

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

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GOVERNANCE AND ORGANIZATIONAL MANUAL
OF THE
AMERICAN DENTAL ASSOCIATION

Preface

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

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

Following the *Governance Manual*, two appendices are provided, as follows:

Frequently Asked Questions for Tripartite Member Hearing and

Judicial Process Flowcharts that graphically illustrate the hearing processes.

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

CHAPTER I. MEMBERSHIP MATTERS

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

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

a. An annual membership card;

b. A no cost subscription to *The Journal of the American Dental Association*;

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

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

e. Active members in good standing are eligible for election as a delegate or alternate delegate to the ADA House of Delegates and, subject to any limitation adopted by the House of Delegates in the *Election Commission and Campaign Rules*, are also eligible for election or appointment to any office or agency of the ADA, except as may be otherwise provided in the *ADA Bylaws* or this *Governance Manual*.

Active members under a disciplinary sentence of suspension or probation are not entitled to hold elective or appointive office, including delegate and alternate delegate,

in the ADA or the members' constituents or components. Also, such suspended or probated active members may not vote or otherwise participate in the selection or election of officers or other officials of the ADA or the members' components and constituents.

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

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

3. Life Members. Except as noted, life members shall receive the same privileges and benefits as active members, including:
 - a. An annual membership card;
 - b. A no cost subscription to *The Journal of the American Dental Association*;
 - c. The entitlement to attend any ADA scientific session or meeting; and
 - d. Such other benefits and services as the ADA may from time to time make available to life members.
 - e. Life members in good standing are eligible for election as a delegate or alternate delegate to the ADA House of Delegates and, subject to any limitation adopted by the House of Delegates in the *Election Commission and Campaign Rules*, are also eligible for election or appointment to any office or agency of the ADA, except as may be otherwise provided in the ADA *Bylaws* or this *Governance Manual*.
 - f. Life members under a disciplinary sentence of suspension or probation are not entitled to hold elective or appointive office, including delegate and alternate delegate, in the ADA or the members' constituents or components. Also, such suspended or probated life members may not vote or otherwise participate in the selection of officers or officials of the ADA or the members' components and constituents.
 - f. Life members who also meet the eligibility requirements for retired membership shall qualify for retired life membership. Retired life members shall receive all the privileges and benefits of active members, except that retired life members shall not receive a no cost print subscription to *The Journal of the American Dental Association* but shall receive a no cost subscription to the electronic version of *The Journal of the American Dental Association*. A reduced rate print subscription to *The Journal of the American Dental Association* is also available.

4. Student Members. Student members shall receive the following privileges and benefits,

including:

- a. An annual membership card;
- b. A paid subscription to *The Journal of the American Dental Association*;
- c. The entitlement to attend any ADA scientific session or meeting; and
- d. Such other benefits and services as the ADA may from time to time make available to student members.
- e. Student members in good standing are eligible for election as a delegate or alternate delegate of the American Student Dental Association to the ADA House of Delegates.
Student members under a disciplinary sentence of suspension or probation are not entitled to serve as a delegate and alternate delegate of the American Student Dental Association to the ADA House of Delegates.

5. Provisional Members. Except as noted, provisional members shall receive the same privileges and benefits as active members, including:

- a. An annual membership card;
- b. A no cost subscription to *The Journal of the American Dental Association*;
- c. The entitlement to attend any ADA scientific session or meeting; and
- d. Such other benefits and services as the ADA may from time to time make available to provisional members.
- e. Provisional members in good standing are eligible for election as a delegate or alternate delegate to the ADA House of Delegates and, subject to any limitation adopted by the House of Delegates in the *Election Commission and Campaign Rules*, for election or appointment to any office or agency of the ADA, except as may be otherwise provided in the *ADA Bylaws* or this *Governance Manual*.
Provisional members under a disciplinary sentence of suspension or probation are not entitled to hold elective or appointive office, including delegate and alternate delegate, in the ADA. Also, such suspended or probated provisional members may not vote or otherwise participate in the selection of officers or officials of the ADA.
- f. Provisional members shall not be entitled to appeal a denial of active membership in the Association.

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

- a. An annual membership card;
- b. A no cost subscription to the electronic version of *The Journal of the American Dental Association* with a reduced rate print subscription to *The Journal of the American Dental Association* available;
- c. The entitlement to attend any ADA scientific session or meeting; and
- d. Such other benefits and services as the ADA Board of Trustees may from time to time make available to honorary members.
- e. Honorary members are not entitled to hold elective or appointive office, including delegate and alternate delegate, in the ADA or the honorary members' constituents or components or to vote or otherwise participate in the selection of officers or officials of the ADA.

7. International Members. International members shall receive such products and services as may be authorized from time to time by the Board of Trustees in collaboration with the

Council on Membership.

B. Dues, Special Assessments and Related Financial Matters.

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

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

a. Active Members.

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

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

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

d. Student Members:

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

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

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

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

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

2. Special Assessments. Pursuant to the ADA *Bylaws*, the House of Delegates has the power to levy special assessments. Any special assessment for a calendar year is due and payable on January 1, except where a member has opted to pay in installments pursuant to a plan offered by the member's constituent; in which case, the special assessment is paid according to the

plan's requirements.

The schedule of special assessment allocation for each of the membership categories specified in the *ADA Bylaws* is as follows:

a. Active Members.

- i. From degree award through conclusion of the first full year following an award of a D.D.S. or D.M.D. degree: the member is exempt from the payment of any special assessment then in effect.
- ii. Second full year following degree award: Fifty percent (50%) of any special assessment then in effect.
- iii. Third full year following degree award and thereafter: One hundred percent (100%) of any special assessment then in effect.
- iv. On a one-time only basis, those members becoming active members after July 1, except for those whose membership has lapsed for failure to pay the current year's dues and/or any special assessment, shall pay fifty percent (50%) of any special assessment then in effect. On a one-time only basis, those members becoming active members after October 1, except for those whose membership has lapsed for failure to pay the current year's dues and/or any special assessment, shall be exempt from the payment of any special assessment then in effect.

b. Retired Members. Twenty-five percent (25%) of any special assessment then in effect.

c. Life Members. The obligation of life members to pay any special assessment then in effect is the same as for active members, except that members who also meet the eligibility requirements for retired membership shall be exempt from the payment of special assessments.

d. Student Members. Pre-doctoral, post-doctoral students and residents are exempt from the payment of special assessments.

e. Provisional Members. The obligation of provisional members to pay any special assessment then in effect is the same as for active members.

f. Honorary Members. Honorary members are exempt from the payment of special assessments.

g. International Members. International members are exempt from the payment of special assessments.

3. Acceptance of Back Dues and Special Assessments. For purposes of establishing continuity of active membership to qualify for life membership, back dues and any special assessment, except as otherwise provided in the *Bylaws*, shall be accepted for not more than the three (3) years of delinquency prior to the date of application for such payment. The rate of such dues and/or any special assessment, except as otherwise provided in the *Bylaws*, shall be in accordance with Chapter I, Section 40 of the *Bylaws*.

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

Notwithstanding the forgoing, due to the effects of the COVID 19 pandemic in the U.S.,

members who resume their ADA membership by June 30, 2023 after missing either or both of the 2020-2021 and 2021-2022 membership years shall be considered to have maintained continuous membership with regard to the requirements for all ADA membership categories.

4. Limited Dues and Special Assessment Reduction Programs. Notwithstanding the foregoing policies on dues and special assessments, the following limited dues reduction programs are available in certain circumstances:

- a. New Graduate Dues Reduction Deferral. For dentists who are engaged full-time in an advanced training program of not less than one academic year's duration, post-doctoral or residency program while eligible for the new graduate active member dues and special assessment reduction program outlined above, the applicable reduced dues rate shall be deferred until completion of post-doctoral or residency program. Commencing at the start of the calendar year after the dentist completes the program, the dentist shall recommence paying dues and any special assessment for active members at the reduced dues rate where the dentist left off in the progression. During the period such dentist is engaged full-time in an advanced training course of not less than one (1) academic year's duration, post-doctoral or residency program, the dues and special assessment exemption provisions for post-doctoral students and residents shall apply.
- b. First Time Member Ineligible for New Graduate Dues Reduction. A dentist who has never been an active member of this Association and is ineligible for dues and special assessment reduction as a new graduate under the provisions of the *Governance Manual*, shall pay fifty percent (50%) of active member dues and any special assessment in the first year of membership, and shall pay one hundred percent (100%) of active member dues and any special assessment in the second year and each year thereafter.
- c. Active Membership Promotion. The Board of Trustees may authorize a limited dues reduction, up to one hundred percent (100%) of active member dues and any special assessment then in effect for the purpose of promoting active membership in target U.S. markets through marketing campaigns recommended by the Council on Membership. This reduction of active member dues and any special assessments shall be on a one-time only basis for these members.
- d. Financial or Humanitarian Waivers. Any members who have suffered a significant financial hardship that prohibits them from payment of their full dues and/or any special assessment may be excused from the payment of fifty percent (50%) or all of the current year's dues and/or any special assessment. To qualify for the Humanitarian Waiver the member must be working full-time for a humanitarian organization and must not be receiving an income or a salary for such humanitarian service other than a subsistence amount which approximates a cost of living allowance. Such member shall be exempt from the payment of all dues and any special assessment then in effect through December 31, following completion of such service. This is provided that such humanitarian service is being performed continuously, for not less than one (1) year and further, that such member does not supplement such subsistence income by the performance of services as a member of the faculty of a dental or dental auxiliary school, dental administrator or consultant, or practitioner of any activity for which a license to practice dentistry or dental hygiene is required. Any waiver shall be initially determined by the members' constituents and components and the constituents and components shall certify the reason for the waiver, and provide the same proportionate waiver of

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

275

CHAPTER II. CONSTITUENTS AND COMPONENTS

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

306 Massachusetts Dental Society
 307 Michigan Dental Association
 308 Minnesota Dental Association
 309 Mississippi Dental Association, The
 310 Missouri Dental Association
 311 Montana Dental Association
 312 Nebraska Dental Association, The
 313 Nevada Dental Association
 314 New Hampshire Dental Society
 315 New Jersey Dental Association
 316 New Mexico Dental Association
 317 New York State Dental Association
 318 North Carolina Dental Society, The
 319 North Dakota Dental Association
 320 Ohio Dental Association
 321 Oklahoma Dental Association
 322 Oregon Dental Association
 323 Pennsylvania Dental Association
 324 Puerto Rico, Colegio de Cirujanos Dentistas de
 325 Rhode Island Dental Association
 326 South Carolina Dental Association
 327 South Dakota Dental Association
 328 Tennessee Dental Association
 329 Texas Dental Association
 330 Utah Dental Association
 331 Vermont State Dental Society
 332 Virgin Islands Dental Association
 333 Virginia Dental Association
 334 Washington State Dental Association
 335 West Virginia Dental Association
 336 Wisconsin Dental Association
 337 Wyoming Dental Association

338 2. Privilege of Representation.

