

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

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CHAPTER I. MEMBERSHIP MATTERS

- 20
- 21 A. Membership Privileges and Benefits. The following is a list of privileges and benefits for each class of membership
- 22 identified in the *ADA Bylaws*.
- 23 1. Active Members. Active members shall receive the following privileges and benefits, including:
- 24 a. An annual membership card;
- 25 b. A no cost subscription to *The Journal of the American Dental Association*;
- 26 c. The entitlement to attend any ADA scientific session or meeting; and
- 27 d. Such other benefits and services as the ADA may from time to time make available to active members.
- 28 e. Active members in good standing are eligible for election as a delegate or alternate delegate to the ADA
- 29 House of Delegates and, subject to any limitation adopted by the House of Delegates in the *Election*
- 30 *Commission and Campaign Rules*, are also eligible for election or appointment to any office or agency of
- 31 the ADA, except as may be otherwise provided in the *ADA Bylaws* or this *Governance Manual*.
- 32 Active members under a disciplinary sentence of suspension or probation are not entitled to hold elective or
- 33 appointive office, including delegate and alternate delegate, in the ADA or the members' constituents or
- 34 components. Also, such suspended or probated active members may not vote or otherwise participate in
- 35 the selection or election of officers or other officials of the ADA or the members' components and
- 36 constituents.
- 37 2. Retired Members. Retired members shall receive the same privileges and benefits as active members,
- 38 including:
- 39 a. An annual membership card;
- 40 b. A no cost subscription to *The Journal of the American Dental Association*;
- 41 c. The entitlement to attend any ADA scientific session or meeting; and
- 42 d. Such other benefits and services as the ADA may from time to time make available to retired members.
- 43 e. Active members in good standing are eligible for election as a delegate or alternate delegate to the ADA
- 44 House of Delegates and, subject to any limitation adopted by the House of Delegates in the *Election*
- 45 *Commission and Campaign Rules*, are also eligible for election or appointment to any office or agency of
- 46 the ADA, except as may be otherwise provided in the *ADA Bylaws* or this *Governance Manual*.
- 47 Retired members under a disciplinary sentence of suspension or probation are not entitled to hold elective
- 48 or appointive office, including delegate and alternate delegate, in the ADA or the members' constituents or
- 49 components. Also, such suspended or probated retired members may not vote or otherwise participate in
- 50 the selection of officers or officials of the ADA or the members' components and constituents.
- 51 3. Life Members. Except as noted, life members shall receive the same privileges and benefits as active members,
- 52 including:
- 53 a. An annual membership card;
- 54 b. A no cost subscription to *The Journal of the American Dental Association*;
- 55 c. The entitlement to attend any ADA scientific session or meeting; and
- 56 d. Such other benefits and services as the ADA may from time to time make available to life members.
- 57 e. Life members in good standing are eligible for election as a delegate or alternate delegate to the ADA
- 58 House of Delegates and, subject to any limitation adopted by the House of Delegates in the *Election*
- 59 *Commission and Campaign Rules*, are also eligible for election or appointment to any office or agency of
- 60 the ADA, except as may be otherwise provided in the *ADA Bylaws* or this *Governance Manual*.
- 61 Life members under a disciplinary sentence of suspension or probation are not entitled to hold elective or
- 62 appointive office, including delegate and alternate delegate, in the ADA or the members' constituents or
- 63 components. Also, such suspended or probated life members may not vote or otherwise participate in the
- 64 selection of officers or officials of the ADA or the members' components and constituents.
- 65 f. Life members who also meet the eligibility requirements for retired membership shall qualify for retired life
- 66 membership. Retired life members shall receive all the privileges and benefits of active members, except
- 67 that retired life members shall not receive a no cost print subscription to *The Journal of the American Dental*
- 68 *Association* but shall receive a no cost subscription to the electronic version of *The Journal of the American*
- 69 *Dental Association*. A reduced rate print subscription to *The Journal of the American Dental Association* is

- 70 also available.
- 71 4. Student Members. Student members shall receive the following privileges and benefits, including:
- 72 a. An annual membership card;
- 73 b. A paid subscription to *The Journal of the American Dental Association*;
- 74 c. The entitlement to attend any ADA scientific session or meeting; and
- 75 d. Such other benefits and services as the ADA may from time to time make available to student members.
- 76 e. Student members in good standing are eligible for election as a delegate or alternate delegate of the
- 77 American Student Dental Association to the ADA House of Delegates.
- 78 Student members under a disciplinary sentence of suspension or probation are not entitled to serve as a
- 79 delegate and alternate delegate of the American Student Dental Association to the ADA House of
- 80 Delegates.
- 81 5. Provisional Members. Except as noted, provisional members shall receive the same privileges and benefits as
- 82 active members, including:
- 83 a. An annual membership card;
- 84 b. A no cost subscription to *The Journal of the American Dental Association*;
- 85 c. The entitlement to attend any ADA scientific session or meeting; and
- 86 d. Such other benefits and services as the ADA may from time to time make available to provisional members.
- 87 e. Provisional members in good standing are eligible for election as a delegate or alternate delegate to the
- 88 ADA House of Delegates and, subject to any limitation adopted by the House of Delegates in the *Election*
- 89 *Commission and Campaign Rules*, for election or appointment to any office or agency of the ADA, except
- 90 as may be otherwise provided in the *ADA Bylaws* or this *Governance Manual*.
- 91 Provisional members under a disciplinary sentence of suspension or probation are not entitled to hold
- 92 elective or appointive office, including delegate and alternate delegate, in the ADA. Also, such suspended
- 93 or probated provisional members may not vote or otherwise participate in the selection of officers or officials
- 94 of the ADA.
- 95 f. Provisional members shall not be entitled to appeal a denial of active membership in the Association.
- 96 6. Honorary Members. Honorary members shall receive the following privileges and benefits, including:
- 97 a. An annual membership card;
- 98 b. A no cost subscription to the electronic version of *The Journal of the American Dental Association* with a
- 99 reduced rate print subscription to *The Journal of the American Dental Association* available;
- 100 c. The entitlement to attend any ADA scientific session or meeting; and
- 101 d. Such other benefits and services as the ADA Board of Trustees may from time to time make available to
- 102 honorary members.
- 103 e. Honorary members are not entitled to hold elective or appointive office, including delegate and alternate
- 104 delegate, in the ADA or the honorary members' constituents or components or to vote or otherwise
- 105 participate in the selection of officers or officials of the ADA.
- 106 7. International Members. International members shall receive such products and services as may be authorized
- 107 from time to time by the Board of Trustees in collaboration with the Council on Membership.
- 108 B. Dues, Special Assessments and Related Financial Matters.
- 109 1. Dues. Under the *ADA Bylaws*, the House of Delegates has the duty to annually set the dues of active members
- 110 for the ensuing year. Dues are due and payable on January 1, except where a member has opted to pay dues in
- 111 installments pursuant to a plan offered by the member's constituent, in which case, dues are paid according to
- 112 the plan's requirements.
- 113 The schedule of annual dues for each of the membership categories specified in the *ADA Bylaws* is as follows:
- 114 a. Active Members.
- 115 i. From degree award through conclusion of the first full year following an award of a D.D.S. or D.M.D.
- 116 degree: The member is exempt from the payment of dues.
- 117 ii. Second full year following degree award: Fifty percent (50%) of active member dues as set by the
- 118 House of Delegates pursuant to the *ADA Bylaws*.
- 119 iii. Third full year following degree award and thereafter: One hundred percent (100%) of active member
- 120 dues as set by the House of Delegates pursuant to the *ADA Bylaws*.

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- 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.
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- b. Retired Members. Twenty-five percent (25%) of active member dues as set by the House of Delegates pursuant to the *ADA Bylaws*.
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- 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.
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- d. Student Members:
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- i. Pre-doctoral student members: Five Dollars (\$5.00).
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- ii. Post-doctoral students and residents shall be exempt from the payment of dues.
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- e. Provisional Members: The obligation of provisional members to pay dues is the same as for active members.
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- f. Honorary Members: Honorary members shall be exempt from the payment of dues.
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- 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:
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- i. Promote international membership in the ADA in a selected jurisdiction; and
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- ii. Recognize economic circumstances in those least developed countries eligible for special fee criteria as established by the FDI World Dental Federation.
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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.
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- The schedule of special assessment allocation for each of the membership categories specified in the *ADA Bylaws* is as follows:
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- a. Active Members.
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- 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.
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- ii. Second full year following degree award: Fifty percent (50%) of any special assessment then in effect.
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- iii. Third full year following degree award and thereafter: One hundred percent (100%) of any special assessment then in effect.
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- 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.
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- b. Retired Members. Twenty-five percent (25%) of any special assessment then in effect.
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- 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.
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- d. Student Members. Pre-doctoral, post-doctoral students and residents are exempt from the payment of special assessments.
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- e. Provisional Members. The obligation of provisional members to pay any special assessment then in effect is the same as for active members.
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- f. Honorary Members. Honorary members are exempt from the payment of special assessments.
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- g. International Members. International members are exempt from the payment of special assessments.
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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
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- 174 accordance with Chapter I, Section 40 of the *Bylaws*.
- 175 For the purpose of establishing continuity of active membership in order to qualify for life membership, an active
 176 member, who had been such when entering upon active duty in one of the federal dental services but who, during
 177 such federal dental service, interrupted the continuity of active membership because of failure to pay dues and/or any
 178 special assessment and who, within one year after separation from such military or equivalent duty, resumed active
 179 membership, may pay back dues and any special assessment for any missing period of active membership at the
 180 rate of dues and/or any special assessment current during the missing years of membership.
- 181 Notwithstanding the forgoing, due to the effects of the COVID 19 pandemic in the U.S., members who resume their
 182 ADA membership by June 30, 2023 after missing either or both of the 2020-2021 and 2021-2022 membership years
 183 shall be considered to have maintained continuous membership with regard to the requirements for all ADA
 184 membership categories.
- 185 4. Limited Dues and Special Assessment Reduction Programs. Notwithstanding the foregoing policies on dues
 186 and special assessments, the following limited dues reduction programs are available in certain circumstances:
- 187 a. New Graduate Dues Reduction Deferral. For dentists who are engaged full-time in an advanced training
 188 program of not less than one academic year's duration, post-doctoral or residency program while eligible for
 189 the new graduate active member dues and special assessment reduction program outlined above, the
 190 applicable reduced dues rate shall be deferred until completion of post-doctoral or residency program.
 191 Commencing at the start of the calendar year after the dentist completes the program, the dentist shall
 192 recommence paying dues and any special assessment for active members at the reduced dues rate where
 193 the dentist left off in the progression. During the period such dentist is engaged full-time in an advanced
 194 training course of not less than one (1) academic year's duration, post-doctoral or residency program, the
 195 dues and special assessment exemption provisions for post-doctoral students and residents shall apply.
- 196 b. First Time Member Ineligible for New Graduate Dues Reduction. A dentist who has never been an active
 197 member of this Association and is ineligible for dues and special assessment reduction as a new graduate
 198 under the provisions of the *Governance Manual*, shall pay fifty percent (50%) of active member dues and
 199 any special assessment in the first year of membership, and shall pay one hundred percent (100%) of
 200 active member dues and any special assessment in the second year and each year thereafter.
- 201 c. Active Membership Promotion. The Board of Trustees may authorize a limited dues reduction, up to one
 202 hundred percent (100%) of active member dues and any special assessment then in effect for the purpose
 203 of promoting active membership in target U.S. markets through marketing campaigns recommended by the
 204 Council on Membership. This reduction of active member dues and any special assessments shall be on a
 205 one-time only basis for these members.
- 206 d. Financial or Humanitarian Waivers. Any members who have suffered a significant financial hardship that
 207 prohibits them from payment of their full dues and/or any special assessment may be excused from the
 208 payment of fifty percent (50%) or all of the current year's dues and/or any special assessment. To qualify for
 209 the Humanitarian Waiver the member must be working full-time for a humanitarian organization and must not
 210 be receiving an income or a salary for such humanitarian service other than a subsistence amount which
 211 approximates a cost of living allowance. Such member shall be exempt from the payment of all dues and
 212 any special assessment then in effect through December 31, following completion of such service. This is
 213 provided that such humanitarian service is being performed continuously, for not less than one (1) year and
 214 further, that such member does not supplement such subsistence income by the performance of services as
 215 a member of the faculty of a dental or dental auxiliary school, dental administrator or consultant, or
 216 practitioner of any activity for which a license to practice dentistry or dental hygiene is required. Any waiver
 217 shall be initially determined by the members' constituents and components and the constituents and
 218 components shall certify the reason for the waiver, and provide the same proportionate waiver of their dues
 219 as that provided by this Association.*
- 220 e. Temporary Activation to Federal Service. An active member in good standing who is temporarily called to
 221 active duty with a federal dental service on a non-career basis shall be exempt from the payment of dues to
 222 this Association during such federal dental service duty, but not to exceed a period of three years.
- 223 5. Calculating Percentage Dues or Special Assessments. In establishing the dollar rate of dues or special
 224 assessments expressed as a percentage of active member dues or special assessments, computations
 225 resulting in fractions of a dollar shall be rounded up to the next whole dollar.

* Members with disabilities who were granted dues and any special assessment disability waivers prior to the 2007 House of Delegates may continue to receive such waivers provided they are unable to practice dentistry within the definition of the *Bylaws* and they submit through the members' respective component and constituent, if such exist, to this Association, a medical certificate attesting to the disability and a certificate from said component and constituent, if such exist, attesting to the disability, upon request of the Association, during the exemption period.

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CHAPTER II. CONSTITUENTS AND COMPONENTS

- A. Amendment of Chapter II. The entirety of this Chapter II 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. Constituents.
 - 1. Chartered Constituents. The Executive Director of the Association is authorized to issue a charter to each constituent denoting its name and territorial jurisdiction. At the time of adoption of this *Governance Manual*, the following are chartered as constituents of this Association:
 - Alabama Dental Association
 - Alaska Dental Society
 - Arizona Dental Association
 - Arkansas State Dental Association
 - California Dental Association
 - Colorado Dental Association
 - Connecticut State Dental Association, The
 - Delaware State Dental Society
 - District of Columbia Dental Society, The
 - Florida Dental Association
 - Georgia Dental Association
 - Hawaii Dental Association
 - Idaho State Dental Association
 - Illinois State Dental Society
 - Indiana Dental Association
 - Iowa Dental Association
 - Kansas Dental Association
 - Kentucky Dental Association
 - Louisiana Dental Association, The
 - Maine Dental Association
 - Maryland State Dental Association
 - Massachusetts Dental Society
 - Michigan Dental Association
 - Minnesota Dental Association
 - Mississippi Dental Association, The
 - Missouri Dental Association
 - Montana Dental Association
 - Nebraska Dental Association, The
 - Nevada Dental Association
 - New Hampshire Dental Society
 - New Jersey Dental Association
 - New Mexico Dental Association
 - New York State Dental Association
 - North Carolina Dental Society, The
 - North Dakota Dental Association
 - Ohio Dental Association
 - Oklahoma Dental Association
 - Oregon Dental Association
 - Pennsylvania Dental Association
 - Puerto Rico, Colegio de Cirujanos Dentistas de
 - Rhode Island Dental Association
 - South Carolina Dental Association
 - South Dakota Dental Association
 - Tennessee Dental Association
 - Texas Dental Association
 - Utah Dental Association

- 280 Vermont State Dental Society
 281 Virgin Islands Dental Association
 282 Virginia Dental Association
 283 Washington State Dental Association
 284 West Virginia Dental Association
 285 Wisconsin Dental Association
 286 Wyoming Dental Association
- 287 2. Privilege of Representation.
- 288 a. Delegates. Each state constituent, the District of Columbia Dental Society and each federal dental
 289 service shall be entitled to a minimum of two (2) delegates in the House of Delegates. Each territorial
 290 constituent shall be entitled to a minimum of two (2) delegates in the House of Delegates if its total
 291 membership is equal to or greater than the size of the smallest state constituent; otherwise the
 292 territorial constituent shall receive one (1) delegate. The remaining number of delegates shall be
 293 allocated as set forth in the *Manual of the House of Delegates (House Manual)*.
- 294 b. Alternate Delegates. Each constituent and each federal dental service may select from among its
 295 active, life and retired members up to the same number of alternate delegates as delegates and shall
 296 designate the delegate whom the alternate shall replace in the case of absence.
- 297 3. Transfer from One Constituent to Another.
- 298 a. A member shall be entitled to apply for a transfer of membership from one constituent to another
 299 consistent with the provisions of the *Bylaws* and this *Governance Manual*.
- 300 b. A member who is unsuccessful in transferring membership from one constituent to another shall be
 301 entitled to a hearing (by either the component or constituent), on the decision denying the member's
 302 application for transfer of membership and to appeal to the constituent to which transfer is sought, if
 303 applicable, and thereafter to the ADA Council on Ethics, Bylaws and Judicial Affairs as provided in the
 304 *Bylaws* and in accordance with the procedures contained in this *Governance Manual*.
- 305 4. Multiple Jurisdictions. While a member may hold active, life or retired membership in only one constituent,
 306 other membership classifications may be held in other constituents with the consent of the constituents
 307 involved. A member is required to maintain membership in the constituent, if accepted therein, in whose
 308 jurisdiction the member maintains or practices dentistry at a secondary or "branch" office. In order to meet
 309 the requirement of tripartite membership, a member must also maintain membership in one component of
 310 each constituent to which the member belongs, if such exist. If such a member is accused of unethical
 311 conduct and disciplinary proceedings are brought, then those proceedings shall be instituted in the
 312 component or constituent where the alleged unethical conduct occurred. A disciplinary ruling affecting
 313 membership in one component or constituent shall affect membership in all components and constituents to
 314 which the member belongs and in the Association. A member shall have the right of appeal as provided in
 315 the *Bylaws* and subject to the judicial rules and procedures contained in this *Governance Manual*. Such
 316 member shall pay dues in this Association and any special assessments levied by this Association only
 317 through the constituent where the member is classified as an active, life or retired member. A member will
 318 be counted for delegate allocation purposes only where the member is classified as an active, life or retired
 319 member.
- 320 C. Components.
- 321 1. Organization. Components may be organized in conformity with a plan approved by the constituent of which
 322 they shall be recognized entities provided, however, that the active, life or retired members of each component
 323 shall consist of dentists who are members in good standing of their respective constituents and of this
 324 Association. The plan adopted by the constituent may or may not limit active membership in a component to
 325 dentists who reside or practice within the geographic area of that component. Each component shall adopt and
 326 maintain a constitution and bylaws, which shall not be in conflict with, or limit, the *Constitution and Bylaws* of this
 327 Association or that of its constituent, and shall file a copy thereof and any changes which may be made
 328 thereafter with the Executive Director of this Association.
- 329 2. Powers. A component shall have the power to:
- 330 a. Select its active, life and retired members in accordance with and subject to the provisions of Chapter II of
 331 the *Bylaws* and this *Governance Manual*.
- 332 b. Discipline any of its members in accordance with and subject to the provisions of Chapter X of the *Bylaws*
 333 and this *Governance Manual*.
- 334 c. Establish committees, councils and commissions of the component; to designate their powers and duties;
 335 and to adopt reasonable eligibility requirements for service thereon.

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

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CHAPTER III. HOUSE OF DELEGATES

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A. Convening Sessions of the House of Delegates.

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1. Special Sessions. A special session of the House of Delegates shall be called by the President on a three-
 356 fourths (3/4) affirmative vote of the members of the Board of Trustees or on written request of delegates
 357 representing at least one-third (1/3) of the constituents and not less than one-fifth (1/5) of the number of
 358 officially certified delegates of the last House of Delegates. The time and place of a special session shall be
 359 determined by the President, provided the time selected shall be not more than forty-five (45) days after the
 360 request was received. The business of a special session shall be limited to that stated in the official call
 361 except by unanimous consent.

