

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

TABLE OF CONTENTS

Preface.....	1
Chapter I. MEMBERSHIP MATTERS.....	1
A. Membership Privileges and Benefits.....	1
B. Dues, Special Assessments and Related Financial Matters.....	4
Chapter II. CONSTITUENTS AND COMPONENTS	7
A. Amendment of Chapter II.....	7
B. Constituents.....	7
C. Components	9
Chapter III. HOUSE OF DELEGATES.....	10
A. Convening Sessions of the House of Delegates	10
Chapter IV. TRUSTEE DISTRICTS (Reserved).....	10
Chapter V. BOARD OF TRUSTEES	10
A. Eligibility.....	10
B. Nomination, Declaration of Election and Installation Procedure	11
C. Removal	11
D. Vacancy.....	11
E. Powers	11
F. Duties	11
G. Call for Special Meetings	12
Chapter VI. ELECTIVE OFFICERS OF THE ASSOCIATION	12
A. Eligibility.....	12
B. Nominations.....	12
C. Term of Office	13
D. Installation	13
E. Removal	13
F. Vacancies in Elective Office.....	13
Chapter VII. APPOINTIVE OFFICER	14
A. Duties	14
B. Interim Executive Director	14
Chapter VIII. COUNCILS.....	14
A. Composition, Nominations and Election, and Removal for Cause	14
B. Eligibility.....	15
C. Chairs	16
D. Consultants and Staff.....	16
E. Term of Office	16
F. Vacancy.....	17
G. Meetings of Councils	17
H. Quorum	17
I. Privilege of the Floor	17

J. Annual Report and Budget	17
K. Areas of Responsibility	17
Chapter IX. COMMISSIONS	20
A. Members, Selections, Nominations and Elections	20
B. Removal for Cause	21
C. Eligibility.....	21
D. Chairs	22
E. Consultants, Advisers and Staff.....	22
F. Term of Office and Tenure.....	22
G. Vacancy.....	23
H. Meetings of Commissions	23
I. Quorum	23
J. Privilege of the Floor	23
K. Annual Report and Budget	23
L. Power to Adopt Rules	23
Chapter X. COMMITTEES, SPECIAL COMMITTEES AND SUBCOMMITTEES	24
Chapter XI. PRINCIPLES OF ETHICS AND CODE OF PROFESSIONAL CONDUCT, MEMBER CONDUCT POLICY AND JUDICIAL PROCEDURES.....	24
A. Disciplinary Matters	24
B. Hearings on Charges Related to the ADA Bylaws and Principles of Ethics and Code of Professional Conduct	25
C. Hearings on Charges Related to the ADA Member Conduct Policy	29
D. Appeals of Decision Finding Violations of the ADA Member Conduct Policy.....	33
E. Enforcement of Sentences.....	39
F. Non-Compliance	39
G. Reminders of Obligation	39
Chapter XII. FINANCIAL MATTERS.....	39
A. Installment Payments of Dues and Special Assessments	39
B. Establishment of Funds	40
C. Special Assessments.....	40
Chapter XIII. INDEMNIFICATION (Reserved)	40
Chapter XIV. PROCEDURAL MANUALS OF THE ASSOCIATION (Reserved).....	40
Chapter XV. PARLIAMENTARY AUTHORITY	40
Chapter XVI. AMENDMENTS	40
Chapter XVII. CONFLICT OF INTEREST.....	40
Chapter XVIII. SCIENTIFIC MEETINGS.....	41
A. Object.....	41
B. Time and Place.....	41
C. Trade and Laboratory Exhibits	41
D. Admission	41
Chapter XIX. PUBLICATIONS.....	41

A. <i>The Journal of the American Dental Association</i>	41
B. Other Journals	41
C. Official Transactions	41
D. Member Directory	41

1 **GOVERNANCE AND ORGANIZATIONAL MANUAL**
2 **OF THE**
3 **AMERICAN DENTAL ASSOCIATION**

4 **Preface**
5

6 This *Governance and Organizational Manual of the American Dental Association* (the
7 “*Governance Manual*”) contains the general governance, organizational policies and processes
8 of the American Dental Association and is under the authority of the ADA House of Delegates.
9 The material contained herein shall be amendable by the House of Delegates upon majority
10 vote unless otherwise specified herein. Additionally, any amendment seeking to change a
11 provision that requires a supermajority vote requires a vote by the same supermajority of
12 delegates present and voting to adopt; amendment of this paragraph of the *Governance Manual*
13 Preface shall require a two-thirds affirmative vote of delegates present and voting.

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

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

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22 **CHAPTER I. MEMBERSHIP MATTERS**

- 23 A. Membership Privileges and Benefits. The following is a list of privileges and benefits for each
24 class of membership identified in the *ADA Bylaws*.
- 25 1. Active Members. Active members shall receive the following privileges and benefits,
26 including:
- 27 a. An annual membership card;
 - 28 b. A no cost subscription to *The Journal of the American Dental Association*;
 - 29 c. The entitlement to attend any ADA scientific session or meeting; and
 - 30 d. Such other benefits and services as the ADA may from time to time make available to
31 active members.
 - 32 e. Active members in good standing are eligible for election as a delegate or alternate
33 delegate to the ADA House of Delegates and, subject to any limitation adopted by the
34 House of Delegates in the *Election Commission and Campaign Rules*, are also eligible
35 for election or appointment to any office or agency of the ADA, except as may be
36 otherwise provided in the *ADA Bylaws* or this *Governance Manual*.
 - 37 Active members under a disciplinary sentence of suspension or probation are not

38 entitled to hold elective or appointive office, including delegate and alternate delegate,
 39 in the ADA or the members' constituents or components. Also, such suspended or
 40 probated active members may not vote or otherwise participate in the selection or
 41 election of officers or other officials of the ADA or the members' components and
 42 constituents.

- 43 2. Retired Members. Retired members shall receive the same privileges and benefits as
 44 active members, including:
- 45 a. An annual membership card;
 - 46 b. A no cost subscription to *The Journal of the American Dental Association*;
 - 47 c. The entitlement to attend any ADA scientific session or meeting; and
 - 48 d. Such other benefits and services as the ADA may from time to time make available to
 49 retired members.
 - 50 e. Active members in good standing are eligible for election as a delegate or alternate
 51 delegate to the ADA House of Delegates and, subject to any limitation adopted by the
 52 House of Delegates in the *Election Commission and Campaign Rules*, are also eligible
 53 for election or appointment to any office or agency of the ADA, except as may be
 54 otherwise provided in the *ADA Bylaws* or this *Governance Manual*.

55 Retired members under a disciplinary sentence of suspension or probation are not
 56 entitled to hold elective or appointive office, including delegate and alternate delegate,
 57 in the ADA or the members' constituents or components. Also, such suspended or
 58 probated retired members may not vote or otherwise participate in the selection of
 59 officers or officials of the ADA or the members' components and constituents.

- 60 3. Life Members. Except as noted, life members shall receive the same privileges and
 61 benefits as active members, including:
- 62 a. An annual membership card;
 - 63 b. A no cost subscription to *The Journal of the American Dental Association*;
 - 64 c. The entitlement to attend any ADA scientific session or meeting; and
 - 65 d. Such other benefits and services as the ADA may from time to time make available to
 66 life members.
 - 67 e. Life members in good standing are eligible for election as a delegate or alternate
 68 delegate to the ADA House of Delegates and, subject to any limitation adopted by the
 69 House of Delegates in the *Election Commission and Campaign Rules*, are also eligible
 70 for election or appointment to any office or agency of the ADA, except as may be
 71 otherwise provided in the *ADA Bylaws* or this *Governance Manual*.

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

- 77 f. Life members who also meet the eligibility requirements for retired membership shall
 78 qualify for retired life membership. Retired life members shall receive all the privileges
 79 and benefits of active members, except that retired life members shall not receive a no
 80 cost print subscription to *The Journal of the American Dental Association* but shall
 81 receive a no cost subscription to the electronic version of *The Journal of the American
 82 Dental Association*. A reduced rate print subscription to *The Journal of the American
 83 Dental Association* is also available.

- 84 4. Student Members. Student members shall receive the following privileges and benefits,
85 including:
- 86 a. An annual membership card;
- 87 b. A paid subscription to *The Journal of the American Dental Association*;
- 88 c. The entitlement to attend any ADA scientific session or meeting; and
- 89 d. Such other benefits and services as the ADA may from time to time make available to
90 student members.
- 91 e. Student members in good standing are eligible for election as a delegate or alternate
92 delegate of the American Student Dental Association to the ADA House of Delegates.
93 Student members under a disciplinary sentence of suspension or probation are not
94 entitled to serve as a delegate and alternate delegate of the American Student Dental
95 Association to the ADA House of Delegates.
- 96 5. Provisional Members. Except as noted, provisional members shall receive the same
97 privileges and benefits as active members, including:
- 98 a. An annual membership card;
- 99 b. A no cost subscription to *The Journal of the American Dental Association*;
- 100 c. The entitlement to attend any ADA scientific session or meeting; and
- 101 d. Such other benefits and services as the ADA may from time to time make available to
102 provisional members.
- 103 e. Provisional members in good standing are eligible for election as a delegate or
104 alternate delegate to the ADA House of Delegates and, subject to any limitation
105 adopted by the House of Delegates in the *Election Commission and Campaign Rules*,
106 for election or appointment to any office or agency of the ADA, except as may be
107 otherwise provided in the *ADA Bylaws* or this *Governance Manual*.
108 Provisional members under a disciplinary sentence of suspension or probation are not
109 entitled to hold elective or appointive office, including delegate and alternate delegate,
110 in the ADA. Also, such suspended or probated provisional members may not vote or
111 otherwise participate in the selection of officers or officials of the ADA.
- 112 f. Provisional members shall not be entitled to appeal a denial of active membership in
113 the Association.
- 114 6. Honorary Members. Honorary members shall receive the following privileges and benefits,
115 including:
- 116 a. An annual membership card;
- 117 b. A no cost subscription to the electronic version of *The Journal of the American Dental*
118 *Association* with a reduced rate print subscription to *The Journal of the American Dental*
119 *Association* available;
- 120 c. The entitlement to attend any ADA scientific session or meeting; and
- 121 d. Such other benefits and services as the ADA Board of Trustees may from time to time
122 make available to honorary members.
- 123 e. Honorary members are not entitled to hold elective or appointive office, including
124 delegate and alternate delegate, in the ADA or the honorary members' constituents or
125 components or to vote or otherwise participate in the selection of officers or officials of
126 the ADA.
- 127 7. International Members. International members shall receive such products and services as

128 may be authorized from time to time by the Board of Trustees in collaboration with the
129 Council on Membership.

130 B. Dues, Special Assessments and Related Financial Matters.

131 1. Dues. Under the ADA *Bylaws*, the House of Delegates has the duty to annually set the
132 dues of active members for the ensuing year. Dues are due and payable on January 1,
133 except where a member has opted to pay dues in installments pursuant to a plan offered by
134 the member's constituent, in which case, dues are paid according to the plan's
135 requirements.

136 The schedule of annual dues for each of the membership categories specified in the ADA
137 *Bylaws* is as follows:

138 a. Active Members.

- 139 i. From degree award through conclusion of the first full year following an award of a
140 D.D.S. or D.M.D. degree: The member is exempt from the payment of dues.
- 141 ii. Second full year following degree award: Fifty percent (50%) of active member
142 dues as set by the House of Delegates pursuant to the ADA *Bylaws*.
- 143 iii. Third full year following degree award and thereafter: One hundred percent (100%)
144 of active member dues as set by the House of Delegates pursuant to the ADA
145 *Bylaws*.
- 146 iv. Members becoming active members after July 1, except for those whose
147 membership has lapsed for failure to pay the current year's dues and/or any
148 special assessment, shall pay fifty percent (50%) of any annual dues then in effect.
149 Those members becoming active members after October 1, except for those
150 whose membership has lapsed for failure to pay the current year's dues and/or any
151 special assessment, shall be exempt from the payment of any annual dues then in
152 effect.

153 b. Retired Members. Twenty-five percent (25%) of active member dues as set by the
154 House of Delegates pursuant to the ADA *Bylaws*.

155 c. Life Members. The obligation of life members to pay dues is the same as for active
156 members, except that life members who also meet the eligibility requirements for retired
157 membership shall be exempt from the payment of dues.

158 d. Student Members:

- 159 i. Pre-doctoral student members: Five Dollars (\$5.00).
- 160 ii. Post-doctoral students and residents shall be exempt from the payment of dues.

161 e. Provisional Members: The obligation of provisional members to pay dues is the same
162 as for active members.

163 f. Honorary Members: Honorary members shall be exempt from the payment of dues.

164 g. International Members: The amount as set from time to time by the Board of Trustees.
165 The Board of Trustees can, however, deviate from the established dues rate for
166 international members in order to:

- 167 i. Promote international membership in the ADA in a selected jurisdiction; and
- 168 ii. Recognize economic circumstances in those least developed countries eligible for
169 special fee criteria as established by the FDI World Dental Federation.

170 2. Special Assessments. Pursuant to the ADA *Bylaws*, the House of Delegates has the power to
171 levy special assessments. Any special assessment for a calendar year is due and payable on
172 January 1, except where a member has opted to pay in installments pursuant to a plan offered

- 173 by the member's constituent; in which case, the special assessment is paid according to the
174 plan's requirements.
- 175 The schedule of special assessment allocation for each of the membership categories
176 specified in the ADA *Bylaws* is as follows:
- 177 a. Active Members.
- 178 i. From degree award through conclusion of the first full year following an award of a
179 D.D.S. or D.M.D. degree: the member is exempt from the payment of any special
180 assessment then in effect.
- 181 ii. Second full year following degree award: Fifty percent (50%) of any special
182 assessment then in effect.
- 183 iii. Third full year following degree award and thereafter: One hundred percent (100%) of
184 any special assessment then in effect.
- 185 iv. On a one-time only basis, those members becoming active members after July 1,
186 except for those whose membership has lapsed for failure to pay the current year's
187 dues and/or any special assessment, shall pay fifty percent (50%) of any special
188 assessment then in effect. On a one-time only basis, those members becoming active
189 members after October 1, except for those whose membership has lapsed for failure to
190 pay the current year's dues and/or any special assessment, shall be exempt from the
191 payment of any special assessment then in effect.
- 192 b. Retired Members. Twenty-five percent (25%) of any special assessment then in effect.
- 193 c. Life Members. The obligation of life members to pay any special assessment then in effect
194 is the same as for active members, except that members who also meet the eligibility
195 requirements for retired membership shall be exempt from the payment of special
196 assessments.
- 197 d. Student Members. Pre-doctoral, post-doctoral students and residents are exempt from the
198 payment of special assessments.
- 199 e. Provisional Members. The obligation of provisional members to pay any special
200 assessment then in effect is the same as for active members.
- 201 f. Honorary Members. Honorary members are exempt from the payment of special
202 assessments.
- 203 g. International Members. International members are exempt from the payment of special
204 assessments.
- 205 3. Acceptance of Back Dues and Special Assessments. For purposes of establishing continuity of
206 active membership to qualify for life membership, back dues and any special assessment,
207 except as otherwise provided in the *Bylaws*, shall be accepted for not more than the three (3)
208 years of delinquency prior to the date of application for such payment. The rate of such dues
209 and/or any special assessment, except as otherwise provided in the *Bylaws*, shall be in
210 accordance with Chapter I, Section 40 of the *Bylaws*.
- 211 For the purpose of establishing continuity of active membership in order to qualify for life
212 membership, an active member, who had been such when entering upon active duty in one of
213 the federal dental services but who, during such federal dental service, interrupted the
214 continuity of active membership because of failure to pay dues and/or any special assessment
215 and who, within one year after separation from such military or equivalent duty, resumed active
216 membership, may pay back dues and any special assessment for any missing period of active
217 membership at the rate of dues and/or any special assessment current during the missing
218 years of membership.