- 339 a. Delegates. Each state constituent, the District of Columbia Dental Society and each
 340 federal dental service shall be entitled to a minimum of two (2) delegates in the
 341 House of Delegates. Each territorial constituent shall be entitled to a minimum of two
 342 (2) delegates in the House of Delegates if its total membership is equal to or greater
 343 than the size of the smallest state constituent; otherwise the territorial constituent
 344 shall receive one (1) delegate. The remaining number of delegates shall be
 345 allocated as set forth in the *Manual of the House of Delegates (House Manual)*.
 346 b. Alternate Delegates. Each constituent and each federal dental service may select
 347 from among its active, life and retired members up to the same number of alternate
 348 delegates as delegates and shall designate the delegate whom the alternate shall
 349 replace in the case of absence.

350 3. Transfer from One Constituent to Another.

- 351 a. A member shall be entitled to apply for a transfer of membership from one

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

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

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

378 C. Components.

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

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

- 390 a. Select its active, life and retired members in accordance with and subject to the
391 provisions of Chapter II of the *Bylaws* and this *Governance Manual*.
- 392 b. Discipline any of its members in accordance with and subject to the provisions of
393 Chapter X of the *Bylaws* and this *Governance Manual*.
- 394 c. Establish committees, councils and commissions of the component; to designate their
395 powers and duties; and to adopt reasonable eligibility requirements for service thereon.
- 396 d. Adopt a code of ethics not in conflict with the *Principles of Ethics and Code of*
397 *Professional Conduct* of this Association or code of ethics of its constituent.
- 398 e. Adopt an organizational code of conduct not in conflict with the *Member Conduct Policy* of
399 this Association or code of conduct of its constituent.

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

CHAPTER III. HOUSE OF DELEGATES

A. Convening Sessions of the House of Delegates.

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

CHAPTER IV. TRUSTEE DISTRICTS [Reserved]

CHAPTER V. BOARD OF TRUSTEES

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

Association and an active, life or retired member of one of the constituents of the trustee district which the trustee is elected or appointed to represent.

B. Nomination, Declaration of Election and Installation Procedure. The name of each nominee for the office of trustee brought forward by the nominee's trustee district shall be read to the House of Delegates by the Speaker of the House of Delegates. Because there is only a single nominee provided by each trustee district, following the reading of names, the Speaker of the House of Delegates shall declare the nominees elected. The newly elected trustees and the New Dentist Committee chair shall be installed by the President or the President's designee.

C. Removal. The House of Delegates may remove a trustee for cause in accordance with procedures established by the House of Delegates. The procedures shall provide for notice of the charges alleged and an opportunity for the accused to be heard in their defense. A two-thirds (2/3) affirmative vote of the delegates present and voting is required to remove a trustee from office.

D. Vacancy. A trustee district may specify in writing to the Association's Executive Director how its nominee shall be chosen. In the event an appointment to fill the vacancy has not been made by the time of the next meeting of the House of Delegates following the occurrence of the vacancy, then a nominee to fill the vacancy shall be selected by the affected trustee district's caucus and the nominee's name shall be forwarded to the Secretary of the House of Delegates. Election and installation of the successor trustee shall be as stated in the *Bylaws* and as earlier set forth in this chapter of the *Governance Manual*. If the term of the vacated trustee position has less than fifty percent (50%) of a full four-year term remaining at the time the successor trustee is appointed or elected, the successor trustee shall be eligible for election to a new, consecutive four-year term. If fifty percent (50%) or more of the vacated term remains to be served at the time of the appointment or election, the successor trustee shall not be eligible for another term.

E. Powers.

1. The Board of Trustees shall report to the House of Delegates for approval any interim actions taken with respect to councils and special committees, consistent with the exercise of its power to supervise, monitor and guide, on an interim basis, the activities of all councils and special committees, including the establishment of rules and procedures that authorize the transaction of business by ballot without a meeting.

2. Consistent with the exercise of its power to authorize limited scope pilot programs, the Board of Trustees may approve guidelines relating to the conduct of the program when authorizing a pilot program. No pilot program authorized by the Board of Trustees shall exceed a period of three years without approval by the House of Delegates. The Board of Trustees shall annually report to the House of Delegates on any authorized pilot program during the program's duration that is inconsistent with any provision of the *Bylaws*.

F. Duties. The Board shall perform the following activities as part of its management responsibilities:

1. Provide guidelines and directives to govern the Treasurer's custody, investment and disbursement of Association funds and other property.

2. Notice of the Board of Trustee's proposed budget and a resolution containing the Board of Trustee's recommendation for active member dues required by the *ADA Bylaws* shall be sent electronically to each constituent and posted on ADA Connect or its equivalent for the House of Delegates not less than thirty (30) days before the first scheduled meeting of the House of Delegates to permit prompt, adequate notice by each constituent to its delegates and alternate delegates to the House of Delegates. The resolution containing the Board of Trustee's recommendation for active member dues shall be also announced to the general

membership in an official publication of the Association at least fifteen (15) days in advance of the commencement of the annual session of the House of Delegates.

3. Act upon applications for active membership from applicants practicing in dependencies of the United States in which no constituent exists or who are employed by the federal dental services.
4. Review the periodic delegate allocations to the House of Delegates performed pursuant to the methodology set forth in the *Manual of the House of Delegates*.
5. Establish administrative agencies of this Association as may be necessary to implement the Association's programs and, through the Executive Director of the Association under whose jurisdiction such administrative agencies shall operate, assign the duties and receive reports required of such agencies.

- G. Call for Special Meetings. Special meetings of the Board of Trustees may be called by the President or at the request of five (5) voting members of the Board of Trustees for matters of the Association requiring immediate attention.

CHAPTER VI. ELECTIVE OFFICERS OF THE ASSOCIATION

- A. Eligibility. Only an active, life or retired member, in good standing, of this Association shall be eligible to serve as an elective officer. No trustee or other elected officer is eligible to serve simultaneously as Treasurer or Speaker of the House of Delegates.

- B. Nominations.

1. President-Elect and Second Vice President. Nominations for the offices of President-elect and Second Vice President shall be made in accordance with the order of business. Candidates for these elective offices shall be nominated from the floor of the House of Delegates by a simple declaratory statement, which may be followed by an acceptance speech not to exceed four (4) minutes by the candidate from the podium, according to the protocol established by the Speaker of the House of Delegates. Seconding a nomination is not permitted.
2. Treasurer. The search for Treasurer shall be announced in an official publication of the Association in November of the final year of the incumbent Treasurer's term, together with the recommended qualifications for that position as provided in the *Bylaws*. Candidates for the office of Treasurer shall apply by submitting a standardized Treasurer *Curriculum Vitae* form to the Executive Director at least one hundred twenty (120) days prior to the convening of the House of Delegates. Each candidate's application shall be reviewed by the Board of Trustees. At least sixty (60) days prior to the convening of the House of Delegates the Executive Director shall provide all members of the House of Delegates, with each candidate's standardized Treasurer *Curriculum Vitae* and the determination of the Board of Trustees as to whether the candidate meets the recommended qualifications for the office of Treasurer. No other candidate shall be nominated from the floor of the House of Delegates. Nominations shall be made in accordance with the order of business. Each nomination may be followed by an acceptance speech not to exceed four (4) minutes by the candidate from the podium, according to the protocol established by the Speaker of the House of Delegates. Seconding a nomination is not permitted. No further nominations for the office of Treasurer shall be accepted from the floor of the House of Delegates. If there are no eligible candidates for the office of Treasurer when the House of Delegates meets, the term of the incumbent Treasurer shall be extended by one (1) year. Should the incumbent Treasurer be unwilling or unable to serve an additional one (1) year term, the office of Treasurer shall be filled in accordance with the vacancy provisions of this chapter of the *Governance Manual*. Under these circumstances, former Treasurers of this

Association not otherwise eligible to serve as Treasurer due to term limits will be eligible to serve as Treasurer until the House of Delegates can elect a Treasurer.