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2. Official Call of Sessions of the House of Delegates.

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- a. Annual Session. The Executive Director of the Association shall direct that an official notice of the
 364 time and place of each annual session be published in *The Journal of the American Dental*
 365 *Association*. The Executive Director of the Association shall also send an official notice of the time
 366 and place of the annual session to each member of the House of Delegates at least thirty (30) days
 367 before the opening of such annual session.

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- b. Special Session. The Executive Director of the Association shall send an official notice of the time and
 369 place of each special session and a statement of the business to be considered to every officially
 370 certified delegate and alternate delegate of the last House, not less than fifteen (15) days before the
 371 opening of such special session.

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CHAPTER IV. TRUSTEE DISTRICTS [Reserved]

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CHAPTER V. BOARD OF TRUSTEES

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- A. Eligibility. A trustee must be an active, life or retired member, in good standing, of this Association and an active, life
 375 or retired member of one of the constituents of the trustee district which the trustee is elected or appointed to
 376 represent.

377

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

382

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

386

- D. Vacancy. A trustee district may specify in writing to the Association's Executive Director how its nominee shall be

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

396 E. Powers.

- 397 1. The Board of Trustees shall report to the House of Delegates for approval any interim actions taken with respect
 398 to councils and special committees, consistent with the exercise of its power to supervise, monitor and guide, on
 399 an interim basis, the activities of all councils and special committees, including the establishment of rules and
 400 procedures that authorize the transaction of business by ballot without a meeting.
- 401 2. Consistent with the exercise of its power to authorize limited scope pilot programs, the Board of Trustees may
 402 approve guidelines relating to the conduct of the program when authorizing a pilot program. No pilot program
 403 authorized by the Board of Trustees shall exceed a period of three years without approval by the House of
 404 Delegates. The Board of Trustees shall annually report to the House of Delegates on any authorized pilot
 405 program during the program's duration that is inconsistent with any provision of the *Bylaws*.

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

- 407 1. Provide guidelines and directives to govern the Treasurer's custody, investment and disbursement of
 408 Association funds and other property.
- 409 2. Notice of the Board of Trustee's proposed budget and a resolution containing the Board of Trustee's
 410 recommendation for active member dues required by the ADA *Bylaws* shall be sent electronically to each
 411 constituent and posted on ADA Connect or its equivalent for the House of Delegates not less than thirty (30)
 412 days before the first scheduled meeting of the House of Delegates to permit prompt, adequate notice by each
 413 constituent to its delegates and alternate delegates to the House of Delegates. The resolution containing the
 414 Board of Trustee's recommendation for active member dues shall be also announced to the general
 415 membership in an official publication of the Association at least fifteen (15) days in advance of the
 416 commencement of the annual session of the House of Delegates.
- 417 3. Act upon applications for active membership from applicants practicing in dependencies of the United States in
 418 which no constituent exists or who are employed by the federal dental services.
- 419 4. Review the periodic delegate allocations to the House of Delegates performed pursuant to the methodology set
 420 forth in the *Manual of the House of Delegates*.
- 421 5. Establish administrative agencies of this Association as may be necessary to implement the Association's
 422 programs and, through the Executive Director of the Association under whose jurisdiction such administrative
 423 agencies shall operate, assign the duties and receive reports required of such agencies.

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

427 CHAPTER VI. ELECTIVE OFFICERS OF THE ASSOCIATION

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

431 B. Nominations.

- 432 1. President-Elect and Second Vice President. Nominations for the offices of President-elect and Second Vice
 433 President shall be made in accordance with the order of business. Candidates for these elective offices shall be
 434 nominated from the floor of the House of Delegates by a simple declaratory statement, which may be followed
 435 by an acceptance speech not to exceed four (4) minutes by the candidate from the podium, according to the
 436 protocol established by the Speaker of the House of Delegates. Seconding a nomination is not permitted.
- 437 2. Treasurer. The search for Treasurer shall be announced in an official publication of the Association in
 438 November of the final year of the incumbent Treasurer's term, together with the recommended qualifications for
 439 that position as provided in the *Bylaws*. Candidates for the office of Treasurer shall apply by submitting a
 440 standardized Treasurer *Curriculum Vitae* form to the Executive Director at least one hundred twenty (120) days
 441 prior to the convening of the House of Delegates. Each candidate's application shall be reviewed by the Board

442 of Trustees. At least sixty (60) days prior to the convening of the House of Delegates the Executive Director
 443 shall provide all members of the House of Delegates, with each candidate's standardized Treasurer *Curriculum*
 444 *Vitae* and the determination of the Board of Trustees as to whether the candidate meets the recommended
 445 qualifications for the office of Treasurer. No other candidate shall be nominated from the floor of the House of
 446 Delegates. Nominations shall be made in accordance with the order of business. Each nomination may be
 447 followed by an acceptance speech not to exceed four (4) minutes by the candidate from the podium, according
 448 to the protocol established by the Speaker of the House of Delegates. Seconding a nomination is not permitted.
 449 No further nominations for the office of Treasurer shall be accepted from the floor of the House of Delegates. If
 450 there are no eligible candidates for the office of Treasurer when the House of Delegates meets, the term of the
 451 incumbent Treasurer shall be extended by one (1) year. Should the incumbent Treasurer be unwilling or unable
 452 to serve an additional one (1) year term, the office of Treasurer shall be filled in accordance with the vacancy
 453 provisions of this chapter of the *Governance Manual*. Under these circumstances, former Treasurers of this
 454 Association not otherwise eligible to serve as Treasurer due to term limits will be eligible to serve as Treasurer
 455 until the House of Delegates can elect a Treasurer.

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

479 C. Term of Office. The two consecutive three-year term limit for the offices of Treasurer and Speaker of the House of
 480 Delegates shall not apply in the case of a former Treasurer or Speaker of the House, who may serve until the House
 481 of Delegates can elect a Speaker of the House of Delegates, in the event of a vacancy as described elsewhere in
 482 this chapter of the *Governance Manual*. Serving any portion of a three (3) year term shall be considered service of a
 483 full three (3) year term.

484 D. Installation. The elective officers shall be installed at the annual session of the House of Delegates. The President-
 485 elect shall be installed as President at the next annual session of the House following election. The Second Vice
 486 President shall be installed as First Vice President at the next annual session of the House following election.

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

491 F. Vacancies in Elective Offices. Vacancies in elective offices shall be filled as specified in the *ADA Bylaws*.

492 **CHAPTER VII. APPOINTIVE OFFICER**

493 A. Duties. In addition to those duties set forth in the *Bylaws*, it shall be the duty of the Executive Director to:
 494 1. Assist the Board of Trustees in supervising, monitoring, and providing guidance to all Association councils,
 495 Commissions, and committees in regard to their administrative functions and specific assignments;
 496 2. Systematize the preparation of council, commission, and committee reports; and
 497 3. Encourage collaboration and the exchange of information concerning mutual interests and issues between
 498 councils, committees, and commissions.

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

506

CHAPTER VIII. COUNCILS

507

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

508

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

509

a. Council on Dental Education and Licensure. The Council on Dental Education and Licensure shall be 510 composed of seventeen (17) members selected as follows:

511

i. Nominations.

512

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

516

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

520

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

526

(d) One (1) new dentist member recommended by the New Dentist Committee and nominated by the
 527 Board of Trustees.**

528

ii. Committees. The Council on Dental Education and Licensure shall establish a standing Committee on 529 Dental Education and a standing Committee on Licensure, each consisting of eight (8) members 530 selected by the Council. The Council may establish such additional committees believed to be 531 essential to carrying out its duties.

532

b. Council on Members Insurance Retirement Programs. The Council on Members Insurance Retirement 533 Programs shall be composed of ten (10) members, nine (9) of whom are active, life or retired members who 534 are selected from nominations open to all trustee districts whose terms of office shall be staggered in such 535 a manner that three (3) members will complete their terms each year. The tenth (10th) member of the 536 council shall be a new dentist member recommended by the New Dentist Committee and nominated by the 537 Board of Trustees.

538

c. Council on Scientific Affairs. The Council on Scientific Affairs shall be composed of eighteen (18) members, 539 sixteen (16) of whom shall be selected from nominations open to all trustee districts, the current recipient of 540 the Gold Medal Award for Excellence in Dental Research and one (1) new dentist member recommended 541 by the New Dentist Committee and nominated by the Board of Trustees.

542

d. Remaining Councils. The remaining councils of this Association shall each be composed of eighteen (18) 543 members, one (1) member from each trustee district whose terms of office shall be staggered in such a 544 manner that four (4) members will complete their terms each year except every fourth year when five (5) 545 members shall complete their terms and one (1) new dentist member recommended by the New Dentist 546 Committee and nominated by the Board of Trustees.

547

2. Term and Tenure. The term of the member nominated by the New Dentist Committee on the councils on 548 which they are voting members, as well as committees of the Board of Trustees shall be one year, with the

* 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.

** 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.

- 549 member being eligible to serve up to four (4) single-year terms, for a maximum tenure of four years.
- 550 3. Nominations and Election. Nominations for all councils shall be made by the Board of Trustees except as
551 otherwise provided in the *Bylaws* or this *Governance Manual*. Members of councils shall be elected by the
552 House of Delegates in accordance with the election procedure set forth in Chapter III of the *ADA Bylaws*.
- 553 4. Removal for Cause. The Board of Trustees may remove a council member for cause in accordance with
554 procedures established by the Board of Trustees. Those procedures shall provide for notice of the charges,
555 including allegations of the conduct purported to constitute each violation and a decision in writing which
556 shall specify the findings of fact which substantiate any and all of the charges. Prior to issuance of the
557 decision by the Board of Trustees, no council member shall be disallowed from attending any meeting of a
558 council unless there is an opportunity to be heard or compelling reasons exist which are specified in writing
559 by the Board of Trustees.
- 560 5. Amendment. The entirety of this Section A. of Chapter VIII. is amendable by a two-thirds (2/3) affirmative
561 vote of delegates present and voting provided that the proposed amendment(s) shall have been presented
562 in writing at a previous session or a previous meeting of the same session of the House of Delegates.
- 563 B. Eligibility.
- 564 1. All members of councils must be active, life or retired members in good standing of this Association except as
565 otherwise provided in the *Bylaws* or this *Governance Manual*.
- 566 2. No member of a council may serve concurrently as a member of another council or commission.
- 567 3. A member shall not be eligible for appointment to another council or commission for a period of two (2) years
568 after completing a previous council or commission appointment, except that a member who serves no more than
569 fifty percent (50%) of their maximum tenure of four (4) one-year terms of council service while they are serving as
570 the nominee of the New Dentist Committee will be exempted from the requirement to wait two years before being
571 eligible to serve on another council.
- 572 4. The elective and appointive officers and the trustees of this Association shall not serve as members of councils.
- 573 5. A member of the Council on Dental Education and Licensure who was selected by the American Association of
574 Dental Boards or the American Dental Education Association but ceases to be an active member of that body
575 may continue as a member of the Council for the balance of that member's term.
- 576 6. A member of the Council on Dental Education and Licensure who was selected by the American Dental
577 Education Association but ceases to be a member of the faculty of a member school of that body shall cease to
578 be a member of the Council on Dental Education and Licensure and the President shall declare the position
579 vacant.
- 580 7. To be eligible to serve on the Council on Scientific Affairs, the current recipient of the Gold Medal Award for
581 Excellence in Dental Research shall be an active, life or retired member in good standing of this Association if
582 that individual qualifies for membership in the Association.
- 583 C. Chairs. One member of each council shall be selected annually by each council from among its members to serve
584 as chair, with written notification to the Board of Trustees. Every other year, the chair of the Council on Dental
585 Education and Licensure shall be selected from among the members of the Council nominated by the Board of
586 Trustees pursuant to the procedures contained in this chapter of the *Governance Manual*.
- 587 D. Consultants and Staff.
- 588 1. Consultants. Each council shall have the authority to appoint consultants in conformity with rules and
589 regulations established by the Board of Trustees except as otherwise provided in the *Bylaws* or this *Governance*
590 *Manual*. The councils shall inform the Board in writing of the selection of consultants.
- 591 2. Staff. The Executive Director shall employ council staff and select their titles in the event they are employees.
- 592 E. Term of Office. Except for members of the Council on Members Insurance and Retirement Programs whose term of
593 office shall be three (3) years, the term of office of members of councils shall be four (4) years except as otherwise
594 provided in the *Bylaws* or this *Governance Manual*. Except for (i) members of the Council on Members Insurance
595 and Retirement Programs whose tenure on the council shall be limited to two terms of three (3) years, and (ii)
596 members serving as the nominee of the New Dentist Committee who serve two (2) single-year terms or less are eligible
597 thereafter to serve one four (4) year term as a representative of a Trustee District of the ADA or other participating dental
598 organization, the tenure of a member of a council shall be limited to one (1) term of four (4) years except as otherwise
599 provided in the *Bylaws* or this *Governance Manual*. The current recipient of the Gold Medal Award for Excellence in
600 Dental Research shall serve on the Council on Scientific Affairs until the award is bestowed on the next honoree.
- 601 F. Vacancy. In the event of a vacancy in the membership of any council, except a member of the Council on Dental
602 Education and Licensure selected by an organization other than this Association, the President shall appoint a
603 member of the Association possessing the same qualifications as established by the *Bylaws* or this *Governance*
604 *Manual* for the previous member, to fill such vacancy until a successor is elected by the next House of Delegates for

605 the remainder of the unexpired term. In the event such vacancy involves a member of the Council on Dental
 606 Education and Licensure who was selected by an organization other than this Association, such other organization
 607 shall appoint a successor. The appointed member shall possess the same qualifications as those possessed by the
 608 previous member of the Council. In the event such vacancy involves the chair of the council, the President shall
 609 have the power to appoint an *ad interim* chair. In the event it is the current recipient of the Gold Medal Award for
 610 Excellence in Dental Research who cannot serve on the Council on Scientific Affairs, the President, in consultation
 611 with the Board of Trustees, shall have the power to appoint a prominent research scientist who shall serve until the
 612 award is bestowed on the next honoree.

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

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

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

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

628 J. Annual Report and Budget.

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

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

633 K. Areas of Responsibility.

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

- 636 a. Oral health literacy;
- 637 b. Oral disease prevention and intervention;
- 638 c. Access to oral healthcare; and
- 639 d. Community oral health advocacy.

640 2. Council on Communications. The areas of subject matter responsibility of the Council shall be:

- 641 a. Advise on the management of the Association's reputation;
- 642 b. Develop, recommend and maintain ADA strategic communications plans;
- 643 c. Advise ADA agencies on branding;
- 644 d. Advise on prioritization and allocation of communications resources; and
- 645 e. Advise on communications and marketing for constituents and components, upon request.

646 3. Council on Dental Benefit Programs. The areas of subject matter responsibility of the Council shall be:

- 647 a. Administration and financing of all dental benefit programs including both commercial and public programs;
- 648 b. Dental Quality Alliance;
- 649 c. Monitoring of quality reporting activities of third party payers;
- 650 d. Peer review programs;
- 651 e. Code sets and code taxonomies including but not limited to procedure and diagnostic codes;
- 652 f. Electronic and paper dental claim content and completion instructions; and
- 653 g. Standards pertaining to the capture and exchange of information used in dental benefit plan administration
 654 and reimbursement for services rendered.

655 4. Council on Dental Education and Licensure. The areas of subject matter responsibility of the Council shall be:

- 656 a. Dental, advanced dental and allied dental education and accreditation;
- 657 b. Recognition of dental specialties and interest areas in general dentistry;
- 658 c. Dental anesthesiology and sedation;
- 659 d. Dental admission testing;
- 660 e. Licensure;
- 661 f. Certifying boards and credentialing for specialists and allied dental personnel; and
- 662 g. Continuing dental education.
- 663 5. Council on Dental Practice. The areas of subject matter responsibility of the Council shall be:
- 664 a. Dental practice, including:
 - 665 i. Dental practice management;
 - 666 ii. Practice models and economics;
 - 667 iii. Scope of practice;
 - 668 iv. Impact of and compliance with regulatory mandates; and
 - 669 v. Assessment of initiatives directed to the public and the profession;
- 670 b. Allied dental personnel, including:
 - 671 i. Utilization, management and employment practices; and
 - 672 ii. Liaison relationships with organizations representing allied dental personnel;
- 673 c. Dentist health and wellness, including:
 - 674 i. Dental professional well-being, wellness and ergonomics;
 - 675 ii. Patient safety and wellness; and
 - 676 iii. Liaison relationships with state well-being programs and related national organizations;
- 677 d. Dental informatics and standards for electronic technologies; and
- 678 e. Activities and resources directed to the success of the dental practice and the member.
- 679 6. Council on Ethics, Bylaws and Judicial Affairs. The areas of subject matter responsibility of the Council shall be:
- 680 a. Ethics and professionalism, including disciplinary matters relating thereto;
- 681 b. The governing documents of this Association, including:
 - 682 i. Review of the constitutions and bylaws of constituents and components to ensure consistency with the
 - 683 Association's *Bylaws*; and
 - 684 ii. To correct punctuation, grammar, spelling and syntax, change names and gender references and
 - 685 delete moot, and to correct article, chapter and section designations, punctuation, and cross
 - 686 references and to make such other technical and conforming revisions as may be necessary to reflect
 - 687 the intent of the House in connection with amendments to the Association's *Bylaws*, *Governance*
 - 688 *Manual*, *Manual of the House of Delegates*, *Principles of Ethics and Code of Professional Conduct* and
 - 689 *Current Policies* where such revisions do not alter the material's context or meaning upon the
 - 690 unanimous vote of the Council members present and voting; and
 - 691 iii. To report to the House of Delegates any corrections made to the governing documents of the
 - 692 Association pursuant to subsection ii. of this section of the *Governance Manual*; and
- 693 c. Hold hearings and render decisions in disputes arising between constituents or between a constituent and
- 694 component.
- 695 7. Council on Government Affairs. The areas of subject matter responsibility of the Council shall be:
- 696 a. Encourage the improvement of the health of the public and to promote the art and science of dentistry in
- 697 matters of legislation and regulations by appropriate activities;
- 698 b. Formulate and recommend legislation, regulatory activity, policies and governmental programs relating to
- 699 dentistry and oral health for submission to Congress;
- 700 c. Serve and assist as liaison with those agencies of the federal government which employ dental personnel
- 701 or have dental care programs, and formulate polices which are designed to advance the professional status
- 702 of federally employed dentists; and
- 703 d. Disseminate information which will assist the constituents and components involving legislation and
- 704 regulation affecting the dental health of the public.

- 705 8. Council on Members Insurance and Retirement Programs. The areas of subject matter responsibility of the
706 Council shall be:
 - 707 a. Insurance and retirement plan products and resources; and
 - 708 b. Risk management education programs and resources.
- 709 9. Council on Membership. The areas of subject matter responsibility of the Council shall be:
 - 710 a. Membership recruitment and retention and related issues;
 - 711 b. Monitor and provide support and assistance for the membership activities of constituents and components;
712 and
 - 713 c. Membership benefits and services.
- 714 10. Council on Scientific Affairs. The areas of subject matter responsibility of the Council shall be:
 - 715 a. Science and scientific research, including:
 - 716 i. Evidence-based dentistry;
 - 717 ii. Evaluation of professional products;
 - 718 iii. Identification of intramural and extramural priorities for dental research every three years; and
 - 719 iv. Promotion of student involvement in dental research;
 - 720 b. Scientific aspects of the dental practice environment related to the health of the public, dentists and allied
721 health personnel;
 - 722 c. Standards development for dental products;
 - 723 d. The safety and efficacy of concepts, procedures and techniques for use in the treatment of patients;
 - 724 e. Liaison relationships with scientific regulatory, research and professional organizations and science-related
725 agencies of professional healthcare organizations; and
 - 726 f. The ADA Seal of Acceptance program.

