

**American Board  
of  
Forensic Odontology**

**Diplomates Reference**

**Manual**

**Section II  
Bylaws and Code of Ethics**

**February 2019 Edition**

# **American Board of Forensic Odontology, Inc.**

## **DIPLOMATES REFERENCE MANUAL**

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## **SECTION II**

### **Bylaws and Code of Ethics**

#### **BYLAWS**

#### **PREAMBLE**

##### **Section 1. Name.**

The name of the organization is the American Board of Forensic Odontology, herein also referred to as the “Board” or the “ABFO”. It is incorporated as a nonprofit organization in the state of Nevada. The Board of Directors of this organization shall not be referred to as the “Board” as this term is reserved for the ABFO.

##### **Section 2. Location of Offices.**

**The registered office of this corporation in the state of Nevada, is 5441 Kietzke Lane Reno, Nevada 89511. The registered agent is Eastbiz.com**

**The Board may have such other offices at such locations, within or without the state of Nevada, as the Board of Directors may, from time to time, designate.**

##### **Section 3. Purposes.**

The purpose of the Board, in the public interest, shall be:

- a. To encourage the study of, improve the practice of, establish and enhance guidelines and standards for, and advance the specialty of forensic odontology.
- b. To encourage and promote adherence to high standards of ethics, conduct, and professional practice by forensic odontologists.
- c. To grant and issue certification certificates, and/or other recognition, in cognizance of special qualifications in forensic odontology, to voluntary applicants who conform to the standards established by the Board and who have established their fitness and competence therefore.
- d. To continue cooperation with branches of federal and state governments and appropriate governmental and private agencies and organizations, in order to maintain recognition and acceptance of the American Board of Forensic Odontology, Inc., as an acknowledged special qualification for the practice of forensic odontology.
- e. To maintain and, at the discretion of the Board of Directors, furnish lists of individuals who have been granted Certificates by the Board, hereinafter referred to as diplomates.
- f. To engage in any activities, not prohibited by law or the Board’s Articles of Incorporation, which may contribute to the above purposes or which are in furtherance of the objects and purposes enumerated in the Articles.

#### **Section 4. Sponsors.**

- a. Sponsors. The Board of Directors may, by two-thirds (2/3) affirmative vote, invite organizations having a legitimate interest in forensic odontology to become sponsors of the Board.
- b. Termination of Sponsorship. A sponsoring organization may, at its discretion, terminate its sponsorship of the Board upon due notice to the Board. Such sponsorship may also be terminated by a two-thirds (2/3) affirmative vote of the Board of Directors.
- c. Responsibility of Sponsors. A sponsoring organization shall not have any obligation for financial support of the Board and shall not, by virtue of its sponsorship of the Board, have authority over or responsibility for any of the Board's operations, activities, or decisions. The principle role of a sponsoring organization is to endorse and support the objectives of the Board and to give recognition to the Board's activities and programs.

### **ARTICLE I: MEMBERSHIP AND CERTIFICATION**

#### **Section 1. Eligibility for Membership.**

ABFO membership, in the various classifications subsequently prescribed, shall be available only to those persons of professional competence, integrity and good moral character:

- a. who are actively engaged in the field of forensic odontology and who have made some significant contribution to the literature in the science, or
- b. who have advanced the cause of forensic odontology in other significant manner, or
- c. who are pursuing a career which has as its purpose, the attainment of either of the foregoing objectives (a) or (b), and
- d. who have earned a doctoral degree in dentistry from an accredited college or university.

#### **Section 2. Qualifications for Membership.**

In accordance with these bylaws, qualifications for membership shall be established and reviewed annually by the Board of Directors.

#### **Section 3. Classes of Members.**

##### **Active Diplomat**

**Retired Diplomat.** An active Diplomat who wishes to retire may apply to the ABFO Board of Directors to be reclassified as a Retired Diplomat by filling out the Retired Diplomat Application. The application can be requested from the Secretary of the ABFO. The completed application must be received by the Secretary at least ninety days before the expiration of the

applicant Diplomat's current certification period. Those diplomates who resigned between 2008 and 2013 will be given one year from the date of this amendment to apply for retired status.

To be considered for retired status the applicant must be a Diplomat in good standing, must not have outstanding dues or be the subject of a pending or active ethics complaint, and must affirm their intent to retire from active forensic odontology. A Retired Diplomat may participate in providing forensic odontology education including continuing education lectures and participate in federal, state or local mass disaster teams, ad hoc, and other mass disaster teams.

The application will require approval from the ABFO BOD with a simple majority vote. Once granted "Retired" status Retired Diplomates may use the following designation following their name in printed or published media, "**D-ABFO, Retired**"

Retired Diplomates are not to be regarded as being "certified" or "board certified" by the ABFO.

Retired Diplomates may attend ABFO meetings, will receive ABFO emails, and will be granted access to the member's only section of the ABFO website. Retired Diplomates are excused from recertification and the payment of annual dues.

Retired diplomates **shall not**, have the right to vote, hold office, or be counted in the determination of a quorum for the transaction of ABFO business. The President may accord the privilege of the floor to Retired Diplomates to speak on specific matters.

A Retired Diplomat who wishes to be reinstated as an active Diplomat must reapply to the ABFO and fulfill all current requirements for new applicants.

**Diplomat Emeritus.** Retired or deceased diplomates who have rendered significant service to the ABFO or achieved special qualifications in forensic odontology may be invited to become Diplomat Emeritus. Ten percent of the Diplomates that are in good standing with the ABFO or a minimum of ten Diplomates, whichever is greater, can submit in writing, the name of a retired or deceased diplomate for this honor. The Board of Directors may confirm only one nominee per annual term. The Diplomat Emeritus status must be confirmed by unanimous invitation of the Board of Directors.

A Diplomat Emeritus shall be afforded the same rights and opportunities to participate in all ABFO activities as any other active Diplomat, with the exception of voting on ABFO matters. A Diplomat Emeritus will not be required to pay annual dues. A Diplomat Emeritus will receive the same correspondence as active Diplomates except for the annual dues billing invoice and will be maintained on the active ABFO Diplomat e-mail roster.