- 219 Notwithstanding the forgoing, due to the effects of the COVID 19 pandemic in the U.S.,
 220 members who resume their ADA membership by June 30, 2023 after missing either or both of
 221 the 2020-2021 and 2021-2022 membership years shall be considered to have maintained
 222 continuous membership with regard to the requirements for all ADA membership categories.
- 223 4. Limited Dues and Special Assessment Reduction Programs. Notwithstanding the foregoing
 224 policies on dues and special assessments, the following limited dues reduction programs
 225 are available in certain circumstances:
- 226 a. New Graduate Dues Reduction Deferral. For dentists who are engaged full-time in an
 227 advanced training program of not less than one academic year's duration, post-doctoral
 228 or residency program while eligible for the new graduate active member dues and
 229 special assessment reduction program outlined above, the applicable reduced dues
 230 rate shall be deferred until completion of post-doctoral or residency program.
 231 Commencing at the start of the calendar year after the dentist completes the program,
 232 the dentist shall recommence paying dues and any special assessment for active
 233 members at the reduced dues rate where the dentist left off in the progression. During
 234 the period such dentist is engaged full-time in an advanced training course of not less
 235 than one (1) academic year's duration, post-doctoral or residency program, the dues
 236 and special assessment exemption provisions for post-doctoral students and residents
 237 shall apply.
- 238 b. First Time Member Ineligible for New Graduate Dues Reduction. A dentist who has
 239 never been an active member of this Association and is ineligible for dues and special
 240 assessment reduction as a new graduate under the provisions of the *Governance*
 241 *Manual*, shall pay fifty percent (50%) of active member dues and any special
 242 assessment in the first year of membership, and shall pay one hundred percent (100%)
 243 of active member dues and any special assessment in the second year and each year
 244 thereafter.
- 245 c. Active Membership Promotion. The Board of Trustees may authorize a limited dues
 246 reduction, up to one hundred percent (100%) of active member dues and any special
 247 assessment then in effect for the purpose of promoting active membership in target
 248 U.S. markets through marketing campaigns recommended by the Council on
 249 Membership. This reduction of active member dues and any special assessments shall
 250 be on a one-time only basis for these members.
- 251 d. Financial or Humanitarian Waivers. Any members who have suffered a significant
 252 financial hardship that prohibits them from payment of their full dues and/or any special
 253 assessment may be excused from the payment of fifty percent (50%) or all of the current
 254 year's dues and/or any special assessment. To qualify for the Humanitarian Waiver the
 255 member must be working full-time for a humanitarian organization and must not be
 256 receiving an income or a salary for such humanitarian service other than a subsistence
 257 amount which approximates a cost of living allowance. Such member shall be exempt
 258 from the payment of all dues and any special assessment then in effect through
 259 December 31, following completion of such service. This is provided that such
 260 humanitarian service is being performed continuously, for not less than one (1) year and
 261 further, that such member does not supplement such subsistence income by the
 262 performance of services as a member of the faculty of a dental or dental auxiliary school,
 263 dental administrator or consultant, or practitioner of any activity for which a license to
 264 practice dentistry or dental hygiene is required. Any waiver shall be initially determined
 265 by the members' constituents and components and the constituents and components
 266 shall certify the reason for the waiver, and provide the same proportionate waiver of

- 267 their dues as that provided by this Association.*
- 268 e. Temporary Activation to Federal Service. An active member in good standing who is
- 269 temporarily called to active duty with a federal dental service on a non-career basis
- 270 shall be exempt from the payment of dues to this Association during such federal dental
- 271 service duty, but not to exceed a period of three years.
- 272 5. Calculating Percentage Dues or Special Assessments. In establishing the dollar rate of
- 273 dues or special assessments expressed as a percentage of active member dues or special
- 274 assessments, computations resulting in fractions of a dollar shall be rounded up to the next
- 275 whole dollar.

276

CHAPTER II. CONSTITUENTS AND COMPONENTS

- 277 A. Amendment of Chapter II. The entirety of this Chapter II is amendable by a two-thirds (2/3)
- 278 affirmative vote of delegates present and voting provided that the proposed amendment(s)
- 279 shall have been presented in writing at a previous session or a previous meeting of the same
- 280 session of the House of Delegates.
- 281 B. Constituents.
- 282 1. Chartered Constituents. The Executive Director of the Association is authorized to issue a
- 283 charter to each constituent denoting its name and territorial jurisdiction. At the time of
- 284 adoption of this *Governance Manual*, the following are chartered as constituents of this
- 285 Association:
- 286 Alabama Dental Association
- 287 Alaska Dental Society
- 288 Arizona Dental Association
- 289 Arkansas State Dental Association
- 290 California Dental Association
- 291 Colorado Dental Association
- 292 Connecticut State Dental Association, The
- 293 Delaware State Dental Society
- 294 District of Columbia Dental Society, The
- 295 Florida Dental Association
- 296 Georgia Dental Association
- 297 Hawaii Dental Association
- 298 Idaho State Dental Association
- 299 Illinois State Dental Society
- 300 Indiana Dental Association
- 301 Iowa Dental Association
- 302 Kansas Dental Association
- 303 Kentucky Dental Association
- 304 Louisiana Dental Association, The
- 305 Maine Dental Association
- 306 Maryland State Dental Association

* 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.

- 307 Massachusetts Dental Society
 308 Michigan Dental Association
 309 Minnesota Dental Association
 310 Mississippi Dental Association, The
 311 Missouri Dental Association
 312 Montana Dental Association
 313 Nebraska Dental Association, The
 314 Nevada Dental Association
 315 New Hampshire Dental Society
 316 New Jersey Dental Association
 317 New Mexico Dental Association
 318 New York State Dental Association
 319 North Carolina Dental Society, The
 320 North Dakota Dental Association
 321 Ohio Dental Association
 322 Oklahoma Dental Association
 323 Oregon Dental Association
 324 Pennsylvania Dental Association
 325 Puerto Rico, Colegio de Cirujanos Dentistas de
 326 Rhode Island Dental Association
 327 South Carolina Dental Association
 328 South Dakota Dental Association
 329 Tennessee Dental Association
 330 Texas Dental Association
 331 Utah Dental Association
 332 Vermont State Dental Society
 333 Virgin Islands Dental Association
 334 Virginia Dental Association
 335 Washington State Dental Association
 336 West Virginia Dental Association
 337 Wisconsin Dental Association
 338 Wyoming Dental Association
- 339 2. Privilege of Representation.
- 340 a. Delegates. Each state constituent, the District of Columbia Dental Society and each
 341 federal dental service shall be entitled to a minimum of two (2) delegates in the
 342 House of Delegates. Each territorial constituent shall be entitled to a minimum of two
 343 (2) delegates in the House of Delegates if its total membership is equal to or greater
 344 than the size of the smallest state constituent; otherwise the territorial constituent
 345 shall receive one (1) delegate. The remaining number of delegates shall be
 346 allocated as set forth in the *Manual of the House of Delegates (House Manual)*.
- 347 b. Alternate Delegates. Each constituent and each federal dental service may select
 348 from among its active, life and retired members up to the same number of alternate
 349 delegates as delegates and shall designate the delegate whom the alternate shall
 350 replace in the case of absence.
- 351 3. Transfer from One Constituent to Another.
- 352 a. A member shall be entitled to apply for a transfer of membership from one

353 constituent to another consistent with the provisions of the *Bylaws* and this
354 *Governance Manual*.

355 b. A member who is unsuccessful in transferring membership from one constituent to
356 another shall be entitled to a hearing (by either the component or constituent), on the
357 decision denying the member's application for transfer of membership and to appeal
358 to the constituent to which transfer is sought, if applicable, and thereafter to the ADA
359 Council on Ethics, Bylaws and Judicial Affairs as provided in the *Bylaws* and in
360 accordance with the procedures contained in this *Governance Manual*.

361 4. Multiple Jurisdictions. While a member may hold active, life or retired membership in only
362 one constituent, other membership classifications may be held in other constituents with
363 the consent of the constituents involved. A member is required to maintain membership
364 in the constituent, if accepted therein, in whose jurisdiction the member maintains or
365 practices dentistry at a secondary or "branch" office. In order to meet the requirement of
366 tripartite membership, a member must also maintain membership in one component of
367 each constituent to which the member belongs, if such exist. If such a member is
368 accused of unethical conduct and disciplinary proceedings are brought, then those
369 proceedings shall be instituted in the component or constituent where the alleged
370 unethical conduct occurred. A disciplinary ruling affecting membership in one
371 component or constituent shall affect membership in all components and constituents to
372 which the member belongs and in the Association. A member shall have the right of
373 appeal as provided in the *Bylaws* and subject to the judicial rules and procedures
374 contained in this *Governance Manual*. Such member shall pay dues in this Association
375 and any special assessments levied by this Association only through the constituent
376 where the member is classified as an active, life or retired member. A member will be
377 counted for delegate allocation purposes only where the member is classified as an
378 active, life or retired member.

379 C. Components.

380 1. Organization. Components may be organized in conformity with a plan approved by the
381 constituent of which they shall be recognized entities provided, however, that the active, life
382 or retired members of each component shall consist of dentists who are members in good
383 standing of their respective constituents and of this Association. The plan adopted by the
384 constituent may or may not limit active membership in a component to dentists who reside
385 or practice within the geographic area of that component. Each component shall adopt and
386 maintain a constitution and bylaws, which shall not be in conflict with, or limit, the
387 *Constitution and Bylaws* of this Association or that of its constituent, and shall file a copy
388 thereof and any changes which may be made thereafter with the Executive Director of this
389 Association.

390 2. Powers. A component shall have the power to:

391 a. Select its active, life and retired members in accordance with and subject to the
392 provisions of Chapter II of the *Bylaws* and this *Governance Manual*.

393 b. Discipline any of its members in accordance with and subject to the provisions of
394 Chapter X of the *Bylaws* and this *Governance Manual*.

395 c. Establish committees, councils and commissions of the component; to designate their
396 powers and duties; and to adopt reasonable eligibility requirements for service thereon.

397 d. Adopt a code of ethics not in conflict with the *Principles of Ethics and Code of*
398 *Professional Conduct* of this Association or code of ethics of its constituent.

399 e. Adopt an organizational code of conduct not in conflict with the *Member Conduct Policy* of
400 this Association or code of conduct of its constituent.

- 401 3. Duties. A component shall have the duty to:
- 402 a. Provide for its financial support.
- 403 b. Establish bylaws, rules and regulations, not in conflict with, or limiting, the *Constitution*
- 404 *and Bylaws* of this Association or that of its constituent.
- 405 4. Privileges of Membership. An active, life or retired member of a component in good
- 406 standing shall have the opportunity of enjoying all privileges of component membership
- 407 except as otherwise provided by the *Bylaws*.
- 408 5. Transfer from One Component to Another. A member who has changed residence or
- 409 location of practice or employment within the jurisdiction of a constituent so that the
- 410 member no longer fulfills the membership requirements of the component of which they are
- 411 a member may maintain active membership in that component for the calendar year
- 412 following such change of residence or practice location.
- 413 A member who is required to transfer membership from one component to another and
- 414 whose application for transfer of membership is denied shall be entitled to a hearing, by
- 415 either the component or its constituent, on the decision denying the member's application
- 416 for transfer of membership and to appeal to the member's constituent, if applicable, and
- 417 then to the ADA Council on Ethics, Bylaws and Judicial Affairs as provided in the *Bylaws*
- 418 and in accordance with the procedures contained in this *Governance Manual*.

419 **CHAPTER III. HOUSE OF DELEGATES**

- 420 A. Convening Sessions of the House of Delegates.
- 421 1. Special Sessions. A special session of the House of Delegates shall be called by the
- 422 President on a three-fourths (3/4) affirmative vote of the members of the Board of
- 423 Trustees or on written request of delegates representing at least one-third (1/3) of the
- 424 constituents and not less than one-fifth (1/5) of the number of officially certified
- 425 delegates of the last House of Delegates. The time and place of a special session shall
- 426 be determined by the President, provided the time selected shall be not more than forty-
- 427 five (45) days after the request was received. The business of a special session shall be
- 428 limited to that stated in the official call except by unanimous consent.
- 429 2. Official Call of Sessions of the House of Delegates.
- 430 a. Annual Session. The Executive Director of the Association shall direct that an
- 431 official notice of the time and place of each annual session be published in *The*
- 432 *Journal of the American Dental Association*. The Executive Director of the
- 433 Association shall also send an official notice of the time and place of the annual
- 434 session to each member of the House of Delegates at least thirty (30) days before
- 435 the opening of such annual session.
- 436 b. Special Session. The Executive Director of the Association shall send an official
- 437 notice of the time and place of each special session and a statement of the business
- 438 to be considered to every officially certified delegate and alternate delegate of the
- 439 last House, not less than fifteen (15) days before the opening of such special
- 440 session.