CHAPTER IX. COMMISSIONS

- 727
- 728 A. Members, Selections, Nominations and Elections.
 - 729 1. Commission on Dental Accreditation. The number of and the method of selection of members of the
730 Commission on Dental Accreditation shall be governed by the *Rules of the Commission on Dental*
731 *Accreditation*, except that twelve (12) members shall be selected as follows:
 - 732 a. Four (4) members who shall be appointed by the Board of Trustees from the names of active, life or retired
733 members of this Association. None of the appointees shall be a faculty member of any dental education
734 program working more than one day per week or a member of a state board of dental examiners or
735 jurisdictional dental licensing agency.
 - 736 b. Four (4) members who are active, life or retired members of this Association and also current members of
737 the American Association of Dental Boards shall be selected by the American Association of Dental
738 Boards. None of these members shall be a faculty member of any dental education program.
 - 739 c. Four (4) members who are active, life or retired members of this Association and also current members of
740 the American Dental Education Association shall be selected by the American Dental Education
741 Association. None of these members shall be a member of any state board of dental examiners or
742 jurisdictional dental licensing agency.
 - 743 2. Joint Commission on National Dental Examinations. The number of and the method of selection of members of
744 the Joint Commission on National Dental Examinations shall be governed by the *Rules of the Joint Commission*
745 *on National Dental Examinations*, except that twelve (12) members shall be selected as follows:
 - 746 a. Three (3) members who shall be appointed by the Board of Trustees from the names of active, life or
747 retired members of this Association. None of the appointees shall be a faculty member of any dental
748 education program working more than one day per week or a member of a state board of dental examiners
749 or jurisdictional dental licensing agency.
 - 750 b. Six (6) members who are active, life or retired members of this Association and also current members of
751 the American Association of Dental Boards shall be selected by the American Association of Dental
752 Boards. None of these members shall be a faculty member of any dental education program.
 - 753 c. Three (3) members who are active, life or retired members of this Association and also current members of
754 the American Dental Education Association shall be selected by the American Dental Education

- 755 Association. None of these members shall be a member of any state board of dental examiners or
756 jurisdictional dental licensing agency.
- 757 3. Commission for Continuing Education Provider Recognition. The number of and the method of selection of
758 members of the Commission for Continuing Education Provider Recognition shall be governed by the *Rules of*
759 *the Commission for Continuing Education Provider Recognition*, except that five (5) members shall be selected
760 as follows:
- 761 a. Four (4) members who shall be appointed by the Board of Trustees from the names of active, life or retired
762 members of this Association. None of the appointees shall be a faculty member of any dental education
763 program working more than one day per week or a member of a state board of dental examiners or
764 jurisdictional dental licensing agency. At least two (2) of the members appointed shall be general dentists.
- 765 b. One (1) member selected by the American Dental Education Association who is an active, retired or life
766 member of this Association, if eligible, and a current member of the American Dental Education
767 Association.
- 768 4. National Commission on Recognition of Dental Specialties and Certifying Boards. The National Commission
769 on Recognition of Dental Specialties and Certifying Boards shall be composed of members selected as
770 follows:
- 771 a. One (1) specialist from each dental specialty recognized by this Commission who is an active, life or
772 retired member of this Association appointed by the sponsoring organization for that specialty.
- 773 b. A number of general dentists equal to the number of members appointed pursuant to subsection 4.a. of
774 this Section who are active, life or retired members of this Association appointed by the Board of
775 Trustees.
- 776 c. A member of the general public appointed by the Commission.
- 777 5. Amendment. The entirety of this Section A of Chapter IX is amendable by a two-thirds (2/3) affirmative vote
778 of delegates present and voting, provided that the proposed amendment(s) shall have been presented in
779 writing at a previous session or a previous meeting of the same session of the House of Delegates.
- 780 B. Removal for Cause. Any of the commissions of this Association shall have the sole authority to remove any of its
781 members for cause pursuant to its *Rules*, with notice of such removal being given to the ADA Board of Trustees.
- 782 C. Eligibility.
- 783 1. All members of commissions who are dentists must be active, life or retired members in good standing of this
784 Association except as otherwise provided in the *Bylaws*.
- 785 2. If a commission member ceases to be a member of the organization that selected or elected the commission
786 member, that commission member's membership on the commission shall terminate, and the Chair of the
787 commission shall declare the position vacant.
- 788 3. Any organizations that select members to serve on the Commission for Continuing Education Provider
789 Recognition and offer continuing dental education courses must be recognized as a continuing education
790 provider by the commission.
- 791 4. No member of a commission may serve concurrently as a member of a council or another commission.
- 792 5. A member shall not be eligible for appointment to another commission or council for a period of two (2) years
793 after completing a previous commission or council appointment.
- 794 D. Chairs. Commissions shall elect their own chairs. To be eligible to serve as chair of a commission, the commission
795 member must be an active, life or retired member of this Association.
- 796 E. Consultants, Advisers and Staff.
- 797 1. Consultants and Advisers.
- 798 a. The Commission on Dental Accreditation shall have the power to appoint consultants to assist in
799 developing requirements and guidelines for conducting the accreditation program and accreditation
800 evaluations, including site visitations of predoctoral, advanced and allied dental education programs.
- 801 b. The Joint Commission on National Dental Examinations shall have the power to appoint consultants to
802 serve on the commission's test construction teams and to assist with test administration, test development,
803 test security and test psychometric evaluation.
- 804 c. The Commission for Continuing Education Provider Recognition shall have the power to appoint
805 consultants to assist in developing standards and procedures, conducting recognition reviews and
806 conducting appeals.
- 807 d. The National Commission on Recognition of Dental Specialties and Certifying Boards shall have the power
808 to appoint consultants to assist in the periodic review of dental specialties, the annual review of dental

- 809 specialty certifying boards, and in conducting appeals.
- 810 2. Staff. The Executive Director shall employ the staff of commissions, in the event they are employees, and shall
811 select the titles for commission staff positions.
- 812 F. Term of Office and Tenure.
- 813 1. Term of Office. The term of office of members of the commissions of this Association shall be four (4) years
814 except that (a) the term of office of members of the Commission on Dental Accreditation selected pursuant to
815 the *Rules of the Commission on Dental Accreditation* shall be governed by those *Rules*, and (b) the term of
816 office of the dental student selected by the American Student Dental Association for membership on the Joint
817 Commission on National Dental Examinations shall be one (1) year.
- 818 2. Tenure. The tenure of a member of a commission shall be limited to one (1) term of four (4) years except that
819 (a) the tenure of members of the Commission on Dental Accreditation selected pursuant to the *Rules of the*
820 *Commission on Dental Accreditation* shall be governed by those *Rules*, and (b) tenure in office of the dental
821 student selected by the American Student Dental Association for membership on the Joint Commission on
822 National Dental Examinations shall be one (1) term.
- 823 G. Vacancy. In the event of a vacancy in the office of a member of a commission, the following procedure shall be
824 followed:
- 825 1. In the event the member of a commission whose office is vacant is or was a member of and was appointed or
826 elected by this Association, the President of this Association shall appoint a member of this Association to fill
827 that vacancy. The appointed member shall possess the same qualifications as established in this *Governance*
828 *Manual* for the previous member, and the appointed member shall fill the vacancy until a successor is elected by
829 the next House of Delegates of this Association for the remainder of the unexpired term.
- 830 2. In the event the member of a commission whose office is vacant was selected by an organization other than this
831 Association, such other organization shall appoint a successor. The appointed member shall possess the same
832 qualifications as those possessed by the previous member of the commission.
- 833 3. In the event such vacancy involves the chair of a commission, the vice chair shall serve as *ad interim* chair
834 pending selection of a chair.
- 835 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
836 term remaining at the time the successor member is appointed or elected to fill the vacancy, the successor
837 member shall be eligible for election to a new four-year term. If fifty percent (50%) or more of the vacated term
838 remains to be served at the time of the appointment or election of a successor member to fill the vacancy, the
839 successor member shall not be eligible for another term.
- 840 H. Meetings of Commissions. Each commission shall conduct meetings in accordance with its Rules. Commissions
841 shall hold at least one regular meeting annually. Meetings may be held at the ADA Headquarters Building, the ADA
842 Washington Offices or from multiple remote locations through the use of a conference telephone or other
843 communications equipment by which all members can communicate with each other.
- 844 I. Quorum. Quorum requirements for each commission shall be as stated in the *Rules* of that commission.
- 845 J. Privilege of the Floor. Chairs and members of the commissions of this Association who are not members of the
846 House of Delegates shall have the right to participate in the debate on their respective reports, but shall not have the
847 right to vote.
- 848 K. Annual Report and Budget.
- 849 1. Annual Report. The Joint Commission on National Dental Examinations, the Commission on Continuing
850 Education Provider Recognition, and the National Commission on Recognition of Dental Specialties and
851 Certifying Boards shall submit, through the Executive Director, an annual report to the House of Delegates
852 containing that information each commission deems to be appropriate and a copy thereof to the Board of
853 Trustees. The Commission on Dental Accreditation shall publish an annual report containing that information it
854 deems to be appropriate to its communities of interest according to a timeline of its choosing and pursuant to the
855 *Rules of the Commission on Dental Accreditation*.
- 856 2. Proposed Budget. Each commission shall submit to the Board of Trustees, through the Executive Director, a
857 proposed itemized budget for the ensuing fiscal year.
- 858 L. Power to Adopt Rules. Any commission of this Association shall have the power to adopt rules for such commission
859 and amendments thereto, provided such rules and amendments thereto do not conflict with or limit the *Constitution*
860 *and Bylaws, Governance and Organizational Manual* and *Standing Rules for Councils and Commissions* of this
861 Association. Commissions shall have the power to adopt rules and amendments thereto pursuant to a two-thirds
862 affirmative vote of the members present and voting.

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CHAPTER X. COMMITTEES, SPECIAL COMMITTEES AND SUBCOMMITTEES

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

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

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A. Disciplinary Matters.

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

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

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

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

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

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

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- e. Removal from Office. If the member holds any ADA office, a disciplinary action including removal from office as a trustee, delegate, alternate delegate or elective officer for the remaining term may be imposed in addition to, or in lieu of, any of the penalties enumerated above.

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

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

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1. Initial Disciplinary Hearings on Charges Relating to the ADA Bylaws or the Principles of Ethics and Code of Professional Conduct. The following procedures are to be followed by a component or constituent or this

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- Association bringing charges of *Bylaws* or ethics violations:
- a. Notice. An organization bringing charges against a member alleging a violation of either the *ADA Bylaws* or the *Principles of Ethics and Code of Professional Conduct* shall issue a notice of charges that will meet the following specifications:
 - i. Charges Brought. The notice of charges will contain a detailed statement of all disciplinary charges brought against the accused member, including (a) an official certified copy of any alleged conviction or determination of guilt that is the basis for the disciplinary action, (b) description of the section(s) of the *Bylaws* or the ethical provisions alleged to have been violated, and/or (c) a description of the conduct alleged to constitute each violation.
 - ii. Time of Hearing. The notice of charges shall contain notification of the date, time and place that a hearing on the charges will be held.
 - iii. Delivery of Notice. The notice of charges shall be sent to the accused member by certified mail, return receipt requested. The notice of charges shall be addressed to the accused member’s last known address and mailed not less than twenty-one (21) days prior to the date set for the hearing.
 - b. Hearing. Any member accused of violating either the *ADA Bylaws* or the *Principles of Ethics and Code of Professional Conduct* is entitled to a hearing before a hearing body of the entity bringing the charges.
 - i. Purpose. The purpose of a disciplinary hearing is to provide the accused member with the opportunity to present a defense to the charges brought against the member.
 - ii. Representation by Counsel. The organization bringing the charges must allow the accused member to be represented by legal counsel at any hearing convened under these procedures.
 - iii. Continuances. An accused member is entitled to one (1) hearing postponement. The postponement cannot exceed thirty (30) days. Additional requests for postponement may be granted or denied by the hearing body in its reasonable discretion.
 - c. Decision. Every decision of a hearing body that imposes a penalty will be in writing. The written decision will contain the following:
 - i. Statement of Charges. The decision shall set forth a statement of the charge(s) made against the member;
 - ii. Facts and Verdict. The decision shall state the facts that support the charge(s) and the verdict arrived at by the hearing body;
 - iii. Penalty. The decision shall state the penalty imposed 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; and
 - iv. Delivery of Decision. The decision is to be sent to the following:
 - (a) The accused member by certified mail, return receipt requested, and addressed to the accused member’s last known address.
 - (b) The secretary of the accused member’s component, if any;
 - (c) The secretary of the accused member’s constituent, if applicable;
 - (d) The chair of the American Dental Association Council on Ethics, Bylaws and Judicial Affairs; and
 - (e) The Executive Director of this Association.
 - d. Notice of Right to Appeal. Every written decision issued by a hearing body that imposes a penalty will be accompanied by a separate notice stating that the accused member has a right to appeal the decision. The notice of right to appeal will direct the member to the section of this *Governance Manual* dealing with appeals from disciplinary decisions relating to violations of the *ADA Bylaws* or the *Principles of Ethics and Code of Professional Conduct*.
 - e. Finality of Decision. A decision will not become final while an appeal of the decision is pending or until the thirty (30) day period for filing a notice of appeal has expired.
 - f. Non-Appeal of Decision Containing Sentence of Expulsion. If a decision includes a sentence of expulsion and a notice of appeal is not received within the thirty (30) day period within which to appeal, the accused member’s constituent will notify all parties of the failure of the accused member to file an appeal. The sentence of expulsion will take effect on the date the parties receive such notice. The component and constituent shall each determine what portion of their current dues and special assessments, if any, shall be returned to the expelled member. Dues and special assessments paid to this Association will not be refunded to an expelled member.
2. Appeals from Disciplinary Decisions Relating to the *ADA Bylaws* and the *Principles of Ethics and Code of*

- 972 Professional Conduct. The following procedures shall be followed in any appeal from a decision issued as a
 973 result of a disciplinary hearing on charges relating to the ADA *Bylaws* or the *Principles of Ethics and Code of*
 974 *Professional Conduct*:
- 975 a. Right to Appeal.
- 976 i. Disciplinary Decision of a Component. Any member shall have the right to appeal a disciplinary
 977 decision issued by the member's component that imposes a penalty. That appeal shall be made to
 978 member's constituent by filing a notice of appeal in affidavit form with the secretary of the constituent.
- 979 ii. Disciplinary Decision of a Constituent. Any member or component shall have a right to appeal a
 980 disciplinary decision that is adverse to it that is issued by a constituent. That appeal shall be made to
 981 the Council on Ethics, Bylaws and Judicial Affairs of this Association by filing a notice of appeal in
 982 affidavit form with the Chair of the Council on Ethics, Bylaws and Judicial Affairs.
- 983 iii. Disciplinary Decision Adverse to a Direct Member. A direct member of this Association shall have the
 984 right to appeal a disciplinary decision of a hearing panel of the Council on Ethics, Bylaws and Judicial
 985 Affairs that imposes a penalty of censure, suspension, expulsion, or probation. That appeal shall be
 986 made to the full Council on Ethics, Bylaws and Judicial Affairs of this Association by filing a notice of
 987 appeal in affidavit form with the Chair of the Council on Ethics, Bylaws and Judicial Affairs. Members
 988 of the hearing panel that issued the decision being appealed shall have no right to vote on the
 989 Council's decision in such an appeal.
- 990 b. Time to Appeal. An appeal from any decision shall not be valid unless the appeal is filed within thirty (30)
 991 days of the date the decision appealed from was issued.
- 992 c. Time for the Filing of Briefs on Appeal. Briefs in appeals brought under this Section must be filed in
 993 accordance with the following schedule:
- 994 i. Appellant's Initial Brief. If being filed, an initial brief supporting an appeal must be filed within sixty
 995 (60) days of the issue date of the decision being appealed.
- 996 ii. Reply Brief. If being filed, a reply brief must be filed within ninety (90) days of the issue date of the
 997 decision being appealed.
- 998 iii. Rejoinder Brief. If being filed, a rejoinder brief must be filed within one hundred five (105) days of the
 999 issue date of the decision being appealed.
- 1000 d. Time for Appellate Hearing. No hearing shall be held within one hundred fifty (150) days of the issue date
 1001 of the decision being appealed or forty-five (45) days after the last brief in the appeal was filed, whichever
 1002 is later. Omission of briefs will not alter the date for the hearing of an appeal unless otherwise agreed to
 1003 by the parties and the chair of the body hearing the appeal.
- 1004 e. Conduct of Appellate Hearing. The following procedure shall be used in processing appeals:
- 1005 i. Appellate Hearings. If the requirements of subsections a. and b. of this section relating to appeals
 1006 from disciplinary decisions relating to the ADA *Bylaws* and the *Principles of Ethics and Code of*
 1007 *Professional Conduct* are met, the party bringing the appeal shall be entitled to a hearing.
- 1008 ii. Parties to an Appeal. The parties to an appeal are the accused member and the entity that brought
 1009 the charges against the accused member. In appeals to the Council on Ethics, Bylaws and Judicial
 1010 Affairs of this Association, the constituent which heard the first appeal, if any, may, at its option,
 1011 participate in the appeal.
- 1012 iii. Right to be Represented by Counsel. The parties to an appeal shall be entitled to be represented by
 1013 counsel in the appeal.
- 1014 iv. Appearance at Hearing not Required. A party to an appeal is not required to attend a hearing in an
 1015 appeal brought pursuant to this section.
- 1016 v. Option to Conduct Telephonic Hearings. Upon the request by a party and the concurrence of all other
 1017 parties, the body hearing the appeal may permit one or more of the parties to an appeal to participate
 1018 in the hearing remotely via telephone or other suitable means. The decision whether to allow remote
 1019 participation in an appeal hearing is discretionary with the body hearing the appeal and granting such
 1020 a request can be subject to meeting reasonable terms and conditions set by the hearing body.
- 1021 vi. Hearing Notice. A body that receives a notice of appeal shall notify the constituent or component (or
 1022 components) concerned or, where applicable, the hearing panel of the Council on Ethics, Bylaws and
 1023 Judicial Affairs, and the accused member of the time and place of the appeal hearing. Such notice
 1024 shall be sent by certified mail, return receipt requested, to the last known address of each party to the
 1025 appeal. The hearing notice should be mailed not less than thirty (30) days prior to the hearing date.
- 1026 vii. Hearing Continuances. Granting of hearing continuances shall be at the discretion of the hearing