#### **Section 4. Certification.**

**a. Standards.** . The Board of Directors shall establish, maintain, and revise as necessary, standards and qualifications for the granting, issuing and renewing of certificates and/or other forms of recognition in the cognizance of special qualifications in forensic

odontology. The policies and procedures established for evaluation of candidates for ABFO Diplomate status are fair, objective, and non-discriminatory and comply with all federal, state and local laws regarding such policies and procedure.

**b. Evaluation of Applicants.** The Board of Directors shall arrange for suitable means to evaluate the fitness, competence, and qualifications of persons seeking certification by the ABFO. These functions shall be carried out, in part, by a Certification and examination Committee by appropriate examination of the candidates for Certificates of Qualification in Forensic Odontology.

**c. Certificates.** The Board of Directors shall have authority to issue, or cause to be issued, Certificates of Qualification in Forensic Odontology to persons who have met the standards of the Board and have fully complied with all applicable requirements. Certificates of Qualification shall be in such forms as prescribed or approved by the Board of Directors. Each certificate shall be and remain the property of the ABFO, but every person to whom a certificate has been properly issued shall be entitled to its continued possession unless and until such certificate is revoked. A person holding a valid Certificate of Qualification issued by the ABFO shall be entitled to use the designation “board certified”, “Diplomate of the American Board of Forensic Odontology”, and/or D-ABFO.

**d. Fees.** The Board of Directors shall establish the fees and other charges incident to application for granting, issuing, and renewal of Certificates of Qualification and/or other forms of recognition.

**e. Denial, Suspension and Revocation of Certificates.** The right to deny Certification or to suspend or revoke Certificates of Qualification shall reside with the Board of Directors. Certificates issued by the Board are subject to revocation by two-thirds (2/3) vote of the Board of Directors for one or more of the following reasons:

(1) A misstatement or misrepresentation, or concealment or other omission of one or more material fact or facts in an application or any other communication to the Board or its representative(s).

(2) Misleading or perjurious statements in sworn testimony.

(3) Conviction of an applicant for certification or a holder of a certificate of this Board by a court of competent jurisdiction of a felony or of any crime involving, in the opinion of the Board of Directors, moral turpitude.

(4) Issuance of a certificate contrary to or in violation of any of the laws, standards, rules or regulations governing the Board and its certification programs at the time of its issuance; or determination that the person certified was not in fact eligible to receive such certificate at the time of its issuance.

(5) Conduct on the part of a holder of a Certificate of this Board tending to or acting to impede, discourage, or contradict the purposes of this Board as expressed in the Preamble, Section 3, herein.

(6) Nonpayment of fees by six (6) months from the invoice date will result in the revocation of the certificate by the Board of Directors at the next annual meeting.

Action to suspend or revoke certification may only be taken after at least ninety (90) days advance notice of the nature of the charges or reasons for such action has been given to the individual concerned, and an opportunity for such person to be heard has been provided by the Board. Hearings concerning suspension and/or revocation will be held without legal representation on either side. (See Article II, Section 6).

**f. Appeal following denial of qualifications to take the Examination.**

An applicant to the Board, who has not met the qualifications to take the examination, as determined by the committee, may file a written notice of appeal to the President of the ABFO. He/she shall state why, as an applicant he/she thinks that he/she is qualified, within twenty days of his/her notification (by certified mail, return receipt requested).

- (1) The President shall then send a copy of this notice of appeal to each member of the Board of Directors. Each member of the Board will reply, in writing, within twenty days of his/ her receipt of the copy of the notice of appeal to the President.
- (2) Each Board member shall indicate his/her approval or disapproval of the grounds cited in the appeal.
- (3) A favorable simple majority vote by the Board of Directors on the applicant's previous denial by the Certification and Examination Committee shall constitute a reversal of its decision.
- (4) In the event a simple majority of the Board of Directors upholds the decision of the Certification and Examination Committee and denies the appeal, the applicant may ask for a formal hearing at the next annual called meeting of the Board of Directors. The decision of a simple majority of the Board of Directors at that meeting will be final.

**g. Appeal Following Failure of an Examination.** A candidate to the Board who has not successfully passed an examination given by the Certification and Examination Committee to qualify for diplomate status, may file a written notice of appeal to the President of the ABFO within twenty days of his/her notification of failure (by certified mail, return receipt requested). He/she shall state in the notice of appeal the specific grounds for the appeal.

- (1) The President shall then send a copy of this notice of appeal to each member of the Board of Directors. Each member of the Board of Directors will reply within twenty days of his/her receipt of the copy of the notice of appeal to the President
- (2) Each Board member shall indicate his/her approval or disapproval of the grounds cited in the appeal.
- (3) A favorable simple majority vote by the Board of Directors on the candidate's previous denial of certification by the Certification and Examination committee shall constitute a reversal of this decision.
- (4) In the event a simple majority of the Board of Directors upholds the decision of the Certification and Examination Committee and denies the



appeal, the candidate may ask for a formal hearing at the next annual called meeting of the Board of Directors. The decision of a simple majority of the Board of Directors at that meeting will be final.

**h. Recertification.** The ABFO requires recertification every five years. This is the responsibility of the Certification and Examination Committee. This committee shall devise the format and areas necessary for review and administer the mandatory Recertification Examination, all of which shall be approved by the Board of Directors. The committee will evaluate the diplomates' material submitted for recertification and notify the Board of Directors of their recommendations concerning each diplomate being considered for recertification.

**i. Reinstatement of “retired”, or “resigned” Diplomates**

A Diplomate who has retired, or resigned wishing to be returned to active Diplomate status must reapply to the ABFO and fulfill all current requirements for new applicants.

## **Section 5. Eligibility to Hold Office**

Only Diplomates in good standing shall be eligible to hold office. A diplomate may not be nominated for office, vote or otherwise engage in the business of the Board if his/her annual fees are not current. The Board of Directors, by two-thirds (2/3) majority, under unusual circumstances, may waive this requirement.

## **Section 6. Fee Obligations.**

The annual fee period shall be the calendar year, January 1 to December 31. A penalty of twenty-five dollars (\$25.00) will be levied for non-payment of the annual and/or recertification fees, ninety (90) days from the invoicing of the fees. Active diplomates requesting retired status prior to October 1st in the year their annual fee has been paid are exempt from paying the annual fee for the following calendar year and thereafter, pending confirming action on their request by the Board of Directors.