441 **CHAPTER IV. TRUSTEE DISTRICTS [Reserved]**

442 **CHAPTER V. BOARD OF TRUSTEES**

- 443 A. Eligibility. A trustee must be an active, life or retired member, in good standing, of this

- 444 Association and an active, life or retired member of one of the constituents of the trustee district
445 which the trustee is elected or appointed to represent.
- 446 B. Nomination, Declaration of Election and Installation Procedure. The name of each nominee for
447 the office of trustee brought forward by the nominee's trustee district shall be read to the House
448 of Delegates by the Speaker of the House of Delegates. Because there is only a single
449 nominee provided by each trustee district, following the reading of names, the Speaker of the
450 House of Delegates shall declare the nominees elected. The newly elected trustees and the
451 New Dentist Committee chair shall be installed by the President or the President's designee.
- 452 C. Removal. The House of Delegates may remove a trustee for cause in accordance with
453 procedures established by the House of Delegates. The procedures shall provide for notice of
454 the charges alleged and an opportunity for the accused to be heard in their defense. A two-
455 thirds (2/3) affirmative vote of the delegates present and voting is required to remove a trustee
456 from office.
- 457 D. Vacancy. A trustee district may specify in writing to the Association's Executive Director how its
458 nominee shall be chosen. In the event an appointment to fill the vacancy has not been made
459 by the time of the next meeting of the House of Delegates following the occurrence of the
460 vacancy, then a nominee to fill the vacancy shall be selected by the affected trustee district's
461 caucus and the nominee's name shall be forwarded to the Secretary of the House of
462 Delegates. Election and installation of the successor trustee shall be as stated in the *Bylaws*
463 and as earlier set forth in this chapter of the *Governance Manual*. If the term of the vacated
464 trustee position has less than fifty percent (50%) of a full four-year term remaining at the time
465 the successor trustee is appointed or elected, the successor trustee shall be eligible for
466 election to a new, consecutive four-year term. If fifty percent (50%) or more of the vacated term
467 remains to be served at the time of the appointment or election, the successor trustee shall not
468 be eligible for another term.
- 469 E. Powers.
- 470 1. The Board of Trustees shall report to the House of Delegates for approval any interim
471 actions taken with respect to councils and special committees, consistent with the exercise
472 of its power to supervise, monitor and guide, on an interim basis, the activities of all
473 councils and special committees, including the establishment of rules and procedures that
474 authorize the transaction of business by ballot without a meeting.
- 475 2. Consistent with the exercise of its power to authorize limited scope pilot programs, the
476 Board of Trustees may approve guidelines relating to the conduct of the program when
477 authorizing a pilot program. No pilot program authorized by the Board of Trustees shall
478 exceed a period of three years without approval by the House of Delegates. The Board of
479 Trustees shall annually report to the House of Delegates on any authorized pilot program
480 during the program's duration that is inconsistent with any provision of the *Bylaws*.
- 481 F. Duties. The Board shall perform the following activities as part of its management
482 responsibilities:
- 483 1. Provide guidelines and directives to govern the Treasurer's custody, investment and
484 disbursement of Association funds and other property.
- 485 2. Notice of the Board of Trustee's proposed budget and a resolution containing the Board of
486 Trustee's recommendation for active member dues required by the *ADA Bylaws* shall be
487 sent electronically to each constituent and posted on ADA Connect or its equivalent for the
488 House of Delegates not less than thirty (30) days before the first scheduled meeting of the
489 House of Delegates to permit prompt, adequate notice by each constituent to its delegates
490 and alternate delegates to the House of Delegates. The resolution containing the Board of
491 Trustee's recommendation for active member dues shall be also announced to the general

- 492 membership in an official publication of the Association at least fifteen (15) days in advance
493 of the commencement of the annual session of the House of Delegates.
- 494 3. Act upon applications for active membership from applicants practicing in dependencies of
495 the United States in which no constituent exists or who are employed by the federal dental
496 services.
- 497 4. Review the periodic delegate allocations to the House of Delegates performed pursuant to
498 the methodology set forth in the *Manual of the House of Delegates*.
- 499 5. Establish administrative agencies of this Association as may be necessary to implement
500 the Association's programs and, through the Executive Director of the Association under
501 whose jurisdiction such administrative agencies shall operate, assign the duties and
502 receive reports required of such agencies.
- 503 G. Call for Special Meetings. Special meetings of the Board of Trustees may be called by the
504 President or at the request of five (5) voting members of the Board of Trustees for matters of
505 the Association requiring immediate attention.

506 CHAPTER VI. ELECTIVE OFFICERS OF THE ASSOCIATION

- 507 A. Eligibility. Only an active, life or retired member, in good standing, of this Association shall be
508 eligible to serve as an elective officer. No trustee or other elected officer is eligible to serve
509 simultaneously as Treasurer or Speaker of the House of Delegates.
- 510 B. Nominations.
- 511 1. President-Elect and Second Vice President. Nominations for the offices of President-elect
512 and Second Vice President shall be made in accordance with the order of business.
513 Candidates for these elective offices shall be nominated from the floor of the House of
514 Delegates by a simple declaratory statement, which may be followed by an acceptance
515 speech not to exceed four (4) minutes by the candidate from the podium, according to the
516 protocol established by the Speaker of the House of Delegates. Seconding a nomination is
517 not permitted.
- 518 2. Treasurer. The search for Treasurer shall be announced in an official publication of the
519 Association in November of the final year of the incumbent Treasurer's term, together with
520 the recommended qualifications for that position as provided in the *Bylaws*. Candidates for
521 the office of Treasurer shall apply by submitting a standardized Treasurer *Curriculum Vitae*
522 form to the Executive Director at least one hundred twenty (120) days prior to the
523 convening of the House of Delegates. Each candidate's application shall be reviewed by
524 the Board of Trustees. At least sixty (60) days prior to the convening of the House of
525 Delegates the Executive Director shall provide all members of the House of Delegates, with
526 each candidate's standardized Treasurer *Curriculum Vitae* and the determination of the
527 Board of Trustees as to whether the candidate meets the recommended qualifications for
528 the office of Treasurer. No other candidate shall be nominated from the floor of the House
529 of Delegates. Nominations shall be made in accordance with the order of business. Each
530 nomination may be followed by an acceptance speech not to exceed four (4) minutes by
531 the candidate from the podium, according to the protocol established by the Speaker of the
532 House of Delegates. Seconding a nomination is not permitted. No further nominations for
533 the office of Treasurer shall be accepted from the floor of the House of Delegates. If there
534 are no eligible candidates for the office of Treasurer when the House of Delegates meets,
535 the term of the incumbent Treasurer shall be extended by one (1) year. Should the
536 incumbent Treasurer be unwilling or unable to serve an additional one (1) year term, the
537 office of Treasurer shall be filled in accordance with the vacancy provisions of this chapter
538 of the *Governance Manual*. Under these circumstances, former Treasurers of this

- 539 Association not otherwise eligible to serve as Treasurer due to term limits will be eligible to
540 serve as Treasurer until the House of Delegates can elect a Treasurer.
- 541 3. Speaker of the House of Delegates. The search for Speaker of the House shall be
542 announced in an official publication of the Association in November of the final year of the
543 incumbent Speaker of the House's term. Candidates for the office of Speaker of the House
544 shall apply by submitting a *curriculum vitae* along with a statement supporting their
545 qualifications to the Executive Director at least one hundred twenty (120) days prior to the
546 convening of the House of Delegates. At least sixty (60) days prior to the convening of the
547 House of Delegates the Executive Director shall provide all members of the House of
548 Delegates with each candidate's *Curriculum Vitae* and statement of qualifications for the
549 office of Speaker of the House. If no candidate has applied and submitted the required
550 documentation, then the Association shall inform all delegates of this circumstance and the
551 period to apply shall be extended to thirty (30) days prior to the convening of the House of
552 Delegates. Only candidates who have applied and submitted the required documentation
553 shall be nominated from the floor of the House of Delegates. If thirty (30) days prior to the
554 convening of the House of Delegates no candidate has applied and submitted the required
555 documentation then the Association shall inform all delegates of this circumstance and also
556 inform them that nominations shall be permitted from the floor of the House of Delegates.
557 Nominations for the office of Speaker of the House shall be made in accordance with the
558 order of business. Each nomination may be followed by an acceptance speech not to
559 exceed four (4) minutes by the candidate from the podium, according to the protocol
560 established by the Speaker of the House of Delegates. Seconding a nomination is not
561 permitted. If there are no candidates for the office of Speaker of the House nominated
562 when the House of Delegates meets, the term of the incumbent Speaker of the House shall
563 be extended by one (1) year. Should the incumbent Speaker of the House be unwilling or
564 unable to serve an additional one (1) year term, the office of Speaker of the House shall be
565 filled in accordance with the vacancy provisions of this chapter of the *Governance Manual*.
566 Under these circumstances, former Speakers of the House not otherwise eligible to serve
567 as Speaker due to term limits will be eligible to serve as Speaker until the House of
568 Delegates can elect a Speaker of the House.
- 569 C. Term of Office. The two consecutive three-year term limit for the offices of Treasurer and
570 Speaker of the House of Delegates shall not apply in the case of a former Treasurer or
571 Speaker of the House, who may serve until the House of Delegates can elect a Speaker of the
572 House of Delegates, in the event of a vacancy as described elsewhere in this chapter of the
573 *Governance Manual*. Serving any portion of a three (3) year term shall be considered service of
574 a full three (3) year term.
- 575 D. Installation. The elective officers shall be installed at the annual session of the House of
576 Delegates. The President-elect shall be installed as President at the next annual session of the
577 House following election. The Second Vice President shall be installed as First Vice President
578 at the next annual session of the House following election.
- 579 E. Removal. The House of Delegates may remove an elective officer for cause in accordance
580 with procedures established by the House of Delegates. The procedures shall provide for
581 notice of the charges alleged and an opportunity for the accused to be heard in their defense. A
582 two-thirds (2/3) affirmative vote of the delegates present and voting is required to remove a
583 trustee from office.
- 584 F. Vacancies in Elective Offices. Vacancies in elective offices shall be filled as specified in the
585 *ADA Bylaws*.
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CHAPTER VII. APPOINTIVE OFFICER

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A. Duties. In addition to those duties set forth in the *Bylaws*, it shall be the duty of the Executive Director to:

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1. Assist the Board of Trustees in supervising, monitoring, and providing guidance to all Association councils, Commissions, and committees in regard to their administrative functions and specific assignments;

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2. Systematize the preparation of council, commission, and committee reports; and

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3. Encourage collaboration and the exchange of information concerning mutual interests and issues between councils, committees, and commissions.

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B. Interim Executive Director. Upon the occurrence of a vacancy in the office of Executive Director, an interim Executive Director, whose duties shall be as defined in the *ADA Bylaws*, shall be appointed by the Board of Trustees within forty-five (45) days of the occurrence of the vacancy. While any active, life or retired member in good standing may be appointed to serve as interim Executive Director, the Board of Trustees may appoint any qualified individual who is not eligible for membership in the Association, except that any current officer or member of the Board of Trustees shall not be eligible for appointment as the interim Executive Director. The interval of service and salary, if any, of the interim Executive Director shall be at the discretion of the Board of Trustees.

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CHAPTER VIII. COUNCILS

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A. Composition, Nominations and Election, and Removal for Cause.

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1. Composition. The composition of the councils of this Association shall be as follows:

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a. Council on Dental Education and Licensure. The Council on Dental Education and Licensure shall be composed of seventeen (17) members selected as follows:

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i. Nominations.

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(a) Eight (8) members shall be nominated by the Board of Trustees on a rotational system by trustee district from the active, life or retired members of this Association, none of whom shall be a full-time member of a faculty of a school of dentistry, a current dental examiner or member of a state or regional testing agency, state board of dentistry or jurisdictional dental licensing agency.*

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(b) Four (4) members who are active, life or retired members of this Association shall be selected by the American Association of Dental Boards from the active membership of that body, none of whom shall be a member of a faculty of a school of dentistry. These members shall not require the approval of the House of Delegates for appointment.

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

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(d) One (1) new dentist member recommended by the New Dentist Committee and

* A person shall be considered to be a full-time member of a faculty if they work for the school of dentistry more than two (2) days or sixteen (16) hours per week.

- 630 nominated by the Board of Trustees.*
- 631 ii. Committees. The Council on Dental Education and Licensure shall establish a
- 632 standing Committee on Dental Education and a standing Committee on Licensure,
- 633 each consisting of eight (8) members selected by the Council. The Council may
- 634 establish such additional committees believed to be essential to carrying out its
- 635 duties.
- 636 b. Council on Members Insurance Retirement Programs. The Council on Members
- 637 Insurance Retirement Programs shall be composed of ten (10) members, nine (9) of
- 638 whom are active, life or retired members who are selected from nominations open to all
- 639 trustee districts whose terms of office shall be staggered in such a manner that three (3)
- 640 members will complete their terms each year. The tenth (10th) member of the council
- 641 shall be a new dentist member recommended by the New Dentist Committee and
- 642 nominated by the Board of Trustees.
- 643 c. Council on Scientific Affairs. The Council on Scientific Affairs shall be composed of
- 644 eighteen (18) members, sixteen (16) of whom shall be selected from nominations open
- 645 to all trustee districts, the current recipient of the Gold Medal Award for Excellence in
- 646 Dental Research and one (1) new dentist member recommended by the New Dentist
- 647 Committee and nominated by the Board of Trustees.
- 648 d. Remaining Councils. The remaining councils of this Association shall each be
- 649 composed of eighteen (18) members, one (1) member from each trustee district whose
- 650 terms of office shall be staggered in such a manner that four (4) members will
- 651 complete their terms each year except every fourth year when five (5) members shall
- 652 complete their terms and one (1) new dentist member recommended by the New
- 653 Dentist Committee and nominated by the Board of Trustees.
- 654 2. Term and Tenure. The term of the member nominated by the New Dentist Committee on
- 655 the councils on which they are voting members, as well as committees of the Board of
- 656 Trustees shall be one year, with the member being eligible to serve up to four (4) single-
- 657 year terms, for a maximum tenure of four years.
- 658 3. Nominations and Election. Nominations for all councils shall be made by the Board of
- 659 Trustees except as otherwise provided in the *Bylaws* or this *Governance Manual*.
- 660 Members of councils shall be elected by the House of Delegates in accordance with the
- 661 election procedure set forth in Chapter III of the *ADA Bylaws*.
- 662 4. Removal for Cause. The Board of Trustees may remove a council member for cause in
- 663 accordance with procedures established by the Board of Trustees. Those procedures
- 664 shall provide for notice of the charges, including allegations of the conduct purported to
- 665 constitute each violation and a decision in writing which shall specify the findings of fact
- 666 which substantiate any and all of the charges. Prior to issuance of the decision by the
- 667 Board of Trustees, no council member shall be disallowed from attending any meeting of
- 668 a council unless there is an opportunity to be heard or compelling reasons exist which
- 669 are specified in writing by the Board of Trustees.
- 670 5. Amendment. The entirety of this Section A. of Chapter VIII. is amendable by a two-thirds
- 671 (2/3) affirmative vote of delegates present and voting provided that the proposed
- 672 amendment(s) shall have been presented in writing at a previous session or a previous
- 673 meeting of the same session of the House of Delegates.
- 674 B. Eligibility.

