated.

3051 C. REMINDER OF OBLIGATION. In appropriate  
3052 circumstances, a constituent or component society or,  
3053 in the case of direct members, this Association, may  
3054 issue a Reminder of Obligation to a member where the  
3055 member may have committed a relatively minor  
3056 infraction of the *ADA Bylaws*, the *Principles of Ethics*  
3057 *and Code of Professional Conduct* or the bylaws or  
3058 code of ethics of a constituent or component society  
3059 of which the accused is a member. Such a Reminder  
3060 of Obligation is not a disciplinary penalty but is a  
3061 private administrative action and no record of the  
3062 issuance of a Reminder of Obligation shall be placed  
3063 in the member's membership records.  
3064

3065 D. PROCEDURES FOR DISCIPLINARY  
3066 HEARINGS AND APPEALS. The procedures for  
3067 hearings and appeals conducted pursuant to this  
3068 Chapter XII shall be set forth in the *ADA Procedures*  
3069 *for Member Disciplinary Hearings and Appeals*, a  
3070 copy of which shall be appended to the *ADA*  
3071 *Constitution and Bylaws* and otherwise made freely  
3072 available to members of the Association. The  
3073 procedures set forth in the *ADA Procedures for*  
3074 *Member Disciplinary Hearings and Appeals* shall be  
3075 amendable by the House of Delegates on majority  
3076 vote.

3077 E. DISCIPLINARY HEARINGS. Before a  
3078 disciplinary penalty is invoked against a member, a  
3079 hearing held pursuant to the procedures set forth in the  
3080 *ADA Procedures for Member Disciplinary Hearings*  
3081 *and Appeals* shall be held.

3082 F. APPEALS. Before any penalty enumerated in  
3083 Chapter XII, Section 20B, set forth in a decision  
3084 following the hearing called for by Chapter XII,  
3085 Section 20D and conducted pursuant to the *ADA*  
3086 *Procedures for Member Disciplinary Hearings and*  
3087 *Appeals* shall be final, the accused member has a right  
3088 to appeal that decision, including any disciplinary  
3089 sentence specified therein. Any such appeal shall be  
3090 conducted within the timeframes and in accordance  
3091 with the appeal procedures set forth in the *ADA*  
3092 *Procedures for Member Disciplinary Hearings and*  
3093 *Appeals*.

3094 G. SENTENCE. After all appeals are exhausted or  
3095 after the time for filing an appeal has expired, a  
3096 sentence of censure, suspension or expulsion meted

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3097 out to any member, including those instances when  
3098 the disciplined member has been placed on probation,  
3099 shall be enforced by such individual's component and  
3100 constituent societies, if such exist, and this  
3101 Association.

3102 H. NON-COMPLIANCE. In the event of a failure of  
3103 technical compliance with the procedural  
3104 requirements of this Chapter, or as set forth in the  
3105 *ADA Procedures for Member Disciplinary Hearings*  
3106 *and Appeals*, the agency hearing the appeal shall  
3107 determine the effect of non-compliance.

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3109 HEARINGS RELATING TO MEMBER  
3110 CONDUCT POLICY

3111 *Section 10.* CONDUCT SUBJECT TO REVIEW:  
3112 Each member of this Association shall be subject to  
3113 the provisions of the Association's Member Conduct  
3114 Policy.

3115 *Section 20.* DISCIPLINARY PROCEDURES AND  
3116 HEARINGS:

3117 A. MEMBER CONDUCT SUBJECT TO  
3118 DISCIPLINE. Any member charged with violating  
3119 the Association's Member Conduct Policy shall be  
3120 afforded a fair and impartial hearing conducted in  
3121 accordance with the *ADA Procedures for Member*  
3122 *Disciplinary Hearings and Appeals*.

3123 B. PROCEDURES FOR HEARINGS AND  
3124 APPEALS HELD UNDER THE ASSOCIATION'S  
3125 MEMBER CONDUCT POLICY. The procedures  
3126 for hearings and appeals conducted pursuant to this  
3127 Chapter XIII shall be set forth in the *ADA*  
3128 *Procedures for Member Disciplinary Hearings and*  
3129 *Appeals*, a copy of which shall be appended to the  
3130 *ADA Constitution and Bylaws* and otherwise made  
3131 freely available to members of the Association. The  
3132 procedures set forth in the *ADA Procedures for*  
3133 *Member Disciplinary Hearings and Appeals* shall be  
3134 amendable by the House of Delegates on majority  
3135 vote.

3136 C. REMINDER OF OBLIGATION. In appropriate  
3137 circumstances, this Association, through the Council  
3138 on Ethics, Bylaws and Judicial Affairs, may issue a  
3139 Reminder of Obligation to a member where the  
3140 member may have committed a relatively minor  
3141 infraction of the ADA Member Conduct Policy or  
3142 engaged in conduct to which the ADA Member  
3143 Conduct Policy might apply. Such a Reminder of  
3144 Obligation is not a disciplinary penalty but is a private  
3145 administrative action and no record of the issuance of  
3146 a Reminder of Obligation shall be placed in the  
3147 member's membership records.

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3148 D. DISCIPLINARY PENALTIES. Members may be  
3149 disciplined for violating the Association's Member  
3150 Conduct Policy as follows:

3151 a. CENSURE. Censure is a disciplinary sentence  
3152 expressing in writing severe criticism or disapproval  
3153 of a particular type of conduct or act.

3154 b. SUSPENSION. Suspension, subject to Chapter I,  
3155 Section 30 of these *Bylaws*, means all membership  
3156 privileges except continued entitlement to coverage  
3157 under insurance programs are lost during the  
3158 suspension period. Suspension shall be  
3159 unconditional and for a specified period at the  
3160 termination of which full membership privileges are  
3161 automatically restored. A subsequent violation shall  
3162 require a new disciplinary procedure before  
3163 additional discipline may be imposed.

3164 c. EXPULSION. Expulsion is an absolute discipline  
3165 and may not be imposed conditionally except as  
3166 otherwise provided herein.

3167 d. PROBATION. Probation, to be imposed for a  
3168 specified period and without loss of privileges with  
3169 the exception of holding or seeking an elective or  
3170 appointive office, may be administratively and  
3171 conditionally imposed when circumstances warrant  
3172 in lieu of a suspended disciplinary penalty. Probation  
3173 shall be conditioned on good behavior. Additional  
3174 reasonable conditions may be set forth in the  
3175 decision for the continuation of probation. In the  
3176 event that the conditions for probation are found by  
3177 the Council on Ethics, Bylaws and Judicial Affairs to  
3178 have been violated, after a hearing on the probation  
3179 violation charges in accordance with Chapter XIII,  
3180 Section 20D, the original disciplinary penalty shall  
3181 be automatically reinstated, except that when  
3182 circumstances warrant the original disciplinary  
3183 penalty may be reduced to a lesser penalty. There  
3184 shall be no right of appeal from a finding that the  
3185 conditions of probation have been violated.

3186 e. REMOVAL FROM OFFICE. Removal from  
3187 office as a trustee, delegate, alternate delegate or  
3188 elective officer for the remaining term may be  
3189 imposed in addition to, or in lieu of, any of the  
3190 penalties enumerated in this Section of these *Bylaws*.

3191 E. DISCIPLINARY PROCEEDINGS. Before a  
3192 disciplinary penalty is invoked against a member for  
3193 violating the Association's Member Conduct Policy,  
3194 a hearing held pursuant to the procedures set forth in  
3195 the *ADA Procedures for Member Disciplinary*  
3196 *Hearings and Appeals* shall be held.

3197 F. APPEALS TO FULL COUNCIL. Before any  
3198 penalty enumerated in Chapter XIII, Section 20B, set  
3199 forth in a decision following the hearing called for by  
3200 Chapter XIII, Section 20D and conducted pursuant to  
3201 the *ADA Procedures for Member Disciplinary*  
3202 *Hearings and Appeals* shall be final, the accused

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3203 member has a right to appeal that decision, including  
3204 any disciplinary sentence specified therein. Any such  
3205 appeal shall be conducted within the timeframes and  
3206 in accordance with the appeal procedures set forth in  
3207 the *ADA Procedures for Member Disciplinary*  
3208 *Hearings and Appeals*.

3209 G. CONSIDERATION OF RECOMMENDED  
3210 PROBATION, SUSPENSION, EXPULSION  
3211 AND/OR REMOVAL FROM OFFICE OF  
3212 TRUSTEES OR ELECTIVE OFFICERS BY  
3213 HOUSE OF DELEGATES. The House of Delegates  
3214 shall decide whether to accept or reject any  
3215 recommendation of a sentence of probation,  
3216 suspension, expulsion and/or removal from office  
3217 made pursuant to this Chapter XIII against Trustees  
3218 or Elected Officers of this Association. Delegates and  
3219 alternate delegates who participated in any portion of  
3220 the procedures that resulted in such recommendation  
3221 shall be recused from deliberations under this Section  
3222 20F. A two-thirds (2/3) affirmative vote of the  
3223 delegates present and voting is required to impose a  
3224 disciplinary sentence of expulsion from membership  
3225 or removal from office, suspension or probation.

3226 H. SENTENCE. After all appeals are exhausted or  
3227 after the time for filing an appeal has expired, a  
3228 sentence of censure, suspension, expulsion and/or  
3229 removal from office meted out to any member,  
3230 including those instances when the disciplined  
3231 member has been placed on probation, shall be  
3232 enforced by such individual's component and  
3233 constituent societies, if such exist, and this  
3234 Association.