3. Speaker of the House of Delegates. The search for Speaker of the House shall be announced in an official publication of the Association in November of the final year of the incumbent Speaker of the House's term. Candidates for the office of Speaker of the House shall apply by submitting a *curriculum vitae* along with a statement supporting their qualifications to the Executive Director at least one hundred twenty (120) days prior to the convening of the House of Delegates. At least sixty (60) days prior to the convening of the House of Delegates the Executive Director shall provide all members of the House of Delegates with each candidate's *Curriculum Vitae* and statement of qualifications for the office of Speaker of the House. If no candidate has applied and submitted the required documentation, then the Association shall inform all delegates of this circumstance and the period to apply shall be extended to thirty (30) days prior to the convening of the House of Delegates. Only candidates who have applied and submitted the required documentation shall be nominated from the floor of the House of Delegates. If thirty (30) days prior to the convening of the House of Delegates no candidate has applied and submitted the required documentation then the Association shall inform all delegates of this circumstance and also inform them that nominations shall be permitted from the floor of the House of Delegates. Nominations for the office of Speaker of the House shall be made in accordance with the order of business. Each nomination may be followed by an acceptance speech not to exceed four (4) minutes by the candidate from the podium, according to the protocol established by the Speaker of the House of Delegates. Seconding a nomination is not permitted. If there are no candidates for the office of Speaker of the House nominated when the House of Delegates meets, the term of the incumbent Speaker of the House shall be extended by one (1) year. Should the incumbent Speaker of the House be unwilling or unable to serve an additional one (1) year term, the office of Speaker of the House shall be filled in accordance with the vacancy provisions of this chapter of the *Governance Manual*. Under these circumstances, former Speakers of the House not otherwise eligible to serve as Speaker due to term limits will be eligible to serve as Speaker until the House of Delegates can elect a Speaker of the House.

- C. Term of Office. The two consecutive three-year term limit for the offices of Treasurer and Speaker of the House of Delegates shall not apply in the case of a former Treasurer or Speaker of the House, who may serve until the House of Delegates can elect a Speaker of the House of Delegates, in the event of a vacancy as described elsewhere in this chapter of the *Governance Manual*. Serving any portion of a three (3) year term shall be considered service of a full three (3) year term.
- D. Installation. The elective officers shall be installed at the last meeting of the annual session of the House of Delegates. The President-elect shall be installed as President at the next annual session of the House following election. The Second Vice President shall be installed as First Vice President at the next annual session of the House following election.
- E. Removal. The House of Delegates may remove an elective officer for cause in accordance with procedures established by the House of Delegates. The procedures shall provide for notice of the charges alleged and an opportunity for the accused to be heard in their defense. A two-thirds (2/3) affirmative vote of the delegates present and voting is required to remove a trustee from office.
- F. Vacancies in Elective Offices. Vacancies in elective offices shall be filled as specified in the *ADA Bylaws*.

CHAPTER VII. APPOINTIVE OFFICER

- A. Duties. In addition to those duties set forth in the *Bylaws*, it shall be the duty of the Executive Director to:
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;
 2. Systematize the preparation of council, commission, and committee reports; and
 3. Encourage collaboration and the exchange of information concerning mutual interests and issues between councils, committees, and commissions.
- 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.

CHAPTER VIII. COUNCILS

- A. Composition, Nominations and Election, and Removal for Cause.
1. Composition. The composition of the councils of this Association shall be as follows:
 - a. Council on Dental Education and Licensure. The Council on Dental Education and Licensure shall be composed of seventeen (17) members selected as follows:
 - i. Nominations.
 - (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.*
 - (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.
 - (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.
 - (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.

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

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

721 next honoree.

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

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

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

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

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

754 J. Annual Report and Budget.

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

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

759 K. Areas of Responsibility.

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

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

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

767 be:

- 768 a. Advise on the management of the Association's reputation;
- 769 b. Develop, recommend and maintain ADA strategic communications plans;
- 770 c. Advise ADA agencies on branding;
- 771 d. Advise on prioritization and allocation of communications resources; and
- 772 e. Advise on communications and marketing for constituents and components, upon
- 773 request.

774 3. Council on Dental Benefit Programs. The areas of subject matter responsibility of the

775 Council shall be:

- 776 a. Administration and financing of all dental benefit programs including both commercial
- 777 and public programs;
- 778 b. Dental Quality Alliance;
- 779 c. Monitoring of quality reporting activities of third party payers;
- 780 d. Peer review programs;
- 781 e. Code sets and code taxonomies including but not limited to procedure and diagnostic
- 782 codes;
- 783 f. Electronic and paper dental claim content and completion instructions; and
- 784 g. Standards pertaining to the capture and exchange of information used in dental benefit
- 785 plan administration and reimbursement for services rendered.

786 4. Council on Dental Education and Licensure. The areas of subject matter responsibility of

787 the Council shall be:

- 788 a. Policy on dental, advanced dental and allied dental education and accreditation and
- 789 comments on proposed new and revised accreditation standards;
- 790 b. Policy on recognition of dental specialties and certifying boards and the *Requirements*
- 791 *for Recognition of Dental Specialties* and the *Requirements for Recognition of*
- 792 *Specialty Certifying Boards*;
- 793 c. Dental anesthesiology and sedation;
- 794 d. Dental, advanced dental and allied dental admission testing;
- 795 e. Policy on Licensure;
- 796 f. Certifying boards and credentialing for allied dental personnel;
- 797 g. Policy on continuing dental education; and
- 798 h. Recognition of interest areas in general dentistry.

799 5. Council on Dental Practice. The areas of subject matter responsibility of the Council shall

800 be:

- 801 a. Dental practice, including:
- 802 i. Dental practice management;
- 803 ii. Practice models and economics;
- 804 iii. Scope of practice;
- 805 iv. Impact of and compliance with regulatory mandates; and
- 806 v. Assessment of initiatives directed to the public and the profession;
- 807 b. Allied dental personnel, including:

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

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

873 CHAPTER IX. COMMISSIONS

874 A. Members, Selections, Nominations and Elections.

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

that twelve (12) members shall be selected as follows:

- a. Three (3) members who shall be appointed by the Board of Trustees from the names of active, life or retired members of this Association. None of the appointees shall be a faculty member of any dental education program working more than one day per week or a member of a state board of dental examiners or jurisdictional dental licensing agency.
 - b. Six (6) members who are active, life or retired members of this Association and also current members of the American Association of Dental Boards shall be selected by the American Association of Dental Boards. None of these members shall be a faculty member of any dental education program.
 - c. Three (3) members who are active, life or retired members of this Association and also current members of the American Dental Education Association shall be selected by the American Dental Education Association. None of these members shall be a member of any state board of dental examiners or jurisdictional dental licensing agency.
3. Commission for Continuing Education Provider Recognition. The number of and the method of selection of members of the Commission for Continuing Education Provider Recognition shall be governed by the *Rules of the Commission for Continuing Education Provider Recognition*, except that five (5) members shall be selected as follows:
- a. Four (4) members who shall be appointed by the Board of Trustees from the names of active, life or retired members of this Association. None of the appointees shall be a faculty member of any dental education program working more than one day per week or a member of a state board of dental examiners or jurisdictional dental licensing agency. At least two (2) of the members appointed shall be general dentists.
 - b. One (1) member selected by the American Dental Education Association who is an active, retired or life member of this Association, if eligible, and a current member of the American Dental Education Association.
4. National Commission on Recognition of Dental Specialties and Certifying Boards. The National Commission on Recognition of Dental Specialties and Certifying Boards shall be composed of members selected as follows:
- a. One (1) specialist from each dental specialty recognized by this Commission who is an active, life or retired member of this Association appointed by the sponsoring organization for that specialty.
 - b. A number of general dentists equal to the number of members appointed pursuant to subsection 4.a. of this Section who are active, life or retired members of this Association appointed by the Board of Trustees.
 - c. A member of the general public appointed by the Commission.
5. Amendment. The entirety of this Section A of Chapter IX is amendable by a two-thirds (2/3) affirmative vote of delegates present and voting, provided that the proposed amendment(s) shall have been presented in writing at a previous session or a previous meeting of the same session of the House of Delegates.
- B. Removal for Cause. Any of the commissions of this Association shall have the sole authority to remove any of its members for cause pursuant to its *Rules*, with notice of such removal being given to the ADA Board of Trustees.
- C. Eligibility.
1. All members of commissions who are dentists must be active, life or retired members in good standing of this Association except as otherwise provided in the *Bylaws*.

2. If a commission member ceases to be a member of the organization that selected or elected the commission member, that commission member's membership on the commission shall terminate, and the Chair of the commission shall declare the position vacant.
 3. Any organizations that select members to serve on the Commission for Continuing Education Provider Recognition and offer continuing dental education courses must be recognized as a continuing education provider by the commission.
 4. No member of a commission may serve concurrently as a member of a council or another commission.
 5. A member shall not be eligible for appointment to another commission or council for a period of two (2) years after completing a previous commission or council appointment.
- D. Chairs. Commissions shall elect their own chairs. To be eligible to serve as chair of a commission, the commission member must be an active, life or retired member of this Association.
- E. Consultants, Advisers and Staff.
1. Consultants and Advisers.
 - a. The Commission on Dental Accreditation shall have the power to appoint consultants to assist in developing requirements and guidelines for conducting the accreditation program and accreditation evaluations, including site visitations of predoctoral, advanced and allied dental education programs.
 - b. The Joint Commission on National Dental Examinations shall have the power to appoint consultants to serve on the commission's test construction teams and to assist with test administration, test development, test security and test psychometric evaluation.
 - c. The Commission for Continuing Education Provider Recognition shall have the power to appoint consultants to assist in developing standards and procedures, conducting recognition reviews and conducting appeals.
 - d. The National Commission on Recognition of Dental Specialties and Certifying Boards shall have the power to appoint consultants to assist in the periodic review of dental specialties, the annual review of dental specialty certifying boards, and in conducting appeals.
 2. Staff. The Executive Director shall employ the staff of commissions, in the event they are employees, and shall select the titles for commission staff positions.
- F. Term of Office and Tenure.
1. Term of Office. The term of office of members of the commissions of this Association shall be four (4) years except that (a) the term of office of members of the Commission on Dental Accreditation selected pursuant to the *Rules of the Commission on Dental Accreditation* shall be governed by those *Rules*, and (b) the term of office of the dental student selected by the American Student Dental Association for membership on the Joint Commission on National Dental Examinations shall be one (1) year.
 2. Tenure. The tenure of a member of a commission shall be limited to one (1) term of four (4) years except that (a) the tenure of members of the Commission on Dental Accreditation selected pursuant to the *Rules of the Commission on Dental Accreditation* shall be governed by those *Rules*, and (b) tenure in office of the dental student selected by the American Student Dental Association for membership on the Joint Commission on National Dental Examinations shall be one (1) term.