- 1027 body.
- 1028 viii. Prehearing Matters. All communications with a hearing body shall be in writing. All parties to the
1029 appeal shall receive copies of such communications via the same method of delivery as used with
1030 the hearing body. Prehearing requests shall be granted at the discretion of the hearing body. In
1031 appeals to this Association's Council on Ethics, Bylaws and Judicial Affairs, the Council chair has the
1032 authority to rule on requests from the parties for continuances and other prehearing procedural
1033 matters with advice from legal counsel of this Association. The Council chair may consult with the
1034 Council before rendering prehearing decisions.
- 1035 ix. Briefs. Each party to an appeal shall be entitled to submit a brief in support of the party's position.
1036 The briefs of the parties shall be submitted to the secretary of the constituent or the Chair of the
1037 Council on Ethics, Bylaws and Judicial Affairs of this Association, as appropriate, in accordance with
1038 the prescribed briefing schedule. A copy of any brief filed in the appeal must be delivered to every
1039 other party in the appeal at the same time as the filing of the brief. The party initiating the appeal may
1040 choose to rely on the record and/or on an oral presentation and not file a brief.
- 1041 x. Record of Disciplinary Proceedings. Upon notice of an appeal, the entity that issued the decision
1042 being appealed shall provide to the body hearing the appeal and to the accused member a transcript,
1043 or an officially certified copy of the minutes, of the hearing accorded the accused member. Certified
1044 copies of any affidavits or other documents submitted as evidence to support or refute the charges
1045 against the accused member in the disciplinary hearing and any other material considered by the
1046 body issuing the decision being appealed will accompany the transcript or minutes. Where the body
1047 conducting the hearing resulting in the decision being appealed does not transcribe the hearing, the
1048 accused member, at the accused's own expense, is entitled to arrange for transcription of the hearing
1049 by a court reporter.
- 1050 xi. Appellate Jurisdiction. The body to which a decision has been appealed shall be required to review
1051 the decision appealed from to determine whether the evidence before the component, constituent or
1052 body which brought the charges against the accused member supports that decision or warrants the
1053 penalty imposed. The body hearing the appeal shall not be required to consider additional evidence
1054 unless there is a clear showing that a party to the appeal will be unreasonably harmed by failure to
1055 consider the additional evidence.
- 1056 xii. Decisions on Appeals. Every decision on appeal shall be in writing and must clearly state the
1057 conclusion of the hearing body and the reasons for that conclusion. The body hearing the appeal
1058 shall have the discretion to:
- 1059 (a) Uphold the decision of the entity that brought charges against the accused member;
- 1060 (b) Reverse the decision of the entity that brought the charges and thereby exonerate the accused
1061 member;
- 1062 (c) Deny an appeal where it fails to satisfy the requirements for appealing disciplinary decisions in
1063 this *Governance Manual*;
- 1064 (d) Refer the case back to the body that brought the charges for new proceedings, if the rights of the
1065 accused member under all applicable bylaws were violated or if adopted disciplinary procedures
1066 were not followed to the detriment of the accused;
- 1067 (e) Remand the case back to the agency that issued the charges for further proceedings when the
1068 record in the appeal is insufficient to enable the body hearing the appeal to form a conclusion
1069 concerning the correctness of the decision being appealed; or
- 1070 (f) Modify the decision of the agency that issued the charges against the accused member by
1071 reducing the penalty imposed.
- 1072 xiii. Delivery of the Appeal Decision to the Parties. Within thirty (30) days of the date on which a written
1073 decision on appeal is approved by the entity conducting the appeal, a copy of the written decision
1074 shall be sent by certified mail, return receipt requested, to the last known address of each of the
1075 following: the accused member; the secretary of the component of which the accused is a member, if
1076 applicable; the secretary of the constituent of which the accused is a member, if applicable; the Chair
1077 of the Council on Ethics, Bylaws and Judicial Affairs of this Association; and the Executive Director of
1078 this Association.
- 1079 C. Member Conduct Hearings. The following procedures will be followed by the Council on Ethics, Bylaws
1080 and Judicial Affairs in cases involving allegations of violations of the *Member Conduct Policy* of the
1081 Association.
- 1082 1. Charges. Any member of the Association or the Association's staff has the right to bring charges
1083 alleging a violation or violations of the Association's *Member Conduct Policy*. Charges must meet the

- 1084 following specifications:
- 1085 a. In Writing. The charges must be in writing;
- 1086 b. Identify Violation. The charges must include an identification of the provision(s) of the Association's *Member*
- 1087 *Conduct Policy* alleged to have been violated;
- 1088 c. Include Description. Include a detailed description of the conduct alleged to constitute the violation; and
- 1089 d. Delivery of Charges. The charges must be sent to the chair of the Council on Ethics, Bylaws and Judicial
- 1090 Affairs of this Association.
- 1091 2. Preliminary Investigation.
- 1092 a. Selection. Upon receipt of a charge alleging violation of the *Member Conduct Policy*, the Chair of the
- 1093 Council on Ethics, Bylaws and Judicial Affairs will select an investigatory panel of three (3) members of
- 1094 the Council.
- 1095 b. Ineligible Council Member. The Council member from the Trustee District of the member accused of
- 1096 violating the *Member Conduct Policy* is ineligible to serve on the investigatory panel. The investigatory
- 1097 panel will conduct a preliminary investigation of the charges alleged and determine whether the
- 1098 allegations made in the charges sufficiently state a violation of the *Member Conduct Policy*.
- 1099 3. Notice of Determination of Investigatory Panel.
- 1100 a. No Violation. If, upon preliminary investigation, the investigatory panel determines that the charges do
- 1101 not sufficiently state a violation of the *Member Conduct Policy*, the Association member or Association
- 1102 staff member bringing the charges will be advised in writing of the investigatory panel's determination.
- 1103 The investigatory panel's decision will be final and without right of appeal.
- 1104 b. Possible Violation. If the investigatory panel determines that the charge does sufficiently state a
- 1105 violation of the *Member Conduct Policy*, the charging individual and accused member shall be notified in
- 1106 writing. The notice of possible violation shall conform to the following specifications:
- 1107 i. Specification of Charges. The notice of possible violation shall provide a specification of the charges
- 1108 brought against the accused member;
- 1109 ii. Hearing Notice. The notice of possible violation shall specify the time and place of hearing on the
- 1110 charges brought against the accused member;
- 1111 iii. Manner of Delivery. The notice of possible violation shall be sent via certified mail, return receipt
- 1112 requested, to the last known addresses of the charging individual and the accused member; and
- 1113 iv. Time of Notice Mailing. The notice of possible violation shall be mailed not less than twenty-one (21)
- 1114 days prior to the date set for the hearing.
- 1115 4. Hearing. In the event of finding of a possible violation of the *Member Conduct Policy*, the accused member
- 1116 shall be entitled to a hearing before a panel of three (3) members of the Council on Ethics, Bylaws and
- 1117 Judicial Affairs.
- 1118 a. Hearing Panel Make Up. Members of the investigatory panel that investigated the allegations against
- 1119 the accused member and the Council member from the accused's trustee district are ineligible to sit on
- 1120 the hearing panel.
- 1121 b. Purpose. The purpose of the hearing is to provide the accused member with an opportunity to present a
- 1122 defense to the charges brought against them.
- 1123 c. Representation by Counsel. The accused member is entitled to be represented by legal counsel at the
- 1124 member conduct hearing.
- 1125 d. Continuances. An accused member is entitled to one (1) hearing postponement. The postponement
- 1126 cannot exceed thirty (30) days. Additional requests for postponement may be granted or denied at the
- 1127 discretion of the chair of the Council on Ethics, Bylaws and Judicial Affairs, who may but need not
- 1128 consult with the Council or the hearing panel on the request.
- 1129 5. Decision. Any member conduct hearing panel decision shall conform to the following specifications:
- 1130 a. Requirement of Written Decision. Every decision of a member conduct hearing panel will be in writing.
- 1131 The written decision will state:
- 1132 i. The charges lodged against the member;
- 1133 ii. The relevant facts;
- 1134 iii. The verdict arrived at by the hearing body; and
- 1135 iv. The penalty imposed or recommended and, if the penalty is to be suspended during a period of

- 1136 probation, the length of the probationary period and any other conditions included in the probation.
- 1137 b. Mailing of Decision. Every hearing panel decision must be sent, by certified mail, return receipt
- 1138 requested, within ten (10) days of the written decision being approved by the hearing panel, to the last
- 1139 known address of each of the following:
- 1140 i. The accused member;
- 1141 ii. The charging individual;
- 1142 iii. The secretary of the accused member's component, if any;
- 1143 iv. The secretary of the accused member's constituent, if applicable;
- 1144 v. The Chair of the American Dental Association Council on Ethics, Bylaws and Judicial Affairs;
- 1145 vi. The Executive Director of this Association; and, if applicable
- 1146 vii. The Election Commission of the Association.
- 1147 6. Notice of Right to Appeal. A written notice to the accused member informing the accused member of their
- 1148 right to appeal the decision of the hearing panel must accompany the copies of the decision sent pursuant
- 1149 to these procedures.
- 1150 7. Finality of Decision. A decision will not become final while an appeal of the decision is pending or until the
- 1151 thirty (30) day period for filing notice of appeal has expired.
- 1152 8. Non-Appeal of Decision Containing Sentence of Expulsion. If a decision includes a sentence of expulsion
- 1153 and no notice of appeal is received within the thirty (30) day period within which to appeal, the Council on
- 1154 Ethics, Bylaws and Judicial Affairs shall notify all parties and the accused member's constituent and, if
- 1155 appropriate, component, of the failure of the accused member to file an appeal. The sentence of expulsion
- 1156 will take effect on the date the notice is received. The disciplined member's component and constituent
- 1157 shall each determine what portion of their current dues and special assessments, if any, shall be returned
- 1158 to the expelled member. Dues and special assessments paid to this Association will not be refunded to an
- 1159 expelled member.
- 1160 D. Member Conduct Appeals. The following procedures shall be followed in any appeal from a decision issued as a
- 1161 result of a member conduct hearing pursuant to the procedures in this *Governance Manual*:
- 1162 1. Right to Appeal. Any member shall have the right to appeal a disciplinary decision issued by a member
- 1163 conduct hearing panel that imposes a penalty to the full Council on Ethics, Bylaws and Judicial Affairs by filing
- 1164 an appeal in affidavit form with the chair of the Council on Ethics, Bylaws and Judicial Affairs of this
- 1165 Association.
- 1166 2. Time to Appeal. An appeal from any member conduct decision under the procedures of this *Governance*
- 1167 *Manual* will not be valid unless the appeal is filed within thirty (30) days of the date the decision appealed from
- 1168 was issued.
- 1169 3. Time for Filing Briefs on Appeal. Briefs in member conduct appeals brought under the procedures of this
- 1170 *Governance Manual* will be filed according to the following schedule:
- 1171 a. Appellant's Initial Brief. If being filed, an initial brief supporting an appeal must be filed within sixty (60)
- 1172 days after the date the decision being appealed was issued.
- 1173 b. Reply Brief. If being filed, a reply brief supporting the decision appealed from must be filed by the
- 1174 Association member or staff member who lodged the member conduct complaint within ninety (90) days
- 1175 after the decision being appealed was issued.
- 1176 c. Rejoinder Brief. If being filed, a rejoinder brief supporting an appeal must be filed within one hundred five
- 1177 (105) days after the date the decision being appealed was issued.
- 1178 4. Time for Appellate Hearing. No hearing on an appeal will be held within one hundred fifty (150) days of the
- 1179 date the decision appealed from was issued or forty-five (45) days after the last brief in the appeal was filed,
- 1180 whichever is later. Omission of briefs will not alter the hearing date unless otherwise agreed to by the parties
- 1181 and the chair of the body hearing the appeal.
- 1182 5. Conduct of Appellate Hearing. The accused member shall be entitled to a hearing on an appeal, provided that
- 1183 such appeal meets the requirements of this section of the *Governance Manual*. The appeal hearing shall be
- 1184 conducted in accordance with the following parameters:
- 1185 a. Council Members Hearing the Appeal. Members of the investigatory and hearing panels involved in the
- 1186 action being appealed and the Council representative from the accused member's Trustee District shall
- 1187 be recused from and will not take part in the appeal.
- 1188 b. Parties to the Appeal. In any appeal of a decision under the *Member Conduct Policy*, the parties to such
- 1189 an appeal shall be the accused member and the Association member or the Association staff member

- 1190 who brought the charges.
- 1191 c. Representation by Counsel. In any appeal, the accused member is entitled to be represented by legal
1192 counsel.
- 1193 d. Attendance at Hearing. A party need not appear for the appeal to be heard by the Council on Ethics,
1194 Bylaws and Judicial Affairs.
- 1195 e. Option to Conduct Telephonic Hearing. Upon the request by a party and the concurrence of all other
1196 parties, the Council on Ethics, Bylaws and Judicial Affairs may permit one or more of the parties to an
1197 appeal to participate in the hearing remotely via telephone or other suitable means. The decision whether
1198 to allow remote participation in an appeal hearing is discretionary with the Council and granting such a
1199 request can be subject to meeting reasonable terms and conditions set by the Council.
- 1200 f. Hearing Notice. The Council on Ethics, Bylaws and Judicial Affairs shall notify the accused member; the
1201 Association member or Association staff member bringing the charges; the secretary of the accused
1202 member's component, if applicable; and the secretary of the accused member's constituent, if
1203 applicable of the time and place of the appeal hearing. The hearing notice will be sent by certified mail,
1204 return receipt requested, to the last known addresses of the parties to the appeal and the other entities
1205 receiving notice. The notice of hearing is to be mailed not less than thirty (30) days prior to the hearing
1206 date.
- 1207 g. Hearing Continuances. The granting of continuances shall be at the discretion of the Chair of the
1208 Council on Ethics, Bylaws and Judicial Affairs.
- 1209 h. Prehearing Matters. All prehearing communications will be in writing and a copy of each communication
1210 shall be sent to every other party in the same manner sent to the Council on Ethics, Bylaws and
1211 Judicial Affairs. Prehearing requests shall be granted at the discretion of the Chair of the Council on
1212 Ethics, Bylaws and Judicial Affairs. The Council Chair has the authority to rule on requests from the
1213 parties for continuances and other prehearing procedural matters with advice from legal counsel of this
1214 Association. The Council Chair may consult with the Council before rendering prehearing decisions.
- 1215 i. Briefs. Each party to an appeal shall be entitled to submit a brief in support of the party's position. The
1216 briefs of the parties shall be submitted to the Chair of the Council on Ethics, Bylaws and Judicial Affairs
1217 of this Association in accordance with the prescribed briefing schedule. A copy of each brief filed in an
1218 appeal must be delivered to the opposing party in the appeal at the same time as the filing of the brief.
1219 The party initiating the appeal may choose to rely on the record and/or an oral presentation and not file
1220 a brief.
- 1221 j. Record of Hearing. Upon receiving a notice of an appeal, the hearing panel of the Council on Ethics,
1222 Bylaws and Judicial Affairs that presided over the initial hearing shall furnish a transcript or an officially
1223 certified copy of the minutes of the hearing being appealed to the Council on Ethics, Bylaws and
1224 Judicial Affairs and the parties to the appeal. The transcript or minutes shall be accompanied by
1225 certified copies of any affidavits or other documents submitted as evidence to support the charges
1226 against the accused member or submitted by the accused as part of the accused's defense. If the
1227 hearing panel did not provide for transcription of the hearing, any party shall be entitled to arrange for
1228 the services of a court reporter to transcribe the hearing.
- 1229 k. Appellate Jurisdiction. The Council on Ethics, Bylaws and Judicial Affairs is required to review the
1230 decision appealed from to determine whether the evidence before the hearing panel supports that
1231 decision or warrants the penalty(ies) imposed. The Council on Ethics, Bylaws and Judicial Affairs
1232 shall not be required to consider additional evidence unless there is a clear showing that a party to
1233 the appeal will be unreasonably harmed by failure to consider the additional evidence.
- 1234 6. Decision on Appeals.
- 1235 a. Appeals not Involving Recommended Probation, Suspension, Expulsion and/or Removal of a
1236 Trustee or Elective Officer.
- 1237 i. Written Decision. In any appeal that does not involve the recommended probation, suspension,
1238 expulsion and/or removal from office of a trustee or elective officer, the decision of the Council
1239 on Ethics, Bylaws and Judicial Affairs shall be reduced to writing. The decision must clearly
1240 state the conclusion of the Council and the reasons for reaching that conclusion.
- 1241 ii. Permissible Penalties. The Council shall have the discretion to:
- 1242 (a) Uphold the decision of the hearing panel;
- 1243 (b) Reverse the decision of the hearing panel and thereby exonerate the accused member;
- 1244 (c) Deny an appeal that fails to satisfy the requirements of the procedures for appeals of
1245 member conduct decisions in this *Governance Manual*;

- 1246 (d) Refer the case back to the hearing panel for new proceedings, if the rights enumerated
1247 under all applicable policies and procedures were not accorded the accused;
- 1248 (e) Remand the case back to the member conduct hearing panel for further proceedings when
1249 the appellate record is insufficient in the opinion of the Council on Ethics, Bylaws and
1250 Judicial Affairs to enable it to render a decision; or
- 1251 (f) Modify the decision of the hearing panel by reducing the penalty imposed.
- 1252 iii. Final Decision. The decision of the Council on Ethics, Bylaws and Judicial Affairs in an appeal
1253 not involving a recommended probation, suspension, expulsion and/or removal of a trustee or
1254 elective officer shall be final and non-appealable.
- 1255 iv. Delivery of the Appeal Decision to the Parties. Within thirty (30) days of the date on which a
1256 final decision on appeal is approved by the Council on Ethics, Bylaws and Judicial Affairs, a
1257 copy of the written decision shall be sent by certified mail, return receipt requested, to the last
1258 known address of each of the following: the accused member; the Association member or
1259 Association staff member bringing charges; the secretary of the component of which the
1260 accused is a member, if applicable; the secretary of the constituent of which the accused is a
1261 member, if applicable; the Election Commission of the Association; and the Executive Director
1262 of this Association.
- 1263 b. Appeals Involving Recommended Probation, Suspension, Expulsion and/or Removal of a Trustee or
1264 Elective Officer.
- 1265 i. Written Decision. In any appeal that involves the recommended probation, suspension,
1266 expulsion or removal of a trustee or elective officer, the decision of the Council on Ethics,
1267 Bylaws and Judicial Affairs shall be reduced to writing. The decision must clearly state the
1268 conclusion of the Council and the reasons for reaching that conclusion.
- 1269 ii. Permissible Penalties. The Council shall have the discretion to:
- 1270 (a) Recommend upholding the decision of the hearing panel;
- 1271 (b) Reverse the recommended decision of the hearing panel and thereby exonerate the
1272 accused member;
- 1273 (c) Recommend denial of an appeal that fails to satisfy the requirements of the member
1274 conduct hearing procedures of this *Governance Manual*;
- 1275 (d) Refer the case back to the hearing panel for new proceedings, if the rights enumerated
1276 under all applicable procedures were not accorded the accused;
- 1277 (e) Remand the case back to the hearing panel for further proceedings when the appellate
1278 record is insufficient in the opinion of the Council on Ethics, Bylaws and Judicial Affairs to
1279 enable it to render a decision; or
- 1280 (f) Modify the decision of the hearing panel by reducing the penalty imposed, except in cases
1281 in which the reduced penalty is probation, suspension and/or removal from office, where
1282 the Council's decision shall be a recommendation.
- 1283 iii. Final Decision. The decision of the Council on Ethics, Bylaws and Judicial Affairs shall be final
1284 and non-appealable only in cases where the Council's decision does not result in the
1285 recommendation of a sentence of probation, suspension, expulsion and/or removal from office.
- 1286 iv. Delivery of the Appeal Decision in Cases not Involving Recommended Probation, Suspension,
1287 Expulsion and/or Removal from Office. Within thirty (30) days of the date on which a final
1288 decision that does not recommend probation, suspension, expulsion and/or removal from office
1289 is approved by the Council on Ethics, Bylaws and Judicial Affairs, a copy of the decision shall
1290 be sent by certified mail, return receipt requested, to the last known address of each of the
1291 following: the accused trustee or elective officer; the Association member or Association staff
1292 member preferring charges; the secretary of the component of which the trustee is a member, if
1293 applicable; the secretary of the constituent of which the trustee or elective officer is a member,
1294 if applicable; the Election Commission and the Executive Director of this Association.
- 1295 v. Delivery of the Appeal Decision in Cases Involving Recommended Probation, Suspension,
1296 Expulsion and/or Removal from Office. Within thirty (30) days of the date on which a decision
1297 that recommends probation, suspension, expulsion and/or removal from office of a trustee or
1298 elective officer is approved by the Council on Ethics, Bylaws and Judicial Affairs, a copy thereof
1299 shall be sent by certified mail, return receipt requested, to the last known address of each of
1300 the following: the accused trustee or elective officer; the Association member or Association
1301 staff member preferring charges; the Election Commission; the secretary of the component of