3235 I. NON-COMPLIANCE. In the event of a failure of  
3236 technical compliance with the procedural  
3237 requirements of this Chapter or of the procedures set  
3238 forth in the *ADA Procedures for Member Disciplinary*  
3239 *Hearings and Appeals*, the Council on Ethics, Bylaws  
3240 and Judicial Affairs shall determine the effect of non-  
3241 compliance.

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3242 *Section 10. FINANCIAL SUPPORT:* The  
3243 Association is the sole Member of the American  
3244 Dental Association Foundation. The Association shall  
3245 annually furnish sufficient financial support, as an  
3246 addition to generated non-Association funding, to  
3247 assure the continued viability of the Foundation's  
3248 research activities.

3249 *Section 20. DUTIES:*

3250 In addition, the Foundation's Administrative/  
3251 Charitable group shall submit, through the ADA  
3252 Board of Trustees acting as the Member, an annual

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3253 report to the House of Delegates, interim reports on  
3254 request to the Member, and an annual budget to the  
3255 Board of Trustees for such financial support  
3256 allocations as the Board may deem necessary.

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3257 *Section 10.* NAME: The commissions of this  
3258 Association shall be:

3259 Commission on Dental Accreditation  
3260 Joint Commission on National Dental Examinations  
3261 Commission for Continuing Education Provider  
3262 Recognition

3263 *Section 20.* MEMBERS, SELECTIONS,  
3264 NOMINATIONS AND ELECTIONS:

3265 A. COMMISSION ON DENTAL  
3266 ACCREDITATION. The number of members and the  
3267 method of selection of the members of the  
3268 Commission on Dental Accreditation shall be  
3269 governed by the *Rules of the Commission on Dental*  
3270 *Accreditation* and these *Bylaws*.

3271 Twelve (12) of the members of the Commission on  
3272 Dental Accreditation shall be selected as follows:

3273 (1) Four (4) members shall be selected from  
3274 nominations open to all trustee districts from the  
3275 active, life or retired members of this Association, no  
3276 one of whom shall be a faculty member working for  
3277 a school of dentistry more than one day per week or  
3278 a member of a state board of dental examiners or  
3279 jurisdictional dental licensing agency. These  
3280 members shall be nominated by the Board of  
3281 Trustees and elected by the House of Delegates.

3282 (2) Four (4) members who are active, life or retired  
3283 members of this Association shall be selected by the  
3284 American Association of Dental Boards from the  
3285 active membership of that body, no one of whom  
3286 shall be a member of a faculty of a school of  
3287 dentistry.

3288 (3) Four (4) members who are active, life or retired  
3289 members of this Association shall be selected by the  
3290 American Dental Education Association from its  
3291 active membership. These members shall hold  
3292 positions of professorial rank in dental schools  
3293 accredited by the Commission on Dental  
3294 Accreditation and shall not be members of any state  
3295 board of dental examiners or jurisdictional dental  
3296 licensing agency.

3297 B. JOINT COMMISSION ON NATIONAL  
3298 DENTAL EXAMINATIONS. The Joint Commission  
3299 on National Dental Examinations shall be composed  
3300 of fifteen (15) members selected as follows:

3301 a. Three (3) members shall be nominated by the  
3302 Board of Trustees from the active, life or retired  
3303 members of this Association and additional  
3304 nominations may be made by the House of Delegates



- 3305 but no one of such nominees shall be a member of a  
 3306 faculty of a school of dentistry or a member of a state  
 3307 board of dental examiners or jurisdictional dental  
 3308 licensing agency. The House of Delegates shall elect  
 3309 the three (3) members from those nominated by the  
 3310 Board of Trustees and the House of Delegates.  
 3311 b. Six (6) members who are active, life or retired  
 3312 members of this Association shall be selected by the  
 3313 American Association of Dental Boards from the  
 3314 active membership of that body, no one of whom  
 3315 shall be a member of a faculty of a dental school.  
 3316 c. Three (3) members who are active, life or retired  
 3317 members of this Association shall be selected by the  
 3318 American Dental Education Association from its  
 3319 active membership. These members shall hold  
 3320 positions of professorial rank in the dental schools  
 3321 accredited by this Association and shall not be  
 3322 members of any state board of dental examiners or  
 3323 jurisdictional dental licensing agency.  
 3324 d. One (1) member who is a dental hygienist shall be  
 3325 selected by the American Dental Hygienists'  
 3326 Association.  
 3327 e. One (1) member who is a public representative  
 3328 shall be selected by the Joint Commission on  
 3329 National Dental Examinations.  
 3330 f. One (1) member who is a dental student shall be  
 3331 selected annually by the American Student Dental  
 3332 Association.
- 3333 C. COMMISSION FOR CONTINUING  
 3334 EDUCATION PROVIDER RECOGNITION. The  
 3335 Commission for Continuing Education Provider  
 3336 Recognition shall be composed of members selected  
 3337 as follows:  
 3338 a. Four (4) members, at least two of whom shall be  
 3339 general dentists, shall be selected from nominations  
 3340 open to all trustee districts from the active, life or  
 3341 retired members of this Association. These members  
 3342 shall be nominated by the Board of Trustees and  
 3343 elected by the House of Delegates.  
 3344 b. One (1) member who is an active, life or retired  
 3345 member of this Association (if eligible) shall be  
 3346 selected by the American Association of Dental  
 3347 Boards from the active membership of that body.  
 3348 c. One (1) member who is an active, life or retired  
 3349 member of this Association (if eligible) shall be  
 3350 selected by the American Dental Education  
 3351 Association from its active membership.  
 3352 d. One (1) member who is an active, life or retired  
 3353 member of this Association (if eligible) shall be  
 3354 selected by the American Society of Constituent  
 3355 Dental Executives from its active membership.  
 3356 e. One (1) member who is an active, life or retired  
 3357 member of this Association shall be selected by each  
 3358 sponsoring organization of the ADA recognized



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3359 dental specialties.\*

3360 *Section 30. REMOVAL FOR CAUSE:* The Board of  
3361 Trustees may remove a commission member for cause  
3362 in accordance with procedures established by the  
3363 Board of Trustees, which procedures shall provide for  
3364 notice of the charges, including allegations of the  
3365 conduct purported to constitute each violation, and a  
3366 decision in writing which shall specify the findings of  
3367 fact which substantiate any and all of the charges, and  
3368 that prior to issuance of the decision of the Board of  
3369 Trustees, no commission member shall be excused  
3370 from attending any meeting of a commission unless  
3371 there is an opportunity to be heard or compelling  
3372 reasons exist which are specified in writing by the  
3373 Board of Trustees.

3374 *Section 40. ELIGIBILITY:*

3375 A. All members of commissions who are dentists  
3376 must be active, life or retired members in good  
3377 standing of this Association except as otherwise  
3378 provided in these *Bylaws*.

3379 B. A member of the Joint Commission on National  
3380 Dental Examinations, who was selected by the  
3381 American Association of Dental Boards and who is  
3382 no longer an active member of that Association, may  
3383 continue as a member of the Commission for the  
3384 balance of that member's term.

3385 C. When a member of the Joint Commission on  
3386 National Dental Examinations, who was selected by  
3387 the American Dental Education Association, shall  
3388 cease to be a member of the faculty of a member  
3389 school of that Association, such membership on the  
3390 Commission shall terminate, and the President of the  
3391 American Dental Association shall declare the  
3392 position vacant.

3393 D. Any organizations that select members to serve on

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\* 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 2018 House of Delegates.

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3394 the Commission for Continuing Education Provider  
3395 Recognition and offer continuing dental education  
3396 courses shall be continuing education providers  
3397 currently approved by that Commission.

3398 E. No member of a commission may serve  
3399 concurrently as a member of a council or another  
3400 commission.

3401 F. The Commissions of this Association shall elect  
3402 their own chairs who shall be active, life or retired  
3403 members of this Association.

3404 *Section 50. CONSULTANTS, ADVISERS AND*  
3405 *STAFF:*

3406 A. CONSULTANTS AND ADVISERS. Each  
3407 commission shall have the authority to nominate  
3408 consultants and advisers in conformity with rules and  
3409 regulations established by the Board of Trustees  
3410 except as otherwise provided in these *Bylaws*. The  
3411 Joint Commission on National Dental Examinations  
3412 also shall select consultants to serve on the  
3413 Commission's test construction committees. The  
3414 Commission on Dental Accreditation shall have the  
3415 power to appoint consultants to assist in developing  
3416 requirements and guidelines for the conducting of  
3417 accreditation evaluations, including site visitations, of  
3418 predoctoral, advanced dental educational, and dental  
3419 auxiliary educational programs. The Commission for  
3420 Continuing Education Provider Recognition shall  
3421 have the power to appoint consultants to assist in  
3422 developing standards and procedures, conducting  
3423 recognition reviews and conducting appeals.

3424 B. STAFF. The Executive Director shall employ the  
3425 staff of Commissions, in the event they are  
3426 employees, and shall select the titles for commission  
3427 staff positions.