* As used in this Chapter, the term "new dentist" means either a member of the New Dentist Committee or a dentist who graduated from dental school with a D.D.S. or a D.M.D. degree less than ten (10) years prior to the selection.

- 675 1. All members of councils must be active, life or retired members in good standing of this
676 Association except as otherwise provided in the *Bylaws* or this *Governance Manual*.
- 677 2. No member of a council may serve concurrently as a member of another council or
678 commission.
- 679 3. A member shall not be eligible for appointment to another council or commission for a
680 period of two (2) years after completing a previous council or commission appointment,
681 except that a member who serves no more than fifty percent (50%) of their maximum tenure
682 of four (4) one-year terms of council service while they are serving as the nominee of the
683 New Dentist Committee will be exempted from the requirement to wait two years before
684 being eligible to serve on another council.
- 685 4. The elective and appointive officers and the trustees of this Association shall not serve as
686 members of councils.
- 687 5. A member of the Council on Dental Education and Licensure who was selected by the
688 American Association of Dental Boards or the American Dental Education Association but
689 ceases to be an active member of that body may continue as a member of the Council for
690 the balance of that member's term.
- 691 6. A member of the Council on Dental Education and Licensure who was selected by the
692 American Dental Education Association but ceases to be a member of the faculty of a
693 member school of that body shall cease to be a member of the Council on Dental
694 Education and Licensure and the President shall declare the position vacant.
- 695 7. To be eligible to serve on the Council on Scientific Affairs, the current recipient of the Gold
696 Medal Award for Excellence in Dental Research shall be an active, life or retired member in
697 good standing of this Association if that individual qualifies for membership in the
698 Association.
- 699 C. Chairs. One member of each council shall be selected annually by each council from among its
700 members to serve as chair, with written notification to the Board of Trustees. Every other year,
701 the chair of the Council on Dental Education and Licensure shall be selected from among the
702 members of the Council nominated by the Board of Trustees pursuant to the procedures
703 contained in this chapter of the *Governance Manual*.
- 704 D. Consultants and Staff.
- 705 1. Consultants. Each council shall have the authority to appoint consultants in conformity with
706 rules and regulations established by the Board of Trustees except as otherwise provided in
707 the *Bylaws* or this *Governance Manual*. The councils shall inform the Board in writing of the
708 selection of consultants.
- 709 2. Staff. The Executive Director shall employ council staff and select their titles in the event
710 they are employees.
- 711 E. Term of Office. Except for members of the Council on Members Insurance and Retirement
712 Programs whose term of office shall be three (3) years, the term of office of members of
713 councils shall be four (4) years except as otherwise provided in the *Bylaws* or this *Governance*
714 *Manual*. Except for (i) members of the Council on Members Insurance and Retirement
715 Programs whose tenure on the council shall be limited to two terms of three (3) years, and (ii)
716 members serving as the nominee of the New Dentist Committee who serve two (2) single-year terms
717 or less are eligible thereafter to serve one four (4) year term as a representative of a Trustee District
718 of the ADA or other participating dental organization, the tenure of a member of a council shall be
719 limited to one (1) term of four (4) years except as otherwise provided in the *Bylaws* or this
720 *Governance Manual*. The current recipient of the Gold Medal Award for Excellence in Dental
721 Research shall serve on the Council on Scientific Affairs until the award is bestowed on the

722 next honoree.

723 F. Vacancy. In the event of a vacancy in the membership of any council, except a member of the
724 Council on Dental Education and Licensure selected by an organization other than this
725 Association, the President shall appoint a member of the Association possessing the same
726 qualifications as established by the *Bylaws* or this *Governance Manual* for the previous
727 member, to fill such vacancy until a successor is elected by the next House of Delegates for the
728 remainder of the unexpired term. In the event such vacancy involves a member of the Council
729 on Dental Education and Licensure who was selected by an organization other than this
730 Association, such other organization shall appoint a successor. The appointed member shall
731 possess the same qualifications as those possessed by the previous member of the Council.
732 In the event such vacancy involves the chair of the council, the President shall have the power
733 to appoint an *ad interim* chair. In the event it is the current recipient of the Gold Medal Award
734 for Excellence in Dental Research who cannot serve on the Council on Scientific Affairs, the
735 President, in consultation with the Board of Trustees, shall have the power to appoint a
736 prominent research scientist who shall serve until the award is bestowed on the next honoree.

737 If the term of the vacated council position has fifty percent (50%) or less of a full term
738 remaining at the time the successor member is elected to the position by the House of
739 Delegates, the successor member shall be eligible for election to a new term. If more than fifty
740 percent (50%) of the vacated term remains to be served at the time of the successor member's
741 election by the House of Delegates, the successor member shall not be eligible for another
742 term.

743 G. Meetings of Councils. Each council shall hold at least one regular meeting annually, provided
744 that funds are available in the budget for that purpose and unless otherwise directed by the
745 Board of Trustees. Meetings may be held in the Headquarters Building, the Washington Office
746 or from multiple remote locations through the use of a conference telephone or other
747 communications equipment by means of which all members can communicate with each other.
748 Such meetings shall be conducted in accordance with rules and procedures established by the
749 Board of Trustees.

750 H. Quorum. Except as otherwise provided in the *Bylaws* or this *Governance Manual*, a majority of
751 the members of any council shall constitute a quorum.

752 I. Privilege of the Floor. Chairs and members of councils who are not members of the House of
753 Delegates shall have the right to participate in the debate on their respective reports, but shall
754 not have the right to vote.

755 J. Annual Report and Budget.

756 1. Annual Report. Each council shall submit, through the Executive Director, an annual report
757 to the House of Delegates and a copy thereof to the Board of Trustees.

758 2. Proposed Budget. Each council shall submit to the Board of Trustees, through the
759 Executive Director, a proposed itemized budget for the ensuing fiscal year.

760 K. Areas of Responsibility.

761 1. Council on Advocacy for Access and Prevention. The areas of subject matter responsibility
762 of the Council shall be:

- 763 a. Oral health literacy;
- 764 b. Oral disease prevention and intervention;
- 765 c. Access to oral healthcare; and
- 766 d. Community oral health advocacy.

767 2. Council on Communications. The areas of subject matter responsibility of the Council shall

- 768 be:
- 769 a. Advise on the management of the Association’s reputation;
- 770 b. Develop, recommend and maintain ADA strategic communications plans;
- 771 c. Advise ADA agencies on branding;
- 772 d. Advise on prioritization and allocation of communications resources; and
- 773 e. Advise on communications and marketing for constituents and components, upon
- 774 request.
- 775 3. Council on Dental Benefit Programs. The areas of subject matter responsibility of the
- 776 Council shall be:
- 777 a. Administration and financing of all dental benefit programs including both commercial
- 778 and public programs;
- 779 b. Dental Quality Alliance;
- 780 c. Monitoring of quality reporting activities of third party payers;
- 781 d. Peer review programs;
- 782 e. Code sets and code taxonomies including but not limited to procedure and diagnostic
- 783 codes;
- 784 f. Electronic and paper dental claim content and completion instructions; and
- 785 g. Standards pertaining to the capture and exchange of information used in dental benefit
- 786 plan administration and reimbursement for services rendered.
- 787 4. Council on Dental Education and Licensure. The areas of subject matter responsibility of
- 788 the Council shall be:
- 789 a. Policy on dental, advanced dental and allied dental education and accreditation and
- 790 comments on proposed new and revised accreditation standards;
- 791 b. Policy on recognition of dental specialties and certifying boards and the *Requirements*
- 792 *for Recognition of Dental Specialties* and the *Requirements for Recognition of*
- 793 *Specialty Certifying Boards*;
- 794 c. Dental anesthesiology and sedation;
- 795 d. Dental, advanced dental and allied dental admission testing;
- 796 e. Policy on Licensure;
- 797 f. Certifying boards and credentialing for allied dental personnel;
- 798 g. Policy on continuing dental education; and
- 799 h. Recognition of interest areas in general dentistry.
- 800 5. Council on Dental Practice. The areas of subject matter responsibility of the Council shall
- 801 be:
- 802 a. Dental practice, including:
- 803 i. Dental practice management;
- 804 ii. Practice models and economics;
- 805 iii. Scope of practice;
- 806 iv. Impact of and compliance with regulatory mandates; and
- 807 v. Assessment of initiatives directed to the public and the profession;
- 808 b. Allied dental personnel, including:

- 809 i. Utilization, management and employment practices; and
810 ii. Liaison relationships with organizations representing allied dental personnel;
811 c. Dentist health and wellness, including:
812 i. Dental professional well-being, wellness and ergonomics;
813 ii. Patient safety and wellness; and
814 iii. Liaison relationships with state well-being programs and related national
815 organizations;
816 d. Dental informatics and standards for electronic technologies; and
817 e. Activities and resources directed to the success of the dental practice and the member.
- 818 6. Council on Ethics, Bylaws and Judicial Affairs. The areas of subject matter responsibility of
819 the Council shall be:
820 a. Ethics and professionalism, including disciplinary matters relating thereto;
821 b. The governing documents of this Association, including:
822 i. Review of the constitutions and bylaws of constituents and components to ensure
823 consistency with the Association's *Bylaws*; and
824 ii. To correct punctuation, grammar, spelling and syntax, change names and gender
825 references and delete moot, and to correct article, chapter and section
826 designations, punctuation, and cross references and to make such other technical
827 and conforming revisions as may be necessary to reflect the intent of the House in
828 connection with amendments to the Association's *Bylaws*, *Governance Manual*,
829 *Manual of the House of Delegates*, *Principles of Ethics and Code of Professional*
830 *Conduct* and *Current Policies* where such revisions do not alter the material's
831 context or meaning upon the unanimous vote of the Council members present and
832 voting; and
833 iii. To report to the House of Delegates any corrections made to the governing
834 documents of the Association pursuant to subsection ii. of this section of the
835 *Governance Manual*; and
836 c. Hold hearings and render decisions in disputes arising between constituents or
837 between a constituent and component.
- 838 7. Council on Government Affairs. The areas of subject matter responsibility of the Council
839 shall be:
840 a. Encourage the improvement of the health of the public and to promote the art and
841 science of dentistry in matters of legislation and regulations by appropriate activities;
842 b. Formulate and recommend legislation, regulatory activity, policies and governmental
843 programs relating to dentistry and oral health for submission to Congress;
844 c. Serve and assist as liaison with those agencies of the federal government which
845 employ dental personnel or have dental care programs, and formulate policies which
846 are designed to advance the professional status of federally employed dentists; and
847 d. Disseminate information which will assist the constituents and components involving
848 legislation and regulation affecting the dental health of the public.
- 849 8. Council on Members Insurance and Retirement Programs. The areas of subject matter
850 responsibility of the Council shall be:
851 a. Insurance and retirement plan products and resources; and
852 b. Risk management education programs and resources.

- 853 9. Council on Membership. The areas of subject matter responsibility of the Council shall be:
- 854 a. Membership recruitment and retention and related issues;
- 855 b. Monitor and provide support and assistance for the membership activities of
- 856 constituents and components; and
- 857 c. Membership benefits and services.
- 858 10. Council on Scientific Affairs. The areas of subject matter responsibility of the Council shall
- 859 be:
- 860 a. Science and scientific research, including:
- 861 i. Evidence-based dentistry;
- 862 ii. Evaluation of professional products;
- 863 iii. Identification of intramural and extramural priorities for dental research every three
- 864 years; and
- 865 iv. Promotion of student involvement in dental research;
- 866 b. Scientific aspects of the dental practice environment related to the health of the public,
- 867 dentists and allied health personnel;
- 868 c. Standards development for dental products;
- 869 d. The safety and efficacy of concepts, procedures and techniques for use in the
- 870 treatment of patients;
- 871 e. Liaison relationships with scientific regulatory, research and professional organizations
- 872 and science-related agencies of professional healthcare organizations; and
- 873 f. The ADA Seal of Acceptance program.

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CHAPTER IX. COMMISSIONS

- 875 A. Members, Selections, Nominations and Elections.
- 876 1. Commission on Dental Accreditation. The number of and the method of selection of
- 877 members of the Commission on Dental Accreditation shall be governed by the *Rules of the*
- 878 *Commission on Dental Accreditation*, except that twelve (12) members shall be selected as
- 879 follows:
- 880 a. Four (4) members who shall be appointed by the Board of Trustees from the names of
- 881 active, life or retired members of this Association. None of the appointees shall be a
- 882 faculty member of any dental education program working more than one day per week
- 883 or a member of a state board of dental examiners or jurisdictional dental licensing
- 884 agency.
- 885 b. Four (4) members who are active, life or retired members of this Association and also
- 886 current members of the American Association of Dental Boards shall be selected by the
- 887 American Association of Dental Boards. None of these members shall be a faculty
- 888 member of any dental education program.
- 889 c. Four (4) members who are active, life or retired members of this Association and also
- 890 current members of the American Dental Education Association shall be selected by the
- 891 American Dental Education Association. None of these members shall be a member of
- 892 any state board of dental examiners or jurisdictional dental licensing agency.
- 893 2. Joint Commission on National Dental Examinations. The number of and the method of
- 894 selection of members of the Joint Commission on National Dental Examinations shall be
- 895 governed by the *Rules of the Joint Commission on National Dental Examinations*, except

- 896 that twelve (12) members shall be selected as follows:
- 897 a. Three (3) members who shall be appointed by the Board of Trustees from the names of
- 898 active, life or retired members of this Association. None of the appointees shall be a
- 899 faculty member of any dental education program working more than one day per week
- 900 or a member of a state board of dental examiners or jurisdictional dental licensing
- 901 agency.
- 902 b. Six (6) members who are active, life or retired members of this Association and also
- 903 current members of the American Association of Dental Boards shall be selected by the
- 904 American Association of Dental Boards. None of these members shall be a faculty
- 905 member of any dental education program.
- 906 c. Three (3) members who are active, life or retired members of this Association and also
- 907 current members of the American Dental Education Association shall be selected by the
- 908 American Dental Education Association. None of these members shall be a member of
- 909 any state board of dental examiners or jurisdictional dental licensing agency.
- 910 3. Commission for Continuing Education Provider Recognition. The number of and the
- 911 method of selection of members of the Commission for Continuing Education Provider
- 912 Recognition shall be governed by the *Rules of the Commission for Continuing Education*
- 913 *Provider Recognition*, except that five (5) members shall be selected as follows:
- 914 a. Four (4) members who shall be appointed by the Board of Trustees from the names of
- 915 active, life or retired members of this Association. None of the appointees shall be a
- 916 faculty member of any dental education program working more than one day per week
- 917 or a member of a state board of dental examiners or jurisdictional dental licensing
- 918 agency. At least two (2) of the members appointed shall be general dentists.
- 919 b. One (1) member selected by the American Dental Education Association who is an
- 920 active, retired or life member of this Association, if eligible, and a current member of the
- 921 American Dental Education Association.
- 922 4. National Commission on Recognition of Dental Specialties and Certifying Boards. The
- 923 National Commission on Recognition of Dental Specialties and Certifying Boards shall
- 924 be composed of members selected as follows:
- 925 a. One (1) specialist from each dental specialty recognized by this Commission who is
- 926 an active, life or retired member of this Association appointed by the sponsoring
- 927 organization for that specialty.
- 928 b. A number of general dentists equal to the number of members appointed pursuant to
- 929 subsection 4.a. of this Section who are active, life or retired members of this
- 930 Association appointed by the Board of Trustees.
- 931 c. A member of the general public appointed by the Commission.
- 932 5. Amendment. The entirety of this Section A of Chapter IX is amendable by a two-thirds
- 933 (2/3) affirmative vote of delegates present and voting, provided that the proposed
- 934 amendment(s) shall have been presented in writing at a previous session or a previous
- 935 meeting of the same session of the House of Delegates.
- 936 B. Removal for Cause. Any of the commissions of this Association shall have the sole authority to
- 937 remove any of its members for cause pursuant to its *Rules*, with notice of such removal being
- 938 given to the ADA Board of Trustees.
- 939 C. Eligibility.
- 940 1. All members of commissions who are dentists must be active, life or retired members in
- 941 good standing of this Association except as otherwise provided in the *Bylaws*.