## **Section 7. Binding Arbitration.**

All diplomates and applicants for certification shall agree to be bound by the following:

**a.** The parties agree that any controversy or claim arising out of or relating to the American Board of Forensic Odontology (ABFO), its Bylaws, or its actions as a private, professional credentialing organization, or this agreement, or the breach thereof, whether involving a claim in tort, contract or otherwise, shall be settled by final binding arbitration administered by the American Arbitration Association in accordance with its rules.

**b.** “Parties” means all members of the ABFO or applicants thereto. This Arbitration Agreement is mandatory for all members of the ABFO, active, retired, suspended, and emeritus. No personal signature is needed to endorse this Agreement Application.

- c. The arbitration shall be before one neutral arbitrator to be selected in accordance with the Commercial Rules of the American Arbitration Association. The arbitration shall proceed under the Expedited Procedures of those Rules.
- d. These arbitration proceedings are initiated by the complaining party serving a written demand for arbitration upon the other party. The written demand shall contain a detailed statement of the matter and facts supporting the demand and include copies of all related documents.
- e. At least 30 days before the arbitration, the parties must exchange lists of witnesses, including any experts and copies of all exhibits to be used at the arbitration. Arbitration must be initiated within two years after the alleged controversy or claim occurred by submitting a written demand to the other party.
- f. The arbitration proceedings shall be conducted during the American Board of Forensic Odontology annual meeting, unless the parties agree to other arrangements.
- g. The parties agree that the arbitrator shall first rule that the claim is bona fide and not vexatious or frivolous. Then the issue of liability will be determined prior to receiving evidence or testimony on any damage claim. In the event that liability is found, the arbitration proceeding shall continue before the same arbitrator to resolve all damage issues. The decision of the arbitrator shall be final and binding. The arbitrator shall have no authority to make agreements containing material errors of law or to award punitive damages or to add to, modify, or refuse to enforce any agreements between the parties. The arbitrator shall make findings of fact and conclusions of law and shall have no authority to make any award which could not have been made by a court of law. The costs of arbitration of the prevailing party, are to be borne by the non-prevailing party, including reasonable attorney's fees.
- h. Judgment on any award rendered by the arbitrator may be entered in any court having jurisdiction thereof. In rendering the award, the arbitrator shall determine the rights and obligations of the parties according to the substantive procedural laws of Nevada.

## **ARTICLE II: CODE OF ETHICS AND CONDUCT**

### **Section 1. The Code.**

As a means to promote the highest quality of personal and professional conduct of its diplomates, the following constitutes the Code of Ethics, which is to be endorsed and adhered to by all diplomates of the American Board of Forensic Odontology:

- a. Every diplomate of the ABFO shall refrain from any material misrepresentation of education, training, or area of expertise.

- b.** Every diplomate of the ABFO shall refrain from any material misrepresentation of data upon which an expert opinion or conclusion is based.
- c.** Every diplomate of the ABFO must provide a signed and notarized Ethics Statement adopted by the ABFO Executive Committee February, 2007 no later than September 1, 2007 and thereafter as directed by the Executive Committee.

## **Section 2. Guiding Principles.**

Separate and distinct from the ABFO's mandatory Code of Ethics, yet essential to the attainment of the highest quality of professionalism, the following are deemed to be guiding principles, voluntarily endorsed by all diplomates of the ABFO:

- a.** The diplomate of the ABFO should maintain his/her professional competency through existing programs of continuing education.
- b.** A Diplomate of the ABFO may submit formal written allegations of violations concerning a fellow diplomate to the secretary of the ABFO (see judiciary process below) or to the Chairman of the Ethics Committee. Formal written allegations shall not include or imply partisanship or interest in a case except the proof of the facts and their correct interpretation.
- c.** Diplomates of the ABFO shall render technically correct statements in all written and oral reports, testimony, public addresses, or publications and should avoid any misleading or inaccurate claims.

## **Section 3. Grounds for Discipline.**

Any diplomate whose professional conduct becomes adverse to the best interests and purposes of the ABFO shall be liable to censure, suspension, or expulsion and revocation of certification. The diplomate shall be censured, suspended or expelled by action of the ABFO Board of Directors acting on the findings and recommendations of the Ethics Committee. Investigative action may be initiated due to alleged violations under any of the following provisions of the bylaws:

- a.** Misrepresentation of one or more of the criteria for membership in the ABFO, Article I.
- b.** Violation of any of the provisions of the Code of Ethics, Article II, Section I.
- c.** The publication or issuance of public statements giving the appearance of or characterized as representing the ABFO on matters outside existing ABFO policy or which have not been worded, approved, and authorized by the Board of Directors.

## **Section 4. Investigative Body.**

- a.** The standing Ethics Committee shall serve as the investigating body to which the Chairman of the Ethics Committee shall refer all cases for consideration.

**b.** The members of the Ethics Committee shall be elected by the diplomates. Each member, with the exception of the non-voting attorney member, will serve a three year term. The Ethics Committee shall elect a chairman from its membership annually.

**c.** The President of the ABFO may chair the Ethics Committee in the absence of the Ethics Committee chairman, if the chairman is under investigation, has a conflict of interest in that particular case, or for other valid reasons is unable to participate.

**d.** The Ethics Committee can order investigations and serve as a hearing agency concerning past or present conduct of individual members of the ABFO which may constitute a violation of the provisions of the Code of Ethics.

### **Section 5. Investigation Initiating Action.**

The following are the ways by which the Ethics Committee may initiate investigative proceedings:

**a.** A diplomate of the ABFO may submit formal written allegations of violations concerning a diplomate to the secretary of the ABFO (see judiciary process below) or to the chairperson of the Ethics Committee.

**b.** The Ethics Committee may institute an inquiry based on any evidence brought to its attention which indicates the need for further query or positive action under the provisions of these bylaws. ABFO officers, upon receipt of a complaint concerning the professional or personal conduct of a diplomate, may refer the complaint to the Ethics Committee in writing, accompanied by a recommendation, concerning the need for further investigation. Such recommendations, however, shall not be binding on the Ethics Committee.

### **Section 6. Judiciary Process**

**a.** Written allegations against a diplomate, when delivered to the ABFO Secretary, shall immediately be transmitted to the Chairman of the Ethics Committee.

**b.** The Ethics Committee shall immediately give notice of the filing of a complaint to the accused, and in accordance with the rules and regulations, assemble such written data from both the accused and accuser, that may permit the Ethics Committee to arrive at a preliminary determination whether the complaint is well founded and requires further investigation.