3428 *Section 60. TERM OF OFFICE:* The term of office  
3429 of members of the commissions shall be four (4) years  
3430 except that (a) the term of office of members of the  
3431 Commission on Dental Accreditation selected  
3432 pursuant to the *Rules of the Commission on Dental*  
3433 *Accreditation* shall be governed by those *Rules* and  
3434 (b) the term of office of the dental student selected by  
3435 the American Student Dental Association for  
3436 membership on the Joint Commission on National  
3437 Dental Examinations shall be one (1) year.

3438 The tenure of a member of a commission shall be  
3439 limited to one (1) term of four (4) years except that (a)  
3440 the consecutive tenure of members of the Commission  
3441 on Dental Accreditation selected pursuant to the *Rules*  
3442 *of the Commission on Dental Accreditation* shall be  
3443 governed by those *Rules* and (b) tenure in office of the  
3444 dental student selected by the American Student  
3445 Dental Association for membership on the Joint  
3446 Commission on National Dental Examinations shall

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3447 be one (1) term. A member shall not be eligible for  
3448 appointment to another commission or council for a  
3449 period of two (2) years after completing a previous  
3450 commission appointment.

3451 *Section 70. VACANCY:* In the event of a vacancy in  
3452 the office of a commissioner, the following procedure  
3453 shall be followed:

3454 A. In the event the member of a commission, whose  
3455 office is vacant, is or was a member of and was  
3456 appointed or elected by this Association, the President  
3457 of this Association shall appoint a member of this  
3458 Association possessing the same qualifications as  
3459 established by these *Bylaws* for the previous member,  
3460 to fill such vacancy until a successor is elected by the  
3461 next House of Delegates of this Association for the  
3462 remainder of the unexpired term.

3463 B. In the event the member of a commission whose  
3464 office is vacant was selected by an organization other  
3465 than this Association, such other organization shall  
3466 appoint a successor possessing the same qualifications  
3467 as those possessed by the previous member of the  
3468 commission.

3469 C. In the event such vacancy involves the chair of the  
3470 commission, the President of this Association shall  
3471 have the power to appoint an *ad interim* chair, except  
3472 as otherwise provided in these *Bylaws*.

3473 D. If the term of the vacated commission position has  
3474 less than fifty percent (50%) of a full four-year term  
3475 remaining at the time the successor member is  
3476 appointed or elected, the successor member shall be  
3477 eligible for election to a new, consecutive four-year  
3478 term. If fifty percent (50%) or more of the vacated  
3479 term remains to be served at the time of the  
3480 appointment or election, the successor member shall  
3481 not be eligible for another term.

3482 *Section 80. MEETINGS OF COMMISSIONS:* Each  
3483 commission shall hold at least one regular meeting  
3484 annually, provided that funds are available in the  
3485 budget for that purpose and unless otherwise directed  
3486 by the Board of Trustees. Meetings may be held at the  
3487 Headquarters Building, the Washington Office or  
3488 from multiple remote locations through the use of a  
3489 conference telephone or other communications  
3490 equipment by means of which all members can  
3491 communicate with each other. Such meetings shall be  
3492 conducted in accordance with rules and procedures  
3493 established by the Board of Trustees.

3494 *Section 90. QUORUM:* A majority of the members of  
3495 any commission shall constitute a quorum.

3496 *Section 100. PRIVILEGE OF THE FLOOR:* Chairs  
3497 and members of the commissions who are not  
3498 members of the House of Delegates shall have the

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3499 right to participate in the debate on their respective  
3500 reports but shall not have the right to vote.

3501 *Section 110. ANNUAL REPORT AND BUDGET:*

3502 A. ANNUAL REPORT. Each commission shall  
3503 submit, through the Executive Director, an annual  
3504 report to the House of Delegates and a copy thereof to  
3505 the Board of Trustees.

3506 B. PROPOSED BUDGET. Each commission shall  
3507 submit to the Board of Trustees, through the  
3508 Executive Director, a proposed itemized budget for  
3509 the ensuing fiscal year.

3510 *Section 120. POWER TO ADOPT RULES:* Any  
3511 commission of this Association shall have the power  
3512 to adopt rules for such commission and amendments  
3513 thereto, provided such rules and amendments thereto  
3514 do not conflict with or limit the *Constitution and*  
3515 *Bylaws* of this Association. Rules and amendments  
3516 thereto, adopted by any commission of this  
3517 Association, shall not be effective until submitted in  
3518 writing to and approved by majority vote of the House  
3519 of Delegates of this Association, except the Joint  
3520 Commission on National Dental Examinations shall  
3521 have such bylaws and amendments thereto as the  
3522 House of Delegates of this Association may adopt by  
3523 majority vote for the conduct of the purposes and  
3524 management of the Joint Commission on National  
3525 Dental Examinations. The Commission on Dental  
3526 Accreditation shall have the authority to make  
3527 corrections in punctuation, grammar, spelling, name  
3528 changes, gender references, and similar editorial  
3529 corrections to the *Rules* of the Commission on Dental  
3530 Accreditation which do not alter its context or  
3531 meaning without the need to submit such editorial  
3532 corrections to the House of Delegates. Such  
3533 corrections shall be made only by a unanimous vote  
3534 of the Commission on Dental Accreditation members  
3535 present and voting.

3536 *Section 130. DUTIES:*

3537 A. COMMISSION ON DENTAL  
3538 ACCREDITATION. The duties of the Commission  
3539 on Dental Accreditation shall be to:

3540 a. Formulate and adopt requirements and guidelines  
3541 for the accreditation of dental, advanced dental and  
3542 allied dental educational programs.

3543 b. Accredite dental, advanced dental and allied dental  
3544 educational programs.

3545 c. Provide a means for appeal from an adverse  
3546 decision of the accrediting body of the Commission  
3547 to a separate and distinct body of the Commission  
3548 whose membership shall be totally different from  
3549 that of the accrediting body of the Commission.

3550 d. Submit an annual report to the House of Delegates  
3551 of this Association and interim reports, on request,

## CHAPTER XV • COMMISSIONS

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- 3552 and the Commission's annual budget to the Board of  
3553 Trustees of the Association.
- 3554 e. Submit the Commission's articles of incorporation  
3555 and rules and amendments thereto to this  
3556 Association's House of Delegates for approval by  
3557 majority vote.
- 3558 B. JOINT COMMISSION ON NATIONAL  
3559 DENTAL EXAMINATIONS. The duties of the Joint  
3560 Commission on National Dental Examinations shall  
3561 be to:
- 3562 a. Provide and conduct written examinations,  
3563 exclusive of clinical demonstrations for the purpose  
3564 of assisting state boards of dental examiners in  
3565 determining qualifications of dentists who seek  
3566 license to practice in any state or other jurisdiction of  
3567 the United States. Dental licensure is subject to the  
3568 laws of the state or other jurisdiction of the United  
3569 States and the conduct of all clinical examinations for  
3570 licensure is reserved to the individual board of dental  
3571 examiners.
- 3572 b. Provide and conduct written examinations,  
3573 exclusive of clinical demonstrations for the purpose  
3574 of assisting state boards of dental examiners in  
3575 determining qualifications of dental hygienists who  
3576 seek license to practice in any state or other  
3577 jurisdiction of the United States. Dental hygiene  
3578 licensure is subject to the laws of the state or other  
3579 jurisdiction of the United States and the conduct of  
3580 all clinical examinations for licensure is reserved to  
3581 the individual board of dental examiners.
- 3582 c. Make rules and regulations for the conduct of  
3583 examinations and the certification of successful  
3584 candidates.
- 3585 d. Serve as a resource of the dental profession in the  
3586 development of written examinations.
- 3587 C. COMMISSION FOR CONTINUING  
3588 EDUCATION PROVIDER RECOGNITION. The  
3589 duties of the Commission for Continuing Education  
3590 Provider Recognition shall be to:
- 3591 a. Formulate and adopt requirements, guidelines and  
3592 procedures for the recognition of continuing dental  
3593 education providers.
- 3594 b. Approve providers of continuing dental education  
3595 programs and activities.
- 3596 c. Provide a means for continuing dental education  
3597 providers to appeal adverse recognition decisions.
- 3598 d. Submit an annual report to the House of Delegates  
3599 of this Association and interim reports, on request,  
3600 and the Commission's annual budget to the Board of  
3601 Trustees of the Association.
- 3602 e. Submit the Commission's rules and amendments  
3603 thereto to this Association's House of Delegates for  
3604 approval by majority vote either through or in  
3605 cooperation with the Council on Dental Education  
3606 and Licensure.

CHAPTER XVI • SCIENTIFIC SESSION

CHAPTER XVII • PUBLICATIONS

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CHAPTER XVI • SCIENTIFIC SESSION

3607 *Section 10. OBJECT:* The scientific session of this  
3608 Association is established to foster the presentation  
3609 and discussion of subjects pertaining to the  
3610 improvement of the health of the public and the  
3611 science and art of dentistry.

3612 *Section 20. TIME AND PLACE:* The scientific session  
3613 of the Association shall be held annually at a time and  
3614 place selected by the Board of Trustees. Such selection  
3615 shall be made at least one (1) year in advance.

3616 *Section 30. MANAGEMENT AND GENERAL*  
3617 *ARRANGEMENTS:* The Board of Trustees shall  
3618 provide for the management of, and make all  
3619 arrangements for, each scientific session unless  
3620 otherwise provided in these *Bylaws*.

3621 *Section 40. TRADE AND LABORATORY*  
3622 *EXHIBITS:* Products of the dental trade and dental  
3623 laboratories and other products may be exhibited at  
3624 each scientific session under the direction of the  
3625 Board of Trustees and in accordance with rules and  
3626 regulations established by that body.