- 942 2. If a commission member ceases to be a member of the organization that selected or
 943 elected the commission member, that commission member's membership on the
 944 commission shall terminate, and the Chair of the commission shall declare the position
 945 vacant.
- 946 3. Any organizations that select members to serve on the Commission for Continuing
 947 Education Provider Recognition and offer continuing dental education courses must be
 948 recognized as a continuing education provider by the commission.
- 949 4. No member of a commission may serve concurrently as a member of a council or another
 950 commission.
- 951 5. A member shall not be eligible for appointment to another commission or council for a
 952 period of two (2) years after completing a previous commission or council appointment.
- 953 D. Chairs. Commissions shall elect their own chairs. To be eligible to serve as chair of a
 954 commission, the commission member must be an active, life or retired member of this
 955 Association.
- 956 E. Consultants, Advisers and Staff.
- 957 1. Consultants and Advisers.
- 958 a. The Commission on Dental Accreditation shall have the power to appoint consultants to
 959 assist in developing requirements and guidelines for conducting the accreditation
 960 program and accreditation evaluations, including site visitations of predoctoral,
 961 advanced and allied dental education programs.
- 962 b. The Joint Commission on National Dental Examinations shall have the power to
 963 appoint consultants to serve on the commission's test construction teams and to assist
 964 with test administration, test development, test security and test psychometric
 965 evaluation.
- 966 c. The Commission for Continuing Education Provider Recognition shall have the power
 967 to appoint consultants to assist in developing standards and procedures, conducting
 968 recognition reviews and conducting appeals.
- 969 d. The National Commission on Recognition of Dental Specialties and Certifying Boards
 970 shall have the power to appoint consultants to assist in the periodic review of dental
 971 specialties, the annual review of dental specialty certifying boards, and in conducting
 972 appeals.
- 973 2. Staff. The Executive Director shall employ the staff of commissions, in the event they are
 974 employees, and shall select the titles for commission staff positions.
- 975 F. Term of Office and Tenure.
- 976 1. Term of Office. The term of office of members of the commissions of this Association shall
 977 be four (4) years except that (a) the term of office of members of the Commission on Dental
 978 Accreditation selected pursuant to the *Rules of the Commission on Dental Accreditation*
 979 shall be governed by those *Rules*, and (b) the term of office of the dental student selected
 980 by the American Student Dental Association for membership on the Joint Commission on
 981 National Dental Examinations shall be one (1) year.
- 982 2. Tenure. The tenure of a member of a commission shall be limited to one (1) term of four (4)
 983 years except that (a) the tenure of members of the Commission on Dental Accreditation
 984 selected pursuant to the *Rules of the Commission on Dental Accreditation* shall be
 985 governed by those *Rules*, and (b) tenure in office of the dental student selected by the
 986 American Student Dental Association for membership on the Joint Commission on National
 987 Dental Examinations shall be one (1) term.

- 988 G. Vacancy. In the event of a vacancy in the office of a member of a commission, the following
 989 procedure shall be followed:
- 990 1. In the event the member of a commission whose office is vacant is or was a member of
 991 and was appointed or elected by this Association, the President of this Association shall
 992 appoint a member of this Association to fill that vacancy. The appointed member shall
 993 possess the same qualifications as established in this *Governance Manual* for the previous
 994 member, and the appointed member shall fill the vacancy until a successor is elected by
 995 the next House of Delegates of this Association for the remainder of the unexpired term.
- 996 2. In the event the member of a commission whose office is vacant was selected by an
 997 organization other than this Association, such other organization shall appoint a successor.
 998 The appointed member shall possess the same qualifications as those possessed by the
 999 previous member of the commission.
- 1000 3. In the event such vacancy involves the chair of a commission, the vice chair shall serve as
 1001 *ad interim* chair pending selection of a chair.
- 1002 4. If the term of the vacated office of a member of a commission has less than fifty percent
 1003 (50%) of a full four-year term remaining at the time the successor member is appointed or
 1004 elected to fill the vacancy, the successor member shall be eligible for election to a new four-
 1005 year term. If fifty percent (50%) or more of the vacated term remains to be served at the
 1006 time of the appointment or election of a successor member to fill the vacancy, the
 1007 successor member shall not be eligible for another term.
- 1008 H. Meetings of Commissions. Each commission shall conduct meetings in accordance with its
 1009 Rules. Commissions shall hold at least one regular meeting annually. Meetings may be held at
 1010 the ADA Headquarters Building, the ADA Washington Offices or from multiple remote locations
 1011 through the use of a conference telephone or other communications equipment by which all
 1012 members can communicate with each other.
- 1013 I. Quorum. Quorum requirements for each commission shall be as stated in the *Rules* of that
 1014 commission.
- 1015 J. Privilege of the Floor. Chairs and members of the commissions of this Association who are not
 1016 members of the House of Delegates shall have the right to participate in the debate on their
 1017 respective reports, but shall not have the right to vote.
- 1018 K. Annual Report and Budget.
- 1019 1. Annual Report. The Joint Commission on National Dental Examinations, the Commission
 1020 on Continuing Education Provider Recognition, and the National Commission on
 1021 Recognition of Dental Specialties and Certifying Boards shall submit, through the Executive
 1022 Director, an annual report to the House of Delegates containing that information each
 1023 commission deems to be appropriate and a copy thereof to the Board of Trustees. The
 1024 Commission on Dental Accreditation shall publish an annual report containing that
 1025 information it deems to be appropriate to its communities of interest according to a timeline
 1026 of its choosing and pursuant to the *Rules of the Commission on Dental Accreditation*.
- 1027 2. Proposed Budget. Each commission shall submit to the Board of Trustees, through the
 1028 Executive Director, a proposed itemized budget for the ensuing fiscal year.
- 1029 L. Power to Adopt Rules. Any commission of this Association shall have the power to adopt rules
 1030 for such commission and amendments thereto, provided such rules and amendments thereto
 1031 do not conflict with or limit the *Constitution and Bylaws, Governance and Organizational*
 1032 *Manual* and *Standing Rules for Councils and Commissions* of this Association. Commissions
 1033 shall have the power to adopt rules and amendments thereto pursuant to a two-thirds
 1034 affirmative vote of the members present and voting.

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CHAPTER X. COMMITTEES, SPECIAL COMMITTEES AND SUBCOMMITTEES

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If duties are assigned to a special committee that are assigned under the *Bylaws* to more than one (1) council, commission or other agency, members of the relevant councils, commissions or other agencies shall be appointed to serve on that special committee. Duties assigned by the *Bylaws* or this *Governance Manual* solely to a single council, commission or other agency should be assigned to that council, commission or other agency with the necessary funding to accomplish the task.

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CHAPTER XI. PRINCIPLES OF ETHICS AND CODE OF PROFESSIONAL CONDUCT, MEMBER CONDUCT POLICY AND JUDICIAL PROCEDURES

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A. Disciplinary Matters.

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1. Member Conduct Subject to Discipline. A member may be disciplined for (1) having been found guilty of a felony, (2) having been found guilty of violating the dental practice act of a state or other jurisdiction of the United States, (3) having been discharged or dismissed from practicing dentistry with one of the federal dental services under dishonorable circumstances, (4) violating the *Bylaws*, the *Principles of Ethics and Code of Professional Conduct*, or the bylaws or code of ethics of the constituent or component of which the accused is a member, or (5) violating the *Member Conduct Policy* of this Association, a constituent or a component.

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2. Disciplinary Penalties. A member may be disciplined for any of the offenses enumerated in this *Governance Manual* as follows:

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- a. Censure. Censure is a disciplinary sentence expressing in writing severe criticism or disapproval of a particular type of conduct or act.

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- b. Suspension. Suspension means all membership privileges except continued entitlement to coverages under insurance programs are lost during the suspension period. Suspension shall be unconditional and for a specified period at the termination of which full membership privileges are automatically restored. A subsequent violation shall require a new disciplinary procedure before additional discipline may be imposed.

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- c. Expulsion. Expulsion, or removal from the membership rolls of this Association and any constituent or component, is an absolute discipline and may not be imposed conditionally except as otherwise provided herein.

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- d. Probation. Probation, to be imposed for a specified period and without loss of privileges with the exception of holding or seeking an elective or appointive office, may be administratively and conditionally imposed when circumstances warrant in lieu of a suspended disciplinary penalty. Probation shall be conditioned on good behavior. Additional reasonable conditions may be set forth in the decision for the continuation of probation. In the event that the conditions for probation are found to have been violated by the constituent that brought the original misconduct complaint, after a hearing on the probation violation charges in accordance with procedures set forth in the *ADA Procedures for Member Disciplinary Hearings and Appeals*, the original disciplinary penalty shall be automatically reinstated; except that when circumstances warrant the original disciplinary penalty may be reduced to a lesser penalty. There shall be no right of appeal from a finding that the conditions of probation have been violated.

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- e. Removal from Office. If the member holds any ADA office, a disciplinary action including removal from office as a trustee, delegate, alternate delegate or elective

- 1081 officer for the remaining term may be imposed in addition to, or in lieu of, any of the
1082 penalties enumerated above.
- 1083 3. Reminder of Obligation. In appropriate circumstances, a constituent or component or, in
1084 the case of direct members, this Association, may issue a Reminder of Obligation to a
1085 member where the member may have committed a relatively minor infraction of the ADA
1086 *Member Conduct Policy* or engaged in conduct to which the ADA *Member Conduct Policy*
1087 might apply. The same is true of the *Bylaws*, the *Principles of Ethics and Code of*
1088 *Professional Conduct* or the bylaws or code of ethics of a constituent or component of
1089 which the accused is a member. Such a Reminder of Obligation is not a disciplinary
1090 penalty but is a private administrative action. No record of the issuance of a Reminder of
1091 Obligation shall be placed in the member's membership records.
- 1092 B. Hearings on Charges Related to the ADA Bylaws and the Principles of Ethics and Code of
1093 Professional Conduct. Any member charged with violating the ADA *Bylaws*, the *Principles of*
1094 *Ethics and Code of Professional Conduct* or the Association's *Member Conduct Policy* shall
1095 be afforded the right to a fair and impartial hearing conducted in accordance with the
1096 procedures set forth in this *Governance Manual*. For a member of a constituent, disciplinary
1097 proceedings may be instituted by either the member's component or constituent. For a direct
1098 member, disciplinary proceedings may be instituted by the Association's Council on Ethics,
1099 Bylaws and Judicial Affairs.
- 1100 1. Initial Disciplinary Hearings on Charges Relating to the ADA Bylaws or the Principles of
1101 Ethics and Code of Professional Conduct. The following procedures are to be followed by a
1102 component or constituent or this Association bringing charges of *Bylaws* or ethics
1103 violations:
- 1104 a. Notice. An organization bringing charges against a member alleging a violation of either
1105 the ADA *Bylaws* or the *Principles of Ethics and Code of Professional Conduct* shall
1106 issue a notice of charges that will meet the following specifications:
- 1107 i. Charges Brought. The notice of charges will contain a detailed statement of all
1108 disciplinary charges brought against the accused member, including (a) an official
1109 certified copy of any alleged conviction or determination of guilt that is the basis for
1110 the disciplinary action, (b) description of the section(s) of the *Bylaws* or the ethical
1111 provisions alleged to have been violated, and/or (c) a description of the conduct
1112 alleged to constitute each violation.
- 1113 ii. Time of Hearing. The notice of charges shall contain notification of the date, time
1114 and place that a hearing on the charges will be held.
- 1115 iii. Delivery of Notice. The notice of charges shall be sent to the accused member by
1116 certified mail, return receipt requested. The notice of charges shall be addressed to
1117 the accused member's last known address and mailed not less than twenty-one
1118 (21) days prior to the date set for the hearing.
- 1119 b. Hearing. Any member accused of violating either the ADA *Bylaws* or the *Principles of*
1120 *Ethics and Code of Professional Conduct* is entitled to a hearing before a hearing body
1121 of the entity bringing the charges.
- 1122 i. Purpose. The purpose of a disciplinary hearing is to provide the accused member
1123 with the opportunity to present a defense to the charges brought against the
1124 member.
- 1125 ii. Representation by Counsel. The organization bringing the charges must allow the
1126 accused member to be represented by legal counsel at any hearing convened
1127 under these procedures.

