GOVERNANCE AND ORGANIZATIONAL MANUAL
OF THE AMERICAN DENTAL ASSOCIATION

as of March 2, 2021
# TABLE OF CONTENTS

Preface ............................................................................................................................................................ 1

Chapter I. MEMBERSHIP MATTERS ............................................................................................................... 3
   A. Membership Privileges and Benefits ........................................................................................................ 3
   B. Dues, Special Assessments and Related Financial Matters ....................................................................... 5
   C. Interim Services for Applicants .................................................................................................................. 8

Chapter II. CONSTITUENTS AND COMPONENTS ......................................................................................... 9
   A. Amendment of Chapter II. ......................................................................................................................... 9
   B. Constituents ............................................................................................................................................. 9
   C. Components .......................................................................................................................................... 11

Chapter III. HOUSE OF DELEGATES ....................................................................................................... 12
   A. Convening Sessions of the House of Delegates ............................................................................... 12

Chapter IV. TRUSTEE DISTRICTS (Reserved) ............................................................................................. 13

Chapter V. BOARD OF TRUSTEES ............................................................................................................. 14
   A. Eligibility ................................................................................................................................................ 14
   B. Nomination, Declaration of Election and Installation Procedure ............................................................ 14
   C. Removal .................................................................................................................................................. 14
   D. Vacancy .................................................................................................................................................. 14
   E. Powers .................................................................................................................................................... 14
   F. Duties ....................................................................................................................................................... 14
   G. Call for Special Meetings ......................................................................................................................... 15

Chapter VI. ELECTIVE OFFICERS OF THE ASSOCIATION ........................................................................ 16
   A. Eligibility ................................................................................................................................................ 16
   B. Nominations ........................................................................................................................................... 16
   C. Term of Office ....................................................................................................................................... 17
   D. Installation ............................................................................................................................................ 17
   E. Removal .................................................................................................................................................. 17
   F. Vacancies in Elective Office .................................................................................................................... 17

Chapter VII. APPOINTIVE OFFICER ......................................................................................................... 18
   A. Duties ....................................................................................................................................................... 18
   B. Interim Executive Director ..................................................................................................................... 18

Chapter VIII. COUNCILS .......................................................................................................................... 19
   A. Members, Selections, Nominations and Elections .............................................................................. 19
   B. Eligibility ............................................................................................................................................... 20
   C. Chairs .................................................................................................................................................... 21
   D. Consultants and Staff ............................................................................................................................. 21
   E. Term of Office ....................................................................................................................................... 21
   F. Vacancy .................................................................................................................................................. 21
   G. Meetings of Councils .............................................................................................................................. 21
   H. Quorum .................................................................................................................................................. 22
   I. Privilege of the Floor ............................................................................................................................... 22
   J. Annual Report and Budget ...................................................................................................................... 22
   K. Areas of Responsibility .......................................................................................................................... 22
Governance and Organizational Manual

Of the

American Dental Association

Preface

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

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

The terms used in the Governance Manual shall have the same meaning as set forth in the ADA Constitution and Bylaws.
CHAPTER I. MEMBERSHIP MATTERS

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

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

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

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

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

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

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

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

4. Student Members. Student members shall receive the following privileges and benefits, including:
   a. An annual membership card;
   b. A paid subscription to The Journal of the American Dental Association;
   c. The entitlement to attend any ADA scientific session or meeting; and
   d. Such other benefits and services as the ADA may from time to time make available to student members.
   e. Student members in good standing are eligible for election as a delegate or alternate delegate of the American Student Dental Association to the ADA House of Delegates.

   Student members under a disciplinary sentence of suspension or probation are not entitled to serve as a delegate and alternate delegate of the American Student Dental Association to the ADA House of Delegates.

e. Student members in good standing are eligible for election as a delegate or alternate delegate of the American Student Dental Association to the ADA House of Delegates.