3627 *Section 50. ADMISSION:* Admission to meetings of  
3628 the scientific sessions shall be limited to members of  
3629 this Association who are in good standing and to  
3630 others admitted in accordance with rules and  
3631 regulations established by the Board of Trustees.

CHAPTER XVII • PUBLICATIONS

3632 *Section 10. OFFICIAL JOURNAL:*

3633 A. TITLE. This Association shall publish or cause to  
3634 be published an official journal under the title of *The*  
3635 *Journal of the American Dental Association*,  
3636 hereinafter referred to as *The Journal*.

3637 B. OBJECT. The object of *The Journal* shall be to  
3638 report, chronicle and evaluate activities of scientific  
3639 and professional interest to members of the dental  
3640 profession.

3641 C. FREQUENCY OF ISSUE AND SUBSCRIPTION  
3642 RATE. The frequency of issue and the subscription  
3643 rate of *The Journal* shall be determined by the Board  
3644 of Trustees.

3645 D. EDITOR OF THE JOURNAL. Except as  
3646 otherwise provided in the powers of the Board of  
3647 Trustees under these *Bylaws*, as provided in Chapter  
3648 VII, Section 90D, the editor of *The Journal of the*  
3649 *American Dental Association* shall have the authority  
3650 to determine the editorial content of *The Journal*,  
3651 including scientific-based content, and shall, with the  
3652 assistance of an editorial board nominated by the  
3653 editor and appointed by the Board of Trustees,  
3654 establish and maintain a written editorial policy for

## CHAPTER XVII • PUBLICATIONS

## CHAPTER XVIII • FINANCES

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3655     *The Journal.*

3656     *Section 20. OTHER JOURNALS:* The Association  
3657     may publish or cause to be published other journals in  
3658     the field of dentistry subject to the direction and  
3659     regulations of the Board of Trustees.

3660     *Section 30. OFFICIAL TRANSACTIONS:* The  
3661     official transactions of the House of Delegates and the  
3662     Board of Trustees and the reports of officers, councils  
3663     and committees shall be published under the direction  
3664     of the Executive Director.

3665     *Section 40. AMERICAN DENTAL DIRECTORY:*  
3666     This Association shall cause to be published an  
3667     *American Dental Directory.*

## CHAPTER XVIII • FINANCES

3668     *Section 10. FISCAL YEAR:* The fiscal year of the  
3669     Association shall begin January 1 of each calendar  
3670     year and end December 31 of the same year.

3671     *Section 20. GENERAL FUND:* The General Fund  
3672     shall consist of all monies received other than those  
3673     specifically allocated to other funds by these *Bylaws*.  
3674     This fund shall be used for defraying all expenses  
3675     incurred by this Association not otherwise provided  
3676     for in these *Bylaws*. The General Fund may be divided  
3677     into Operating and Reserve Divisions at the direction  
3678     of the Board of Trustees.

3679     *Section 30. OTHER FUNDS:* The Association may  
3680     establish other funds, at the direction of the Board of  
3681     Trustees, for activities and programs requiring  
3682     separate accounting records to meet governmental and  
3683     administrative requirements. Such funds shall consist  
3684     of monies and other assets received or allocated in  
3685     accordance with the purpose for which they are  
3686     established. Such funds shall be used for defraying all  
3687     expenses incurred in their operation, shall serve only  
3688     as separate accounting entities and continue to be held  
3689     in the name of the American Dental Association as  
3690     divisions of the General Fund.

3691     *Section 40. SPECIAL ASSESSMENTS:* In addition  
3692     to the payment of dues required in Chapter I, Section  
3693     20 of these *Bylaws*, a special assessment may be  
3694     levied by the House of Delegates upon active, active  
3695     life, retired and associate members of this Association  
3696     as provided in Chapter I, Section 20 of these *Bylaws*,  
3697     for the purpose of funding a specific project of limited  
3698     duration. Such an assessment may be levied at any  
3699     annual or special session of the House of Delegates by  
3700     a two-thirds (2/3) affirmative vote of the delegates  
3701     present and voting, provided notice of the proposed  
3702     assessment has been presented at least thirty (30) days  
3703     prior to the first day of the session of the House of  
3704     Delegates at which it is to be considered. Notice of



CHAPTER XVIII • FINANCES  
CHAPTER XIX • INDEMNIFICATION

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3705 such a resolution shall be sent electronically to each  
3706 constituent society and posted on ADA Connect or its  
3707 equivalent for the House of Delegates\_not less than  
3708 thirty (30) days before such session to permit prompt,  
3709 adequate notice by each constituent society to its  
3710 delegates and alternate delegates to the House of  
3711 Delegates of this Association, and shall be announced  
3712 to the general membership in an official publication  
3713 of this Association at least fifteen (15) days in advance  
3714 of the session. The specific project to be funded by the  
3715 proposed assessment, the time frame of the project,  
3716 and the amount and duration of the proposed  
3717 assessment shall be clearly presented in giving notice  
3718 to the members of this Association. Revenue from a  
3719 special assessment and any earnings thereon shall be  
3720 deposited in a separate fund as provided in Chapter  
3721 XVII, Section 30 of these *Bylaws*. The House of  
3722 Delegates may amend the main motion to levy a  
3723 special assessment only if the amendment is germane  
3724 and adopted by a two-thirds (2/3) affirmative vote of  
3725 the delegates present and voting. The House of  
3726 Delegates may consider only one (1) specific project  
3727 to be funded by a proposed assessment at a time.  
3728 However, if properly adopted by the House of  
3729 Delegates, two (2) or more special assessments may  
3730 be in force at the same time. Any resolution to levy a  
3731 special assessment that does not meet the notice  
3732 requirements set forth in the previous paragraph also  
3733 may be adopted by a unanimous vote of the House of  
3734 Delegates, provided the resolution has been presented  
3735 in writing at a previous meeting of the same session.

CHAPTER XIX • INDEMNIFICATION

3736 Each trustee, officer, council member, committee  
3737 member, employee and other agent of the Association  
3738 shall be held harmless and indemnified by the  
3739 Association against all claims and liabilities and all  
3740 costs and expenses, including attorney's fees,  
3741 reasonably incurred or imposed upon such person in  
3742 connection with or resulting from any action, suit or  
3743 proceeding, or the settlement or compromise thereof,  
3744 to which such person may be made a party by reason  
3745 of any action taken or omitted to be taken by such  
3746 person as a trustee, officer, council member,  
3747 committee member, employee or agent of the  
3748 Association, in good faith. This right of  
3749 indemnification shall inure to such person whether or  
3750 not such person is a trustee, officer, council member,  
3751 committee member, employee or agent at the time  
3752 such liabilities, costs or expenses are imposed or  
3753 incurred and, in the event of such person's death, shall  
3754 extend to such person's legal representatives. To the  
3755 extent available, the Association shall insure against  
3756 any potential liability hereunder.



## CHAPTER XX • AMENDMENTS

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### CHAPTER XX • AMENDMENTS

3757 *Section 10. PROCEDURE:* These *Bylaws* may be  
3758 amended at any session of the House of Delegates by  
3759 a two-thirds (2/3) affirmative vote of the delegates  
3760 present and voting, provided the proposed  
3761 amendments shall have been presented in writing at a  
3762 previous session or a previous meeting of the same  
3763 session.

3764 *Section 20. AMENDMENT AFFECTING THE*  
3765 *PROCEDURE FOR CHANGING THE DUES OF*  
3766 *ACTIVE MEMBERS:* An amendment of these  
3767 *Bylaws* affecting the procedure for changing the dues  
3768 of active members may be adopted only if the  
3769 proposed amendment has been presented in writing at  
3770 least thirty (30) days prior to the first day of the  
3771 session of the House of Delegates at which it is to be  
3772 considered. Notice of such a resolution shall be sent  
3773 electronically to each constituent society not less than  
3774 thirty (30) days before such session to permit prompt,  
3775 adequate notice by each constituent society to its  
3776 delegates and alternate delegates to the House of  
3777 Delegates of this Association, and shall be announced  
3778 to the general membership in an official publication  
3779 of the Association at least fifteen (15) days in advance  
3780 of the annual session.

3781 Amendments affecting the procedure for changing the  
3782 dues of active members may also be adopted by a  
3783 unanimous vote provided that the proposed  
3784 amendment has been presented in writing at a  
3785 previous meeting of the same session.

*Articles of*  
***Incorporation***

. . . . .