- 1128 iii. Continuances. An accused member is entitled to one (1) hearing postponement.
 1129 The postponement cannot exceed thirty (30) days. Additional requests for
 1130 postponement may be granted or denied by the hearing body in its reasonable
 1131 discretion.
- 1132 c. Decision. Every decision of a hearing body that imposes a penalty will be in writing. The
 1133 written decision will contain the following:
- 1134 i. Statement of Charges. The decision shall set forth a statement of the charge(s)
 1135 made against the member;
- 1136 ii. Facts and Verdict. The decision shall state the facts that support the charge(s) and
 1137 the verdict arrived at by the hearing body;
- 1138 iii. Penalty. The decision shall state the penalty imposed and, if the penalty is to be
 1139 suspended during a period of probation, the length of the probationary period and
 1140 any other conditions included in the probation; and
- 1141 iv. Delivery of Decision. The decision is to be sent to the following:
- 1142 (a) The accused member by certified mail, return receipt requested, and
 1143 addressed to the accused member's last known address.
- 1144 (b) The secretary of the accused member's component, if any;
- 1145 (c) The secretary of the accused member's constituent, if applicable;
- 1146 (d) The chair of the American Dental Association Council on Ethics, Bylaws and
 1147 Judicial Affairs; and
- 1148 (e) The Executive Director of this Association.
- 1149 d. Notice of Right to Appeal. Every written decision issued by a hearing body that
 1150 imposes a penalty will be accompanied by a separate notice stating that the accused
 1151 member has a right to appeal the decision. The notice of right to appeal will direct the
 1152 member to the section of this *Governance Manual* dealing with appeals from
 1153 disciplinary decisions relating to violations of the *ADA Bylaws* or the *Principles of*
 1154 *Ethics and Code of Professional Conduct*.
- 1155 e. Finality of Decision. A decision will not become final while an appeal of the decision is
 1156 pending or until the thirty (30) day period for filing a notice of appeal has expired.
- 1157 f. Non-Appeal of Decision Containing Sentence of Expulsion. If a decision includes a
 1158 sentence of expulsion and a notice of appeal is not received within the thirty (30) day
 1159 period within which to appeal, the accused member's constituent will notify all parties
 1160 of the failure of the accused member to file an appeal. The sentence of expulsion will
 1161 take effect on the date the parties receive such notice. The component and constituent
 1162 shall each determine what portion of their current dues and special assessments, if
 1163 any, shall be returned to the expelled member. Dues and special assessments paid to
 1164 this Association will not be refunded to an expelled member.
- 1165 2. Appeals from Disciplinary Decisions Relating to the ADA Bylaws and the Principles of
 1166 Ethics and Code of Professional Conduct. The following procedures shall be followed in
 1167 any appeal from a decision issued as a result of a disciplinary hearing on charges relating
 1168 to the *ADA Bylaws* or the *Principles of Ethics and Code of Professional Conduct*:
- 1169 a. Right to Appeal.
- 1170 i. Disciplinary Decision of a Component. Any member shall have the right to appeal
 1171 a disciplinary decision issued by the member's component that imposes a penalty.
 1172 That appeal shall be made to member's constituent by filing a notice of appeal in
 1173 affidavit form with the secretary of the constituent.

- 1174 ii. Disciplinary Decision of a Constituent. Any member or component shall have a
 1175 right to appeal a disciplinary decision that is adverse to it that is issued by a
 1176 constituent. That appeal shall be made to the Council on Ethics, Bylaws and
 1177 Judicial Affairs of this Association by filing a notice of appeal in affidavit form with
 1178 the Chair of the Council on Ethics, Bylaws and Judicial Affairs.
- 1179 iii. Disciplinary Decision Adverse to a Direct Member. A direct member of this
 1180 Association shall have the right to appeal a disciplinary decision of a hearing panel
 1181 of the Council on Ethics, Bylaws and Judicial Affairs that imposes a penalty of
 1182 censure, suspension, expulsion, or probation. That appeal shall be made to the full
 1183 Council on Ethics, Bylaws and Judicial Affairs of this Association by filing a notice
 1184 of appeal in affidavit form with the Chair of the Council on Ethics, Bylaws and
 1185 Judicial Affairs. Members of the hearing panel that issued the decision being
 1186 appealed shall have no right to vote on the Council's decision in such an appeal.
- 1187 b. Time to Appeal. An appeal from any decision shall not be valid unless the appeal is
 1188 filed within thirty (30) days of the date the decision appealed from was issued.
- 1189 c. Time for the Filing of Briefs on Appeal. Briefs in appeals brought under this Section
 1190 must be filed in accordance with the following schedule:
- 1191 i. Appellant's Initial Brief. If being filed, an initial brief supporting an appeal must be
 1192 filed within sixty (60) days of the issue date of the decision being appealed.
- 1193 ii. Reply Brief. If being filed, a reply brief must be filed within ninety (90) days of the
 1194 issue date of the decision being appealed.
- 1195 iii. Rejoinder Brief. If being filed, a rejoinder brief must be filed within one hundred five
 1196 (105) days of the issue date of the decision being appealed.
- 1197 d. Time for Appellate Hearing. No hearing shall be held within one hundred fifty (150)
 1198 days of the issue date of the decision being appealed or forty-five (45) days after the
 1199 last brief in the appeal was filed, whichever is later. Omission of briefs will not alter the
 1200 date for the hearing of an appeal unless otherwise agreed to by the parties and the
 1201 chair of the body hearing the appeal.
- 1202 e. Conduct of Appellate Hearing. The following procedure shall be used in processing
 1203 appeals:
- 1204 i. Appellate Hearings. If the requirements of subsections a. and b. of this section
 1205 relating to appeals from disciplinary decisions relating to the *ADA Bylaws* and the
 1206 *Principles of Ethics and Code of Professional Conduct* are met, the party bringing
 1207 the appeal shall be entitled to a hearing.
- 1208 ii. Parties to an Appeal. The parties to an appeal are the accused member and the
 1209 entity that brought the charges against the accused member. In appeals to the
 1210 Council on Ethics, Bylaws and Judicial Affairs of this Association, the constituent
 1211 which heard the first appeal, if any, may, at its option, participate in the appeal.
- 1212 iii. Right to be Represented by Counsel. The parties to an appeal shall be entitled to
 1213 be represented by counsel in the appeal.
- 1214 iv. Appearance at Hearing not Required. A party to an appeal is not required to attend
 1215 a hearing in an appeal brought pursuant to this section.
- 1216 v. Option to Conduct Telephonic Hearings. Upon the request by a party and the
 1217 concurrence of all other parties, the body hearing the appeal may permit one or
 1218 more of the parties to an appeal to participate in the hearing remotely via
 1219 telephone or other suitable means. The decision whether to allow remote
 1220 participation in an appeal hearing is discretionary with the body hearing the appeal

- 1221 and granting such a request can be subject to meeting reasonable terms and
1222 conditions set by the hearing body.
- 1223 vi. Hearing Notice. A body that receives a notice of appeal shall notify the constituent
1224 or component (or components) concerned or, where applicable, the hearing panel
1225 of the Council on Ethics, Bylaws and Judicial Affairs, and the accused member of
1226 the time and place of the appeal hearing. Such notice shall be sent by certified
1227 mail, return receipt requested, to the last known address of each party to the
1228 appeal. The hearing notice should be mailed not less than thirty (30) days prior to
1229 the hearing date.
- 1230 vii. Hearing Continuances. Granting of hearing continuances shall be at the discretion
1231 of the hearing body.
- 1232 viii. Prehearing Matters. All communications with a hearing body shall be in writing. All
1233 parties to the appeal shall receive copies of such communications via the same
1234 method of delivery as used with the hearing body. Prehearing requests shall be
1235 granted at the discretion of the hearing body. In appeals to this Association's
1236 Council on Ethics, Bylaws and Judicial Affairs, the Council chair has the authority
1237 to rule on requests from the parties for continuances and other prehearing
1238 procedural matters with advice from legal counsel of this Association. The Council
1239 chair may consult with the Council before rendering prehearing decisions.
- 1240 ix. Briefs. Each party to an appeal shall be entitled to submit a brief in support of the
1241 party's position. The briefs of the parties shall be submitted to the secretary of the
1242 constituent or the Chair of the Council on Ethics, Bylaws and Judicial Affairs of this
1243 Association, as appropriate, in accordance with the prescribed briefing schedule. A
1244 copy of any brief filed in the appeal must be delivered to every other party in the
1245 appeal at the same time as the filing of the brief. The party initiating the appeal
1246 may choose to rely on the record and/or on an oral presentation and not file a brief.
- 1247 x. Record of Disciplinary Proceedings. Upon notice of an appeal, the entity that
1248 issued the decision being appealed shall provide to the body hearing the appeal
1249 and to the accused member a transcript, or an officially certified copy of the
1250 minutes, of the hearing accorded the accused member. Certified copies of any
1251 affidavits or other documents submitted as evidence to support or refute the
1252 charges against the accused member in the disciplinary hearing and any other
1253 material considered by the body issuing the decision being appealed will
1254 accompany the transcript or minutes. Where the body conducting the hearing
1255 resulting in the decision being appealed does not transcribe the hearing, the
1256 accused member, at the accused's own expense, is entitled to arrange for
1257 transcription of the hearing by a court reporter.
- 1258 xi. Appellate Jurisdiction. The body to which a decision has been appealed shall be
1259 required to review the decision appealed from to determine whether the evidence
1260 before the component, constituent or body which brought the charges against the
1261 accused member supports that decision or warrants the penalty imposed. The
1262 body hearing the appeal shall not be required to consider additional evidence
1263 unless there is a clear showing that a party to the appeal will be unreasonably
1264 harmed by failure to consider the additional evidence.
- 1265 xii. Decisions on Appeals. Every decision on appeal shall be in writing and must
1266 clearly state the conclusion of the hearing body and the reasons for that
1267 conclusion. The body hearing the appeal shall have the discretion to:
1268 (a) Uphold the decision of the entity that brought charges against the accused

- 1269 member;
- 1270 (b) Reverse the decision of the entity that brought the charges and thereby
- 1271 exonerate the accused member;
- 1272 (c) Deny an appeal where it fails to satisfy the requirements for appealing
- 1273 disciplinary decisions in this *Governance Manual*;
- 1274 (d) Refer the case back to the body that brought the charges for new proceedings,
- 1275 if the rights of the accused member under all applicable bylaws were violated
- 1276 or if adopted disciplinary procedures were not followed to the detriment of the
- 1277 accused;
- 1278 (e) Remand the case back to the agency that issued the charges for further
- 1279 proceedings when the record in the appeal is insufficient to enable the body
- 1280 hearing the appeal to form a conclusion concerning the correctness of the
- 1281 decision being appealed; or
- 1282 (f) Modify the decision of the agency that issued the charges against the accused
- 1283 member by reducing the penalty imposed.
- 1284 xiii. Delivery of the Appeal Decision to the Parties. Within thirty (30) days of the date on
- 1285 which a written decision on appeal is approved by the entity conducting the appeal,
- 1286 a copy of the written decision shall be sent by certified mail, return receipt
- 1287 requested, to the last known address of each of the following: the accused
- 1288 member; the secretary of the component of which the accused is a member, if
- 1289 applicable; the secretary of the constituent of which the accused is a member, if
- 1290 applicable; the Chair of the Council on Ethics, Bylaws and Judicial Affairs of this
- 1291 Association; and the Executive Director of this Association.

1292 **C. Hearings on Charges Related to the ADA Member Conduct Policy.** Any member

1293 charged with violating the *ADA Member Conduct Policy* shall be afforded the right to a

1294 fair and impartial hearing conducted in accordance with the procedures set forth in

1295 this *Governance Manual*. In a matter brought against a member of a constituent by a

1296 member or employee of that same constituent or component, disciplinary proceedings

1297 may be instituted by either the member’s component or constituent. In a matter

1298 brought against a direct member, or a matter brought against a member of a

1299 constituent by a member of a different constituent or an employee of this Association

1300 or a different constituent or a component of a different constituent, disciplinary

1301 proceedings may be instituted by the Association’s Council on Ethics, Bylaws and

1302 Judicial Affairs.

1303 1. **Charges.** Any member or employee of the Association or a constituent or component

1304 dental society has the right to bring charges against a member alleging a violation or

1305 violations of the Association’s *Member Conduct Policy*. Charges must meet the

1306 following specifications:

- 1307 a. **In Writing.** The charges must be in writing;
- 1308 b. **Identify Violation.** The charges must include an identification of the provision(s) of the
- 1309 Association’s *Member Conduct Policy* alleged to have been violated;
- 1310 c. **Include Description.** The charges must include a detailed description of the conduct
- 1311 alleged to constitute the violation; and

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d. Delivery of Charges.

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- i. If the charges are brought by a member or employee of a constituent or component dental society against a member of that same constituent or component dental society, the charges must be delivered to the Executive Director of the constituent, or the component society's executive director or senior-most officer. If the charges are brought by the Executive Director, they are to be delivered to the senior-most officer not named in the charges.

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- ii. In all other instances, the charges must be delivered to the chair of the ADA Council on Ethics, Bylaws and Judicial Affairs. If the charges involve a current or recent member of the ADA Council on Ethics, Bylaws and Judicial Affairs, the charges must be delivered to the chair of an ADA agency selected by the President.*

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e. Selection of Investigatory and Hearing Panels.

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- i. Upon the receipt of charges brought pursuant to Section C.1.d.i. of this Chapter, the constituent or component, as applicable, pursuant to its established governance policies and procedures, will establish an investigatory panel and a hearing panel for, respectively, conducting a preliminary investigation of the charges and, if warranted, an initial hearing on the charges. The entity establishing the panels shall also appoint a chair of each panel.

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- ii. Upon the receipt of charges brought pursuant to Section C.1.d.ii. of this Chapter, the individual receiving the charges will appoint a three (3) member investigatory panel, one of whom will be named chair, from the members of the Council on Ethics, Bylaws and Judicial Affairs or the agency selected by the ADA President pursuant to Section C.1.d.ii. of this Chapter. The individual receiving the charges will also appoint a hearing panel composed of three (3) different members of the Council on Ethics, Bylaws and Judicial Affairs or the agency selected by the ADA President pursuant to Section C.1.d.ii. of this Chapter, one of whom will be named chair. The investigatory panel and the hearing panel will, respectively, conduct a preliminary investigation of the charges and, if warranted, an initial hearing on the charges. Any council or agency member from the trustee district of the member against whom the charges have been made will not serve on the investigatory panel or the hearing panel.

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2. **Preliminary Investigation.** The investigatory panel will conduct a preliminary investigation of the charges alleged, determine whether the allegations made in the charges state a cognizable violation of the *Member Conduct Policy*, and issue a notice of determination that will meet the following specifications:

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- a. **No Violation.** If, upon preliminary investigation, the investigatory panel determines that the charges do not state a cognizable violation of the *Member Conduct Policy*,

* For purposes of this Chapter, "recent" means within the preceding four (4) years.