G. Vacancy. In the event of a vacancy in the office of a member of a commission, the following procedure shall be followed:

1. In the event the member of a commission whose office is vacant is or was a member of and was appointed or elected by this Association, the President of this Association shall appoint a member of this Association to fill that vacancy. The appointed member shall possess the same qualifications as established in this *Governance Manual* for the previous member, and the appointed member shall fill the vacancy until a successor is elected by the next House of Delegates of this Association for the remainder of the unexpired term.
2. In the event the member of a commission whose office is vacant was selected by an organization other than this Association, such other organization shall appoint a successor. The appointed member shall possess the same qualifications as those possessed by the previous member of the commission.
3. In the event such vacancy involves the chair of a commission, the vice chair shall serve as *ad interim* chair pending selection of a chair.
4. If the term of the vacated office of a member of a commission has less than fifty percent (50%) of a full four-year term remaining at the time the successor member is appointed or elected to fill the vacancy, the successor member shall be eligible for election to a new four-year term. If fifty percent (50%) or more of the vacated term remains to be served at the time of the appointment or election of a successor member to fill the vacancy, the successor member shall not be eligible for another term.

H. Meetings of Commissions. Each commission shall conduct meetings in accordance with its Rules. Commissions shall hold at least one regular meeting annually. Meetings may be held at the ADA Headquarters Building, the ADA Washington Offices or from multiple remote locations through the use of a conference telephone or other communications equipment by which all members can communicate with each other.

I. Quorum. Quorum requirements for each commission shall be as stated in the *Rules* of that commission.

J. Privilege of the Floor. Chairs and members of the commissions of this Association who are not members of the House of Delegates shall have the right to participate in the debate on their respective reports, but shall not have the right to vote.

K. Annual Report and Budget.

1. Annual Report. The Joint Commission on National Dental Examinations, the Commission on Continuing Education Provider Recognition, and the National Commission on Recognition of Dental Specialties and Certifying Boards shall submit, through the Executive Director, an annual report to the House of Delegates containing that information each commission deems to be appropriate and a copy thereof to the Board of Trustees. The Commission on Dental Accreditation shall publish an annual report containing that information it deems to be appropriate to its communities of interest according to a timeline of its choosing and pursuant to the *Rules of the Commission on Dental Accreditation*.
2. Proposed Budget. Each commission shall submit to the Board of Trustees, through the Executive Director, a proposed itemized budget for the ensuing fiscal year.

L. Power to Adopt Rules. Any commission of this Association shall have the power to adopt rules for such commission and amendments thereto, provided such rules and amendments thereto do not conflict with or limit the *Constitution and Bylaws*, *Governance and Organizational Manual* and *Standing Rules for Councils and Commissions* of this Association. Commissions shall have the power to adopt rules and amendments thereto pursuant to a two-thirds affirmative vote of the members present and voting.

CHAPTER X. COMMITTEES, SPECIAL COMMITTEES AND SUBCOMMITTEES

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.

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

A. Disciplinary Matters.

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.
2. Disciplinary Penalties. A member may be disciplined for any of the offenses enumerated in this *Governance Manual* as follows:
 - a. Censure. Censure is a disciplinary sentence expressing in writing severe criticism or disapproval of a particular type of conduct or act.
 - 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.
 - 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.
 - 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.
 - 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

1080 officer for the remaining term may be imposed in addition to, or in lieu of, any of the
1081 penalties enumerated above.

1082 3. Reminder of Obligation. In appropriate circumstances, a constituent or component or, in
1083 the case of direct members, this Association, may issue a Reminder of Obligation to a
1084 member where the member may have committed a relatively minor infraction of the ADA
1085 *Member Conduct Policy* or engaged in conduct to which the ADA *Member Conduct Policy*
1086 might apply. The same is true of the *Bylaws*, the *Principles of Ethics and Code of*
1087 *Professional Conduct* or the bylaws or code of ethics of a constituent or component of
1088 which the accused is a member. Such a Reminder of Obligation is not a disciplinary
1089 penalty but is a private administrative action. No record of the issuance of a Reminder of
1090 Obligation shall be placed in the member's membership records.

1091 B. Hearings on Charges Related to the ADA Bylaws and the Principles of Ethics and Code of
1092 Professional Conduct. Any member charged with violating the ADA *Bylaws*, the *Principles of*
1093 *Ethics and Code of Professional Conduct* or the Association's *Member Conduct Policy* shall
1094 be afforded the right to a fair and impartial hearing conducted in accordance with the
1095 procedures set forth in this *Governance Manual*. For a member of a constituent, disciplinary
1096 proceedings may be instituted by either the member's component or constituent. For a direct
1097 member, disciplinary proceedings may be instituted by the Association's Council on Ethics,
1098 Bylaws and Judicial Affairs.

1099 1. Initial Disciplinary Hearings on Charges Relating to the ADA Bylaws or the Principles of
1100 Ethics and Code of Professional Conduct. The following procedures are to be followed by a
1101 component or constituent or this Association bringing charges of *Bylaws* or ethics
1102 violations:

1103 a. Notice. An organization bringing charges against a member alleging a violation of either
1104 the ADA *Bylaws* or the *Principles of Ethics and Code of Professional Conduct* shall
1105 issue a notice of charges that will meet the following specifications:

1106 i. Charges Brought. The notice of charges will contain a detailed statement of all
1107 disciplinary charges brought against the accused member, including (a) an official
1108 certified copy of any alleged conviction or determination of guilt that is the basis for
1109 the disciplinary action, (b) description of the section(s) of the *Bylaws* or the ethical
1110 provisions alleged to have been violated, and/or (c) a description of the conduct
1111 alleged to constitute each violation.

1112 ii. Time of Hearing. The notice of charges shall contain notification of the date, time
1113 and place that a hearing on the charges will be held.

1114 iii. Delivery of Notice. The notice of charges shall be sent to the accused member by
1115 certified mail, return receipt requested. The notice of charges shall be addressed to
1116 the accused member's last known address and mailed not less than twenty-one
1117 (21) days prior to the date set for the hearing.

1118 b. Hearing. Any member accused of violating either the ADA *Bylaws* or the *Principles of*
1119 *Ethics and Code of Professional Conduct* is entitled to a hearing before a hearing body
1120 of the entity bringing the charges.

1121 i. Purpose. The purpose of a disciplinary hearing is to provide the accused member
1122 with the opportunity to present a defense to the charges brought against the
1123 member.

1124 ii. Representation by Counsel. The organization bringing the charges must allow the
1125 accused member to be represented by legal counsel at any hearing convened
1126 under these procedures.

- 1127 iii. Continuances. An accused member is entitled to one (1) hearing postponement.
 1128 The postponement cannot exceed thirty (30) days. Additional requests for
 1129 postponement may be granted or denied by the hearing body in its reasonable
 1130 discretion.
- 1131 c. Decision. Every decision of a hearing body that imposes a penalty will be in writing. The
 1132 written decision will contain the following:
- 1133 i. Statement of Charges. The decision shall set forth a statement of the charge(s)
 1134 made against the member;
- 1135 ii. Facts and Verdict. The decision shall state the facts that support the charge(s) and
 1136 the verdict arrived at by the hearing body;
- 1137 iii. Penalty. The decision shall state the penalty imposed and, if the penalty is to be
 1138 suspended during a period of probation, the length of the probationary period and
 1139 any other conditions included in the probation; and
- 1140 iv. Delivery of Decision. The decision is to be sent to the following:
- 1141 (a) The accused member by certified mail, return receipt requested, and
 1142 addressed to the accused member's last known address.
- 1143 (b) The secretary of the accused member's component, if any;
- 1144 (c) The secretary of the accused member's constituent, if applicable;
- 1145 (d) The chair of the American Dental Association Council on Ethics, Bylaws and
 1146 Judicial Affairs; and
- 1147 (e) The Executive Director of this Association.
- 1148 d. Notice of Right to Appeal. Every written decision issued by a hearing body that
 1149 imposes a penalty will be accompanied by a separate notice stating that the accused
 1150 member has a right to appeal the decision. The notice of right to appeal will direct the
 1151 member to the section of this *Governance Manual* dealing with appeals from
 1152 disciplinary decisions relating to violations of the *ADA Bylaws* or the *Principles of*
 1153 *Ethics and Code of Professional Conduct*.
- 1154 e. Finality of Decision. A decision will not become final while an appeal of the decision is
 1155 pending or until the thirty (30) day period for filing a notice of appeal has expired.
- 1156 f. Non-Appeal of Decision Containing Sentence of Expulsion. If a decision includes a
 1157 sentence of expulsion and a notice of appeal is not received within the thirty (30) day
 1158 period within which to appeal, the accused member's constituent will notify all parties
 1159 of the failure of the accused member to file an appeal. The sentence of expulsion will
 1160 take effect on the date the parties receive such notice. The component and constituent
 1161 shall each determine what portion of their current dues and special assessments, if
 1162 any, shall be returned to the expelled member. Dues and special assessments paid to
 1163 this Association will not be refunded to an expelled member.
- 1164 2. Appeals from Disciplinary Decisions Relating to the *ADA Bylaws* and the *Principles of*
 1165 *Ethics and Code of Professional Conduct*. The following procedures shall be followed in
 1166 any appeal from a decision issued as a result of a disciplinary hearing on charges relating
 1167 to the *ADA Bylaws* or the *Principles of Ethics and Code of Professional Conduct*:
- 1168 a. Right to Appeal.
- 1169 i. Disciplinary Decision of a Component. Any member shall have the right to appeal
 1170 a disciplinary decision issued by the member's component that imposes a penalty.
 1171 That appeal shall be made to member's constituent by filing a notice of appeal in
 1172 affidavit form with the secretary of the constituent.