**c.** If the Ethics Committee, in its preliminary determination, finds that the complaint is not well founded, it shall dismiss the complaint. It shall issue a report of such determination to the Board of Directors, setting forth the basic facts and the reasons for its decision to dismiss.

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**d.** If the Ethics Committee determines the complaint is well founded, the Ethics Committee will investigate the allegations. The Ethics Committee shall then formally hear the charges and shall give both the accused and the accuser(s) a reasonable opportunity to be heard and confront each other.

(1) Notice shall be sent by certified mail, return receipt requested, to both the accused and the accuser(s) for the purpose of setting up a formal hearing.

(2) After receipt of the returned notice (by certified mail, return receipt requested), a formal hearing date will be mutually agreed to by both parties and the Ethics Committee. This date will be at least ninety days from said receipt of official notice in order to give both parties adequate time for preparation for the hearing. If agreeable to both parties, the hearing shall be held at or about the time of the annual meeting of the ABFO in order to keep the costs to a minimum. If one or both parties request hearing date at a time other than the annual meeting, the costs of said hearing shall be the responsibility of the party/parties requesting the hearing and not the ABFO.

(3) At this hearing, no legal counsel for either party may be present. The non-voting attorney member of the ABFO, as a non-voting member of the Ethics Committee, will be present for the purpose of assuring that propriety, protocol and adherence to proper procedures are maintained during the hearing. The attorney Board member shall act in an advisory position to the committee only and of the hearing(s) shall not be involved in the presentation of the case for either party.

(4) The Accused shall receive a copy of the written complaint. He/she is entitled to see the document in its entire form.

(5) The Ethics Committee shall make a report, which will include a recommendation to the ABFO Board of Directors at the conclusion

**e.** Upon a vote of three-fourths (3/4) of the members of the Board of Directors, present and voting, the party accused of unethical or wrongful conduct may be censured, suspended, or expelled, but the accused shall have the right to appeal such action to the diplomates of the ABFO. No Board of Director member, or member of the Ethics Committee who is the subject of a pending accusation under the provisions of the ABFO Code of Ethics, shall sit in deliberation on any matter concerning ethics.

**f.** The accused has the right to appeal the action of the Board of Directors to the diplomates of the ABFO. In effecting an appeal, the appellant must file a brief typewritten notice of the appeal, together with any typewritten statement he/she may wish to submit in his/her behalf, with the ABFO secretary not less than ninety days prior to the next annual meeting of the ABFO. The secretary shall immediately advise each member of the Board of Directors of the appeal and shall forward to each a copy of the supporting papers submitted by the appellant.

**g.** The Executive Committee shall then prepare a written statement of the reasons for the Board of Directors actions and file the same with the ABFO secretary not less than forty-five days prior to the next annual meeting.

**h.** Within ten days thereafter, the ABFO secretary shall mail to each voting diplomate of the ABFO a copy of the appellant's notice of appeal and his/her supporting statement, if any, and a copy of the Board of Directors statement. The secretary shall arrange and schedule a closed hearing of the diplomates concerning the appellant's appeal. The individual charged may not sit in this closed meeting. The non-voting attorney member will be present at this meeting to assure propriety, protocol, and adherence to procedures are maintained during this closed hearing. The Board member attorney will not represent either party involved in the hearing.

**i.** A written vote of three- fourths (3/4) of the diplomates, present and voting at the closed meeting, shall be required to overrule the action of the Board of Directors in regard to censure, suspension, or expulsion of a diplomate.

### **Section 7. Confidentiality, Rules, and AAFS Ethics.**

**a.** Any member of the Ethics Committee or the Board of Directors divulging confidential information on any past or present ethical inquiries other than written statements of the Board of Directors could be subject to charges in violation of the Code of Ethics.

**b.** The Ethics Committee shall formulate internal Rules and Procedures and from time to time propose changes to such Rules and Procedures designed to facilitate the expeditious, fair and discreet resolution of complaints or matters brought before the Ethics Committee. The Rules and Procedures, and any subsequent deletions, additions or amendments thereto, shall be subject to the approval of the Board of Directors.

**c.** In order to prevent a conflict of interest between the ABFO and the American Academy of Forensic Sciences (AAFS), a written report of the action of the Board of Directors of the ABFO concerning censure, suspension, or expulsion of a diplomate will be forwarded to the Chairman of the Ethics Committee of the AAFS. The AAFS Ethics Committee will be notified if a notice of appeal is filed and ultimately the results of said appeal. It is assumed that if an ethical problem occurs with the Ethics Committee of the AAFS, with an ABFO diplomate who is a member of the AAFS, a report would be given to the President or Secretary or Chairman of the Ethics Committee of the ABFO for any consideration or action.

## **ARTICLE III: MEETINGS**

### **Section 1. Annual Meetings of the Board of Directors.**

At least one meeting of the Board of Directors shall be held each year at the call of the President, at a location designated by him/her within or without the state of Nevada. Notice of meetings shall be provided to each Director at least thirty days before the meeting date. A meeting may, upon written consent of two-thirds (2/3) of the Directors in office, be conducted by mail or by electronic conference. Notwithstanding the above, it shall be the intent of these Bylaws that the Board of Directors hold two meetings each year whenever circumstances permit.

**a.** First meeting. The first meeting of the Board of Directors shall be held as

nearly following the Annual Diplomates Meeting as is practical. Along with other business, the adoption and approval of an annual budget shall be accomplished.

**b.** Second meeting. The second meeting of the Board of Directors shall be held as nearly before the Annual Diplomates Meeting as is practical.

## **Section 2. Special meetings of the Board of Directors.**

Special meetings may be called by the President, or upon the written request of a majority of the Directors in office, on a date and at a time and location to be designated by the President, within or without the state of Nevada. Notice of a special meeting shall be given to each Director at least fifteen days before the meeting date, with information regarding the subject(s) to be considered.

## **Section 3. Conduct of Board of Directors Business.**

**a.** Business of the Board of Directors may be conducted by mail, by electronic conference, by conference call, or by electronic mail (email) when specific business is deemed necessary by the chair of the Board of Directors. When conducted electronically via e-mail all of the discussion and votes should be copied (cc'd) to all members of the BOD.