- 1350 the Association member or Association, constituent or component employee bringing
 1351 the charges will be advised in writing of the investigatory panel's determination. The
 1352 investigatory panel's decision will be final and without right of appeal, thereby
 1353 terminating the disciplinary proceeding.
- 1354 b. **Possible Violation.** If the investigatory panel determines that the charges do
 1355 sufficiently state a cognizable violation of the *Member Conduct Policy*, the charging
 1356 individual and accused member shall be notified in writing. The notice of
 1357 determination of a possible violation of the *Member Conduct Policy* shall conform to
 1358 the following specification:
- 1359 i. **Specification of Charges.** The notice of determination of a possible violation will
 1360 provide a specification of the charges alleged against the accused member;
- 1361 ii. **Hearing Notice.** The notice of determination of a possible violation shall specify
 1362 the time and place of an initial hearing on the charges brought against the
 1363 accused member, to be determined in consultation with the chair of the Hearing
 1364 Panel;
- 1365 iii. **Manner of Delivery.** The notice of determination of a possible violation will be
 1366 sent via a nationally recognized overnight delivery service to the last known
 1367 addresses of the charging individual, the accused member and the chair and
 1368 members of the Hearing Panel; and
- 1369 iv. **Time of Notice Delivery.** The notice of determination of a possible violation must
 1370 be delivered not less than twenty-one (21) days prior to the date set for the
 1371 hearing.
- 1372 3. **Initial Hearing.** In the event of the issuance of a notice of determination of a possible
 1373 violation, the accused member shall be entitled to a hearing before the hearing panel
 1374 appointed pursuant to Section C.1.e.i. or ii. of this Chapter.
- 1375 a. **Purpose.** The purpose of the hearing is to provide the accused member with an
 1376 opportunity to present a defense to the charges brought against them.
- 1377 b. **Representation by Counsel.** The accused member is entitled to be represented by
 1378 legal counsel at the member conduct hearing.
- 1379 c. **Continuances.** An accused member is entitled to one (1) hearing postponement.
 1380 The postponement cannot exceed thirty (30) days. Additional requests for
 1381 postponement may be granted or denied at the discretion of the chair of the hearing
 1382 panel, who may but need not consult with the remainder of the hearing panel on the
 1383 request.
- 1384 d. **Conduct of Hearing.** The hearing will proceed with a presentation of the charges by
 1385 the charging individual, including any evidence supporting the allegations making up
 1386 the charges. Upon the conclusion of the charging individual's presentation, the

- 1387 accused member may present their defense, including any evidence tending to
 1388 refute the allegations of the charges. Upon the conclusion of the accused member's
 1389 presentation, the charging individual may present a rejoinder presentation limited to
 1390 matters brought up during the accused member's presentation.
- 1391 i. **Hearing via Video Conference.** The preferred mode for the conduct of an
 1392 initial hearing is a video conference. At least fourteen (14) days prior to the date
 1393 set for the hearing, any party may request, in a writing directed to the hearing
 1394 panel chair, that the hearing be conducted in person. Any opposition to that
 1395 request will be made in writing to the hearing panel chair within three (3) days of
 1396 receipt of the request. A ruling on the request will thereafter be made by the
 1397 hearing panel chair following consultation with the members of the hearing
 1398 panel.
- 1399 ii. **Testimonial Evidence.** Any testimonial evidence proffered by the charging
 1400 individual or the accused member is to be presented via written witness
 1401 statements, copies of which will be provided to the other party and the hearing
 1402 panel at least seven (7) days prior to the commencement of the hearing. Any
 1403 person submitting testimony via witness statement will be made available for
 1404 cross examination on any matters raised in the witness statement. Should a
 1405 witness not be available for cross-examination, that witness's statement will be
 1406 ruled out of order and will not be considered in deciding the matter.
- 1407 4. **Decision.** Following the rejoinder presentation by the charging individual, the hearing panel shall
 1408 go into a closed session consisting of the hearing panel and necessary staff supporting the panel.
 1409 During the closed session, which may be adjourned and reconvened as needed, the hearing panel
 1410 shall review the presentations of the parties and any evidence presented and reach a decision on
 1411 the charges. Any member conduct hearing panel decision shall conform to the following
 1412 specifications:
- 1413 a. **Requirement of Written Decision.** Every decision of a member conduct hearing
 1414 panel will be in writing. The written decision will state:
- 1415 i. The charges lodged against the member;
- 1416 ii. The relevant facts;
- 1417 iii. The verdict arrived at by the hearing body; and
- 1418 iv. If applicable, the penalty imposed or recommended and, if the penalty is to be
 1419 suspended during a period of probation, the length of the probationary period and
 1420 any other conditions included in the probation.
- 1421 b. **Mailing of Decision.** Every hearing panel decision must be sent via nationally
 1422 recognized overnight courier, within ten (10) days of the written decision being
 1423 approved by the hearing panel, to the last known address of each of the following:

- 1424 i. The accused member;
 - 1425 ii. The charging individual;
 - 1426 iii. The secretary of the accused member's component, if any;
 - 1427 iv. The secretary of the accused member's constituent;
 - 1428 v. The chair of the ADA Council on Ethics, Bylaws and Judicial Affairs;
 - 1429 vi. The Executive Director of this Association; and, if applicable
 - 1430 vii. The Election Commission of the Association.
- 1431 5. **Notice of Right to Appeal Decision Adverse to the Accused Member.** Should the
1432 hearing panel decision sustain the charges against the accused member, a written notice
1433 to the accused member informing them of their right to appeal the decision of the
1434 hearing panel must accompany the copies of the decision sent pursuant to these
1435 procedures.
- 1436 6. **Finality of Decision.** A decision dismissing charges brought under the ADA Member
1437 Conduct Policy is a final decision without the right of appeal. For a decision adverse to the
1438 accused member, a decision will not become final while an appeal of the decision is
1439 pending or until the thirty (30) day period for filing notice of appeal has expired.
- 1440 7. **Non-Appeal of Decision Containing Sentence of Expulsion.** If a decision includes a
1441 sentence of expulsion and no notice of appeal is received within the thirty (30) day
1442 period within which to appeal, the chair of the hearing panel shall notify all parties, the
1443 Association and, if appropriate, the accused member's constituent and component, of
1444 the failure of the accused member to file an appeal. The sentence of expulsion will take
1445 effect on the date the notice of non-appeal is received. The disciplined member's
1446 component and constituent shall each determine what portion of their current dues and
1447 special assessments, if any, shall be returned to the expelled member. Dues and
1448 special assessments paid to this Association will not be refunded to an expelled
1449 member.
- 1450 **D. Appeals of Decision Finding Violations of the ADA Member Conduct Policy.** The
1451 following procedures shall be followed in any appeal from a decision issued as a result of a
1452 member conduct hearing pursuant to the procedures in this *Governance Manual*:
- 1453 1. **Right to Appeal.** Any member shall have the right to appeal a disciplinary decision issued
1454 by a member conduct hearing panel that imposes a penalty.
- 1455 a. **Appeals from a Component Hearing Panel Decision.** An appeal from a decision of a
1456 component hearing panel is to a constituent appeal panel formed pursuant to the
1457 constituent's established governance policies and procedures.
- 1458 b. **Appeals from a Constituent Hearing or Appeal Panel Decision.** An appeal from a

- 1459 decision of a constituent hearing or appeal panel is to the full Council on Ethics,
 1460 Bylaws and Judicial Affairs, except that the member of the Council from the Trustee
 1461 District in which the constituent that conducted the hearing is located is recused from
 1462 participating in the appeal.
- 1463 c. **Appeals from Council Hearing Panel Decision.** An appeal from a decision of a
 1464 hearing panel of the ADA Council on Ethics, Bylaws and Judicial Affairs is to the full
 1465 Council, except that members that participated in the investigatory or hearing panels in
 1466 the matter and the Council member from the Trustee District of the accused member
 1467 are recused from participating in the appeal.
- 1468 d. **Appeals in Matters Involving a Current or Recent Member of the ADA Council on**
 1469 **Ethics, Bylaws and Judicial Affairs.** An appeal of a decision in a matter involving a
 1470 current or recent member of the ADA Council on Ethics, Bylaws and Judicial Affairs is
 1471 to a member conduct appeal panel of the agency selected by the ADA President to
 1472 investigate the allegations of the *Member Conduct Policy* complaint pursuant to
 1473 Section C.1.e.ii. of this Chapter.
- 1474 e. **Time to Appeal and Form of Notice.** An appeal from any member conduct decision
 1475 under the procedures of this *Governance Manual* will not be valid unless the appeal is
 1476 filed within thirty (30) days of the date the decision appealed from was issued. The
 1477 appeal is to be commenced by the filing of a notice of appeal in affidavit form with the
 1478 chair of the member conduct appeal panel of the constituent if the appeal is from a
 1479 decision issued by a constituent hearing panel or to the chair of the ADA Council on
 1480 Ethics, Bylaws and Judicial Affairs if the appeal is from a decision issued by a hearing
 1481 panel of that Council, or the chair of the appeal panel of the agency that held the initial
 1482 hearing in the matter.
- 1483 2. **Time for Filing Briefs on Appeal.** Briefs in member conduct appeals brought under the
 1484 procedures of this *Governance Manual* are not mandatory, but are optional for each party.
 1485 If briefs are to be filed, they will be filed according to the following schedule:
- 1486 a. **Appellant's Initial Brief.** If being filed, an initial brief supporting an appeal must be
 1487 filed within sixty (60) days after the date the decision being appealed was issued.
- 1488 b. **Reply Brief.** If being filed, a reply brief supporting the decision appealed from must be
 1489 filed by the Association member or employee who lodged the member conduct
 1490 complaint within ninety (90) days after the decision being appealed was issued.
- 1491 c. **Rejoinder Brief.** If being filed, a rejoinder brief supporting an appeal must be filed
 1492 within one hundred five (105) days after the date the decision being appealed was
 1493 issued. Any rejoinder brief shall be limited to matters raised in the reply brief.
- 1494 3. **Time for Appellate Hearing.** No hearing on an appeal will be held within one hundred fifty
 1495 (150) days of the date the decision appealed from was issued or forty-five (45) days after
 1496 the last brief in the appeal was filed, whichever is later. Omission of briefs will not alter the
 1497 hearing date unless otherwise agreed to by the parties and the chair of the body hearing

1498 the appeal.

1499 4. **Conduct of Appellate Hearing.** The accused member shall be entitled to a hearing on an
1500 appeal, provided that such appeal meets the requirements of this section of the
1501 *Governance Manual*. The appeal hearing shall be conducted in accordance with the
1502 following parameters:

1503 a. **Members Hearing the Appeal.** Members of the investigatory and hearing panels
1504 involved in the action being appealed are recused from participating on the appeal
1505 panel and will not take part in deciding the appeal. Moreover, no member from the
1506 accused member's Trustee District will participate on the appeal panel or take part in
1507 deciding the appeal. If the appeal is to the ADA Council on Ethics, Bylaws and Judicial
1508 Affairs, the Council representative from the accused member's Trustee District will not
1509 take part in the appeal hearing or in deciding the appeal.

1510 b. **Parties to the Appeal.** In any appeal of a decision under the *Member Conduct Policy*,
1511 the parties to such an appeal shall be the accused member and the individual who
1512 filed the charges alleging a violation of the *Member Conduct Policy*.

1513 c. **Representation by Counsel.** In any appeal, the accused member is entitled to be
1514 represented by legal counsel.

1515 d. **Attendance at Hearing.** A party need not appear for the appeal to be heard.

1516 e. **Video Conference Hearings.** Absent extraordinary circumstances, appeal hearings
1517 will be conducted via video conference. Upon request and with a showing of
1518 extraordinary circumstances, any party may request that the hearing be conducted in
1519 person. Such a request may be granted or denied by the appeal panel, in its sole and
1520 absolute discretion, and the granting of such a request can be subject to meeting
1521 reasonable terms and conditions that may be set by the appeal panel including,
1522 without limitation, that the expenses incurred as a result of an in-person meeting be
1523 paid by the party making the request.

1524 f. **Hearing Notice.** The appeal panel will notify the accused member; the individual
1525 bringing the charges; the secretary of the accused member's component, if applicable;
1526 and the secretary of the accused member's constituent, if applicable, of the time and
1527 place of the appeal hearing. The hearing notice will be sent via a nationally recognized
1528 overnight delivery service, to the last known addresses of the parties to the appeal and
1529 the other entities receiving notice. The notice of hearing is to be sent not less than
1530 thirty (30) days prior to the hearing date of the appeal.

1531 g. **Hearing Continuances.** The granting of continuances will be at the sole discretion of
1532 the chair of the appeal panel.

1533 h. **Prehearing Matters.** All prehearing communications will be in writing and a copy of
1534 each communication shall be sent to every other party in the same manner sent to the
1535 chair of the appeal panel. Prehearing requests may be granted at the discretion of the

- 1536 chair of the appeal panel. The chair has the authority to rule on requests from the
 1537 parties for continuances and other prehearing procedural matters with advice from
 1538 legal counsel. The chair may, but need not, consult with the other members of the
 1539 appeal panel before rendering prehearing decisions.
- 1540 i. **Briefs.** If any party wishes to submit a brief in support of their position, the brief will be
 1541 submitted to the appeal panel chair in accordance with the prescribed briefing
 1542 schedule. A copy of each brief filed in an appeal must be delivered to the opposing
 1543 party in the appeal at the same time as the filing of the brief. Any party to the appeal
 1544 may choose to rely on the record and/or an oral presentation and not file a brief.
- 1545 j. **Record of Hearing.** Upon receiving a notice of an appeal, the hearing panel that
 1546 presided over the initial hearing shall furnish a transcript or a true and correct copy
 1547 of the minutes of the hearing being appealed to the appeal panel and the parties to
 1548 the appeal. The transcript or minutes shall be accompanied by true and correct
 1549 copies of any affidavits or other documents submitted as evidence in the initial
 1550 hearing.
- 1551 k. **Appellate Jurisdiction.** The appeal panel is required to review the decision
 1552 appealed from to determine whether the evidence before the hearing panel
 1553 supports the decision or warrants the penalty or penalties imposed. The appeal
 1554 panel is not required to consider additional evidence unless there is a clear
 1555 showing that a party to the appeal will be unreasonably harmed by failure to
 1556 consider the additional evidence.
- 1557 5. **Decisions on Appeals.**
- 1558 a. **Appeal Decisions not Involving Recommended Probation, Suspension,**
 1559 **Expulsion and/or Removal of a Trustee or Elective Officer.**
- 1560 i. **Written Decision.** Any appeal decision that does not involve the
 1561 recommended probation, suspension, expulsion and/or removal from office of
 1562 a trustee or elective officer must be reduced to writing. The decision must
 1563 clearly state the conclusion of the appeal panel and the reasons for reaching
 1564 that conclusion.
- 1565 ii. **Permissible Action on the Appeal.** The appeal panel will have the discretion
 1566 to:
- 1567 (a) Uphold the decision of the hearing panel;
- 1568 (b) Reverse the decision of the hearing panel and thereby exonerate the
 1569 accused member;
- 1570 (c) Deny an appeal that fails to satisfy the requirements of the procedures for
 1571 appeals of *Member Conduct Policy* decisions contained in this
 1572 *Governance Manual*;
- 1573 (d) Refer the case back to the hearing panel for new proceedings, if the rights
 1574 enumerated under all applicable policies and procedures were not
 1575 accorded the accused;
- 1576 (e) Remand the case back to the hearing panel for further proceedings when