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

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

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

6. Honorary Members. Honorary members shall receive the following privileges and benefits, including:
   a. An annual membership card;
   b. A no cost subscription to the electronic version of The Journal of the American Dental Association with a reduced rate print subscription to The Journal of the American Dental Association available; and
   c. The entitlement to attend any ADA scientific session or meeting; and
Chapter I: MEMBERSHIP MATTERS

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

B. Dues, Special Assessments and Related Financial Matters.

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

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

a. Active Members:

i. From degree award through conclusion of the first full year following an award of a D.D.S. or D.M.D. degree the member is exempt from the payment of dues.

ii. Second full year following degree award: Fifty percent (50%) of active member dues as set by the House of Delegates pursuant to the ADA Bylaws;

iii. Third full year following degree award and thereafter: One hundred percent (100%) of active member dues as set by the House of Delegates pursuant to the ADA Bylaws;

iv. Members becoming active members after July 1, except for those whose membership has lapsed for failure to pay the current year’s dues and/or any special assessment, shall pay fifty percent (50%) of any annual dues then in effect. Those members becoming active members after October 1, except for those whose membership has lapsed for failure to pay the current year’s dues and/or any special assessment, shall be exempt from the payment of any annual dues then in effect.

d. Student Members:

i. Pre-doctoral student members: Five Dollars ($5.00).

ii. Post-doctoral students and residents shall be exempt from the payment of dues.

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

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

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

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

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

a. **Active Members:**
   
i. From degree award through conclusion of the first full year following an award of a D.D.S. or D.M.D. degree: the member is exempt from the payment of any special assessment then in effect.
   
ii. Second full year following degree award: Fifty percent (50%) of any special assessment then in effect.
   
iii. Third full year following degree award and thereafter: One hundred percent (100%) of any special assessment then in effect.

   vi. On a one-time only basis, those members becoming active members after July 1, except for those whose membership has lapsed for failure to pay the current year’s dues and/or any special assessment, shall pay fifty percent (50%) of any special assessment then in effect. On a one-time only basis, those members becoming active members after October 1, except for those whose membership has lapsed for failure to pay the current year’s dues and/or any special assessment, shall be exempt from the payment of any special assessment then in effect.

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

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

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

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

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

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

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

For the purpose of establishing continuity of active membership in order to qualify for life membership, an active member, who had been such when entering upon active duty in one of the federal dental services but who, during such federal dental service, interrupted the continuity of active membership because of failure to pay dues and/or any special assessment and who, within one year after separation from such military or equivalent duty, resumed active membership, may pay back dues and any special assessment for any missing period of active membership at the rate of dues and/or any special assessment current during the missing years of membership.
4. **Limited Dues and Special Assessment Reduction Programs.** Notwithstanding the foregoing policies on dues and special assessments, the following limited dues reduction programs are available in certain circumstances:

   a. **New Graduate Dues Reduction Deferral.** For dentists who are engaged full-time in an advanced training program of not less than one academic year’s duration, post-doctoral or residency program while eligible for the new graduate active member dues and special assessment reduction program outlined above, the applicable reduced dues rate shall be deferred until completion of post-doctoral or residency program. Commencing at the start of the calendar year after the dentist completes the program, the dentist shall recommence paying dues and any special assessment for active members at the reduced dues rate where the dentist left off in the progression. During the period such dentist is engaged full-time in an advanced training course of not less than one (1) academic year’s duration, post-doctoral or residency program, the dues and special assessment exemption provisions for post-doctoral students and residents shall apply.

   b. **First Time Member Ineligible for New Graduate Dues Reduction.** A dentist who has never been an active member of this Association and is ineligible for dues and special assessment reduction as a new graduate under the provisions of the *Governance Manual*, shall pay fifty percent (50%) of active member dues and any special assessment in the first year of membership, and shall pay one hundred percent (100%) of active member dues and any special assessment in the second year and each year thereafter.