**b.** Business of the Board of Directors carried on by mail, by electronic conference, by conference call or by electronic mail (email) shall be conducted in accordance with the general spirit of these by laws and the requirements of the ABFO Articles of Incorporation.

**c.** When business is conducted by mail, by electronic conference, by conference call, or by electronic mail (email) requires a vote by the Board of Directors, the action must consist of votes made by a majority of the members of the Board of Directors (a quorum). A simple majority vote of the Directors in office, who vote, providing they comprise a quorum, shall be required to carry a motion.

**d.** When the chair receives a motion, and that motion has been seconded, he/she will direct the secretary to submit the motion to the Board of Directors for their consideration.

**e.** A period of ten (10) days will be allowed for discussion of the motion using the chosen method of communication. When using electronic mail (e-mail) a return receipt request will be used by the secretary to show receipt of the motion.

**f.** After the ten (10) day discussion period the vote will be called by the chair. Voting will be conducted within five (5) days. The ballots are to be sent to the secretary for tabulation. It is the responsibility of the secretary to notify the Board of Directors of the balloting results following the five (5) day balloting period.

**g.** This method of balloting may be used for all ABFO business except for repeal or amendment of previous bylaws and other situations requiring a two-thirds majority vote,

unless the Board of Directors adheres to the procedures spelled out in Article III, Sections 1 and 2. of the ABFO bylaws.

#### **Section 4. The Diplomates Annual Meeting.**

The annual meeting will be held at the call of the President at a location designated by him/her within or without the State of Nevada. In the absence of the President the President Elect shall assume the duties of the President. Notice of the meeting shall be given to each Active Diplomat, Retired Diplomat and Diplomat Emeritus at least thirty days prior to the meeting date. Upon unusual circumstances and with approval of two-thirds (2/3) of the Board of Directors, the Diplomates' annual meeting may be postponed.

#### **Section 5. Territory.**

The operations of the Board are to be conducted in the United States of America and its territories and possessions and in such other place(s) as the Board of Directors may, from time to time, authorize and direct.

#### **Section 6. Quorum.**

**a. Board of Directors, Executive Committee and all other committees.** A quorum for all purposes herein, unless otherwise provided, shall consist of a majority of the members of the Directors, Executive Committee, or other committees. In the event that less than these numbers are present at a meeting, the President or Chairman may adjourn the meeting for not longer than thirty days under the same call. No Director shall be entitled to vote or be counted toward a quorum through the use of a written proxy.

**b. Diplomates.** One-fourth (1/4) of the active ABFO membership, in a called meeting of the ABFO, shall constitute a quorum for the conduction of business.

### **ARTICLE IV: OFFICERS AND MANAGEMENT**

#### **Section 1. Board of Directors.**

**a. Authority.** The Governing board of the Corporation, as set forth in the Articles of Incorporation, shall be a Board of Directors, which shall be empowered to have, hold, control, manage, and administer all of the property, funds, business affairs, and operations of the ABFO pursuant to its Articles, with authority to do everything necessary and desirable in the conduct of the affairs and business of the ABFO and in accordance with these Bylaws. The Board of Directors (BOD) shall have the authority to administer the functions of the organization including changes to policies and procedures. Such changes shall require a majority vote of the BOD. Proposed changes in policies and procedures shall not conflict with Articles, Bylaws, Standards or Guidelines. The BOD shall not have the authority to change, amend or otherwise alter ABFO Bylaws, Standards, or Guidelines without approval of a vote by ABFO Diplomates following established procedures.



**b. Composition.** The Board of Directors shall consist of the six officers of the corporation (President, President Elect, Vice President, Secretary, Treasurer and Immediate Past President), and no more than fifteen other directors, all elected by the Diplomates from the names submitted by the Nominating Committee and by nominations from the floor.

**c. Qualification of Directors.**

(1) Directors shall be Diplomates in good standing in the ABFO. They shall be chosen with due regard for their general attainments and their professional qualifications and experience in forensic odontology and/or closely related fields.

(2) At the discretion of the Board of Directors, one additional position on the Board of Directors may be held by a duly qualified attorney at law who shall not be required to be a Diplomate of the ABFO. This individual shall NOT have voting privileges and shall not be eligible to hold office or chair committees.

**d. Term of Directors.** The terms of all directors shall be for three years. Five terms expire each year. Directors shall be limited to a maximum of two consecutive three-year terms. This limitation shall not apply to the attorney described previously in this Article.

**e. Duties and Functions.** The duties and functions of the Board of Directors shall be as follows:

(1). The Board of Directors shall exercise overall control over the affairs and operations of the ABFO.

(2) The Board of Directors shall be charged with making recommendations to the general membership for establishing, modifying, upgrading, and maintaining bylaws, standards and guidelines for the specialty of forensic odontology, in accordance with the Articles of Incorporation and these Bylaws. These shall not be discriminatory, but apply to all persons on an equal basis.

(3) The Board of Directors shall, under normal circumstances, hold at least two meetings annually: the first following the annual diplomates meeting; the second directly before the annual diplomates meeting. The Board of Directors may hold additional meetings on reasonable notice and upon written request of a majority of the Directors.

(4) The Board of Directors shall adopt, and approve, an annual budget for the operation of the ABFO at the first meeting following the annual diplomates meeting.

(5) The Board of Directors may, from time to time, designate qualified persons, who need not be directors, or organizations to act on their behalf in performing such duties and functions as the Board of Directors may direct. Such persons and organizations may be compensated for their services and reimbursed for the actual and necessary expenses incurred in the discharge of such duties and functions, and shall serve at the pleasure of the Board of Directors.

(6) The Board of Directors may remove from office, any officer, director, or elected committee member, by a two-thirds (2/3) vote of the Board of Directors for any of the following:

(a) Non-attendance at two consecutive meetings without reasonable cause.

(b) Misfeasance, malfeasance or nonfeasance of his/her duties. Conviction of a Director or officer by a court of competent jurisdiction, of a felony, or of any crime involving the operation of the Board of Directors, shall result in automatic and immediate expulsion from office.

**f. Voting at Board of Directors meetings.** Unless otherwise specifically stated or implied elsewhere in these Bylaws, all actions of the Board of Directors shall be decided by a simple majority of the Board of Directors present at a meeting or by a qualified electronic vote at which a quorum has been established.