- 1577 the appellate record is insufficient in the opinion of the appeal panel to
 1578 enable the appeal panel to render a decision; or
- 1579 (f) Modify the decision of the hearing panel by reducing the penalty imposed.
- 1580 iii. **Appeal of a Constituent Appeal Panel Decision.** The decision of a
 1581 constituent appeal panel in an appeal not involving a recommended
 1582 probation, suspension, expulsion and/or removal of a trustee or elective
 1583 officer may be appealed to the ADA Council on Ethics, Bylaws and Judicial
 1584 Affairs. Any such appeal will be conducted in accordance with Section D. of
 1585 this Chapter XI. of the *Governance Manual*. Any *Member Conduct Policy*
 1586 appeal decision of the ADA Council on Ethics, Bylaws and Judicial Affairs in
 1587 such cases will be final and non-appealable.
- 1588 iv. **Finality of a Decision of an Appeal Panel of the ADA Council on Ethics,
 1589 Bylaws and Judicial Affairs.** In appeals of decisions of a hearing panel of
 1590 the ADA Council on Ethics, Bylaws and Judicial Affairs not involving a
 1591 recommended probation, suspension, expulsion and/or removal of a trustee
 1592 or elective officer, the decision of the appeal panel of the ADA Council on
 1593 Ethics, Bylaws and Judicial Affairs will be final and non-appealable.
- 1594 v. **Delivery of the Appeal Decision to the Parties.** Within thirty (30) days of the
 1595 date on which a final decision on appeal is issued, the appeal panel that
 1596 issued the final decision will send a copy of the decision via a nationally
 1597 recognized overnight delivery service to the last known address of each of the
 1598 following: the accused member; the Association member or Association,
 1599 constituent or component employee bringing the *Member Conduct Policy*
 1600 charges; the secretary of the component of which the accused is a member, if
 1601 applicable; the secretary of the constituent of which the accused is a member,
 1602 if applicable; the Election Commission of the Association; and the ADA
 1603 Executive Director.
- 1604 b. **Appeals Involving Recommended Probation, Suspension, Expulsion and/or
 1605 Removal of a Trustee or Elective Officer.**
- 1606 i. **Written Decision.** In any appeal that involves the recommended probation,
 1607 suspension, expulsion or removal of a trustee or elective officer, the decision
 1608 must be reduced to writing. The decision must clearly state the conclusion of
 1609 the appeal panel and the reasons for reaching that conclusion.
- 1610 ii. **Permissible Penalties.** The appeal panel will have the discretion to:
- 1611 (a) Recommend upholding the decision of the hearing panel;
- 1612 (b) Reverse the recommended decision of the hearing panel and thereby
 1613 exonerate the accused member;
- 1614 (c) Recommend denial of an appeal that fails to satisfy the requirements of
 1615 the member conduct hearing procedures of this *Governance Manual*;
- 1616 (d) Refer the case back to the hearing panel for new proceedings, if the rights
 1617 enumerated under all applicable procedures were not accorded the
 1618 accused;
- 1619 (e) Remand the case back to the hearing panel for further proceedings when
 1620 the appellate record is insufficient to enable the appeal panel to render a

- 1621 decision; or
- 1622 (f) Modify the decision of the hearing panel by reducing the penalty imposed,
- 1623 except in cases in which the reduced penalty is probation, suspension
- 1624 and/or removal from office, where the appeal panel's decision shall be a
- 1625 recommendation.
- 1626 iii. **Appeal of a Constituent Appeal Panel Decision.** The decision of a
- 1627 constituent appeal panel in an appeal involving a trustee or elective officer
- 1628 that recommends probation, suspension, expulsion or removal of a trustee or
- 1629 elective officer may be appealed to the ADA Council on Ethics, Bylaws and
- 1630 Judicial Affairs. Any such appeal will be conducted in accordance with Section
- 1631 D. of this Chapter XI. of the *Governance Manual*.
- 1632 iv. **Delivery of the Appeal Decision in Cases Involving Recommended**
- 1633 **Probation, Suspension, Expulsion and/or Removal from Office.** Within
- 1634 thirty (30) days of the date on which a decision that recommends probation,
- 1635 suspension, expulsion and/or removal from office of a trustee or elective
- 1636 officer is approved by the ADA Council on Ethics, Bylaws and Judicial Affairs,
- 1637 a copy thereof shall be sent by a nationally recognized overnight delivery
- 1638 service to the last known address of each of the following: the accused
- 1639 trustee or elective officer; the Association member or Association staff
- 1640 member preferring charges; the Election Commission; the secretary of the
- 1641 component of which the trustee or elective officer is a member, if applicable;
- 1642 the secretary of the constituent of which the trustee or elective officer is a
- 1643 member, if applicable; and the ADA Executive Director.
- 1644 v. **Right to Respond.** When an appeal decision of the ADA Council on Ethics,
- 1645 Bylaws and Judicial Affairs recommends that a trustee or elective official be
- 1646 sentenced to probation, expulsion, suspension and/or removal from office,
- 1647 that trustee or elected official has the right to respond in writing to the decision
- 1648 and recommendation. The response of the trustee or elective official must be
- 1649 delivered to the chair of the ADA Council on Ethics, Bylaws and Judicial
- 1650 Affairs within thirty (30) days from the date the decision and recommendation
- 1651 was issued.
- 1652 vi. **Delivery of Decision and Response to the Applicable House of**
- 1653 **Delegates.**
- 1654 (a) For decisions that include a recommended penalty to a trustee or elected
- 1655 official of a constituent, the chair of the Council on Ethics, Bylaws and
- 1656 Judicial Affairs will forward the decision and recommended penalty,
- 1657 together with any response received from the trustee or elected official, to
- 1658 the Speaker of the House of Delegates for that constituent and the
- 1659 constituent's Executive Director.
- 1660 (b) For decisions that include a recommended penalty to a trustee or elected
- 1661 official of the ADA, the chair of the Council on Ethics, Bylaws and Judicial
- 1662 Affairs will forward the decision and recommended penalty, together with
- 1663 any response received from the trustee or elected official, to the Speaker
- 1664 of the ADA House of Delegates, the ADA Election Commission and the

1665 Association's Executive Director.
 1666 vii. **Consideration of Decision by House of Delegates.** Any decision that
 1667 recommends probation, suspension, expulsion and/or removal from office of a
 1668 trustee or elective officer shall be considered by the House of Delegates. The
 1669 House of Delegates shall decide whether to accept or reject any
 1670 recommended sentence of probation, suspension, expulsion and/or removal
 1671 from office against Trustees or Elected Officers of this Association. Delegates
 1672 and alternate delegates who participated in any portion of the procedures that
 1673 resulted in the decision and recommended penalty shall be recused from
 1674 deliberations of whether the recommended penalty should be approved by the
 1675 House of Delegates. A two-thirds (2/3) affirmative vote of the delegates
 1676 present and voting is required to impose a disciplinary penalty of expulsion
 1677 from membership or removal from office, suspension or probation.

1678 **E. Enforcement of Sentences.** After all appeals are exhausted or after the time for filing an
 1679 appeal has expired, a sentence of censure, suspension, expulsion and/or removal from
 1680 office meted out to any member by decisions rendered pursuant to the procedures in this
 1681 *Governance Manual*, including those instances when the disciplined member has been
 1682 placed on probation, shall be enforced by such individual's component and constituent, if
 1683 such exist, and this Association.

1684 **F. Non-Compliance.** In the event of a failure of technical compliance with the procedural
 1685 requirements contained in this *Governance Manual*, the entity hearing the appeal shall
 1686 determine the effect of such non-compliance.

1687 **G. Reminders of Obligation.** Because Reminders of Obligation are private administrative
 1688 actions and not disciplinary penalties, copies of such Reminders of Obligation shall only
 1689 be kept by the issuing panel for a period of six (6) months after issuance following which
 1690 such copies shall be destroyed.

1691 CHAPTER XII. FINANCIAL MATTERS

1692 A. Installment Payments of Dues and Special Assessments. Any constituent or component
 1693 may establish a plan for the installment payment of dues and special assessments for
 1694 active, life, retired and provisional members. This Association may establish a plan for
 1695 the installment payment of dues and special assessments for active, life and retired
 1696 members who are direct members of the Association. Any such installment plan shall
 1697 require:

- 1698 1. Monthly installment payments that conclude with the current dues and any special
 1699 assessment amount being paid by December 15.
- 1700 2. The expeditious transfer of installments of member dues and any special
 1701 assessments collected to this Association and any applicable constituent or
 1702 component.
- 1703 3. Any installment plan adopted under this provision of the *Governance Manual* may
 1704 impose a reasonable transaction fee upon the member. Transaction fees collected
 1705 shall be prorated between this Association and the constituent and component, if any,
 1706 based on the amount of dues and special assessment collected on each

1707 organization's behalf.

1708 B. Establishment of Funds. At the direction of the Board of Trustees, other funds may be
 1709 created for activities and programs requiring separate accounting records to meet
 1710 governmental and administrative requirements. Such funds shall consist of monies and
 1711 other assets received or allocated in accordance with the purpose for which they are
 1712 established. Such funds shall be used for defraying all expenses incurred in their
 1713 operation, shall serve only as separate accounting entities and continue to be held in the
 1714 name of the American Dental Association as divisions of the General Fund.

1715 C. Special Assessments.

1716 1. Notice. Notices of resolutions proposing a special assessment shall be sent
 1717 electronically to each constituent and posted on ADA Connect or its equivalent for the
 1718 House of Delegates not less than thirty (30) days before such session. Notices of
 1719 resolutions proposing special assessments shall also be announced to the general
 1720 membership in an official publication of this Association at least fifteen (15) days in
 1721 advance of the session. The specific project to be funded by the proposed
 1722 assessment, the time frame of the project, and the amount and duration of the
 1723 proposed assessment shall be clearly presented in giving notice to the members of
 1724 this Association.

1725 2. Amendments and Number of Assessments Permitted. The House of Delegates may
 1726 consider only one (1) specific project to be funded by a proposed assessment at a
 1727 time. However, if properly adopted by the House of Delegates, two (2) or more
 1728 special assessments may be in force at the same time.

1729 **CHAPTER XIII. INDEMNIFICATION [Reserved]**

1730 **CHAPTER XIV. PROCEDURAL MANUALS OF THE ASSOCIATION [Reserved]**

1731 **CHAPTER XV. PARLIAMENTARY AUTHORITY [Reserved]**

1732 **CHAPTER XVI. AMENDMENTS [Reserved]**

1733 **CHAPTER XVII. CONFLICT OF INTEREST**

1734 It is the policy of this Association that individuals who serve in elective, appointive or employed
 1735 offices or positions do so in a representative or fiduciary capacity that requires loyalty to the
 1736 Association. At all times while serving in such offices or positions, these individuals shall further
 1737 the interests of the Association as a whole. In addition, they shall avoid:

1738 A. Placing themselves in a position where personal or professional interests may conflict with
 1739 their duty to this Association;

1740 B. Using information learned through such office or position for personal gain or advantage;
 1741 and

1742 C. Obtaining by a third party an improper gain or advantage.

1743 As a condition for selection, each nominee, candidate and applicant shall complete a conflict of
 1744 interest statement as prescribed by the Board of Trustees, disclosing any situation which might be
 1745 construed as placing the individual in a position of having an interest that may conflict with their
 1746 duty to the Association. Candidates for offices of President-elect, Second Vice President,
 1747 Treasurer, Speaker of the House, nominees for office of trustee, and nominees to councils and

1748 commissions shall file such statements with the Secretary of the House of Delegates to be made
1749 available to the delegates prior to election. As a condition of appointment, consultants, advisers
1750 and staff of Councils, Commissions and Special Committees, and each person nominated or
1751 seeking such positions, shall file conflict of interest statements with the Executive Director of this
1752 Association.

1753 While serving in any elective, appointive or employed office or position, the individual shall comply
1754 with the conflict of interest policy applicable to their office or position, shall complete and file a
1755 conflict of interest statement for each year of service, and shall promptly report any situation in
1756 which a potential conflict of interest may arise.

1757 The Board of Trustees shall approve any additional compliance activities that will implement the
1758 requirements of this Chapter. The Board of Trustees shall render a final judgment on what
1759 constitutes a conflict of interest except with respect to the work of the Commission on Dental
1760 Accreditation.

1761

CHAPTER XVIII. SCIENTIFIC MEETINGS

1762 A. Object. The scientific session of this Association is established to foster the presentation and
1763 discussion of subjects pertaining to the improvement of the health of the public and the
1764 science and art of dentistry.

1765 B. Time and Place. The scientific session of the Association shall be held annually at a time and
1766 place selected by the Board of Trustees. Such selection shall be made at least one (1) year in
1767 advance.

1768 C. Trade and Laboratory Exhibits. Products and services of the dental trade and dental
1769 laboratories and other products and services may be exhibited at each scientific session
1770 under the direction of the Board of Trustees and in accordance with rules and regulations
1771 established by that body.

1772 D. Admission. Admission to meetings of the scientific sessions shall be limited to members of
1773 this Association who are in good standing and to others admitted in accordance with rules and
1774 regulations established by the Board of Trustees.

1775

CHAPTER XIX. PUBLICATIONS

1776 A. The Journal of the American Dental Association. *The Journal of the American Dental*
1777 *Association*, hereinafter referred to as *The Journal*, shall be published with a frequency
1778 and at a subscription rate that shall be determined by the Board of Trustees. The object
1779 of *The Journal* shall be to report, chronicle and evaluate activities of scientific and
1780 professional interest to members of the dental profession. Except as otherwise provided
1781 in the powers of the Board of Trustees in the *ADA Bylaws*, the editor of *The Journal*
1782 shall have the authority to determine its editorial content, including scientific-based
1783 content, and shall, with the assistance of an editorial board, establish and maintain a
1784 written editorial policy for *The Journal*.

1785 B. Other Journals. The Association may publish or cause to be published other journals in
1786 the field of dentistry subject to the direction and regulations of the Board of Trustees.

1787 C. Official Transactions. The official transactions of the House of Delegates and the Board
1788 of Trustees and the reports of officers, councils and committees shall be published
1789 under the direction of the Executive Director.

1790 D. Member Directory. This Association shall cause to be published a directory of members of the
1791 Association.

1792

As of October 2024

American Dental Association

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is available at ADA.org