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

   d. **Financial or Humanitarian Waivers.** Any members who have suffered a significant financial hardship that prohibits them from payment of their full dues and/or any special assessment may be excused from the payment of fifty percent (50%) or all of the current year’s dues and/or any special assessment. To qualify for the Humanitarian Waiver the member must be working full-time for a humanitarian organization and must not be receiving an income or a salary for such humanitarian service other than a subsistence amount which approximates a cost of living allowance. Such member shall be exempt from the payment of all dues and any special assessment then in effect through December 31, following completion of such service. This is provided that such humanitarian service is being performed continuously, for not less than one (1) year and further, that such member does not supplement such subsistence income by the performance of services as a member of the faculty of a dental or dental auxiliary school, dental administrator or consultant, or practitioner of any activity for which a license to practice dentistry or dental hygiene is required. Any waiver shall be initially determined by the members’ constituents and components and the constituents and components shall certify the reason for the waiver, and provide the same proportionate waiver of their dues as that provided by this Association.*

   e. **Temporary Activation to Federal Service.** An active member in good standing who is temporarily called to active duty with a federal dental service on a non-career basis shall be exempt from the

---

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

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

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

2. Privilege of Representation.

a. Delegates. Each state constituent and the District of Columbia Dental Society shall be entitled to a minimum of two (2) delegates in the House of Delegates. Each territorial constituent and each federal dental service shall be entitled to a minimum of two (2) delegates in the House of Delegates if its total membership is equal to or greater than the size of the smallest state constituent; otherwise the territorial constituent or federal dental service shall receive one (1) delegate. The remaining number of delegates shall be allocated as set forth in the Manual of the House of Delegates (House Manual).

b. Alternate Delegates. Each constituent and each federal dental service may select from among its active, life and retired members up to the same number of alternate delegates as delegates and shall designate the delegate whom the alternate shall replace in the case of absence.

3. Transfer from One Constituent to Another.

a. A member shall be entitled to apply for a transfer of membership from one constituent to another consistent with the provisions of the Bylaws and this Governance Manual.

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

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

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

2. Powers. A component shall have the power to:
   a. Select its active, life and retired members in accordance with and subject to the provisions of Chapter II of the Bylaws and this Governance Manual.
   b. Discipline any of its members in accordance with and subject to the provisions of Chapter X of the Bylaws and this Governance Manual.
   c. Establish committees, councils and commissions of the component; to designate their powers and duties; and to adopt reasonable eligibility requirements for service thereon.
   d. Adopt a code of ethics not in conflict with the Principles of Ethics and Code of Professional Conduct of this Association or code of ethics of its constituent.

3. Duties. A component shall have the duty to:
   a. Provide for its financial support.
   b. Establish bylaws, rules and regulations, not in conflict with, or limiting, the Constitution and Bylaws of this Association or that of its constituent.

4. Privileges of Membership. An active, life or retired member of a component in good standing shall have the opportunity of enjoying all privileges of component membership except as otherwise provided by the Bylaws.

5. Transfer from One Component to Another. A member who has changed residence or location of practice or employment within the jurisdiction of a constituent so that the member no longer fulfills the membership requirements of the component of which he or she is a member may maintain active membership in that component for the calendar year following such change of residence or practice location.

   A member who is required to transfer membership from one component to another and whose application for transfer of membership is denied shall be entitled to a hearing, by either the component or its constituent, on the decision denying the member’s application for transfer of membership and to appeal to the member’s constituent, if applicable, and then to the ADA Council on Ethics, Bylaws and Judicial Affairs as provided in the Bylaws and in accordance with the procedures contained in this Governance Manual.
CHAPTER III. HOUSE OF DELEGATES

A. Convening Sessions of the House of Delegates.

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


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

b. Special Session. The Executive Director of the Association shall send an official notice of the time and place of each special session and a statement of the business to be considered to every officially certified delegate and alternate delegate of the last House, not less than fifteen (15) days before the opening of such special session.
CHAPTER IV. TRUSTEE DISTRICTS [Reserved]
CHAPTER V. BOARD OF TRUSTEES

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

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

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

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

E. Powers.

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

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

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

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

2. Notice of the Board of Trustee’s proposed budget and a resolution containing the Board of Trustee’s recommendation for active member dues required by the ADA Bylaws shall be sent electronically to each constituent and posted on ADA Connect or its equivalent for the House of Delegates not less than thirty (30) days before the first scheduled meeting of the House of Delegates to permit prompt, adequate notice by each constituent to its delegates and alternate delegates to the House of Delegates. The resolution containing the Board of Trustee’s recommendation for active member dues shall be also announced to the general membership in an official publication of the Association at least fifteen (15) days in advance of the commencement of the annual session of the House of Delegates.
3. Act upon applications for active membership from applicants practicing in dependencies of the United States in which no constituent exists or who are employed by the federal dental services.