**g. Vacancies.** A vacancy in the position of a director may be filled by a two thirds (2/3) vote of the remaining directors, if the Executive Committee deems the replacement necessary.

## **Section 2. Officers**

**a. Officers of the Corporation.** The officers of the Corporation shall be: President, President Elect, Vice President, Secretary, Treasurer and Immediate Past President. They shall be elected by the Diplomates from a slate of names provided by the Nominating Committee, at the annual diplomates meeting. The President, having been elected to the office of President Elect the previous year, assumes the office automatically (DRM p.57 **Administrative Information – Protocol for Selecting Candidates for Elected Positions** “**President (1 year term)**). The Immediate Past President also assumes office immediately at the conclusion of his/her term as President.

**b.** The officers of the corporation shall serve, in the same respective capacities, as officers of the Board of Directors.

**c. Qualifications:**

**(1) President/President Elect, and Vice President.** Candidates for these offices shall have served at least one complete year as Secretary or Treasurer of this organization, and shall be a current member of the Board of Directors, as either a director or one of the officers.

**(2) Secretary and Treasurer.** Candidates for these offices shall be a current or past member of the Board of Directors, as either a director or one of the officers.

**d. Term of Office.** The officers shall take office at the conclusion of the annual diplomates meeting following their election. The term of office of President, President Elect, and Vice President shall be for one year, or until his/her successor has been duly elected and qualified. The term of office of Secretary and Treasurer shall be for two years and they shall be elected in alternate years (Secretary in even years, Treasurer in odd years) These officers shall be elected at the annual diplomates meeting, with the exception that the office of President shall be automatically assumed by the diplomate elected President Elect the previous year.

**e. Line of Succession.** It is the wish and intent of these Bylaws to establish a logical progression of the officers through a “Line of Succession.” This will help to insure that

candidates for the Presidency will be sufficiently familiar with the workings and functions of the ABFO to be able to step into the position with as little transition time as possible. However, if for any reason, the diplomates, Board of Directors, or officers wish to circumvent this “Line of Succession”, they may, by nominating and electing other qualified diplomates.

**f. Functions and Duties.** The functions and duties of the officers shall be such as usually and customarily pertain to their respective offices, and also such other functions and duties as may from time to time, be delegated or designated by the Board of Directors or as herein prescribed.

**g. Vacancies.** The President Elect shall assume the duties of the office of President if such a vacancy should occur during the current term. Other vacancies shall be filled by qualified directors by a two-third (2/3) vote of the Board of Directors, at any regular or special meeting, by mail, by electronic conference, by conference call, or by electronic mail (email) when specific business is deemed necessary by the chair of the Board of Directors if no regular meeting is scheduled within thirty days of such vacancy.

**h.** When a director is elected to an office and if his/her term as director has not expired at the time of election, he/she must immediately resign that position as Director.

### **Section 3. Executive Committee.**

**a. Composition.** The Executive Committee of the Board of Directors shall consist of the President, who shall serve as its chairman, the President Elect, the Vice President, the Secretary, the Treasurer and the immediate Past President. A quorum of the Executive Committee shall consist of a majority of its members and its formal actions shall require a majority vote of the entire committee unless otherwise provided herein.

**b. Authority** The Board of Directors may grant and/or assign to the Executive Committee, those powers and authorities, which it deems necessary, to act for and on behalf of the Board of Directors between meetings, unless otherwise prohibited in these Bylaws. Actions taken by the Executive Committee on behalf of the Board of Directors shall be reported to the Board of Directors at its next meeting.

**c. Limitations.** The Executive Committee shall not have, or be granted, the power to change these Bylaws.

### **Section 4. Nominating Committee.**

**a.** The Nominating Committee shall submit a slate of names of qualified diplomates for elections, as set forth in these Bylaws.

(1) The Nominating Committee shall submit two names for each expiring and/or vacated director position, plus two more additional names.

(2) The Nominating Committee shall submit two names for each expiring committee position that is open for election.

- (3) No member of the Nominating Committee can be nominated to an elected office.
- (4) The Nominating Committee shall submit at least one name for each executive office that is open for election.
- (5) The above nominations shall be made and submitted to the Board of Directors, at least thirty days prior to the annual diplomates meeting. This information shall be disseminated to the diplomates at least fifteen days prior to the meeting.

b. The Board of Directors may, at their discretion, nominate any person or persons qualified under these Bylaws, if the Nominating Committee fails to comply with the requirements as set forth in this Article.

c. Nominations of qualified diplomates for officers, directors, and elected committee members may also be made by any diplomate at the annual diplomates meeting, with the prior approval of the candidate being nominated from the floor.

## **Section 5. Elections.**

a. **Annual Elections.** Shall be held at the annual diplomates meeting, provided a quorum has been established. If a quorum cannot be established, the Board of Directors shall convene a special meeting and perform the election duties.

b. **Authority.** The Board of Directors may grant and/or assign to the Executive Committee, those powers and authorities, which it deems necessary, to act for and on behalf of the Board of Directors between meetings, unless otherwise prohibited in these Bylaws. Actions taken by the Executive Committee on behalf of the Board of Directors shall be reported to the Board of Directors at its next meeting.

c. **The order of elections.** Shall be as follows: President Elect, Vice President, Secretary or Treasurer, Certification and Examination Committee, Ethics Committee, and Directors

d. In each case, those candidates receiving the greater number of votes will be elected.

## **ARTICLE V: COMMITTEES**

### **Section 1. Special Committees.**

The President may appoint, with the advice and consent of the majority of the Board of Directors, special committees as deemed necessary. These appointments are to run for one-year terms, unless extended by the Board of Directors.

### **Section 2. Standing Committees for Administrative Purposes.**

**Articles and Bylaws, Nominating, Planning, Research and Public Relations Committees.**

a. **Composition:**

**(1) Articles and Bylaws.** This committee shall consist of at least six members, each serving a three year term, as designated by the President with the advice and consent of the majority of the Board of Directors. Each year the President shall designate two members to replace the two outgoing members. The chairman, designated by the President, shall be one of the two members serving the third year of their term. Membership is limited to only one consecutive three-year term.

**(2) Nominating.** This committee shall consist of five members. Two of the members shall be the most recent active past presidents. The others shall be appointed for a one-year term, by the President with the advice and consent of a majority of the Board of Directors. Of these, two shall be from the diplomate membership at large, and one shall be a member of the Board of Directors, but not a member of the Executive Committee. The chairman of this committee shall be the Past President who has been on the committee the longest.