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

- 1220 and granting such a request can be subject to meeting reasonable terms and
1221 conditions set by the hearing body.
- 1222 vi. Hearing Notice. A body that receives a notice of appeal shall notify the constituent
1223 or component (or components) concerned or, where applicable, the hearing panel
1224 of the Council on Ethics, Bylaws and Judicial Affairs, and the accused member of
1225 the time and place of the appeal hearing. Such notice shall be sent by certified
1226 mail, return receipt requested, to the last known address of each party to the
1227 appeal. The hearing notice should be mailed not less than thirty (30) days prior to
1228 the hearing date.
- 1229 vii. Hearing Continuances. Granting of hearing continuances shall be at the discretion
1230 of the hearing body.
- 1231 viii. Prehearing Matters. All communications with a hearing body shall be in writing. All
1232 parties to the appeal shall receive copies of such communications via the same
1233 method of delivery as used with the hearing body. Prehearing requests shall be
1234 granted at the discretion of the hearing body. In appeals to this Association's
1235 Council on Ethics, Bylaws and Judicial Affairs, the Council chair has the authority
1236 to rule on requests from the parties for continuances and other prehearing
1237 procedural matters with advice from legal counsel of this Association. The Council
1238 chair may consult with the Council before rendering prehearing decisions.
- 1239 ix. Briefs. Each party to an appeal shall be entitled to submit a brief in support of the
1240 party's position. The briefs of the parties shall be submitted to the secretary of the
1241 constituent or the Chair of the Council on Ethics, Bylaws and Judicial Affairs of this
1242 Association, as appropriate, in accordance with the prescribed briefing schedule. A
1243 copy of any brief filed in the appeal must be delivered to every other party in the
1244 appeal at the same time as the filing of the brief. The party initiating the appeal
1245 may choose to rely on the record and/or on an oral presentation and not file a brief.
- 1246 x. Record of Disciplinary Proceedings. Upon notice of an appeal, the entity that
1247 issued the decision being appealed shall provide to the body hearing the appeal
1248 and to the accused member a transcript, or an officially certified copy of the
1249 minutes, of the hearing accorded the accused member. Certified copies of any
1250 affidavits or other documents submitted as evidence to support or refute the
1251 charges against the accused member in the disciplinary hearing and any other
1252 material considered by the body issuing the decision being appealed will
1253 accompany the transcript or minutes. Where the body conducting the hearing
1254 resulting in the decision being appealed does not transcribe the hearing, the
1255 accused member, at the accused's own expense, is entitled to arrange for
1256 transcription of the hearing by a court reporter.
- 1257 xi. Appellate Jurisdiction. The body to which a decision has been appealed shall be
1258 required to review the decision appealed from to determine whether the evidence
1259 before the component, constituent or body which brought the charges against the
1260 accused member supports that decision or warrants the penalty imposed. The
1261 body hearing the appeal shall not be required to consider additional evidence
1262 unless there is a clear showing that a party to the appeal will be unreasonably
1263 harmed by failure to consider the additional evidence.
- 1264 xii. Decisions on Appeals. Every decision on appeal shall be in writing and must
1265 clearly state the conclusion of the hearing body and the reasons for that
1266 conclusion. The body hearing the appeal shall have the discretion to:
1267 (a) Uphold the decision of the entity that brought charges against the accused

- 1268 member;
- 1269 (b) Reverse the decision of the entity that brought the charges and thereby
- 1270 exonerate the accused member;
- 1271 (c) Deny an appeal where it fails to satisfy the requirements for appealing
- 1272 disciplinary decisions in this *Governance Manual*;
- 1273 (d) Refer the case back to the body that brought the charges for new proceedings,
- 1274 if the rights of the accused member under all applicable bylaws were violated
- 1275 or if adopted disciplinary procedures were not followed to the detriment of the
- 1276 accused;
- 1277 (e) Remand the case back to the agency that issued the charges for further
- 1278 proceedings when the record in the appeal is insufficient to enable the body
- 1279 hearing the appeal to form a conclusion concerning the correctness of the
- 1280 decision being appealed; or
- 1281 (f) Modify the decision of the agency that issued the charges against the accused
- 1282 member by reducing the penalty imposed.
- 1283 xiii. Delivery of the Appeal Decision to the Parties. Within thirty (30) days of the date on
- 1284 which a written decision on appeal is approved by the entity conducting the appeal,
- 1285 a copy of the written decision shall be sent by certified mail, return receipt
- 1286 requested, to the last known address of each of the following: the accused
- 1287 member; the secretary of the component of which the accused is a member, if
- 1288 applicable; the secretary of the constituent of which the accused is a member, if
- 1289 applicable; the Chair of the Council on Ethics, Bylaws and Judicial Affairs of this
- 1290 Association; and the Executive Director of this Association.

1291 **C. Hearings on Charges Related to the ADA Member Conduct Policy.** Any member

1292 charged with violating the *ADA Member Conduct Policy* shall be afforded the right to a

1293 fair and impartial hearing conducted in accordance with the procedures set forth in

1294 this *Governance Manual*. In a matter brought against a member of a constituent by a

1295 member or employee of that same constituent or component, disciplinary proceedings

1296 may be instituted by either the member's component or constituent. In a matter

1297 brought against a direct member, or a matter brought against a member of a

1298 constituent by a member of a different constituent or an employee of this Association

1299 or a different constituent or a component of a different constituent, disciplinary

1300 proceedings may be instituted by the Association's Council on Ethics, Bylaws and

1301 Judicial Affairs.

1302 1. **Charges.** Any member or employee of the Association or a constituent or component

1303 dental society has the right to bring charges against a member alleging a violation or

1304 violations of the Association's *Member Conduct Policy*. Charges must meet the

1305 following specifications:

1306 a. **In Writing.** The charges must be in writing;

1307 b. **Identify Violation.** The charges must include an identification of the provision(s) of the

1308 Association's *Member Conduct Policy* alleged to have been violated;

1309 c. **Include Description.** The charges must include a detailed description of the conduct

1310 alleged to constitute the violation; and

d. **Delivery of Charges.**

- 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.
- 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.*

e. **Selection of Investigatory and Hearing Panels.**

- 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.
- 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.

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:

- 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.

- 1349 the Association member or Association, constituent or component employee bringing
 1350 the charges will be advised in writing of the investigatory panel's determination. The
 1351 investigatory panel's decision will be final and without right of appeal, thereby
 1352 terminating the disciplinary proceeding.
- 1353 b. **Possible Violation.** If the investigatory panel determines that the charges do
 1354 sufficiently state a cognizable violation of the *Member Conduct Policy*, the charging
 1355 individual and accused member shall be notified in writing. The notice of
 1356 determination of a possible violation of the *Member Conduct Policy* shall conform to
 1357 the following specification:
- 1358 i. **Specification of Charges.** The notice of determination of a possible violation will
 1359 provide a specification of the charges alleged against the accused member;
- 1360 ii. **Hearing Notice.** The notice of determination of a possible violation shall specify
 1361 the time and place of an initial hearing on the charges brought against the
 1362 accused member, to be determined in consultation with the chair of the Hearing
 1363 Panel;
- 1364 iii. **Manner of Delivery.** The notice of determination of a possible violation will be
 1365 sent via a nationally recognized overnight delivery service to the last known
 1366 addresses of the charging individual, the accused member and the chair and
 1367 members of the Hearing Panel; and
- 1368 iv. **Time of Notice Delivery.** The notice of determination of a possible violation must
 1369 be delivered not less than twenty-one (21) days prior to the date set for the
 1370 hearing.
- 1371 3. **Initial Hearing.** In the event of the issuance of a notice of determination of a possible
 1372 violation, the accused member shall be entitled to a hearing before the hearing panel
 1373 appointed pursuant to Section C.1.e.i. or ii. of this Chapter.
- 1374 a. **Purpose.** The purpose of the hearing is to provide the accused member with an
 1375 opportunity to present a defense to the charges brought against them.
- 1376 b. **Representation by Counsel.** The accused member is entitled to be represented by
 1377 legal counsel at the member conduct hearing.
- 1378 c. **Continuances.** An accused member is entitled to one (1) hearing postponement.
 1379 The postponement cannot exceed thirty (30) days. Additional requests for
 1380 postponement may be granted or denied at the discretion of the chair of the hearing
 1381 panel, who may but need not consult with the remainder of the hearing panel on the
 1382 request.
- 1383 d. **Conduct of Hearing.** The hearing will proceed with a presentation of the charges by
 1384 the charging individual, including any evidence supporting the allegations making up
 1385 the charges. Upon the conclusion of the charging individual's presentation, the

accused member may present their defense, including any evidence tending to refute the allegations of the charges. Upon the conclusion of the accused member's presentation, the charging individual may present a rejoinder presentation limited to matters brought up during the accused member's presentation.

i. **Hearing via Video Conference.** The preferred mode for the conduct of an initial hearing is a video conference. At least fourteen (14) days prior to the date set for the hearing, any party may request, in a writing directed to the hearing panel chair, that the hearing be conducted in person. Any opposition to that request will be made in writing to the hearing panel chair within three (3) days of receipt of the request. A ruling on the request will thereafter be made by the hearing panel chair following consultation with the members of the hearing panel.

ii. **Testimonial Evidence.** Any testimonial evidence proffered by the charging individual or the accused member is to be presented via written witness statements, copies of which will be provided to the other party and the hearing panel at least seven (7) days prior to the commencement of the hearing. Any person submitting testimony via witness statement will be made available for cross examination on any matters raised in the witness statement. Should a witness not be available for cross-examination, that witness's statement will be ruled out of order and will not be considered in deciding the matter.