4. Review the periodic delegate allocations to the House of Delegates performed pursuant to the methodology set forth in the *Manual of the House of Delegates*.

5. Establish administrative agencies of this Association as may be necessary to implement the Association’s programs and, through the Executive Director of the Association under whose jurisdiction such administrative agencies shall operate, assign the duties and receive reports required of such agencies.

G. **Call for Special Meetings.** Special meetings of the Board of Trustees may be called by the President or at the request of five (5) voting members of the Board of Trustees for matters of the Association requiring immediate attention.
CHAPTER VI. ELECTIVE OFFICERS OF THE ASSOCIATION

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

B. Nominations.

1. President-Elect and Second Vice President. Nominations for the offices of President-elect and Second Vice President shall be made in accordance with the order of business. Candidates for these elective offices shall be nominated from the floor of the House of Delegates by a simple declaratory statement, which may be followed by an acceptance speech not to exceed four (4) minutes by the candidate from the podium, according to the protocol established by the Speaker of the House of Delegates. Seconding a nomination is not permitted.

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

3. Speaker of the House of Delegates. The search for Speaker of the House shall be announced in an official publication of the Association in November of the final year of the incumbent Speaker of the House’s term. Candidates for the office of Speaker of the House shall apply by submitting a curriculum vitae along with a statement supporting their qualifications to the Executive Director at least one hundred twenty (120) days prior to the convening of the House of Delegates. At least sixty (60) days prior to the convening of the House of Delegates the Executive Director shall provide all members of the House of Delegates with each candidate’s curriculum vitae and statement of qualifications for the office of Speaker of the House. If no candidate has applied and submitted the required documentation, then the Association shall inform all delegates of this circumstance and the period to apply shall be extended to thirty (30) days prior to the convening of the House of Delegates. Only candidates who have applied and submitted the required documentation shall be nominated from the floor of the House of Delegates. If thirty (30) days prior to the convening of the House of Delegates no candidate has applied and submitted the required documentation then the Association shall inform all delegates of this circumstance and also inform them that nominations shall be permitted from the floor of the House of Delegates. Nominations for the office of Speaker of the House shall be made in accordance with the order of business. Each nomination may be followed by an acceptance speech not to exceed four (4) minutes by the candidate
from the podium, according to the protocol established by the Speaker of the House of Delegates.

Seconding a nomination is not permitted. If there are no candidates for the office of Speaker of the House nominated when the House of Delegates meets, the term of the incumbent Speaker of the House shall be extended by one (1) year. Should the incumbent Speaker of the House be unwilling or unable to serve an additional one (1) year term, the office of Speaker of the House shall be filled in accordance with the vacancy provisions of this chapter of the Governance Manual. Under these circumstances, former Speakers of the House not otherwise eligible to serve as Speaker due to term limits will be eligible to serve as Speaker until the House of Delegates can elect a Speaker of the House.

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

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

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

F. Vacancies in Elective Offices. Vacancies in elective offices shall be filled as specified in the ADA Bylaws.
CHAPTER VII. APPOINTIVE OFFICER

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

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

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

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

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

A. Members, Selections, Nominations and Elections.

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

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

i. Nominations.

(a) Eight (8) members shall be nominated by the Board of Trustees on a rotational system by trustee district from the active, life or retired members of this Association, no one of whom shall be a full-time member of a faculty of a school of dentistry, a current dental examiner or member of a state or regional testing agency, state board of dentistry or jurisdictional dental licensing agency. These members shall be elected by the House of Delegates. *

(b) Four (4) members who are active, life or retired members of this Association shall be selected by the American Association of Dental Boards from the active membership of that body, no one of whom shall be a member of a faculty of a school of dentistry. These members shall not require the approval of the House of Delegates for appointment.