**(4) Research.** This committee shall consist of five members, each serving a five year term, as designated by the majority of the Board of Directors. Each year, the Board of Directors shall designate one member to replace the one out going member. The chairman shall be selected by a majority of the committee members at or about the time of the annual meeting of the Board of Directors. There shall be no limit on the number of consecutive terms that may be served. Members of this committee should have demonstrated competence in the field of scientific research. Committee members should have:

- (a) Published at least one article in a refereed journal, and/or:
- (b) Demonstrated training in research methodology, and research protocol development, and/or:
- (c) Experience in submission of grant proposals (funded research).

**b. Duties and Responsibilities:**

**(1) Articles and Bylaws.** This committee shall review and recommend any changes to the Articles of Incorporation and/or the Bylaws that the committee feels are necessary, or that are recommended by the Board of Directors.

**(2) Nominating.** This committee shall, at least thirty days prior to the annual meeting, submit the names of qualified directors whom they recommend for the office of President, Vice President, Secretary or Treasurer. The Nominating Committee shall also submit the names of qualified diplomates whom they recommend for membership on the Certification and Examination Committee, the Ethics Committee, and the Board of Directors.

**(3) Planning.** This committee shall review and suggest plans to maintain the standards and goals of the ABFO.

**(4) Research** This committee shall review research projects and new techniques and recommend further research prior to acceptance of the new techniques by the Diplomates of the ABFO. These projects shall be submitted to the committee in a confidential manner in order to protect the integrity of the project being considered. The committee is encouraged to conduct research and recommend appropriate guidelines in scientific methodology, techniques and equipment for forensic odontologists.

### **Section 3. Standing Committees for Standards, Methods and Procedures.**

#### **Civil Litigation, Bitemark and Patterned Injury, Human Abuse and Neglect, Dental Identification Age Estimation and Metrology Committees.**

**a. Composition.** The chairperson of these committees shall be appointed for two year terms by the President, with the advice and consent of a majority of the Board of Directors. Membership on these committees will be by appointment by the President upon consideration of the recommendation of the chairman.

**b. Duties.** These committees have the purpose of encouraging the study of, improving the practice of, enhancing the standards for, and advancing the specialty areas of forensic odontology.

### **Section 4. Certification and Examination Committee.**

**a. Composition.** The committee shall consist of five members from the Diplomates at large. They shall be elected by the diplomates from a slate of candidates selected by the Nominating Committee. Members shall serve staggered five year terms. A new member shall be elected each year from a slate of candidates to replace the outgoing member whose term is expiring. A vacancy on this committee shall be filled by a two-thirds (2/3) vote of approval by the Board of Directors, of a candidate nominated by the President. This shall be done as soon as practical after the vacancy occurs and for the unexpired term of said office. Such election may be conducted by electronic or mail ballot. The chairman of this committee shall be the diplomate serving the fourth year of a five year term. The immediate past chairman remains on the committee for the fifth year to give continuity to the committee and to reassume the chair should a vacancy occur.

**b. Duties.** This committee shall implement and administer the ABFO's purposes of establishing regulations, standards, and requirements for the granting and the renewal of diplomate status. The committee will treat all candidate information as strictly confidential. All decisions regarding requirements, policies, procedures, fees, recertification, appeals, and other matters of material significance, shall be approved by the Board of Directors prior to implementation. The committee will establish a database repository of the ABFO examination candidate's oral presentation and oral examination scores. The scores will be stored anonymously to be accessible by the CE committee as needed in the future.

### **Section 5. Ethics Committee:**

**a. Composition.** This committee shall be composed of three voting members and one non-voting member. The non-voting member shall be the attorney on the Board of Directors. The voting members shall be from the diplomates at large and shall be elected by the diplomates from a slate of candidates selected by the Nominating Committee, for staggered three-year terms, with a maximum of one consecutive three year term. Members involved in a particular ethics issue will remain on the committee until that issue is resolved, in order to maintain continuity. A vacancy on this committee shall be filled by a two-thirds (2/3) vote of the Board of Directors within a reasonable time after

the vacancy occurs and for the unexpired term of said office. Such election may be conducted by mail or email ballot

**b. Duties.** The Ethics Committee shall implement and administer the ABFO's purposes of encouraging and promoting high standards of ethics, conduct, and professional practice by forensic odontologists. The committee shall review the ABFO's Code of Ethics and make recommendations to the Board of Directors as to improvements, additions, or modification. The committee shall also review matters of possible violations of these standards and make the appropriate recommendations to the Board of Directors as set forth in the procedures detailed in the Code of Ethics.

**c. Conflicts of interest.** No person that is involved in any manner in a case being considered, shall be allowed to serve on the Ethics Committee or sit in the closed Board of Directors meetings, or the subsequent closed diplomates meeting, if one is requested, considering that case.

## **Section 6. Strategic Plan Committee**

**a. Composition:** The Committee shall consist of five members (5), one of whom will be the ABFO President, representing the Executive Committee. The President cannot be the Chairman of the Strategic Plan Committee (SPC) while holding the office of President of the ABFO. The President will appoint the Chair of the SPC and the Chair will appoint the other three members.

**b. Duties:** The Strategic Plan Committee will be responsible for evaluating the current status, activities and goals of all committees. After the evaluation of the current status of all committees, the SPC will develop lists of activities and goal for each committee that will be forwarded to the individual chairs of all ABFO Committees no later than April 1 of each year. The Committee chairs will then develop a working plan for their committee, with consideration to the action plan forwarded by the SPC and activities the individual committee identifies as its goals. Each committee chair will prepare and forward to the SPC the working plan for the year no later than August 1 each year. The SPC will then prepare and forward a mid-year report to the Executive Committee before the mid-year meeting of the Executive Committee. The SPC shall also consider all proposed changes to the bylaws, standards and guidelines and report their findings to the EC. (Following procedures outlined for these changes)

**c. Goals:** The goal of the SPC is to develop a forward thinking, dynamic evolutionary plan that will track the present status of the ABFO and provide the pathway to the future. Annual Work Product of each ABFO Committee utilizing the ABFO Strategic Plan will ensure that the ABFO moves forward as the science of forensic odontology evolves over time.