4. **Decision.** Following the rejoinder presentation by the charging individual, the hearing panel shall go into a closed session consisting of the hearing panel and necessary staff supporting the panel. During the closed session, which may be adjourned and reconvened as needed, the hearing panel shall review the presentations of the parties and any evidence presented and reach a decision on the charges. Any member conduct hearing panel decision shall conform to the following specifications:

a. **Requirement of Written Decision.** Every decision of a member conduct hearing panel will be in writing. The written decision will state:

i. The charges lodged against the member;

ii. The relevant facts;

iii. The verdict arrived at by the hearing body; and

iv. If applicable, the penalty imposed or recommended and, if the penalty is to be suspended during a period of probation, the length of the probationary period and any other conditions included in the probation.

b. **Mailing of Decision.** Every hearing panel decision must be sent via nationally recognized overnight courier, within ten (10) days of the written decision being approved by the hearing panel, to the last known address of each of the following:

- 1423 i. The accused member;
 - 1424 ii. The charging individual;
 - 1425 iii. The secretary of the accused member's component, if any;
 - 1426 iv. The secretary of the accused member's constituent;
 - 1427 v. The chair of the ADA Council on Ethics, Bylaws and Judicial Affairs;
 - 1428 vi. The Executive Director of this Association; and, if applicable
 - 1429 vii. The Election Commission of the Association.
- 1430 5. **Notice of Right to Appeal Decision Adverse to the Accused Member.** Should the
- 1431 hearing panel decision sustain the charges against the accused member, a written notice
- 1432 to the accused member informing them of their right to appeal the decision of the
- 1433 hearing panel must accompany the copies of the decision sent pursuant to these
- 1434 procedures.
- 1435 6. **Finality of Decision.** A decision dismissing charges brought under the ADA Member
- 1436 Conduct Policy is a final decision without the right of appeal. For a decision adverse to the
- 1437 accused member, a decision will not become final while an appeal of the decision is
- 1438 pending or until the thirty (30) day period for filing notice of appeal has expired.
- 1439 7. **Non-Appeal of Decision Containing Sentence of Expulsion.** If a decision includes a
- 1440 sentence of expulsion and no notice of appeal is received within the thirty (30) day
- 1441 period within which to appeal, the chair of the hearing panel shall notify all parties, the
- 1442 Association and, if appropriate, the accused member's constituent and component, of
- 1443 the failure of the accused member to file an appeal. The sentence of expulsion will take
- 1444 effect on the date the notice of non-appeal is received. The disciplined member's
- 1445 component and constituent shall each determine what portion of their current dues and
- 1446 special assessments, if any, shall be returned to the expelled member. Dues and
- 1447 special assessments paid to this Association will not be refunded to an expelled
- 1448 member.
- 1449 D. **Appeals of Decision Finding Violations of the ADA Member Conduct Policy.** The
- 1450 following procedures shall be followed in any appeal from a decision issued as a result of a
- 1451 member conduct hearing pursuant to the procedures in this *Governance Manual*:
- 1452 1. **Right to Appeal.** Any member shall have the right to appeal a disciplinary decision issued
- 1453 by a member conduct hearing panel that imposes a penalty.
- 1454 a. **Appeals from a Component Hearing Panel Decision.** An appeal from a decision of a
- 1455 component hearing panel is to a constituent appeal panel formed pursuant to the
- 1456 constituent's established governance policies and procedures.
- 1457 b. **Appeals from a Constituent Hearing or Appeal Panel Decision.** An appeal from a

- 1458 decision of a constituent hearing or appeal panel is to the full Council on Ethics,
 1459 Bylaws and Judicial Affairs, except that the member of the Council from the Trustee
 1460 District in which the constituent that conducted the hearing is located is recused from
 1461 participating in the appeal.
- 1462 c. **Appeals from Council Hearing Panel Decision.** An appeal from a decision of a
 1463 hearing panel of the ADA Council on Ethics, Bylaws and Judicial Affairs is to the full
 1464 Council, except that members that participated in the investigatory or hearing panels in
 1465 the matter and the Council member from the Trustee District of the accused member
 1466 are recused from participating in the appeal.
- 1467 d. **Appeals in Matters Involving a Current or Recent Member of the ADA Council on**
 1468 **Ethics, Bylaws and Judicial Affairs.** An appeal of a decision in a matter involving a
 1469 current or recent member of the ADA Council on Ethics, Bylaws and Judicial Affairs is
 1470 to a member conduct appeal panel of the agency selected by the ADA President to
 1471 investigate the allegations of the *Member Conduct Policy* complaint pursuant to
 1472 Section C.1.e.ii. of this Chapter.
- 1473 e. **Time to Appeal and Form of Notice.** An appeal from any member conduct decision
 1474 under the procedures of this *Governance Manual* will not be valid unless the appeal is
 1475 filed within thirty (30) days of the date the decision appealed from was issued. The
 1476 appeal is to be commenced by the filing of a notice of appeal in affidavit form with the
 1477 chair of the member conduct appeal panel of the constituent if the appeal is from a
 1478 decision issued by a constituent hearing panel or to the chair of the ADA Council on
 1479 Ethics, Bylaws and Judicial Affairs if the appeal is from a decision issued by a hearing
 1480 panel of that Council, or the chair of the appeal panel of the agency that held the initial
 1481 hearing in the matter.
- 1482 2. **Time for Filing Briefs on Appeal.** Briefs in member conduct appeals brought under the
 1483 procedures of this *Governance Manual* are not mandatory, but are optional for each party.
 1484 If briefs are to be filed, they will be filed according to the following schedule:
- 1485 a. **Appellant's Initial Brief.** If being filed, an initial brief supporting an appeal must be
 1486 filed within sixty (60) days after the date the decision being appealed was issued.
- 1487 b. **Reply Brief.** If being filed, a reply brief supporting the decision appealed from must be
 1488 filed by the Association member or employee who lodged the member conduct
 1489 complaint within ninety (90) days after the decision being appealed was issued.
- 1490 c. **Rejoinder Brief.** If being filed, a rejoinder brief supporting an appeal must be filed
 1491 within one hundred five (105) days after the date the decision being appealed was
 1492 issued. Any rejoinder brief shall be limited to matters raised in the reply brief.
- 1493 3. **Time for Appellate Hearing.** No hearing on an appeal will be held within one hundred fifty
 1494 (150) days of the date the decision appealed from was issued or forty-five (45) days after
 1495 the last brief in the appeal was filed, whichever is later. Omission of briefs will not alter the
 1496 hearing date unless otherwise agreed to by the parties and the chair of the body hearing

1497 the appeal.

1498 4. **Conduct of Appellate Hearing.** The accused member shall be entitled to a hearing on an
 1499 appeal, provided that such appeal meets the requirements of this section of the
 1500 *Governance Manual*. The appeal hearing shall be conducted in accordance with the
 1501 following parameters:

1502 a. **Members Hearing the Appeal.** Members of the investigatory and hearing panels
 1503 involved in the action being appealed are recused from participating on the appeal
 1504 panel and will not take part in deciding the appeal. Moreover, no member from the
 1505 accused member's Trustee District will participate on the appeal panel or take part in
 1506 deciding the appeal. If the appeal is to the ADA Council on Ethics, Bylaws and Judicial
 1507 Affairs, the Council representative from the accused member's Trustee District will not
 1508 take part in the appeal hearing or in deciding the appeal.

1509 b. **Parties to the Appeal.** In any appeal of a decision under the *Member Conduct Policy*,
 1510 the parties to such an appeal shall be the accused member and the individual who
 1511 filed the charges alleging a violation of the *Member Conduct Policy*.

1512 c. **Representation by Counsel.** In any appeal, the accused member is entitled to be
 1513 represented by legal counsel.

1514 d. **Attendance at Hearing.** A party need not appear for the appeal to be heard.

1515 e. **Video Conference Hearings.** Absent extraordinary circumstances, appeal hearings
 1516 will be conducted via video conference. Upon request and with a showing of
 1517 extraordinary circumstances, any party may request that the hearing be conducted in
 1518 person. Such a request may be granted or denied by the appeal panel, in its sole and
 1519 absolute discretion, and the granting of such a request can be subject to meeting
 1520 reasonable terms and conditions that may be set by the appeal panel including,
 1521 without limitation, that the expenses incurred as a result of an in-person meeting be
 1522 paid by the party making the request.