- 1302 which the trustee or elective officer is a member, if applicable; the secretary of the constituent
 1303 of which the trustee or elective officer is a member, if applicable; and the Executive Director of
 1304 this Association.
- 1305 vi. Right to Respond. When a decision recommends that a trustee or elective official be sentenced
 1306 to probation, expulsion, suspension and/or removal from office, that trustee or elected official
 1307 has the right to respond in writing to the decision and recommendation. The response of the
 1308 trustee or elective official must be delivered to the chair of the Council on Ethics, Bylaws and
 1309 Judicial Affairs within thirty (30) days from the date the decision and recommendation was
 1310 issued. The chair of the Council on Ethics, Bylaws and Judicial Affairs will forward the decision
 1311 and recommendation, along with any response received from the trustee or elected official, to
 1312 the Speaker of the House of Delegates, the Election Commission and the Association's
 1313 Executive Director.
- 1314 vii. Consideration of Decision by House of Delegates. Any decision that recommends probation,
 1315 suspension, expulsion and/or removal from office of a trustee or elective officer shall be
 1316 considered by the House of Delegates.
- 1317 viii. Consideration of Recommended Probation, Suspension, Expulsion and/or Removal from Office
 1318 of Trustees or Elective Officers by House of Delegates. The House of Delegates shall decide
 1319 whether to accept or reject any recommendation of a sentence of probation, suspension,
 1320 expulsion and/or removal from office made pursuant to the provisions of this section of the
 1321 *Governance Manual* against Trustees or Elected Officers of this Association. Delegates and
 1322 alternate delegates who participated in any portion of the procedures that resulted in such
 1323 recommendation shall be recused from deliberations under this section. A two-thirds (2/3)
 1324 affirmative vote of the delegates present and voting is required to impose a disciplinary
 1325 sentence of expulsion from membership or removal from office, suspension or probation.
- 1326 E. Enforcement of Sentences. After all appeals are exhausted or after the time for filing an appeal has expired,
 1327 a sentence of censure, suspension, expulsion and/or removal from office meted out to any member by
 1328 decisions rendered pursuant to the procedures in this *Governance Manual*, including those instances when
 1329 the disciplined member has been placed on probation, shall be enforced by such individual's component and
 1330 constituent, if such exist, and this Association.
- 1331 F. Non-Compliance. In the event of a failure of technical compliance with the procedural requirements
 1332 contained in this *Governance Manual*, the entity hearing the appeal shall determine the effect of such non-
 1333 compliance.
- 1334 G. Reminders of Obligation. Because Reminders of Obligation are private administrative actions and not
 1335 disciplinary penalties, copies of such Reminders of Obligation shall only be kept by the Council on Ethics,
 1336 Bylaws and Judicial Affairs for a period of six (6) months after issuance following which such copies shall be
 1337 destroyed.

1338 **CHAPTER XII. FINANCIAL MATTERS**

- 1339 A. Installment Payments of Dues and Special Assessments. Any constituent or component may establish a plan
 1340 for the installment payment of dues and special assessments for active, life, retired and provisional
 1341 members. This Association may establish a plan for the installment payment of dues and special
 1342 assessments for active, life and retired members who are direct members of the Association. Any such
 1343 installment plan shall require:
- 1344 1. Monthly installment payments that conclude with the current dues and any special assessment amount
 1345 being paid by December 15.
 - 1346 2. The expeditious transfer of installments of member dues and any special assessments collected to this
 1347 Association and any applicable constituent or component.
 - 1348 3. Any installment plan adopted under this provision of the *Governance Manual* may impose a reasonable
 1349 transaction fee upon the member. Transaction fees collected shall be prorated between this Association
 1350 and the constituent and component, if any, based on the amount of dues and special assessment
 1351 collected on each organization's behalf.
- 1352 B. Establishment of Funds. At the direction of the Board of Trustees, other funds may be created for activities
 1353 and programs requiring separate accounting records to meet governmental and administrative requirements.
 1354 Such funds shall consist of monies and other assets received or allocated in accordance with the purpose for
 1355 which they are established. Such funds shall be used for defraying all expenses incurred in their operation,
 1356 shall serve only as separate accounting entities and continue to be held in the name of the American Dental
 1357 Association as divisions of the General Fund.

- 1358 C. Special Assessments.
- 1359 1. Notice. Notices of resolutions proposing a special assessment shall be sent electronically to each
- 1360 constituent and posted on ADA Connect or its equivalent for the House of Delegates not less than thirty
- 1361 (30) days before such session. Notices of resolutions proposing special assessments shall also be
- 1362 announced to the general membership in an official publication of this Association at least fifteen (15)
- 1363 days in advance of the session. The specific project to be funded by the proposed assessment, the time
- 1364 frame of the project, and the amount and duration of the proposed assessment shall be clearly
- 1365 presented in giving notice to the members of this Association.
- 1366 2. Amendments and Number of Assessments Permitted. The House of Delegates may consider only one
- 1367 (1) specific project to be funded by a proposed assessment at a time. However, if properly adopted by
- 1368 the House of Delegates, two (2) or more special assessments may be in force at the same time.

1369 **CHAPTER XIII. INDEMNIFICATION [Reserved]**

1370 **CHAPTER XIV. PROCEDURAL MANUALS OF THE ASSOCIATION [Reserved]**

1371 **CHAPTER XV. PARLIAMENTARY AUTHORITY [Reserved]**

1372 **CHAPTER XVI. AMENDMENTS [Reserved]**

1373 **CHAPTER XVII. CONFLICT OF INTEREST**

1374 It is the policy of this Association that individuals who serve in elective, appointive or employed offices or positions do

1375 so in a representative or fiduciary capacity that requires loyalty to the Association. At all times while serving in such

1376 offices or positions, these individuals shall further the interests of the Association as a whole. In addition, they shall

1377 avoid:

- 1378 A. Placing themselves in a position where personal or professional interests may conflict with their duty to this
- 1379 Association;
- 1380 B. Using information learned through such office or position for personal gain or advantage; and
- 1381 C. Obtaining by a third party an improper gain or advantage.

1382 As a condition for selection, each nominee, candidate and applicant shall complete a conflict of interest statement as

1383 prescribed by the Board of Trustees, disclosing any situation which might be construed as placing the individual in a

1384 position of having an interest that may conflict with their duty to the Association. Candidates for offices of President-

1385 elect, Second Vice President, Treasurer, Speaker of the House, nominees for office of trustee, and nominees to

1386 councils and commissions shall file such statements with the Secretary of the House of Delegates to be made available

1387 to the delegates prior to election. As a condition of appointment, consultants, advisers and staff of Councils,

1388 Commissions and Special Committees, and each person nominated or seeking such positions, shall file conflict of

1389 interest statements with the Executive Director of this Association.

1390 While serving in any elective, appointive or employed office or position, the individual shall comply with the conflict of

1391 interest policy applicable to their office or position, shall complete and file a conflict of interest statement for each year

1392 of service, and shall promptly report any situation in which a potential conflict of interest may arise.

1393 The Board of Trustees shall approve any additional compliance activities that will implement the requirements of this

1394 Chapter. The Board of Trustees shall render a final judgment on what constitutes a conflict of interest except with

1395 respect to the work of the Commission on Dental Accreditation.

1396 **CHAPTER XVIII. SCIENTIFIC MEETINGS**

- 1397 A. Object. The scientific session of this Association is established to foster the presentation and discussion of
- 1398 subjects pertaining to the improvement of the health of the public and the science and art of dentistry.
- 1399 B. Time and Place. The scientific session of the Association shall be held annually at a time and place selected by the
- 1400 Board of Trustees. Such selection shall be made at least one (1) year in advance.
- 1401 C. Trade and Laboratory Exhibits. Products and services of the dental trade and dental laboratories and other
- 1402 products and services may be exhibited at each scientific session under the direction of the Board of Trustees and
- 1403 in accordance with rules and regulations established by that body.
- 1404 D. Admission. Admission to meetings of the scientific sessions shall be limited to members of this Association who

1405 are in good standing and to others admitted in accordance with rules and regulations established by the Board of
1406 Trustees.

1407

CHAPTER XIX. PUBLICATIONS

- 1408 A. The Journal of the American Dental Association. *The Journal of the American Dental Association,*
1409 hereinafter referred to as *The Journal*, shall be published with a frequency and at a subscription rate that
1410 shall be determined by the Board of Trustees. The object of *The Journal* shall be to report, chronicle and
1411 evaluate activities of scientific and professional interest to members of the dental profession. Except as
1412 otherwise provided in the powers of the Board of Trustees in the *ADA Bylaws*, the editor of *The Journal*
1413 shall have the authority to determine its editorial content, including scientific-based content, and shall, with
1414 the assistance of an editorial board, establish and maintain a written editorial policy for *The Journal*.
- 1415 B. Other Journals. The Association may publish or cause to be published other journals in the field of
1416 dentistry subject to the direction and regulations of the Board of Trustees.
- 1417 C. Official Transactions. The official transactions of the House of Delegates and the Board of Trustees and
1418 the reports of officers, councils and committees shall be published under the direction of the Executive
1419 Director.
- 1420 D. Member Directory. This Association shall cause to be published a directory of members of the Association.

1421 As of January 2024

1422

GOVERNANCE MANUAL APPENDIX 1

1423

FAQ for Tripartite Member Hearings

1424

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

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

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

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

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

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

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

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

- 1470 7. May a member appeal the decision of the hearing panel? See *Governance Manual*, Chapter XI., Sections C.6-
1471 7.
- 1472 *Governance Manual*, Chapter XI. Section D: Member Conduct Appeals.
- 1473 1. What is an appeal of the *Member Conduct Policy*? “The Code of Professional Conduct is binding on
1474 members of the ADA, and violations may result in disciplinary action.” This section of the *Governance*
1475 *Manual* describes the process for a member to appeal a disciplinary decision issued by a member conduct
1476 hearing panel. Because the *Member Conduct Policy* is specific to ADA jurisdiction and not tripartite
1477 membership, this appeal is made to the full Council on Ethics, Bylaws and Judicial Affairs.
- 1478 2. What is the timing for an appeal and filing briefs on appeal? See *Governance Manual*, Chapter XI., Sections
1479 D.2-3(a-c), 4.
- 1480 3. What are the parameters for the appeal hearing? See *Governance Manual*, Chapter XI., Sections D.5.a-k.
- 1481 4. Is attendance in person required for CEBJA to hear an appeal? See *Governance Manual*, Chapter XI.,
1482 Sections D.5.d-e.
- 1483 5. What are the requirements of each party for filing of briefs in support of their respective
1484 decisions? See *Governance Manual*, Chapter XI., Sections D.5.i.
- 1485 6. What are the parameters for CEBJA to render a decision on appeals? See *Governance Manual*,
1486 Chapter XI., Sections D.6a and 6b. In addition, all decisions are delivered in writing.
- 1487 7. If a trustee or elected official receives a decision from CEBJA which recommends probation, expulsion,
1488 suspension and/or removal from office, does the member have additional rights? See *Governance*
1489 *Manual*, Chapter XI., Sections D.56.b.vi-viii.
- 1490 8. What entity is responsible for the enforcement of the sentence after all appeals are exhausted? See
1491 *Governance Manual*, Chapter XI., Section E.

JUDICIAL PROCESS FLOWCHARTS

GOVERNANCE MANUAL APPENDIX 2

JUDICIAL PROCESS FLOWCHARTS

PREFACE

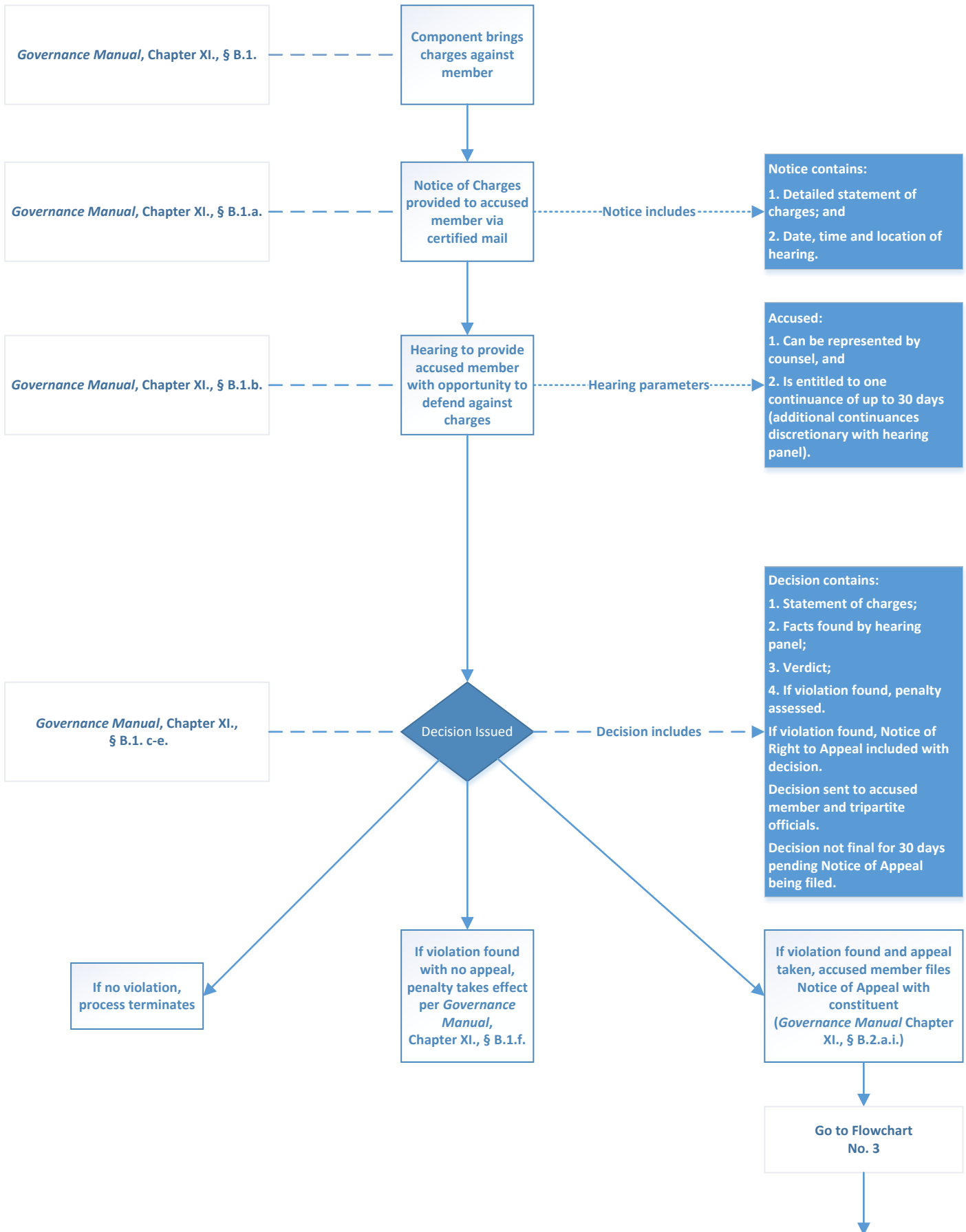
The following flowcharts illustrate the progression of the judicial processes that are found in Chapter XI. of the *Governance and Organizational Manual of the American Dental Association* ("the *Governance Manual*"). The flowcharts are provided as an aid to Association members and component and constituent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

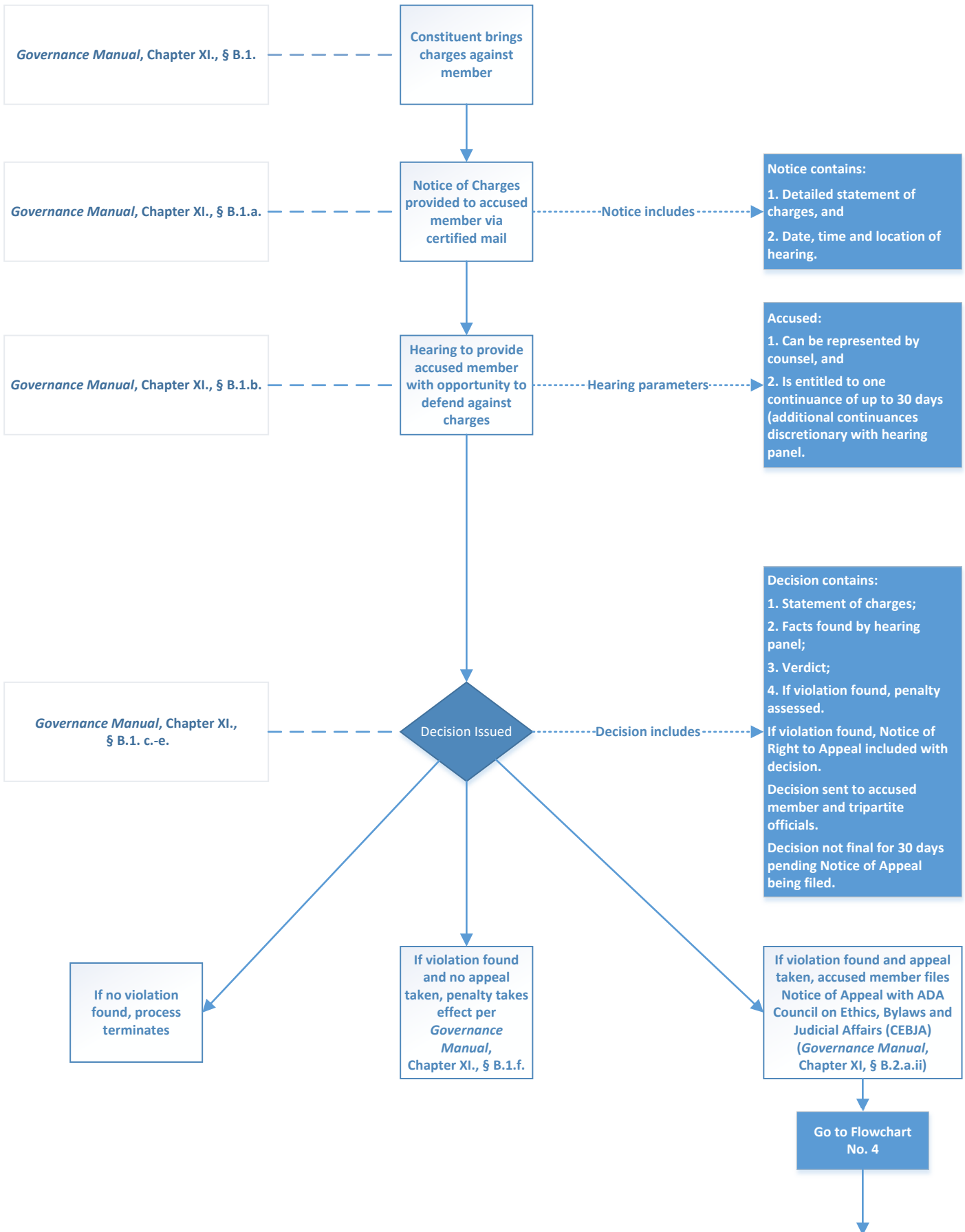
**INITIAL HEARING
CONDUCTED BY
COMPONENT SOCIETY**