- 3786 1. NAME. The name of this corporation is  
3787 AMERICAN DENTAL ASSOCIATION.
- 3788 2. DURATION. The duration of the corporation is  
3789 perpetual.
- 3790 3. PURPOSE AND OBJECT. The purpose and object  
3791 of this corporation are to encourage the improvement  
3792 of the health of the public and to promote the art and  
3793 science of dentistry.
- 3794 4. OFFICE. The principal office of the corporation  
3795 shall be in the City of Chicago, Cook County, Illinois.
- 3796 5. *BYLAWS*. The bylaws of the corporation shall be  
3797 divided into two categories designated, respectively,  
3798 “Constitution” and “Bylaws” and each category shall  
3799 be amendable from time to time in the manner and by  
3800 the method therein set forth, but in case of any conflict  
3801 between the *Constitution* and the *Bylaws* the  
3802 provisions of the *Constitution* shall control.
- 3803 6. MEMBERSHIP. The qualifications, the method of  
3804 election, designation or selection, the privileges and  
3805 obligations, and the voting rights, if any, of the  
3806 various classes of members which are established by  
3807 the *Constitution and Bylaws* of the corporation from  
3808 time to time shall be set forth in and governed by such  
3809 *Constitution and Bylaws*.
- 3810 7. EXERCISE OF CORPORATE POWERS. Except  
3811 as otherwise provided by law, the affairs of this  
3812 corporation shall be governed and the corporate  
3813 powers of the corporation shall be exercised by a  
3814 Board of Directors (to be known as the Board of  
3815 Trustees), House of Delegates, officers, councils,  
3816 committees, members, agents and employees as set  
3817 forth in the *Constitution and Bylaws* and the titles,  
3818 duties, powers, and methods of electing, designating  
3819 or selecting all of the foregoing shall be as provided  
3820 therein.
- 3821 8. VOTING RIGHTS WITH RESPECT TO  
3822 ARTICLES OF INCORPORATION. Only those  
3823 members of the corporation shall have voting rights in  
3824 respect to amendments to the Articles of  
3825 Incorporation who shall have a right to vote on  
3826 amendments to the *Constitution* of the corporation.

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## APPENDIX I

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### **ADA PROCEDURES FOR MEMBER DISCIPLINARY HEARINGS AND APPEALS AND THE ISSUANCE OF REMINDERS OF OBLIGATION**

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

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

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

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

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

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

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

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

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

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3. Continuances. An accused member is entitled to one (1) hearing postponement. The postponement cannot exceed thirty (30) days. Additional requests for postponement may be granted or denied by the

## APPENDIX I

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48 hearing body in its reasonable discretion.

### 49 C. DECISION.

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

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

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

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

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

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

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

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

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

74 (iv) The Executive Director of the American Dental  
75 Association.

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

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

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

## APPENDIX I

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97 portion of their current dues and special assessments,  
98 if any, shall be returned to the expelled member.  
99 Dues and special assessments paid to this  
100 Association will not be refunded to an expelled  
101 member.

### 102 II. APPEALS FROM DISCIPLINARY DECISIONS 103 ISSUED PURSUANT TO ADA BYLAWS 104 CHAPTER XII

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

#### 109 A. RIGHT TO APPEAL.

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

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

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

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

143 C. TIME FOR THE FILING OF BRIEFS ON  
144 APPEAL. Briefs in appeals brought under this Article  
145 II must be filed in accordance with the following  
146 schedule:

147 1. Appellant's Initial Brief. If being filed, an initial

## APPENDIX I

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

## APPENDIX I

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

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252 not be required to consider additional evidence  
253 unless there is a clear showing that a party to the  
254 appeal will be unreasonably harmed by failure to  
255 consider the additional evidence.

256 12. Decisions on Appeals. Every decision on appeal  
257 shall be in writing and must clearly state the  
258 conclusion of the hearing body and the reasons for  
259 that conclusion. The body hearing the appeal shall  
260 have the discretion to:

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

263 (b) Reverse the decision of the society or body that  
264 brought the charges and thereby exonerate the  
265 accused member;

266 (c) Deny an appeal where it fails to satisfy the  
267 requirements of Chapter XII, Section 20D of the  
268 ADA Bylaws;

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

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

279 (f) Modify the decision of the agency that issued the  
280 charges against the accused member by reducing the  
281 penalty imposed.

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

### 296 III. MEMBER CONDUCT HEARINGS

297 The following procedures will be followed by the  
298 Council on Ethics, Bylaws and Judicial Affairs in  
299 cases involving allegations of violations of the  
300 Member Conduct Policy of the Association:

301 A. CHARGES. Any member of the Association or the



## APPENDIX I

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Association's staff will have the right to bring charges alleging a violation or violations of the Association's Member Conduct Policy. Charges must:

1. Be in writing.
2. Sent to the Chair of the Council on Ethics, Bylaws and Judicial Affairs.
3. Include an identification of the provision(s) of the Association's Member Conduct Policy alleged to have been violated and a detailed description of the conduct alleged to constitute the violation.

### B. PRELIMINARY INVESTIGATION.

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

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

### C. NOTICE OF DETERMINATION OF INVESTIGATORY PANEL.

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

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

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

- (a) Provide a specification of the charges brought against him or her;
- (b) Specify the time and place of hearing on the charges brought against the accused member;
- (c) Be sent via certified mail, return receipt requested, to the accused's last known address; and
- (d) Be mailed not less than twenty-one (21) days prior to the date set for the hearing.

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

354 1. Hearing Panel Make Up. Members of the  
355 investigatory panel that investigated the allegations  
356 against the accused member and the Council member  
357 from the accused's trustee district are ineligible to sit  
358 on the hearing panel.

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

362 3. Representation by Counsel. The accused member  
363 is entitled to be represented by legal counsel at the  
364 member conduct hearing.

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

373 E. DECISION.

374 1. Requirement of Written Decision. Every decision  
375 of a member conduct hearing panel will be in writing.  
376 The written decision will:

377 (a) Contain a statement of the charges made against  
378 the member;

379 (b) State the relevant facts;

380 (c) State the verdict arrived at by the hearing body;  
381 and

382 (d) State the penalty imposed or recommended and,  
383 if the penalty is to be suspended during a period of  
384 probation, the length of the probationary period and  
385 any other conditions included in the probation.

386 2. Mailing of Decision. Every hearing panel decision  
387 must be sent, by certified mail, return receipt  
388 requested, within ten (10) days of the written  
389 decision being approved by the hearing panel, to the  
390 last known address of each of the following:

391 (a) The accused member;

392 (b) The Association member or staff member who  
393 brought the charges;

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

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

398 (e) The Chair of the American Dental Association

## APPENDIX I

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399 Council on Ethics, Bylaws and Judicial Affairs;  
400 (f) The Executive Director of the American Dental  
401 Association; and, if applicable

402 (g) The Election Commission of the Association.

403 F. NOTICE OF RIGHT TO APPEAL. A written  
404 notice to the accused member informing the member  
405 of his or her right to appeal the decision of the hearing  
406 panel must accompany the copies of the decision sent  
407 pursuant to Section E2 of Article III of these  
408 procedures.

409 G. FINALITY OF DECISION. A decision will not  
410 become final while an appeal of the decision is  
411 pending or until the thirty (30) day period for filing  
412 notice of appeal has expired.

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

### 427 IV. MEMBER CONDUCT APPEALS

428 The following procedures shall be followed in any  
429 appeal from a decision issued as a result of a member  
430 conduct hearing pursuant to Chapter XIII, Section  
431 20D of the ADA Bylaws:

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

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

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

447 1. Appellant's Initial Brief. If being filed, an initial  
448 brief supporting an appeal must be filed within sixty

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449 (60) days after the date the decision being appealed  
450 was issued.

451 2. Reply Brief. If being filed, a reply brief supporting  
452 the decision appealed from must be filed by the  
453 Association member or staff member who lodged the  
454 member conduct complaint within ninety (90) days  
455 after the decision being appealed was issued.

456 3. Rejoinder Brief. If being filed, a rejoinder brief  
457 supporting an appeal must be filed within one  
458 hundred five (105) days after the date the decision  
459 being appealed was issued.

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

468 E. CONDUCT OF THE APPEAL HEARING. The  
469 accused member shall be entitled to a hearing on an  
470 appeal, provided that such appeal meets the  
471 requirements of this Article.

472 1. Council Members Hearing the Appeal. Members  
473 of the investigatory and hearing panels involved in  
474 the action being appealed and the Council  
475 representative from the accused member's Trustee  
476 District shall be recused from and will not take part  
477 in the appeal.

478 2. Parties to the Appeal. In any appeal of a decision  
479 under the Member Conduct Policy, the parties to  
480 such an appeal shall be the accused member and the  
481 Association member or the Association staff member  
482 who brought the charges.

483 3. Representation by Counsel. In any appeal, the  
484 accused member is entitled to be represented by legal  
485 counsel.

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

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

499 6. Hearing Notice. The Council on Ethics, Bylaws

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and Judicial Affairs shall notify the accused member; the Association member or Association staff member bringing the charges; the secretary of the accused member's component society, if applicable; and the secretary of the accused member's constituent society, if applicable of the time and place of the appeal hearing. The hearing notice will be sent by certified—return receipt requested letter to the last known addresses of the parties to the appeal and the other entities receiving notice. The notice of hearing is to be mailed not less than thirty (30) days prior to the hearing date.

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

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

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

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

11. Appeals Jurisdiction. The Council on Ethics, Bylaws and Judicial Affairs is required to review the decision appealed from to determine whether the evidence before the hearing panel supports that decision or warrants the penalty(ies) imposed. The

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553 Council on Ethics, Bylaws and Judicial Affairs shall  
554 not be required to consider additional evidence  
555 unless there is a clear showing that a party to the  
556 appeal will be unreasonably harmed by failure to  
557 consider the additional evidence.

### 558 F. DECISION ON APPEALS

559 1. Appeals not Involving Recommended Probation,  
560 Suspension, Expulsion and/or Removal of a Trustee  
561 or Elective Officer.