## **Section 7.**

The President shall be an ex-officio (voting) member of all committees without the need to resign his/her position on the Board of Directors, as provided above. The President

may appoint a member of the EC to act as a liaison to any Committee of the ABFO. Any member of the EC appointed as a liaison shall not be a voting member of that Committee.

### **Section 8.**

The Board of Directors shall reserve the power to adjust the length of terms of individual committee chairmen and members to conform to these Bylaws.

## **ARTICLE VI: FUNDS AND EXPENDITURES**

### **Section I. Income and Expenditures.**

Funds for meeting the expenses of the ABFO shall be raised by annual fees, voluntary contributions, fees associated with certification and examination, and such income as may come to the ABFO through the collective efforts of its members. All disbursements shall be made by the Treasurer.

### **Section 2. Bi-annual Audit.**

Under the direction of the Treasurer, a bi-annual audit of the ABFO financial records shall be made by an ad hoc committee of two Directors appointed by the President. Said audit shall be delivered at the Diplomates' annual meeting in the years the audit is obtained. The Directors may, by two thirds (2/3) vote; request a certified audit by a certified public accountant. The audit will be concurrent with the election of the new Treasurer.

### **Section 3. Fiscal Year.**

The fiscal year of the ABFO shall be from the first day of March to the last day of February of each and every year.

### **Section 4. Indemnity, Surety, and Fidelity.**

**a. Indemnification.** Each present and future board member and elected officer, whether or not then in office, shall be indemnified by the ABFO against expenses actually and necessarily incurred by or imposed upon him/her (including, but not without being limited to, judgments, costs, and counsel fees ) in connection with the defense of the action, suit or proceeding in which he/she is made a party by reason of being or having been a director or officer of the ABFO except in relation to matters as to which he/she shall be adjudged in such action, suit or proceeding, to be liable for negligence or misconduct in the performance of duty for the ABFO. Such indemnification shall not be deemed exclusive of other rights to which such director or officer may be entitled, or as a matter of law, or otherwise.

**b. Surety.** The Board of Directors may, at their discretion, procure or cause to be procured, at the Board's expense, appropriate liability insurance coverage for the ABFO's officers, directors, diplomates, agents and employees, past and present.



**c. Fidelity Bonds.** The Treasurer and/or other duly authorized personnel may be required to produce a fidelity bond. The expense of such bonds will be approved and paid for, by the ABFO.

## **Section 5. Compensation and Reimbursement.**

No member of the Board of Directors shall be paid any salary or fee for his/her services as a director or as an officer. Subject to the availability of funds, a director or officer may be reimbursed for actual, reasonable necessary and documented expenses incurred by him/her in attending meetings of the Board of Directors or in performing other duties or functions on behalf of the Board. The Board of Directors shall determine compensation and reimbursement to be paid to parties other than officers and directors of the Board, for services performed or for activities carried out on behalf of the Board.

## **ARTICLE VII: MISCELLANEOUS PROVISIONS**

### **Section 1. Definitions.**

All definitions of terms and words herein, unless applicable law otherwise requires, shall be defined by the Articles of Incorporation, the Bylaws, or the Board of Directors, in that order of preference.

### **Section 2. Seal and Insignia.**

The Board shall have a corporate seal, and may have other devices and insignia, of such design as the Board of Directors adopt.

### **Section 3. Parliamentary Authority.**

All parliamentary procedures at meetings of the Board of Directors, Executive Committee, diplomates, and other committees, shall be governed by the latest edition of *Sturgis' Standard Code of Parliamentary Procedure* except where otherwise provided in the Articles and/or Bylaws. A parliamentarian may be appointed by the presiding officer for any meeting under the auspices of this Board.

## **ARTICLE VIII: AMENDMENTS**

### **Section 1. Repeal or Amendment of Previous Bylaws.**

After considering the recommendations of the Strategic Planning Committee, the Articles and Bylaws Committee, and the Board of Directors, the Diplomates of the ABFO shall establish, modify, upgrade, and maintain Bylaws, Standards and Guidelines for the Specialty of Forensic Odontology, in accordance with the Articles of Incorporation and these Bylaws. The Bylaws, Standards, and Guidelines shall not be discriminatory, but shall apply to all on an equal basis.

Bylaws, Standards, and Guidelines changes shall become effective at the close of the meeting at which they are approved by a simple majority vote of the active Diplomates of the ABFO

following the procedural rules. The Bylaws, Standards, and Guidelines replaced or repealed as well as prior resolutions, rules, and regulations, which are in conflict with the new Bylaws are concurrently repealed.

## **Section 2. Amendment Procedures.**

Any part of these Bylaws may be amended, altered, or repealed, in whole or in part, in the following ways:

- 1.** The proposed change is to be submitted, in writing, to the President of the ABFO and to the Chairpersons of the Strategic Planning (SPC) and Articles and Bylaws (ABC) Committees on or before July 1<sup>st</sup> in the year prior to the next annual meeting at which it will be considered for adoption.
- 2.** The SPC and ABC members will study the proposed revision and report their recommendations to the Executive Committee (EC) on or before September 1<sup>st</sup> in the year prior to the next annual meeting at which it will be considered for adoption. The EC, after considering the recommendations will submit the recommendations to the Board of Directors (BOD) for a vote. In the event the SPC or ABC fails to report their recommendations, the Executive Committee may elect to continue the adoption procedures in consultation with and approval by a majority of members of the BOD.
- 3.** If approved, the Executive Committee will inform the Diplomates by mail or email of the proposed change(s), the SPC recommendations and the date of the annual meeting at which the proposal will be considered and voted upon by the membership. This written announcement must be made by November 1<sup>st</sup> in the year prior to the next annual meeting at which the issue(s) will be considered.
- 4.** The proposed change(s) shall be on the agenda of the meeting of the Board of Directors and Diplomates.
- 5.** The proposed change(s) shall be considered at the annual meeting of the Diplomates provided the above referenced requirements have been met. The change(s) can be proposed for consideration during the meeting at the time of the report of the SPC or as new business as directed by the presiding officer.
- 6.** The adoption of the change will require a majority vote of all certified Diplomates or a two-thirds (2/3) majority of the Diplomates in attendance, whichever is less. If the latter, a quorum is required.
- 7.** The results of the action of the Diplomates shall be reported to the Diplomates at large by April 1<sup>st</sup> of the year in which the changes were adopted.