Judicial Process Flowchart No. 1 Initial Hearing Held By Component



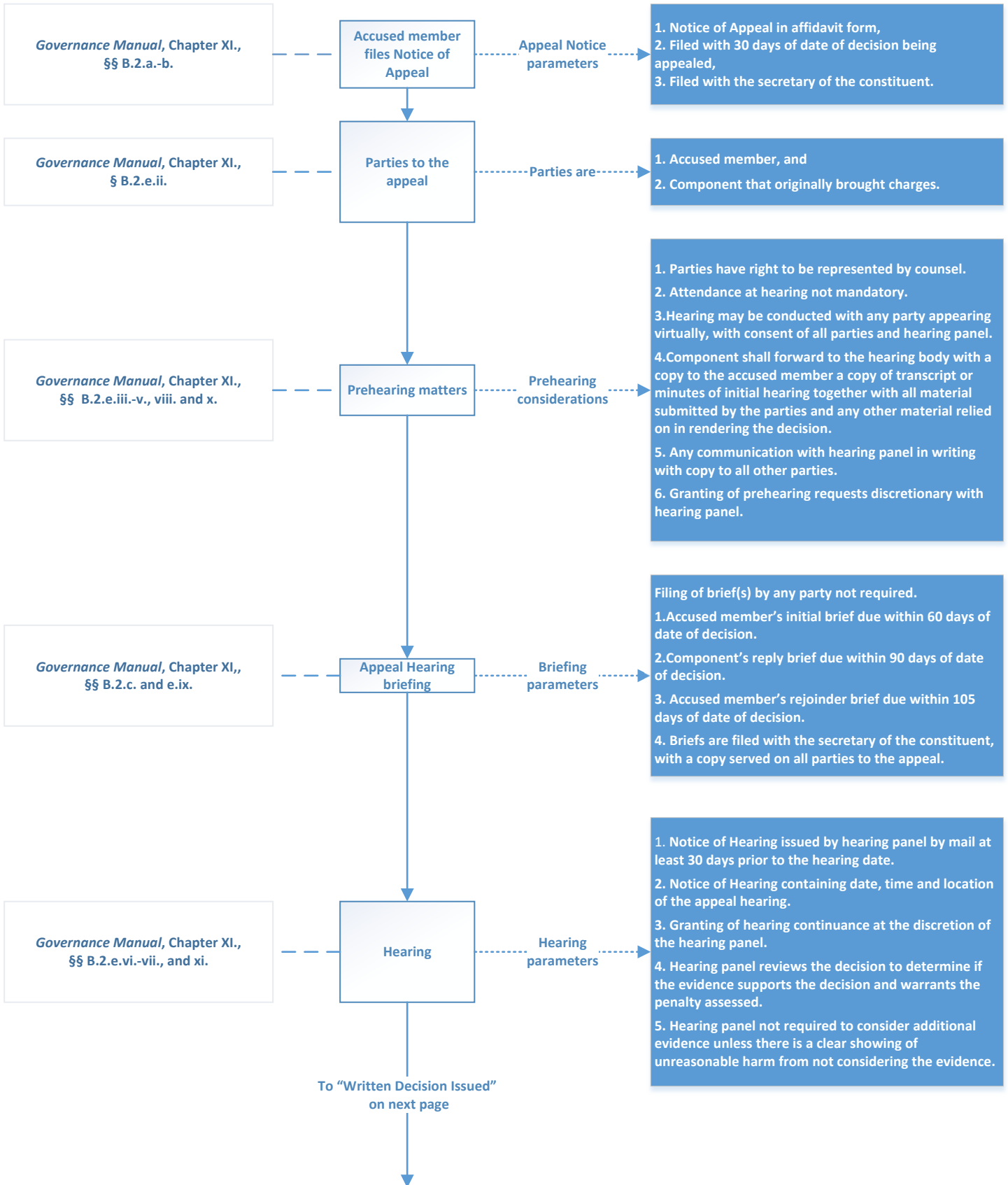
**INITIAL HEARING
CONDUCTED BY
CONSTITUENT SOCIETY**

Judicial Process Flowchart No. 2 Initial Hearing Held By Constituent



**APPEAL OF
COMPONENT SOCIETY DECISION
TO CONSTITUENT SOCIETY**

Judicial Process Flowchart No. 3
Appeal of Component Decision to Constituent
 Page 1



Judicial Process Flowchart No. 3
Appeal of Component Decision to Constituent
 Page 2

From "Hearing"
on Previous Page

Written decision contains:
 A clear statement of the conclusion of the hearing panel.
 In the decision, the hearing panel shall have the discretion to:

1. Uphold the initial decision in its entirety;
2. Reverse the decision, thereby exonerating the accused member;
3. Deny the appeal if the appeal does not satisfy the requirements stated in the *Governance Manual*;
4. Refer the case to the component for a new hearing if the rights of the accused were violated or if the procedures adopted were not followed to the detriment of the accused;
5. Remand the case to the component if the record on appeal is not sufficient to enable the hearing panel determine the correctness of the decision; or
6. Modify the decision of the component by reducing the penalty imposed.

Written Decision Issued

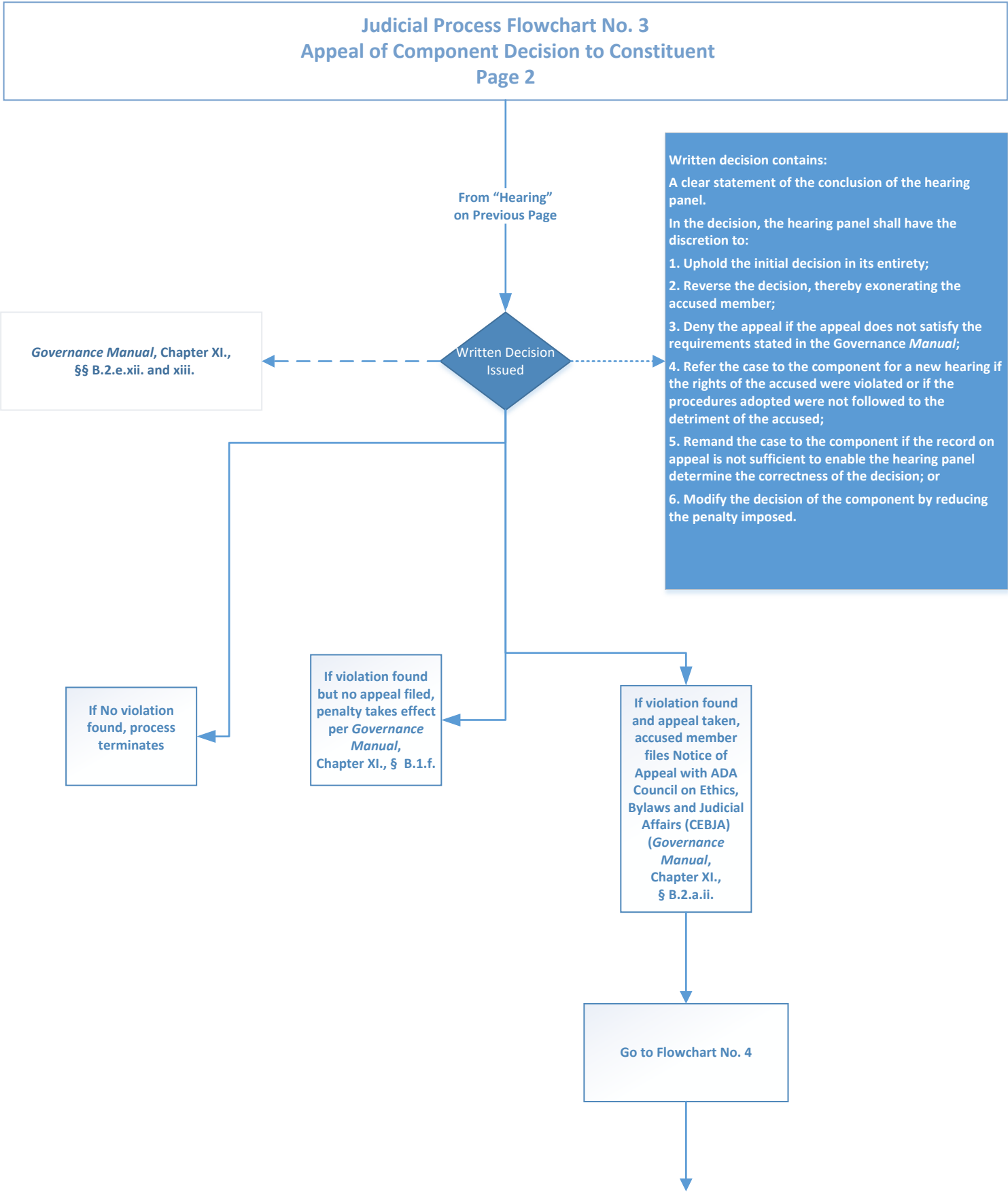
Governance Manual, Chapter XI,
§§ B.2.e.xii. and xiii.

If No violation found, process terminates

If violation found but no appeal filed, penalty takes effect per *Governance Manual*, Chapter XI., § B.1.f.

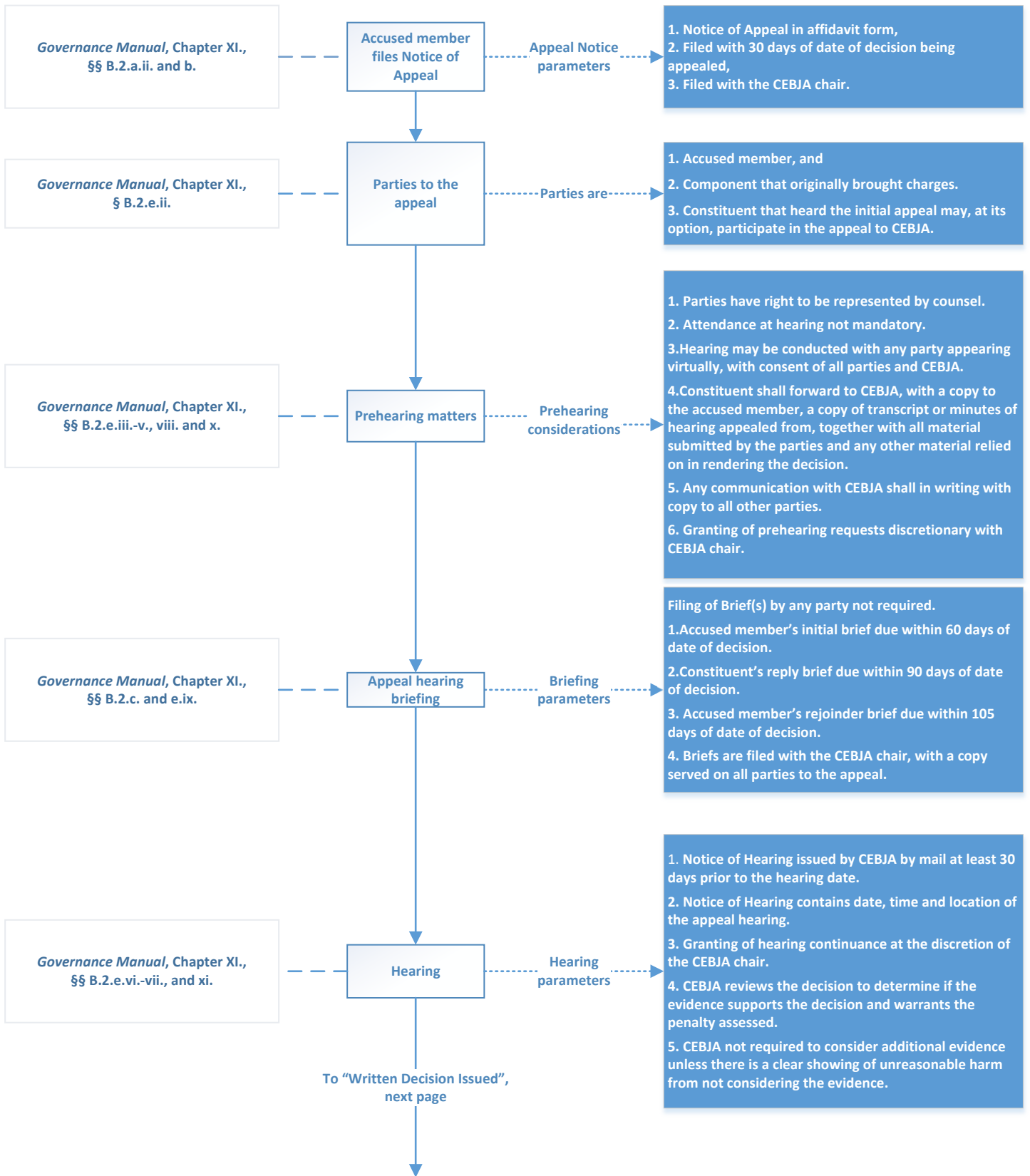
If violation found and appeal taken, accused member files Notice of Appeal with ADA Council on Ethics, Bylaws and Judicial Affairs (CEBJA) (*Governance Manual*, Chapter XI., § B.2.a.ii.

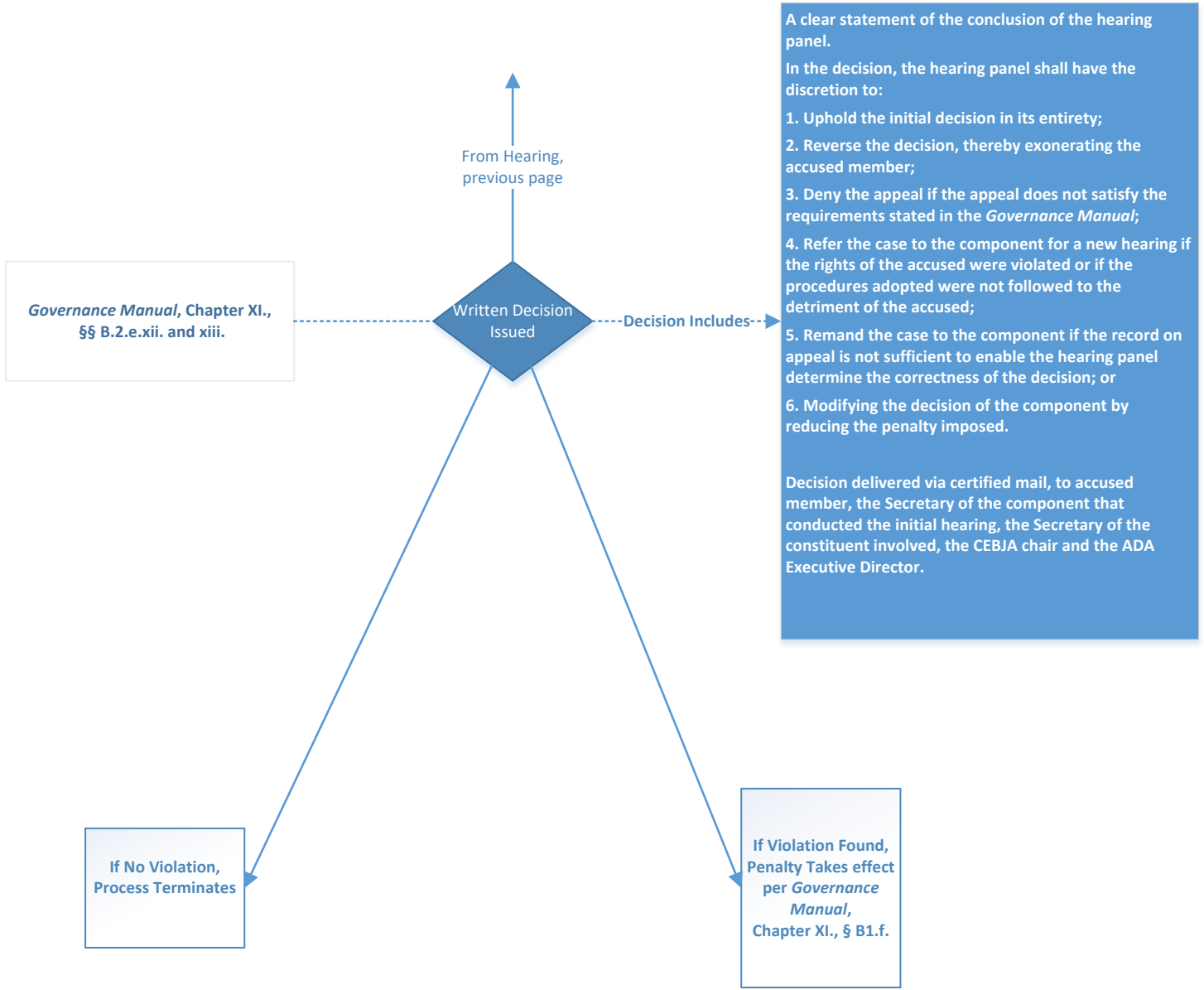
Go to Flowchart No. 4



**APPEAL OF CONSTITUENT SOCIETY DECISION TO
ADA COUNCIL ON ETHICS, BYLAWS AND
JUDICIAL AFFAIRS**

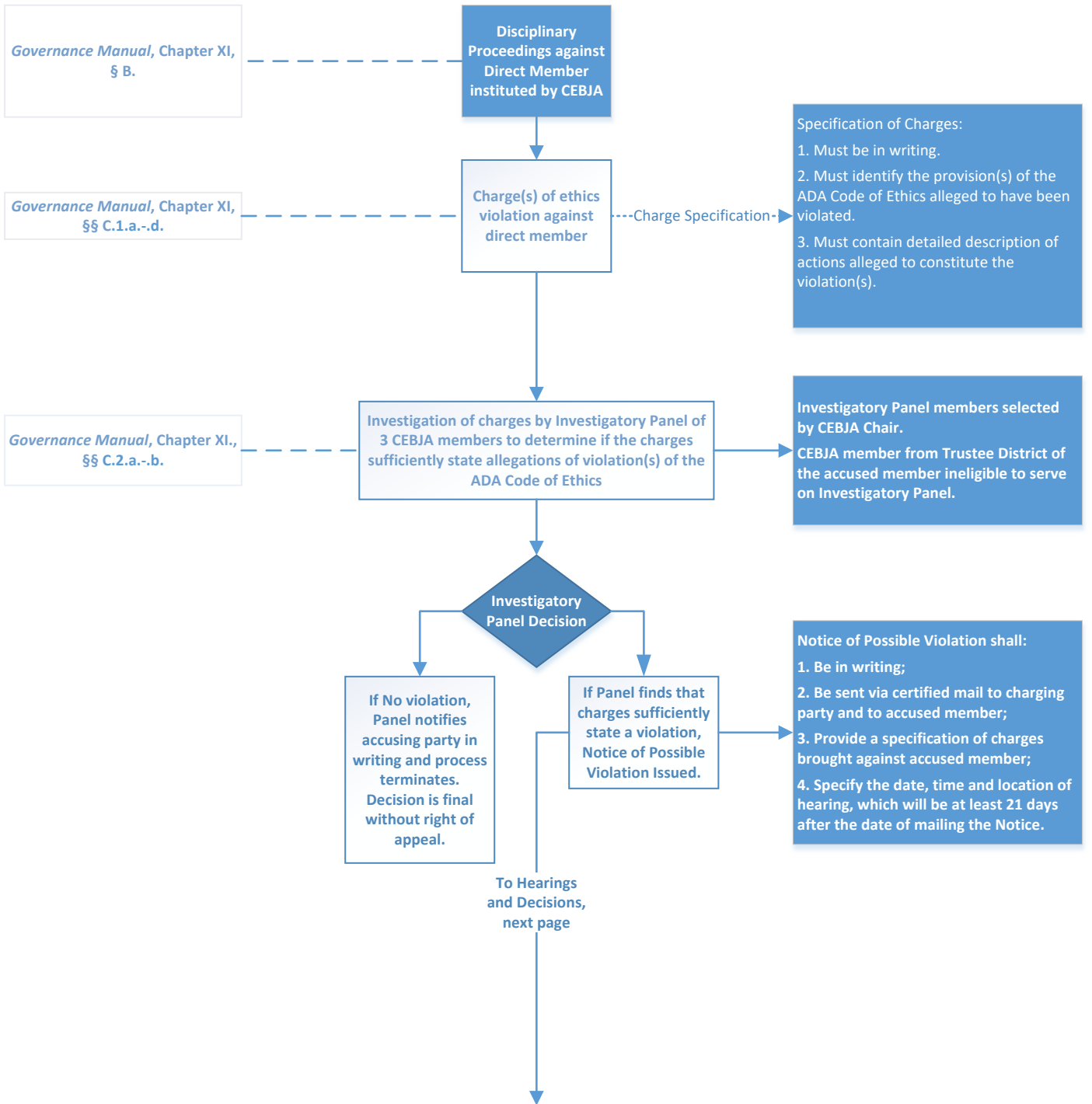
Appeal of Constituent Decision to ADA Council on Ethics, Bylaws and Judicial Affairs (CEBJA)