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

570 (b) Permissible Penalties. The Council shall have  
571 the discretion to:

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

573 (ii) Reverse the decision of the hearing panel and  
574 thereby exonerate the accused member;

575 (iii) Deny an appeal that fails to satisfy the  
576 requirements of Chapter XIII, Section 20D of the  
577 ADA Bylaws;

578 (iv) Refer the case back to the hearing panel for  
579 new proceedings, if the rights enumerated under all  
580 applicable bylaws and procedures were not  
581 accorded the accused;

582 (v) Remand the case back to the member conduct  
583 hearing panel for further proceedings when the  
584 appellate record is insufficient in the opinion of the  
585 Council on Ethics, Bylaws and Judicial Affairs to  
586 enable it to render a decision; or

587 (vi) Modify the decision of the hearing panel by  
588 reducing the penalty imposed.

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

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

## APPENDIX I

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603 component society of which the accused is a  
604 member, if applicable; the secretary of the  
605 constituent society of which the accused is a  
606 member, if applicable; the Election Commission of  
607 the Association and the Executive Director of this  
608 Association.

609 2. Appeals Involving Recommended Probation,  
610 Suspension, Expulsion and/or Removal of a Trustee  
611 or Elective Officer.

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

619 (b) Permissible Penalties. The Council shall have  
620 the discretion to:

621 (i) Recommend upholding the decision of the  
622 hearing panel;

623 (ii) Reverse the recommended decision of the  
624 hearing panel and thereby exonerate the accused  
625 member;

626 (iii) Recommend denial of an appeal that fails to  
627 satisfy the requirements of Chapter XIII, Section  
628 20D of the ADA Bylaws;

629 (iv) Refer the case back to the hearing panel for  
630 new proceedings, if the rights enumerated under all  
631 applicable bylaws and procedures were not  
632 accorded the accused;

633 (v) Remand the case back to the hearing panel for  
634 further proceedings when the appellate record is  
635 insufficient in the opinion of the Council on Ethics,  
636 Bylaws and Judicial Affairs to enable it to render a  
637 decision; or

638 (vi) Modify the decision of the hearing panel by  
639 reducing the penalty imposed, except in cases in  
640 which the reduced penalty is probation, suspension  
641 and/or removal from office, the Council's decision  
642 shall be a recommendation.

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

649 (d) Delivery of the Appeal Decision in Cases not  
650 Involving Recommended Probation, Suspension,  
651 Expulsion and/or Removal from Office. Within  
652 thirty (30) days of the date on which a final decision

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that does not recommend probation, suspension, expulsion and/or removal from office is approved by the Council on Ethics, Bylaws and Judicial Affairs, a copy of the decision shall be sent by certified-return receipt requested mail to the last known address of each of the following parties: the accused trustee or elective officer; the Association member or Association staff member preferring charges; the secretary of the component society of which the trustee is a member, if applicable; the secretary of the constituent society of which the trustee or elective officer is a member, if applicable; the Election Commission and the Executive Director of this Association.

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

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

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



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707 with Chapter XIII, Section 20F of the ADA Bylaws.

### 708 V. REMINDERS OF OBLIGATION

709 Because Reminders of Obligation issued pursuant  
710 to CHAPTER XII PRINCIPLES OF ETHICS AND  
711 CODE OF PROFESSIONAL CONDUCT, Section  
712 20 DISCIPLINE OF MEMBERS, Subsection C.  
713 REMINDER OF OBLIGATION and CHAPTER  
714 XIII. PROCEDURES AND HEARINGS  
715 RELATED TO MEMBER CONDUCT POLICY,  
716 Section 20 DISCIPLINE OF MEMBERS,  
717 Subsection C. REMINDER OF OBLIGATION of  
718 the ADA *Bylaws* are private administrative actions  
719 and not disciplinary penalties, copies of such  
720 Reminders of Obligation shall only be kept by the  
721 Council on Ethics, Bylaws and Judicial Affairs for  
722 a period of six (6) months after issuance following  
723 which such copies shall be destroyed.

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**APPENDIX II<sup>†</sup>**

**CHAPTER I • MEMBERSHIP**

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

- Active Members
- Life Members
- Retired Members
- Student Members
- Honorary Members
- Provisional Members
- International Members

*Section 20.* MEMBERSHIP ELIGIBILITY

A. ACTIVE MEMBER. Any person holding a D.D.S., D.M.D. or equivalent degree shall be eligible to be an active member of this Association if he or she meets the following qualifications:

- a. Maintains membership in good standing in this Association as that term is defined in these *Bylaws*; and
- b. Is a member in good standing of the constituent and component\* where the member either resides, or is employed or practices; or if not a member of such constituent and component is:
  - 1. employed by or is serving on active duty in one of the federal dental services\*\* on a full time basis and is not otherwise employed or practicing dentistry within the jurisdiction of a constituent or component; or

\* As used herein, the term “constituent” means a dental association organized in a state or territory of the United States or in Washington, D.C. that is chartered by the ADA House of Delegates. The term “component” means a local dental association that may be created within the boundaries of a constituent by the constituent.

\*\* The term “federal dental services” as used herein shall mean the dental departments of the Air Force, the Army, the Navy, the Public Health Service, the department of Veterans Affairs and other federal agencies.

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<sup>†</sup> This Appendix contains a new Chapter I adopted by the House of Delegates by the passage of Resolution 79H-2016, together with a document entitled the *Governance and Organizational Manual of the American Dental Association*. Pursuant to 79H-2016, the new Chapter I takes effect at the adjournment *sine die* of the 2017 House of Delegates.

## APPENDIX II

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2. employed or practicing dentistry in a country other than the United States and is a graduate of a dental school or a graduate of a training program accredited by the Commission on Dental Accreditation; or

3. otherwise ineligible for active membership in a constituent or component where the individual resides, is employed, or practices.

An individual qualifying pursuant to subsections b.1. through 3. shall be referred to as a “direct member.”

**B. LIFE MEMBER.** Any person holding a D.D.S., D.M.D. or equivalent degree shall be eligible to be a life member of this Association if he or she meets the following qualifications:

a. Has been an active and/or retired member in good standing of this Association for at least thirty (30) consecutive years or a total of at least forty (40) non-consecutive years;

b. Reached the age of at least sixty-five (65) during the previous calendar year; and

c. Maintains membership in good standing in a constituent and component, if such exists, and in this Association.

d. A member may also qualify for life member status by having been a member of the National Dental Association for twenty-five (25) years and subsequently holding membership in this Association for at least ten (10) years and having reached the age of at least sixty-five (65) during the previous calendar year.

**C. RETIRED MEMBER.** Any person holding a D.D.S., D.M.D. or equivalent degree shall be eligible to be a retired member of this Association if he or she meets the following qualifications:

a. Has submitted to the individual’s component and constituent or, if a direct member, to this Association, an affidavit attesting that the individual does not receive or earn income from any dentally-related activity; and

b. Maintains membership in good standing in a constituent and component, if such exists, and in this Association.

**D. STUDENT MEMBER.** Any person shall be eligible to be a student member of this Association if the individual meets the following qualifications:

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- 88 a. Is enrolled as a predoctoral student of a dental  
89 school accredited by the Commission on Dental  
90 Accreditation of this Association; or
- 91 b. Is enrolled as a predoctoral student in a dental  
92 school listed in the World Directory of Dental  
93 Schools compiled by the FDI World Dental  
94 Federation; or
- 95 c. Holds a D.D.S., D.M.D. or an equivalent degree  
96 and is engaged full-time in an advanced training  
97 course of not less than one academic year's  
98 duration in an accredited school or residency  
99 program.
- 100 d. Student membership shall not be considered in  
101 the calculation of membership tenure needed to  
102 achieve life membership.
- 103 E. HONORARY MEMBER. Any person shall be  
104 eligible to be an honorary member of this  
105 Association if he or she meets the following  
106 qualifications:
- 107 a. Has made outstanding contributions to the  
108 advancement of the art and science of dentistry;  
109 and
- 110 b. Be elected an honorary member by the Board  
111 of Trustees.
- 112 F. PROVISIONAL MEMBER. An individual is a  
113 provisional member of this Association if he or she  
114 meets one of the following alternative  
115 qualifications:
- 116 a. Has received a D.D.S. or D.M.D. degree within  
117 the past twenty-four (24) months from a dental  
118 school accredited by the Commission on Dental  
119 Accreditation of this Association and is not  
120 eligible for tripartite or any other direct category  
121 of membership because he or she has not  
122 established a place of practice. The provisional  
123 membership awarded under this alternative shall  
124 terminate December 31 of the second full  
125 calendar year following the year in which the  
126 degree was awarded;
- 127 or
- 128 b. Is a graduate of an unaccredited dental school  
129 who has been licensed within the past twenty-four  
130 (24) months to practice dentistry in a jurisdiction  
131 in which there is a constituent and has not  
132 established a place of practice. The provisional  
133 membership awarded under this alternative shall

## APPENDIX II

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134 terminate December 31 of the second full  
135 calendar year following the year in which the  
136 license was awarded.

137 G. INTERNATIONAL MEMBER. An individual  
138 who is ineligible for any other classification of  
139 membership and:

140 a. Is practicing dentistry or is employed in a  
141 dentally-related field in a country other than the  
142 United States;

143 b. Has been classified as an international member  
144 upon application to the Board of Trustees  
145 according to the specifications in the *Governance*  
146 *and Organizational Manual of the American*  
147 *Dental Association* (“the *Governance Manual*”);  
148 and

149 c. Maintains membership in good standing in this  
150 Association.