1523 f. **Hearing Notice.** The appeal panel will notify the accused member; the individual
 1524 bringing the charges; the secretary of the accused member's component, if applicable;
 1525 and the secretary of the accused member's constituent, if applicable, of the time and
 1526 place of the appeal hearing. The hearing notice will be sent via a nationally recognized
 1527 overnight delivery service, to the last known addresses of the parties to the appeal and
 1528 the other entities receiving notice. The notice of hearing is to be sent not less than
 1529 thirty (30) days prior to the hearing date of the appeal.

1530 g. **Hearing Continuances.** The granting of continuances will be at the sole discretion of
 1531 the chair of the appeal panel.

1532 h. **Prehearing Matters.** All prehearing communications will be in writing and a copy of
 1533 each communication shall be sent to every other party in the same manner sent to the
 1534 chair of the appeal panel. Prehearing requests may be granted at the discretion of the

chair of the appeal panel. The chair has the authority to rule on requests from the parties for continuances and other prehearing procedural matters with advice from legal counsel. The chair may, but need not, consult with the other members of the appeal panel before rendering prehearing decisions.

- i. **Briefs.** If any party wishes to submit a brief in support of their position, the brief will be submitted to the appeal panel chair in accordance with the prescribed briefing schedule. A copy of each brief filed in an appeal must be delivered to the opposing party in the appeal at the same time as the filing of the brief. Any party to the appeal may choose to rely on the record and/or an oral presentation and not file a brief.

- j. **Record of Hearing.** Upon receiving a notice of an appeal, the hearing panel that presided over the initial hearing shall furnish a transcript or a true and correct copy of the minutes of the hearing being appealed to the appeal panel and the parties to the appeal. The transcript or minutes shall be accompanied by true and correct copies of any affidavits or other documents submitted as evidence in the initial hearing.

- k. **Appellate Jurisdiction.** The appeal panel is required to review the decision appealed from to determine whether the evidence before the hearing panel supports the decision or warrants the penalty or penalties imposed. The appeal panel is not required to consider additional evidence unless there is a clear showing that a party to the appeal will be unreasonably harmed by failure to consider the additional evidence.

5. **Decisions on Appeals.**

a. **Appeal Decisions not Involving Recommended Probation, Suspension, Expulsion and/or Removal of a Trustee or Elective Officer.**

- i. **Written Decision.** Any appeal decision that does not involve the recommended probation, suspension, expulsion and/or removal from office of a trustee or elective officer must be reduced to writing. The decision must clearly state the conclusion of the appeal panel and the reasons for reaching that conclusion.
- ii. **Permissible Action on the Appeal.** The appeal panel will have the discretion to:
 - (a) Uphold the decision of the hearing panel;
 - (b) Reverse the decision of the hearing panel and thereby exonerate the accused member;
 - (c) Deny an appeal that fails to satisfy the requirements of the procedures for appeals of *Member Conduct Policy* decisions contained in this *Governance Manual*;
 - (d) Refer the case back to the hearing panel for new proceedings, if the rights enumerated under all applicable policies and procedures were not accorded the accused;
 - (e) Remand the case back to the hearing panel for further proceedings when the appellate record is insufficient in the opinion of the appeal panel to enable the appeal panel to render a decision; or

- (f) Modify the decision of the hearing panel by reducing the penalty imposed.
- iii. **Appeal of a Constituent Appeal Panel Decision.** The decision of a constituent appeal panel in an appeal not involving a recommended probation, suspension, expulsion and/or removal of a trustee or elective officer may be appealed to the ADA Council on Ethics, Bylaws and Judicial Affairs. Any such appeal will be conducted in accordance with Section D. of this Chapter XI. of the *Governance Manual*. Any *Member Conduct Policy* appeal decision of the ADA Council on Ethics, Bylaws and Judicial Affairs in such cases will be final and non-appealable.
- iv. **Finality of a Decision of an Appeal Panel of the ADA Council on Ethics, Bylaws and Judicial Affairs.** In appeals of decisions of a hearing panel of the ADA Council on Ethics, Bylaws and Judicial Affairs not involving a recommended probation, suspension, expulsion and/or removal of a trustee or elective officer, the decision of the appeal panel of the ADA Council on Ethics, Bylaws and Judicial Affairs will be final and non-appealable.
- v. **Delivery of the Appeal Decision to the Parties.** Within thirty (30) days of the date on which a final decision on appeal is issued, the appeal panel that issued the final decision will send a copy of the decision via a nationally recognized overnight delivery service to the last known address of each of the following: the accused member; the Association member or Association, constituent or component employee bringing the *Member Conduct Policy* charges; the secretary of the component of which the accused is a member, if applicable; the secretary of the constituent of which the accused is a member, if applicable; the Election Commission of the Association; and the ADA Executive Director.
- b. **Appeals Involving Recommended Probation, Suspension, Expulsion and/or Removal of a Trustee or Elective Officer.**
- i. **Written Decision.** In any appeal that involves the recommended probation, suspension, expulsion or removal of a trustee or elective officer, the decision must be reduced to writing. The decision must clearly state the conclusion of the appeal panel and the reasons for reaching that conclusion.
- ii. **Permissible Penalties.** The appeal panel will have the discretion to:
- Recommend upholding the decision of the hearing panel;
 - Reverse the recommended decision of the hearing panel and thereby exonerate the accused member;
 - Recommend denial of an appeal that fails to satisfy the requirements of the member conduct hearing procedures of this *Governance Manual*;
 - Refer the case back to the hearing panel for new proceedings, if the rights enumerated under all applicable procedures were not accorded the accused;
 - Remand the case back to the hearing panel for further proceedings when the appellate record is insufficient to enable the appeal panel to render a decision; or
 - Modify the decision of the hearing panel by reducing the penalty imposed,

- except in cases in which the reduced penalty is probation, suspension and/or removal from office, where the appeal panel's decision shall be a recommendation.
- iii. **Appeal of a Constituent Appeal Panel Decision.** The decision of a constituent appeal panel in an appeal involving a trustee or elective officer that recommends probation, suspension, expulsion or removal of a trustee or elective officer may be appealed to the ADA Council on Ethics, Bylaws and Judicial Affairs. Any such appeal will be conducted in accordance with Section D. of this Chapter XI. of the *Governance Manual*.
 - iv. **Delivery of the Appeal Decision in Cases Involving Recommended Probation, Suspension, Expulsion and/or Removal from Office.** Within thirty (30) days of the date on which a decision that recommends probation, suspension, expulsion and/or removal from office of a trustee or elective officer is approved by the ADA Council on Ethics, Bylaws and Judicial Affairs, a copy thereof shall be sent by a nationally recognized overnight delivery service to the last known address of each of the following: the accused trustee or elective officer; the Association member or Association staff member preferring charges; the Election Commission; the secretary of the component of which the trustee or elective officer is a member, if applicable; the secretary of the constituent of which the trustee or elective officer is a member, if applicable; and the ADA Executive Director.
 - v. **Right to Respond.** When an appeal decision of the ADA Council on Ethics, Bylaws and Judicial Affairs recommends that a trustee or elective official be sentenced to probation, expulsion, suspension and/or removal from office, that trustee or elected official has the right to respond in writing to the decision and recommendation. The response of the trustee or elective official must be delivered to the chair of the ADA Council on Ethics, Bylaws and Judicial Affairs within thirty (30) days from the date the decision and recommendation was issued.
 - vi. **Delivery of Decision and Response to the Applicable House of Delegates.**
 - (a) For decisions that include a recommended penalty to a trustee or elected official of a constituent, the chair of the Council on Ethics, Bylaws and Judicial Affairs will forward the decision and recommended penalty, together with any response received from the trustee or elected official, to the Speaker of the House of Delegates for that constituent and the constituent's Executive Director.
 - (b) For decisions that include a recommended penalty to a trustee or elected official of the ADA, the chair of the Council on Ethics, Bylaws and Judicial Affairs will forward the decision and recommended penalty, together with any response received from the trustee or elected official, to the Speaker of the ADA House of Delegates, the ADA Election Commission and the Association's Executive Director.
 - vii. **Consideration of Decision by House of Delegates.** Any decision that

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

1676 E. **Enforcement of Sentences.** After all appeals are exhausted or after the time for filing an
 1677 appeal has expired, a sentence of censure, suspension, expulsion and/or removal from
 1678 office meted out to any member by decisions rendered pursuant to the procedures in this
 1679 *Governance Manual*, including those instances when the disciplined member has been
 1680 placed on probation, shall be enforced by such individual's component and constituent, if
 1681 such exist, and this Association.

1682 F. **Non-Compliance.** In the event of a failure of technical compliance with the procedural
 1683 requirements contained in this *Governance Manual*, the entity hearing the appeal shall
 1684 determine the effect of such non-compliance.

1685 G. **Reminders of Obligation.** Because Reminders of Obligation are private administrative
 1686 actions and not disciplinary penalties, copies of such Reminders of Obligation shall only
 1687 be kept by the issuing panel for a period of six (6) months after issuance following which
 1688 such copies shall be destroyed.

1689 CHAPTER XII. FINANCIAL MATTERS

1690 A. Installment Payments of Dues and Special Assessments. Any constituent or component
 1691 may establish a plan for the installment payment of dues and special assessments for
 1692 active, life, retired and provisional members. This Association may establish a plan for
 1693 the installment payment of dues and special assessments for active, life and retired
 1694 members who are direct members of the Association. Any such installment plan shall
 1695 require:

- 1696 1. Monthly installment payments that conclude with the current dues and any special
 1697 assessment amount being paid by December 15.
- 1698 2. The expeditious transfer of installments of member dues and any special
 1699 assessments collected to this Association and any applicable constituent or
 1700 component.
- 1701 3. Any installment plan adopted under this provision of the *Governance Manual* may
 1702 impose a reasonable transaction fee upon the member. Transaction fees collected
 1703 shall be prorated between this Association and the constituent and component, if any,
 1704 based on the amount of dues and special assessment collected on each
 1705 organization's behalf.