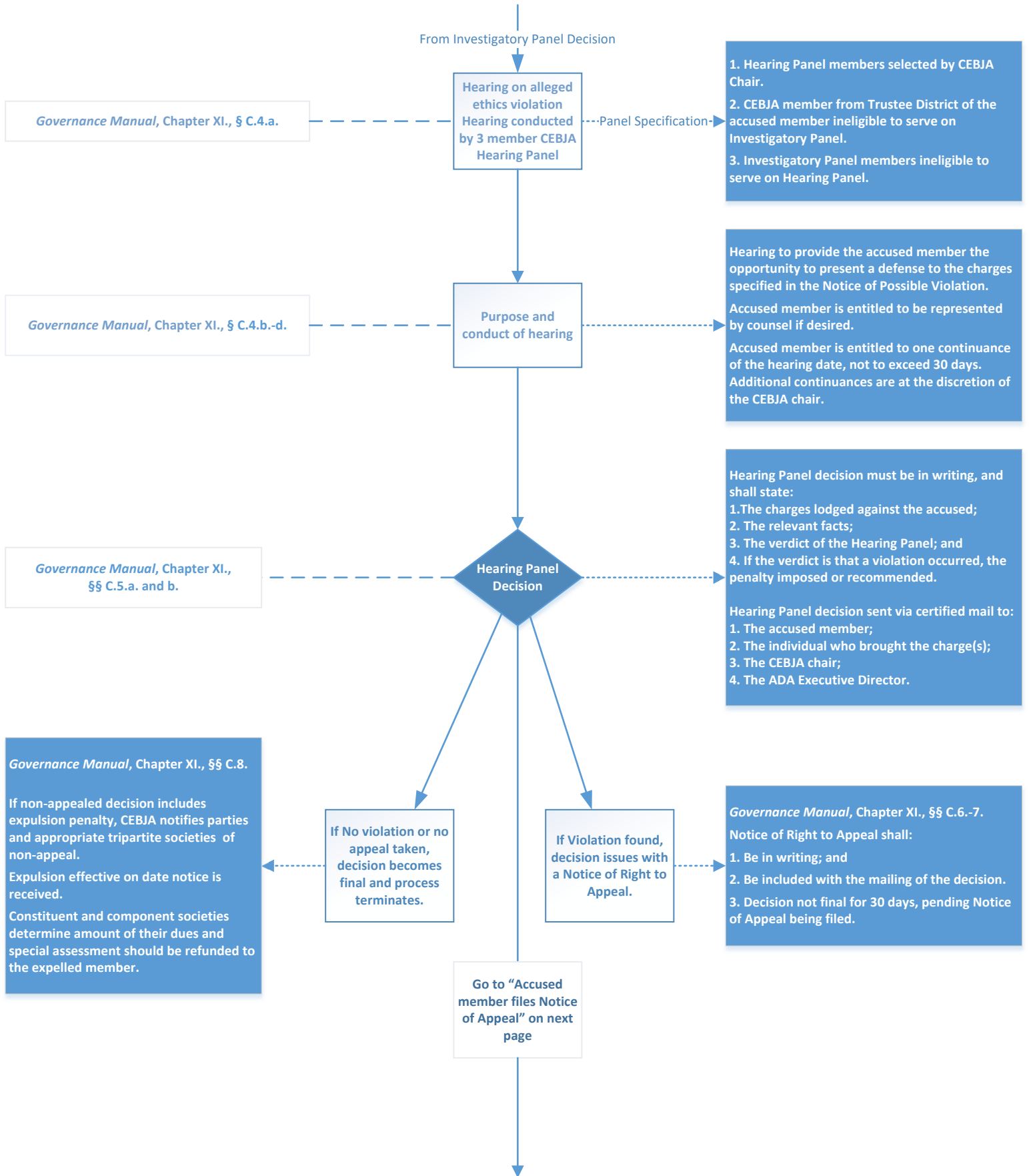


**ALLEGED CODE OF ETHICS VIOLATION
PROCEEDING AGAINST DIRECT MEMBER**

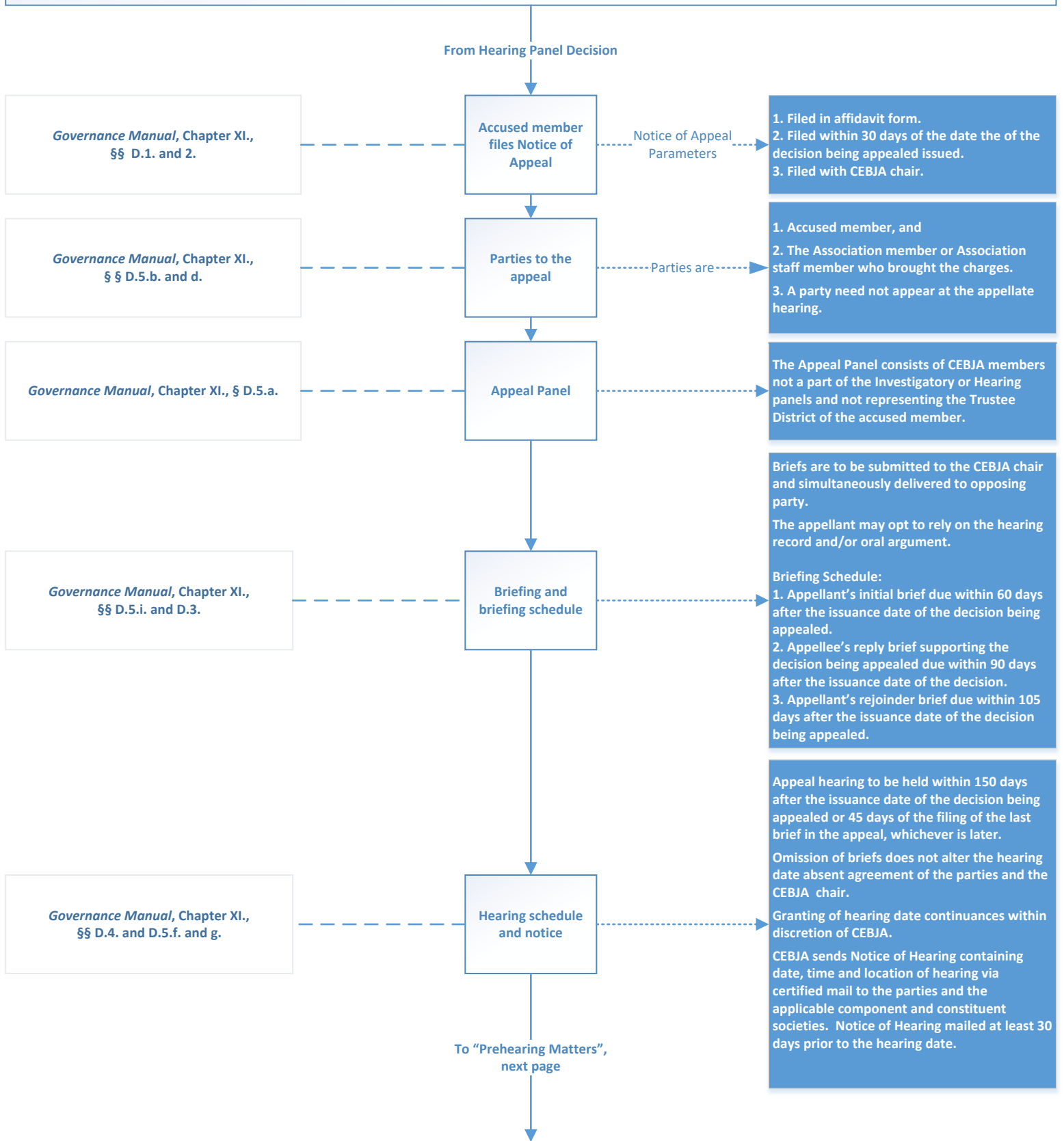
Judicial Process Flowchart No. 5 Alleged Code of Ethics Violations by Direct Members Page 1 (Investigations)



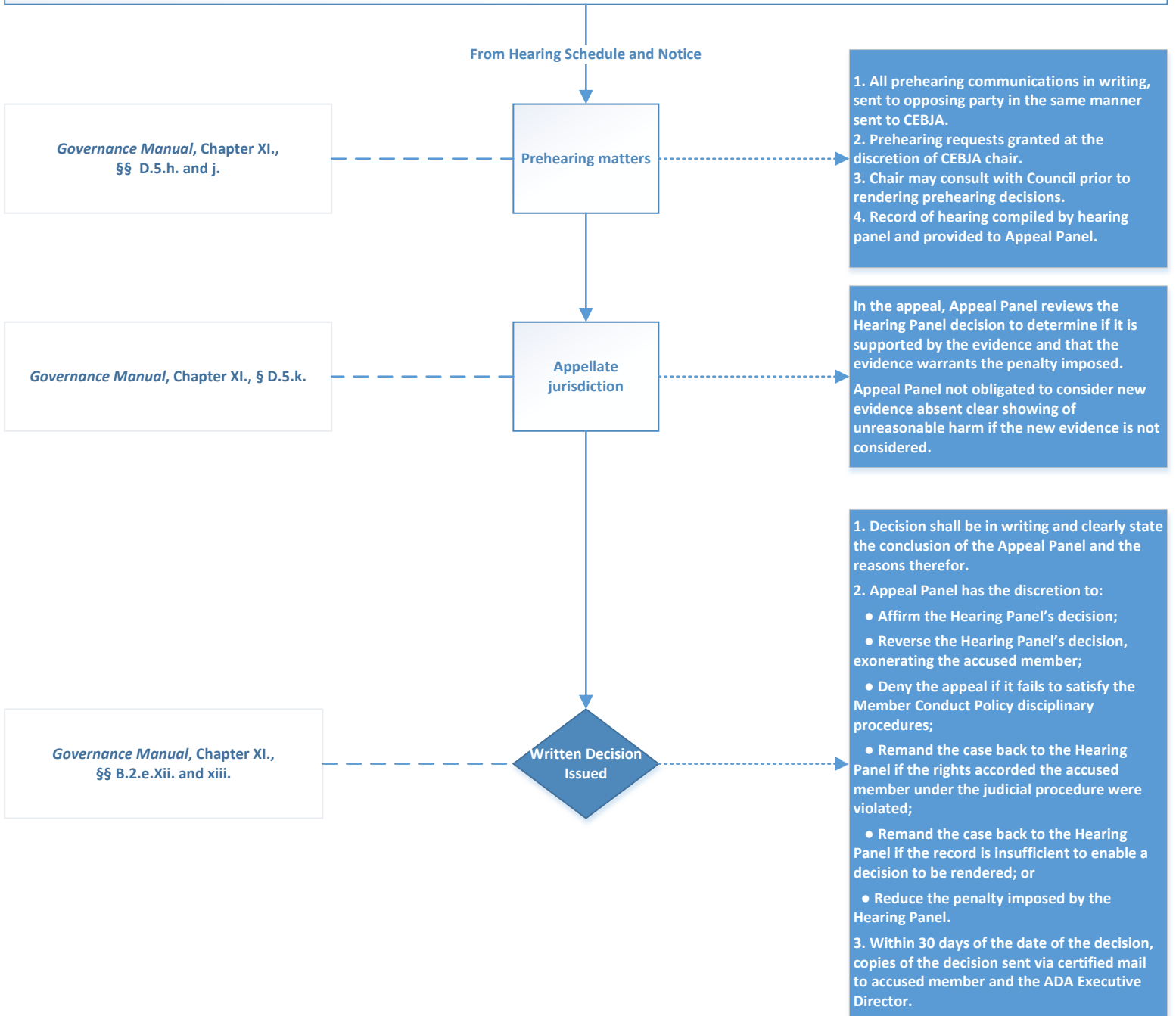
**Judicial Process Flowchart No. 5
Alleged Code of Ethics Violations by Direct Members
Page 2 (Hearings and Decisions)**



Judicial Process Flowchart No. 5 Alleged Code of Ethics Violations by Direct Members Page 3 (Appeals)

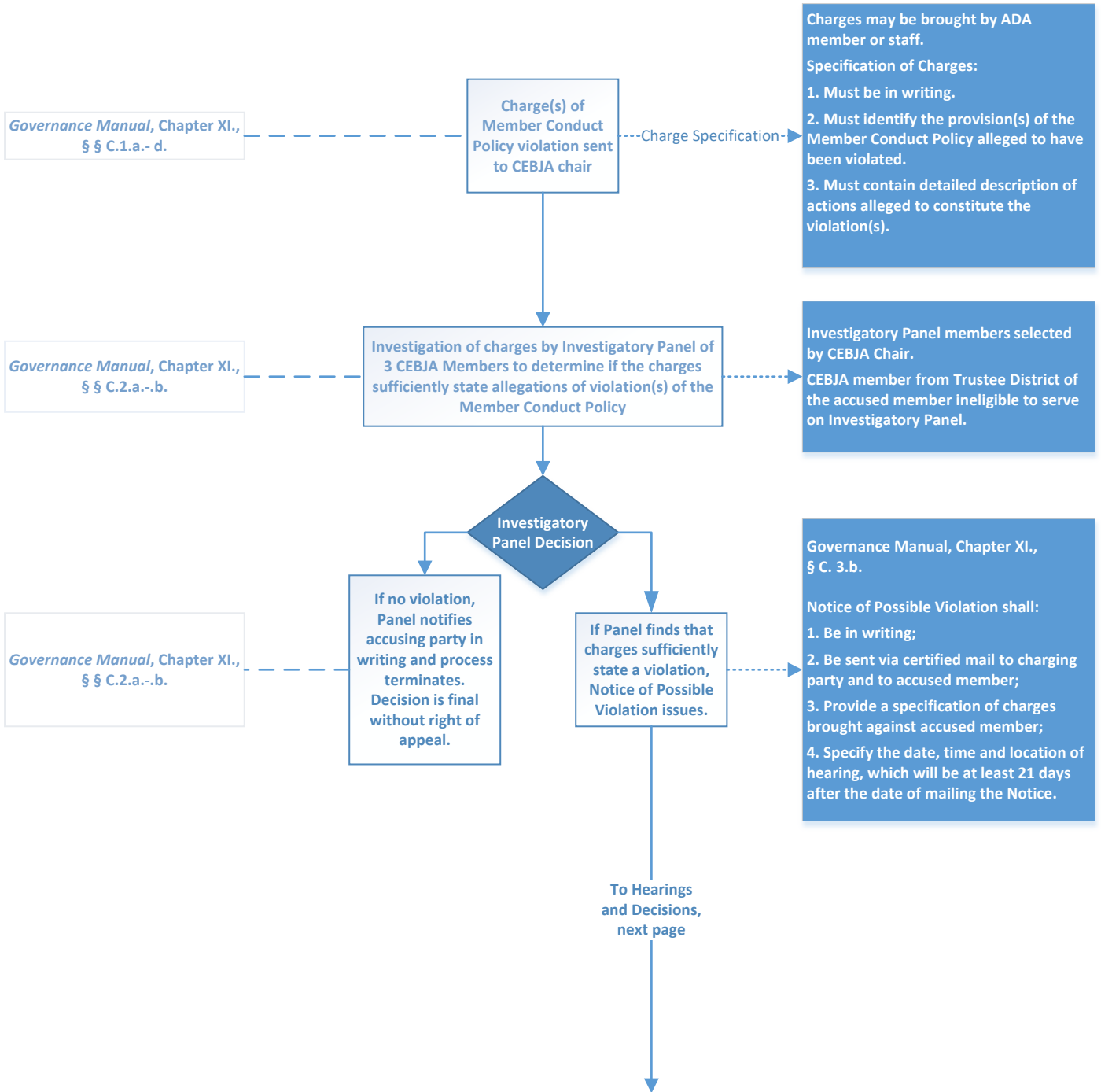


**Judicial Process Flowchart No. 5
Alleged Code of Ethics Violations by Direct Members
Page 4 (Appeals, continued)**



**JUDICIAL PROCEEDINGS INVOLVING
ALLEGATIONS OF MEMBER
CONDUCT POLICY VIOLATION**

**Judicial Process Flowchart No. 6
Alleged Violations of Member Conduct Policy
Page 1 (Investigations)**



Judicial Process Flowchart No. 6 Alleged Violations of Member Conduct Policy Page 2 (Hearings and Decisions)

From Investigatory Panel Decision

Member Conduct Policy hearing conducted by Hearing Panel of 3 CEBJA Members

Purpose and conduct of hearing

Hearing Panel Decision

If No violation found, decision issues and judicial process terminates. Decision is final.

If violation found, decision issues with a Notice of Right to Appeal (*Governance Manual*, Chapter XI., § C.5.b. and C.6.)

Go to "Accused member files Notice of Appeal", next page

Governance Manual, Chapter XI., § C.4.

Governance Manual, Chapter XI., §§ C.2.a.-b.

Governance Manual, Chapter XI., §§ C.5.-7.

Governance Manual, Chapter XI., § C.6.

Hearing to provide the accused member the opportunity to present a defense to the charges specified in the Notice of Possible Violation.
Accused member is entitled to be represented by counsel if desired.
Accused member is entitled to one continuance of the hearing date, not to exceed 30 days. Additional continuances are at the discretion of the CEBJA chair.