151 *Section 30. PRIVILEGES.* Members shall receive  
152 such privileges and benefits as are listed in the  
153 *Governance Manual*.

154 *Section 40. DUES AND SPECIAL ASSESSMENTS.*  
155 Except for International members, the dues of  
156 members shall be the amount established annually by  
157 the House of Delegates in accordance with the  
158 procedure set forth in the these *Bylaws*. In addition to  
159 annual dues, members shall pay any outstanding  
160 special assessment that may be levied by the House of  
161 Delegates in accordance with the procedure set forth  
162 in the *Governance Manual*.

163 *Section 50. DEFINITION OF “IN GOOD*  
164 *STANDING.”*

165 A. To be in good standing, a member is required to  
166 meet the following criteria:

167 a. The member’s payments of dues and special  
168 assessments, if any, are current if such payment is  
169 required; and

170 b. Any additional criteria that may be imposed by  
171 the member’s constituent or component.

172 B. A member under a disciplinary sentence of  
173 suspension shall be designated as “in good  
174 standing temporarily under suspension” until the  
175 disciplinary sentence has terminated.

## APPENDIX II

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176 *Section 60. LAPSE OF MEMBERSHIP AND*  
177 *REINSTATEMENT.*

178     A. LAPSE OF MEMBERSHIP. Any member  
179     whose dues and any special assessment have not  
180     been paid by March 31 of the current year or shall  
181     otherwise fail to meet the eligibility requirements  
182     for membership shall cease to be a member of this  
183     Association.

184     B. REINSTATEMENT. Reinstatement of  
185     membership may be secured on payment of  
186     outstanding dues and any special assessment of this  
187     Association and on meeting the remaining  
188     eligibility requirements for membership.

189 *Section 70. WAIVER OF DUES AND SPECIAL*  
190 *ASSESSMENTS.* Members may be eligible for a full  
191 or partial waiver of the current year's dues and/or  
192 special assessments as set forth in the *Governance*  
193 *Manual.*

**APPENDIX III**  
**GOVERNANCE AND ORGANIZATIONAL**  
**MANUAL OF THE AMERICAN DENTAL**  
**ASSOCIATION**

**Preface**

This *Governance and Organizational Manual of the American Dental Association* (the “*Governance Manual*”) contains the general governance, organizational policies and processes of the American Dental Association and is the property of the ADA House of Delegates. The material contained herein shall be amendable by the House of Delegates upon majority vote unless otherwise specified herein.

For convenience to members, the material in the *Governance Manual* is organized to follow the same order of presentation found in the *ADA Constitution and Bylaws*.

The terms used in the *Governance Manual* shall have the same meaning as set forth in the *ADA Constitution and Bylaws*.

**I. MEMBERSHIP MATTERS**

**A. Membership Privileges and Benefits.**

The following is a list of privileges and benefits for each class of membership identified in the *ADA Bylaws*.

1. **Active Members.** Active members shall receive the following privileges and benefits, including:

An annual membership card;

A paid-up subscription to *The Journal of the American Dental Association*;

The entitlement to attend any ADA scientific session or meeting; and

Such other benefits and services as the ADA may from time to time make available to active members.

Active members in good standing are eligible for election as a delegate or alternate delegate to the ADA House of Delegates and are also eligible for election or appointment to any office or agency of the ADA except as may be otherwise provided in the *ADA Bylaws* or this *Governance Manual*.

Active members under a disciplinary sentence

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44 of suspension or probation are not entitled to  
45 hold elective or appointive office, including  
46 delegate and alternate delegate, in the ADA or  
47 the members' constituents or  
48 components. Also, such suspended or probated  
49 active members may not vote or otherwise  
50 participate in the selection or election of  
51 officers or other officials of the ADA or the  
52 members' components and constituents.

53 2. Retired Members. Retired members shall receive  
54 the same privileges and benefits as active members,  
55 including:

56 An annual membership card;

57 A paid-up subscription to *The Journal of the*  
58 *American Dental Association*;

59 The entitlement to attend any ADA scientific  
60 session or meeting; and

61 Such other benefits and services as the ADA may  
62 from time to time make available to retired  
63 members.

64 Retired members in good standing are eligible  
65 for election as a delegate or alternate delegate to  
66 the ADA House of Delegates and are also  
67 eligible for election or appointment to any office  
68 or agency of the ADA except as may be  
69 otherwise provided in the *ADA Bylaws* or this  
70 *Governance Manual*.

71 Retired members under a disciplinary sentence  
72 of suspension or probation are not entitled to  
73 hold elective or appointive office, including  
74 delegate and alternate delegate, in the ADA or  
75 the members' constituents or components.  
76 Also, such suspended or probated retired  
77 members may not vote or otherwise participate  
78 in the selection of officers or officials of the  
79 ADA or the members' components and  
80 constituents.

81 3. Life Members. Except as noted, life members  
82 shall receive the same privileges and benefits as  
83 active members, including:

84 An annual membership card;

85 A paid-up subscription to *The Journal of the*  
86 *American Dental Association*;

87 The entitlement to attend any ADA scientific  
88 session or meeting; and



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- 89 Such other benefits and services as the ADA may  
90 from time to time make available to life members.
- 91 Life members in good standing are eligible for  
92 election as a delegate or alternate delegate to the  
93 ADA House of Delegates and are also eligible for  
94 election or appointment to any office or agency of  
95 the ADA except as may be otherwise provided in  
96 the ADA *Bylaws* or this *Governance Manual*.
- 97 Life members under a disciplinary sentence of  
98 suspension or probation are not entitled to hold  
99 elective or appointive office, including delegate  
100 and alternate delegate, in the ADA or the  
101 members' constituents or components. Also,  
102 such suspended or probated life members may  
103 not vote or otherwise participate in the selection  
104 of officers or officials of the ADA or the  
105 member's components and constituents.
- 106 Life members who also meet the eligibility  
107 requirements for retired membership shall qualify  
108 for retired life membership. Retired life members  
109 shall receive all the privileges and benefits of  
110 active members, except that retired life members  
111 shall not receive a paid-up subscription to The  
112 *Journal of the American Dental Association*.
- 113
- 114 4. Student Members. Student members shall receive  
115 the following privileges and benefits, including:
- 116 An annual membership card;
- 117 A paid subscription to The *Journal of the*  
118 *American Dental Association*;
- 119 The entitlement to attend any ADA scientific  
120 session or meeting; and
- 121 Such other benefits and services as the ADA may  
122 from time to time make available to student  
123 members.
- 124 Student members in good standing are eligible for  
125 election as a delegate or alternate delegate of the  
126 American Student Dental Association to the ADA  
127 House of Delegates.
- 128 Student members under a disciplinary sentence  
129 of suspension or probation are not entitled to  
130 serve as a delegate and alternate delegate of the  
131 American Student Dental Association to the  
132 ADA House of Delegates.
- 133 5. Provisional Members. Except as noted,

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134 provisional members shall receive the same  
135 privileges and benefits as active members,  
136 including:

137 An annual membership card;

138 A paid-up subscription to *The Journal of the*  
139 *American Dental Association*;

140 The entitlement to attend any ADA scientific  
141 session or meeting; and

142 Such other benefits and services as the ADA may  
143 from time to time make available to provisional  
144 members.

145 Provisional members in good standing are eligible  
146 for election as a delegate or alternate delegate to  
147 the ADA House of Delegates and for election or  
148 appointment to any office or agency of the ADA  
149 except as may be otherwise provided in the ADA  
150 *Bylaws* or this *Governance Manual*.

151 Provisional members under a disciplinary  
152 sentence of suspension or probation are not  
153 entitled to hold elective or appointive office,  
154 including delegate and alternate delegate, in the  
155 ADA. Also, such suspended or probated  
156 provisional members may not vote or otherwise  
157 participate in the selection of officers or  
158 officials of the ADA.

159 Provisional members shall not be entitled to  
160 appeal a denial of active membership in the  
161 Association.

162 6. Honorary Members. Honorary members shall  
163 receive the following privileges and benefits,  
164 including:

165 An annual membership card;

166 A paid-up subscription to *The Journal of the*  
167 *American Dental Association*;

168 The entitlement to attend any ADA scientific  
169 session or meeting; and

170 Such other benefits and services as the ADA  
171 Board of Trustees may from time to time make  
172 available to honorary members.

173 Honorary members are not entitled to hold  
174 elective or appointive office, including delegate  
175 and alternate delegate, in the ADA or the  
176 honorary members' constituents or components  
177 or to vote or otherwise participate in the selection  
178 of officers or officials of the ADA.

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179 7. International Members. International members  
180 shall receive such products and services as may be  
181 authorized from time to time by the Board of Trustees  
182 in collaboration with the Council on Membership.

183 B. Dues, Special Assessments and Related Financial  
184 Matters

185 1. Dues. Under the ADA Bylaws, the House of  
186 Delegates has the duty to annually set the dues of  
187 active members for the ensuing year. Dues are due  
188 and payable on January 1, except where a member  
189 has opted to pay dues in installments pursuant to a  
190 plan offered by the member's constituent, in which  
191 case, dues are paid according to the plan's  
192 requirements.

193 The schedule of annual dues for each of the  
194 membership categories specified in the ADA  
195 *Bylaws* is as follows:

196 Active Members:

197 From degree award through conclusion of the 1st  
198 full year following an award of a D.D.S. or  
199 D.M.D. the member is exempt from the payment  
200 of dues.