1706 B. Establishment of Funds. At the direction of the Board of Trustees, other funds may be

created for activities and programs requiring separate accounting records to meet governmental and administrative requirements. Such funds shall consist of monies and other assets received or allocated in accordance with the purpose for which they are established. Such funds shall be used for defraying all expenses incurred in their operation, shall serve only as separate accounting entities and continue to be held in the name of the American Dental Association as divisions of the General Fund.

C. Special Assessments.

1. Notice. Notices of resolutions proposing a special assessment shall be sent electronically to each constituent and posted on ADA Connect or its equivalent for the House of Delegates not less than thirty (30) days before such session. Notices of resolutions proposing special assessments shall also be announced to the general membership in an official publication of this Association at least fifteen (15) days in advance of the session. The specific project to be funded by the proposed assessment, the time frame of the project, and the amount and duration of the proposed assessment shall be clearly presented in giving notice to the members of this Association.
2. Amendments and Number of Assessments Permitted. The House of Delegates may consider only one (1) specific project to be funded by a proposed assessment at a time. However, if properly adopted by the House of Delegates, two (2) or more special assessments may be in force at the same time.

CHAPTER XIII. INDEMNIFICATION [Reserved]

CHAPTER XIV. PROCEDURAL MANUALS OF THE ASSOCIATION [Reserved]

CHAPTER XV. PARLIAMENTARY AUTHORITY [Reserved]

CHAPTER XVI. AMENDMENTS [Reserved]

CHAPTER XVII. CONFLICT OF INTEREST

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

- A. Placing themselves in a position where personal or professional interests may conflict with their duty to this Association;
- B. Using information learned through such office or position for personal gain or advantage; and
- C. Obtaining by a third party an improper gain or advantage.

As a condition for selection, each nominee, candidate and applicant shall complete a conflict of interest statement as prescribed by the Board of Trustees, disclosing any situation which might be construed as placing the individual in a position of having an interest that may conflict with their duty to the Association. Candidates for offices of President-elect, Second Vice President, Treasurer, Speaker of the House, nominees for office of trustee, and nominees to councils and commissions shall file such statements with the Secretary of the House of Delegates to be made available to the delegates prior to election. As a condition of appointment, consultants, advisers

and staff of Councils, Commissions and Special Committees, and each person nominated or seeking such positions, shall file conflict of interest statements with the Executive Director of this Association.

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

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

CHAPTER XVIII. SCIENTIFIC MEETINGS

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

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

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

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

CHAPTER XIX. PUBLICATIONS

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

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

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

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

1790 As of October 2024

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GOVERNANCE MANUAL APPENDIX 1

1793

FAQ for Tripartite Member Hearings

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Chapter XI. Section B: Initial Disciplinary Hearings on Charges Related to the ADA Bylaws or the Principles of Ethics and Code of Professional Conduct. The following will assist components, constituents, and a tripartite member with the process for a hearing associated with these types of charges:

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1. When the organization brings charges against a member, what must be contained with the notice to the member? See *Governance Manual*, Chapter XI., Sections B.1.a(i-iii).

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2. May a member choose to be represented by legal counsel and request postponement of the hearing to accommodate both parties? See *Governance Manual*, Chapter XI., Sections B.1.b(i-iii).

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3. What must be contained within the written decision of the hearing body? See *Governance Manual*, Chapter XI., Sections B.1.c(i-iii), B.1.d.

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4. What are the procedures for notifying the accused member and other entities within the tripartite? See *Governance Manual*, Chapter XI., Sections B.1.c.iv(a-e).

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The following are specific to the appeal process when a disciplinary decision has been rendered:

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5. While a decision that imposes a penalty may be appealed by the member or the component, what are the time parameters and provisions for an appeal? See *Governance Manual*, Chapter XI., Sections B.1.e-f, B.2.a.(i-ii). B.2.b.

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6. Briefs or written documents may be filed by the appellant with appropriate replies by both parties. What is the timeline for filing of briefs on appeal? See *Governance Manual*, Chapter XI., Sections B.2.c.

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7. What are the options for representation of the parties to an appeal and are there options to attending a hearing in person? See *Governance Manual*, Chapter XI., Sections B.2.e.(iii-v).

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8. The body hearing the appeal must follow parameters of notice, time, and jurisdiction. Where are the steps outlined in this process? See *Governance Manual*, Chapter XI., Sections B.2.e(vi-xi).

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9. One of the parties of the appeal has provided additional information in its brief. What are the parameters for the body hearing the appeal to consider? See *Governance Manual*, Chapter XI., Sections B.2.e.xi.

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10. What is the timing and delivery for a decision on an appeal? See *Governance Manual*, Chapter XI., Sections B.2.e.xiii.

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11. *Governance Manual*, Chapter XI. Section B: How do these processes described in Chapter XI: Section B differ for an ADA Direct Member? "For a direct member, disciplinary proceedings may be instituted by the Association's Council on Ethics, Bylaws, and Judicial Affairs."

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1830 *Governance Manual*, Chapter XI: Section C: Member Conduct Hearings.

1831 Because the *Member Conduct Policy* is specific to ADA jurisdiction and not tripartite
 1832 membership, these proceedings are conducted by the Association's Council on Ethics, Bylaws
 1833 and Judicial Affairs.

1834 1. Where may an individual find a copy of the Association's *Member Conduct Policy*?
 1835 The *Member Conduct Policy* (Trans.2011:530; 2020:335) can be found in the
 1836 compilation of ADA policies on ADA.org [here](#).

1837 2. What are the specifications for bringing charges against a member for violation(s) of the
 1838 Association's *Member Conduct Policy*? See *Governance Manual*, Chapter XI., Sections
 1839 C.1.a-d.

1840 3. The chair of CEBJA appoints an investigatory panel upon receipt of an alleged violation.
 1841 What are the parameters for this preliminary investigation? See *Governance Manual*,
 1842 Chapter XI., Sections C.2.a-b, C.3.a-b.

1843 4. After the investigatory panel determines that the charges do sufficiently state a
 1844 violation, what are the parameters, including timing for notification of a hearing?
 1845 See *Governance Manual*, Chapter XI., Sections C.3.b(i-iv) and C.4.

1846 5. The hearing panel of CEBJA is composed of three members. What is the process that
 1847 this panel must conform to for the hearing? See *Governance Manual*, Chapter XI.,
 1848 Sections C.4-5.

1849 6. Is an accused member entitled to representation by legal counsel at the member
 1850 conduct hearing? See *Governance Manual*, Chapter XI., Section C.4.c.

1851 7. May a member appeal the decision of the hearing panel? See *Governance Manual*,
 1852 Chapter XI., Sections C.6-7.

1853 *Governance Manual*, Chapter XI. Section D: Member Conduct Appeals.

1854 1. What is an appeal of the *Member Conduct Policy*? "The Code of Professional Conduct
 1855 is binding on members of the ADA, and violations may result in disciplinary action." This
 1856 section of the *Governance Manual* describes the process for a member to appeal a
 1857 disciplinary decision issued by a member conduct hearing panel. Because the *Member*
 1858 *Conduct Policy* is specific to ADA jurisdiction and not tripartite membership, this appeal
 1859 is made to the full Council on Ethics, Bylaws and Judicial Affairs.

1860 2. What is the timing for an appeal and filing briefs on appeal? See *Governance Manual*,
 1861 Chapter XI., Sections D.2-3(a-c), 4.

1862 3. What are the parameters for the appeal hearing? See *Governance Manual*, Chapter XI.,
 1863 Sections D.5.a-k.

1864 4. Is attendance in person required for CEBJA to hear an appeal? See *Governance Manual*,
 1865 Chapter XI., Sections D.5.d-e.

1866 5. What are the requirements of each party for filing of briefs in support of their
 1867 respective decisions? See *Governance Manual*, Chapter XI., Sections D.5.i.

1868 6. What are the parameters for CEBJA to render a decision on appeals? See
 1869 *Governance Manual*, Chapter XI., Sections D.6a and 6b. In addition, all decisions

- 1870 are delivered in writing.
- 1871 7. If a trustee or elected official receives a decision from CEBJA which recommends
- 1872 probation, expulsion, suspension and/or removal from office, does the member have
- 1873 additional rights? See *Governance Manual*, Chapter XI., Sections D.56.b.vi-viii.
- 1874 8. What entity is responsible for the enforcement of the sentence after all appeals are
- 1875 exhausted? See *Governance Manual*, Chapter XI., Section E.

GOVERNANCE MANUAL APPENDIX 2

JUDICIAL PROCESS FLOWCHARTS

PREFACE

The following flowcharts illustrate the progression of the judicial processes that are found in Chapter XI. of the *Governance and Organizational Manual of the American Dental Association* ("the *Governance Manual*"). The flowcharts are provided as an aid to Association members and component and constituent societies in following and interpreting the processes outlined in that Chapter.

The flowcharts are intended to illustrate the procedures found in Chapter XI. of the *Governance Manual*. In the event of any discrepancy between any of the flowcharts and the procedures as stated in the *Governance Manual*, the statement of the *Governance Manual* controls.

The Council on Ethics, Bylaws and Judicial Affairs hopes you find the following flowcharts to be helpful.

American Dental Association

A current electronic version of this document
is available at ADA.org