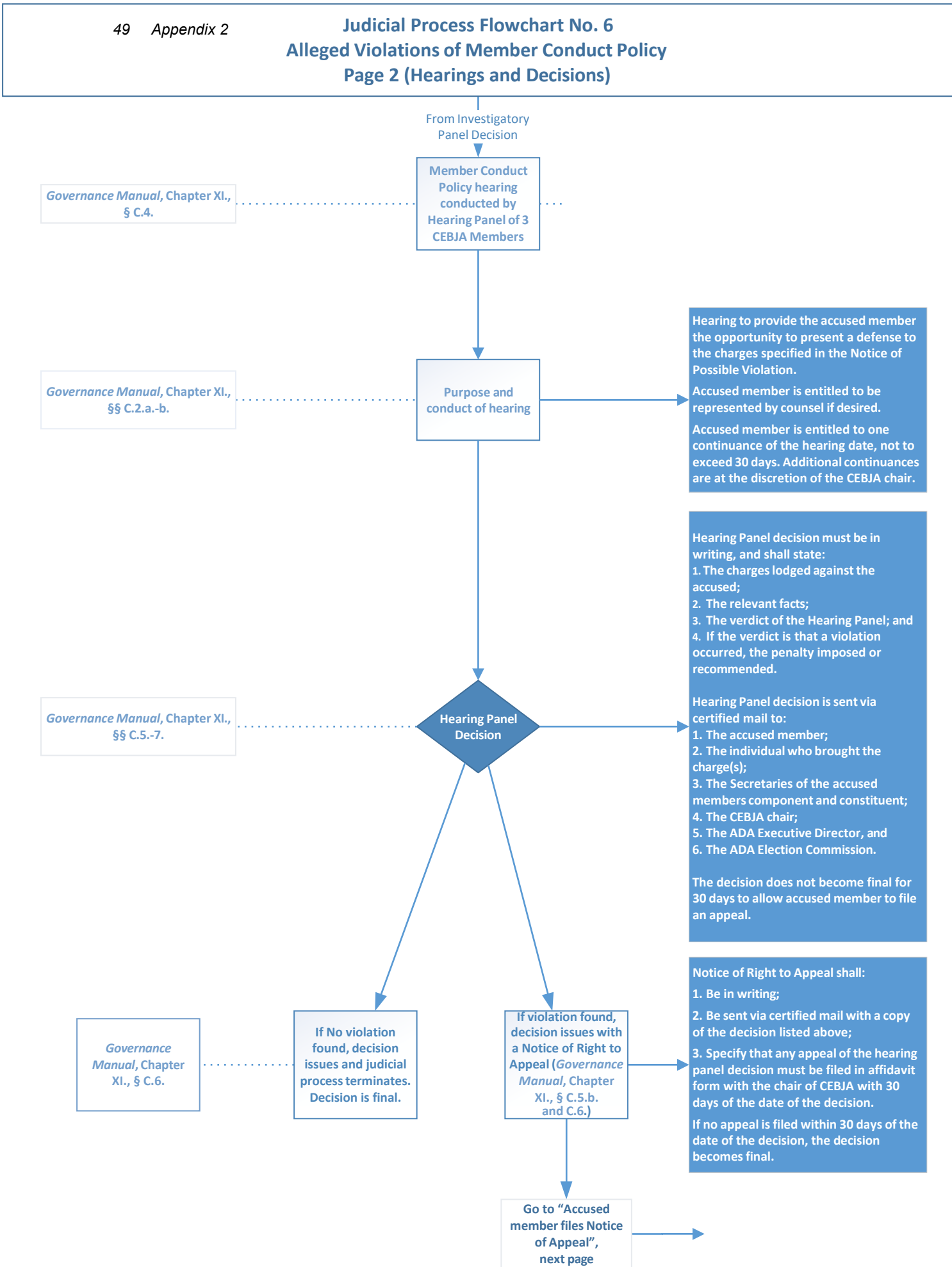
Hearing Panel decision must be in writing, and shall state:
1. The charges lodged against the accused;
2. The relevant facts;
3. The verdict of the Hearing Panel; and
4. If the verdict is that a violation occurred, the penalty imposed or recommended.

Hearing Panel decision is sent via certified mail to:
1. The accused member;
2. The individual who brought the charge(s);
3. The Secretaries of the accused members component and constituent;
4. The CEBJA chair;
5. The ADA Executive Director, and
6. The ADA Election Commission.

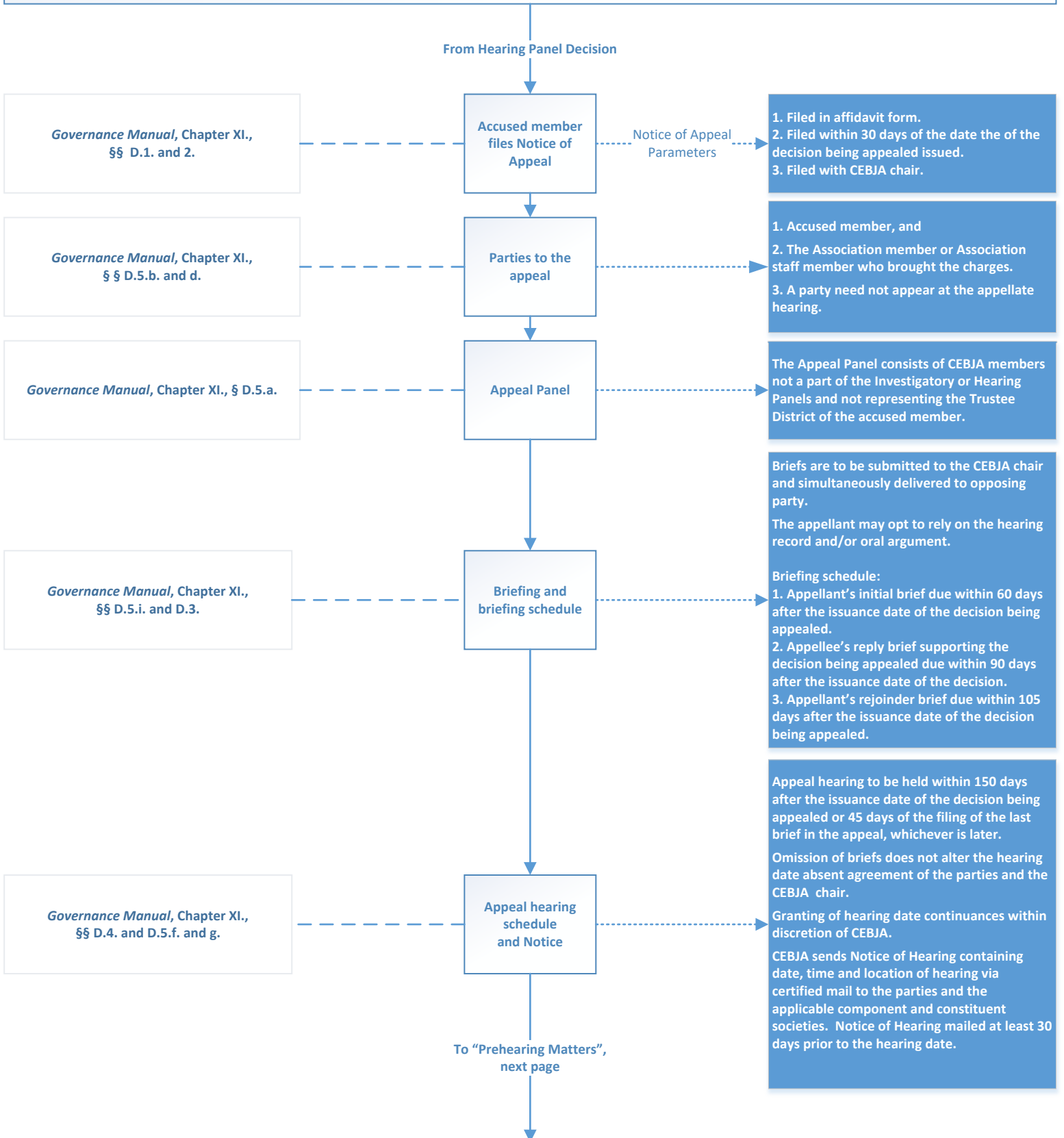
The decision does not become final for 30 days to allow accused member to file an appeal.

Notice of Right to Appeal shall:
1. Be in writing;
2. Be sent via certified mail with a copy of the decision listed above;
3. Specify that any appeal of the hearing panel decision must be filed in affidavit form with the chair of CEBJA with 30 days of the date of the decision.

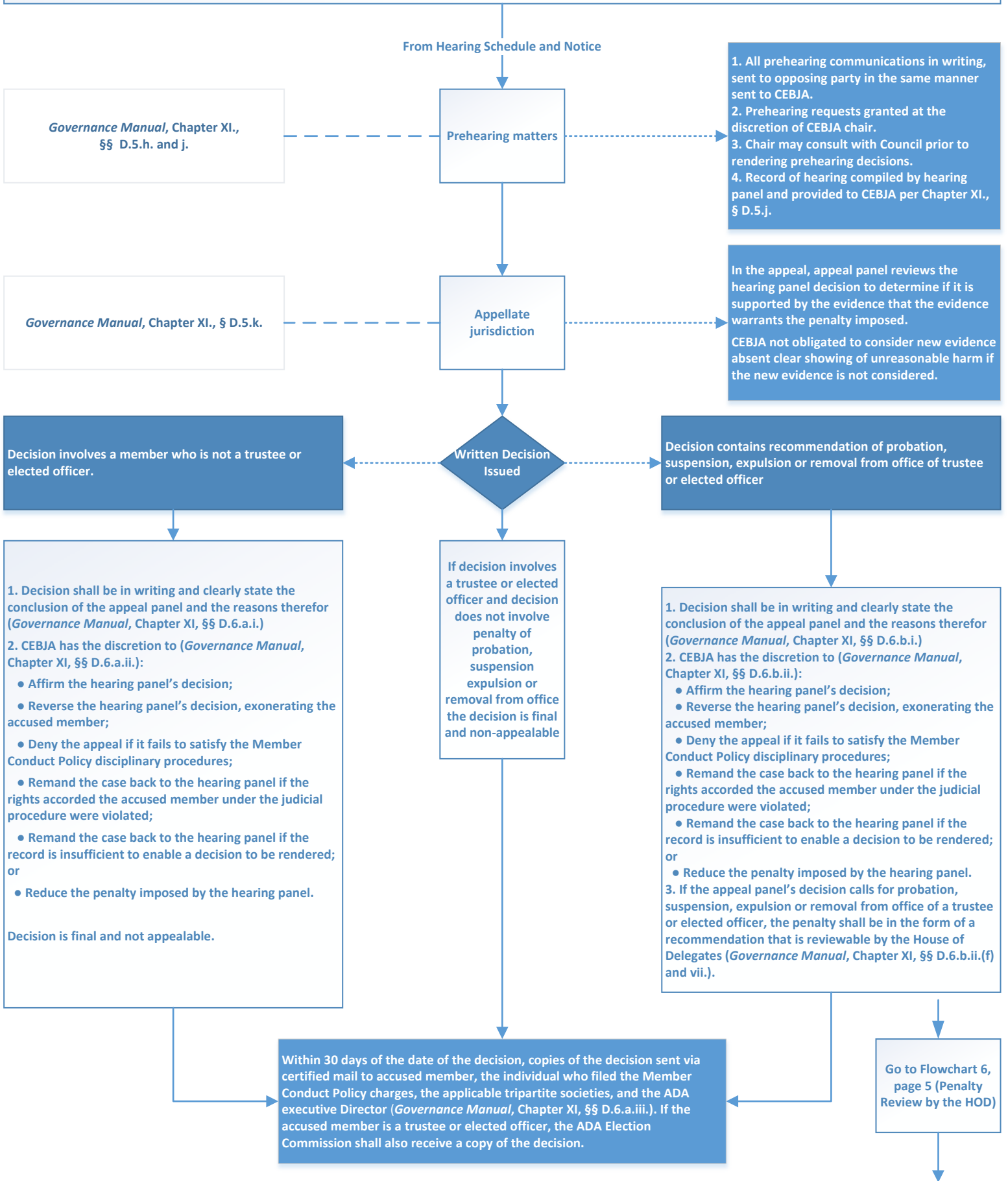
If no appeal is filed within 30 days of the date of the decision, the decision becomes final.



Judicial Process Flowchart No. 6 Alleged Violations of Member Conduct Policy Page 3 (Appeals)



**Judicial Process Flowchart No. 6
Alleged Violations of Member Conduct Policy
Page 4 (Appeals, continued)**



1. All prehearing communications in writing, sent to opposing party in the same manner sent to CEBJA.
2. Prehearing requests granted at the discretion of CEBJA chair.
3. Chair may consult with Council prior to rendering prehearing decisions.
4. Record of hearing compiled by hearing panel and provided to CEBJA per Chapter XI, § D.5.j.

In the appeal, appeal panel reviews the hearing panel decision to determine if it is supported by the evidence that the evidence warrants the penalty imposed.
CEBJA not obligated to consider new evidence absent clear showing of unreasonable harm if the new evidence is not considered.

Decision involves a member who is not a trustee or elected officer.

Decision contains recommendation of probation, suspension, expulsion or removal from office of trustee or elected officer

1. Decision shall be in writing and clearly state the conclusion of the appeal panel and the reasons therefor (*Governance Manual*, Chapter XI, §§ D.6.a.i.)
2. CEBJA has the discretion to (*Governance Manual*, Chapter XI, §§ D.6.a.ii.):

- Affirm the hearing panel's decision;
- Reverse the hearing panel's decision, exonerating the accused member;
- Deny the appeal if it fails to satisfy the Member Conduct Policy disciplinary procedures;
- Remand the case back to the hearing panel if the rights accorded the accused member under the judicial procedure were violated;
- Remand the case back to the hearing panel if the record is insufficient to enable a decision to be rendered;

or

- Reduce the penalty imposed by the hearing panel.

Decision is final and not appealable.

If decision involves a trustee or elected officer and decision does not involve penalty of probation, suspension, expulsion or removal from office the decision is final and non-appealable

1. Decision shall be in writing and clearly state the conclusion of the appeal panel and the reasons therefor (*Governance Manual*, Chapter XI, §§ D.6.b.i.)
2. CEBJA has the discretion to (*Governance Manual*, Chapter XI, §§ D.6.b.ii.):

- Affirm the hearing panel's decision;
- Reverse the hearing panel's decision, exonerating the accused member;
- Deny the appeal if it fails to satisfy the Member Conduct Policy disciplinary procedures;
- Remand the case back to the hearing panel if the rights accorded the accused member under the judicial procedure were violated;
- Remand the case back to the hearing panel if the record is insufficient to enable a decision to be rendered;

or

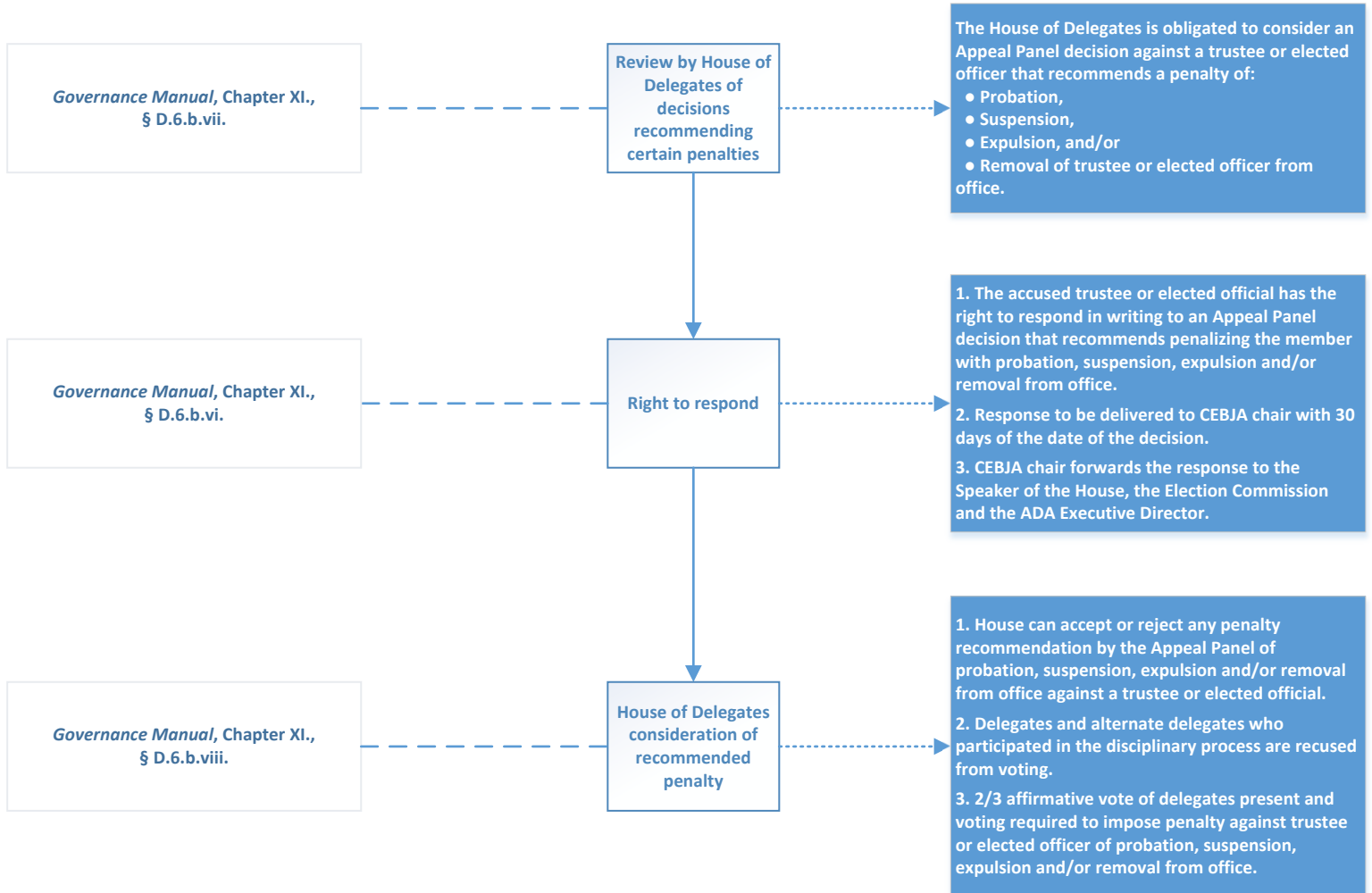
- Reduce the penalty imposed by the hearing panel.

3. If the appeal panel's decision calls for probation, suspension, expulsion or removal from office of a trustee or elected officer, the penalty shall be in the form of a recommendation that is reviewable by the House of Delegates (*Governance Manual*, Chapter XI, §§ D.6.b.ii.(f) and vii.).

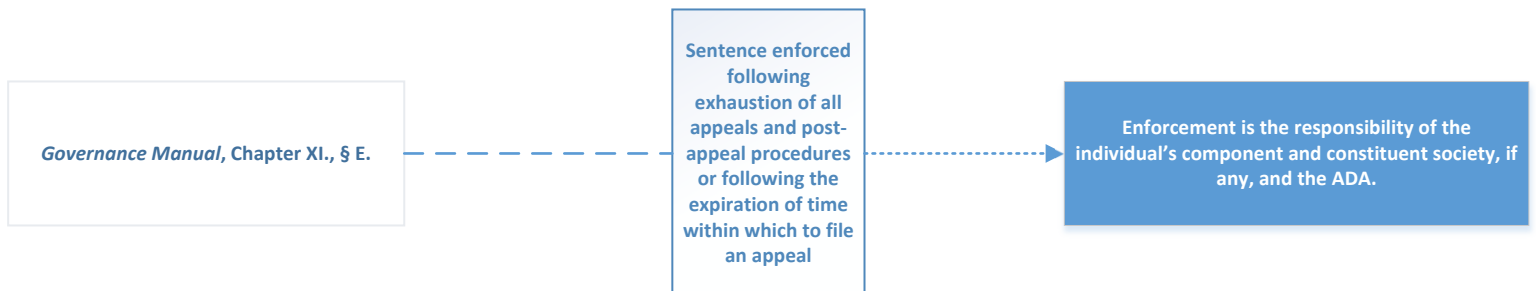
Within 30 days of the date of the decision, copies of the decision sent via certified mail to accused member, the individual who filed the Member Conduct Policy charges, the applicable tripartite societies, and the ADA executive Director (*Governance Manual*, Chapter XI, §§ D.6.a.iii.). If the accused member is a trustee or elected officer, the ADA Election Commission shall also receive a copy of the decision.

Go to Flowchart 6, page 5 (Penalty Review by the HOD)

Judicial Process Flowchart No. 6
Alleged Violations of Member Conduct Policy
Page 5 (Penalty Review by House of Delegates)
(Proceeding Involving Trustee or Elected Officer)



Judicial Process Flowchart No. 7
Alleged Violations of Member Conduct Policy
Enforcement of Sentences



American Dental Association

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