201 2nd full year following degree award: Twenty-  
202 five percent (25%) of active member dues as set  
203 by the House of Delegates pursuant to ADA  
204 *Bylaws*;

205 3rd full year following degree award: Fifty  
206 percent (50%) of active member dues as set by the  
207 House of Delegates pursuant to the ADA *Bylaws*;

208 4th full year following degree award: Seventy-  
209 five percent (75%) of active member dues as set  
210 by the House of Delegates pursuant to the ADA  
211 *Bylaws*; and

212 5th full year following degree award and above:  
213 One hundred percent (100%) of active member  
214 dues as set by the House of Delegates pursuant to  
215 the ADA *Bylaws*.

216 Members becoming active members after July 1,  
217 except for those whose membership has lapsed for  
218 failure to pay the current year's dues and/or any  
219 special assessment, shall pay fifty percent (50%)  
220 of any annual dues then in effect. Those members  
221 becoming active members after October 1,  
222 except for those whose membership has lapsed for  
223 failure to pay the current year's dues and/or any  
224 special assessment, shall be exempt from the

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- 225 payment of the any annual dues then in effect.
- 226 Retired Members: Twenty-five percent (25%) of  
227 active member dues as set by the House of  
228 Delegates pursuant to the *ADA Bylaws*.
- 229 Life Members: Seventy-five percent (75%) of  
230 active member dues as set by the House of  
231 Delegates pursuant to the *ADA Bylaws*.
- 232 Life members who also meet the eligibility  
233 requirements for retired membership shall be  
234 exempt from the payment of dues.
- 235 Student Members: Pre-doctoral student members:  
236 Five Dollars (\$5.00). Post-doctoral students and  
237 residents: Thirty Dollars (\$30.00).
- 238 Provisional Members: The obligation of provisional  
239 members to pay dues is the same as for active  
240 members.
- 241 Honorary Members: Honorary members shall be  
242 exempt from the payment of dues.
- 243 International Members: The amount as set from time  
244 to time by the Board of Trustees. The Board 32 of  
245 Trustees can, however, deviate from the established  
246 dues rate for international members in order to:
- 247 (a) promote international membership in the ADA  
248 in a selected jurisdiction; and
- 249 (b) recognize economic circumstances in those  
250 least developed countries eligible for special fee  
251 criteria as established by the FDI World Dental  
252 Federation.
- 253 2. Special Assessments: Pursuant to the ADA  
254 Bylaws, the House of Delegates has the power to  
255 levy special assessments. Any special assessment  
256 for a calendar year is due and payable on January 1,  
257 except where a member has opted to pay in  
258 installments pursuant to a plan offered by the  
259 member's constituent, in which case, the special  
260 assessment is paid according to the plan's  
261 requirements.
- 262 The schedule of special assessment allocation for  
263 each of the membership categories specified in the  
264 *ADA Bylaws* is as follows:
- 265 Active Members:
- 266 From degree award through conclusion of the  
267 1st full year following an award an award of a  
268 D.D.S. or D.M.D. degree the member is exempt  
269 from the payment of any special assessment

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270	then in effect.
271	2nd full year following degree award: Twenty-
272	five percent (25%) of any special assessment
273	then in effect;
274	3rd full year following degree award: Fifty
275	percent (50%) of any special assessment then in
276	effect;
277	4th full year following degree award: Seventy-
278	five percent (75%) of any special assessment
279	then in effect; and
280	5th full year following degree award and above:
281	One hundred percent (100%) of any special
282	assessment then in effect.
283	On a one-time only basis, those members
284	becoming active members after July 1, except
285	for those whose membership has lapsed for
286	failure to pay the current year's dues and/or any
287	special assessment, shall pay fifty percent
288	(50%) of any special assessment then in effect.
289	On a one-time only basis, those members
290	becoming active members after October 1,
291	except for those whose membership has lapsed
292	for failure to pay the current year's dues and/or
293	any special assessment, shall be exempt from
294	the payment of the any special assessment then
295	in effect.
296	<u>Retired Members</u> : Twenty-five percent (25%) of
297	any special assessment then in effect.
298	<u>Life Members</u> : Seventy-five percent (75%) of any
299	special assessment then in effect.
300	Life members who also meet the eligibility
301	requirements for retired membership shall be
302	exempt from the payment of special
303	assessments.
304	<u>Student Members</u> : Pre-doctoral, post-doctoral
305	students and residents are exempt from the
306	payment of special assessments.
307	<u>Provisional Members</u> : The obligation of
308	provisional members to pay any special
309	assessment then in effect is the same as for active
310	members.
311	<u>Honorary Members</u> : Honorary members are
312	exempt from the payment of special assessments.
313	<u>International Members</u> : International members
314	are exempt from the payment of special

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315 assessments.

316 3. Acceptance of Back Dues and Special  
317 Assessments: For purposes of establishing  
318 continuity of active membership to qualify for life  
319 membership, back dues and any special assessment,  
320 except as otherwise provided in these *Bylaws*, shall  
321 be accepted for not more than the three (3) years of  
322 delinquency prior to the date of application for such  
323 payment. The rate of such dues and/or any special  
324 assessment shall be in accordance with the *Bylaws*  
325 and this *Governance Manual*.

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

340 3. Limited Dues and Special Assessment Reduction  
341 Programs: Notwithstanding the foregoing policies  
342 on dues and special assessments, the following  
343 limited dues reduction programs are available in  
344 certain circumstances:

345 A. New Graduate Dues Reduction Deferral. For  
346 dentists who are engaged full-time in an advanced  
347 training program of not less than one academic  
348 year's duration, post-doctoral or residency  
349 program while eligible for the new graduate  
350 active member dues and special assessment  
351 reduction program outlined above, the applicable  
352 reduced dues rate shall be deferred until  
353 completion of post-doctoral or residency  
354 program. Commencing at the start of the calendar  
355 year after the dentist completes the program, the  
356 dentist shall recommence paying dues and any  
357 special assessment for active members at the  
358 reduced dues rate where the dentist left off in the  
359 progression. During the period such dentist is  
360 engaged full-time in an advanced training course  
361 of not less than one (1) academic year's duration,  
362 post-doctoral or residency program, the dues and  
363 special assessment provisions for post-doctoral

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- 364 students and residents shall apply.
- 365 B. First Time Member Ineligible for New  
366 Graduate Dues Reduction. A dentist who has  
367 never been an active member of this Association  
368 and is ineligible for dues and special assessment  
369 reduction as a new graduate under the provisions  
370 of the *Governance Manual*, shall pay fifty percent  
371 (50%) of active member dues and any special  
372 assessment in the first year of membership, and  
373 shall pay one hundred percent (100%) of active  
374 member dues and any special assessment in the  
375 second year and each year thereafter.
- 376 C. Active Membership Promotion. The Board of  
377 Trustees may authorize limited dues reduction, up  
378 to fifty percent (50%) of active member dues and  
379 any special assessment then in effect for the  
380 purposes of promoting active membership in  
381 target U.S. markets through marketing campaigns  
382 recommended by the Council on Membership.  
383 This reduction of active member dues and any  
384 special assessments shall be on a one-time only  
385 basis for these members.
- 386 D. Financial Hardship Waivers. Any members  
387 who have suffered a significant financial hardship  
388 that prohibits them from payment of their full  
389 dues and/or any special assessment may be  
390 excused from the payment of twenty-five percent  
391 (25%), fifty percent (50%), seventy-five percent  
392 (75%) or all of the current year's dues and/or any  
393 special assessment as determined by their  
394 constituents and components. The constituents  
395 and components shall certify the reason for the  
396 waiver, and the constituents and components shall  
397 provide the same proportionate waiver of their  
398 dues as that provided by this Association.\*
- 399 E. Temporary Activation to Federal Service. An  
400 active member in good standing who is  
401 temporarily called to active duty with a federal  
402 dental service on a non-career basis shall be

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\* 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 the *Bylaws* and they submit through the members' respective component and constituent, if such exist, to this Association, a medical certificate attesting to the disability and a certificate from said component and constituent, if such exist, attesting to the disability, upon request of the Association, during the exemption period.

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exempt from the payment of dues to this Association during such federal dental service duty, but not to exceed a period of three years.

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

4. Calculating Percentage Dues or Special Assessments. In establishing the dollar rate of dues or special assessments expressed as a percentage of active member dues or special assessments, computations resulting in fractions of a dollar shall be rounded up to the next whole dollar.

### C. Interim Services for Applicants.

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

## II. FINANCIAL MATTERS

A. Installment Payments. Any constituent or component may establish a plan for the installment payment of dues and special assessments for active, life and provisional members. This Association may



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451 establish a plan for the installment payment of dues  
452 and special assessments for active and life members  
453 who are direct members of the Association. Any such  
454 installment plan shall require:

455 1. Monthly installment payments that conclude  
456 with the current dues and any special assessment  
457 amount being paid by December 15; and

458 2. The expeditious transfer of installments of  
459 member dues and any special assessments  
460 collected to this Association and any applicable  
461 constituent or component.

462 Any installment plan adopted under this provision of  
463 the *Governance Manual* may impose a reasonable  
464 transaction fee upon the member. Transaction fees  
465 collected shall be prorated between this Association  
466 and the constituent and component, if any, based on  
467 the amount of dues and special assessment collected  
468 on each organization's behalf.



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**American Dental Association**

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