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

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

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

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

c. Council on Scientific Affairs. The Council on Scientific Affairs shall be composed of eighteen (18) members, sixteen (16) of whom shall be selected from nominations open to all trustee districts, the

---

* A person shall be considered to be a full-time member of a faculty if he or she works 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.

*** In order to establish the Council’s revised composition, the Council members in office at the time this footnote becomes effective shall finish their terms in accordance with their scheduled completion dates. For each of the service term years of 2018-2019 through 2020-2021, 3 new members shall be selected for nomination by the Board of Trustees for three-year service terms in order to achieve the new 3-year rotational pattern. This footnote shall expire at adjournment sine die of the 2021 House of Delegates.
current recipient of the Gold Medal Award for Excellence in Dental Research and one (1) new dentist
member recommended by the New Dentist Committee and nominated by the Board of Trustees.

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

2. Term and Tenure. The term of service recommended by the New Dentist Committee and nominated by
the Board of Trustees elected to serve on councils shall be one (1) year; however, such members shall
be limited to four (4) one year terms of council service during the period they are characterized as new
dentists.

3. Nominations and Election. Nominations for all councils shall be made by the Board of Trustees except as
otherwise provided in the Bylaws or this Governance Manual. Members of councils shall be elected by
the House of Delegates in accordance with the election procedure set forth in Chapter III of the ADA
Bylaws.

4. Removal for Cause. The Board of Trustees may remove a council member for cause in accordance with
procedures established by the Board of Trustees. Those procedures shall provide for notice of the
charges, including allegations of the conduct purported to constitute each violation and a decision in
writing which shall specify the findings of fact which substantiate any and all of the charges. Prior to
issuance of the decision by the Board of Trustees, no council member shall be excused from attending
any meeting of a council unless there is an opportunity to be heard or compelling reasons exist which are
specified in writing by the Board of Trustees.

5. Amendment. The entirety of this Section A. of Chapter VIII. 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. Eligibility.

1. All members of councils must be active, life or retired members in good standing of this Association
except as otherwise provided in the Bylaws or this Governance Manual.

2. No member of a council may serve concurrently as a member of another council or commission.

3. A member shall not be eligible for appointment to another council or commission for a period of two (2)
years after completing a previous council or commission appointment.

4. The elective and appointive officers and the trustees of this Association shall not serve as members of
councils.

5. A member of the Council on Dental Education and Licensure who was selected by the American
Association of Dental Boards or the American Dental Education Association but ceases to be an active
member of that body may continue as a member of the Council for the balance of that member’s term.

6. A member of the Council on Dental Education and Licensure who was selected by the American Dental
Education Association but ceases to be a member of the faculty of a member school of that body shall
cease to be a member of the Council on Dental Education and Licensure and the President shall declare
the position vacant.
7. To be eligible to serve on the Council on Scientific Affairs, the current recipient of the Gold Medal Award for Excellence in Dental Research shall be an active, life or retired member in good standing of this Association if that individual qualifies for membership in the Association.

C. Chairs. One member of each council shall be selected annually by each council from among its members to serve as chair, with written notification to the Board of Trustees. Every other year, the chair of the Council on Dental Education and Licensure shall be selected from among the members of the Council nominated by the Board of Trustees pursuant to the procedures contained in this chapter of the Governance Manual.

D. Consultants and Staff.

1. Consultants. Each council shall have the authority to appoint consultants in conformity with rules and regulations established by the Board of Trustees except as otherwise provided in the Bylaws or this Governance Manual. The councils shall inform the Board in writing of the selection of consultants.

2. Staff. The Executive Director shall employ the staff of councils, in the event they are employees, and shall select the titles for council staff positions.

E. Term of Office. Except for members of the Council on Members Insurance and Retirement Programs whose term of office shall be three (3) years, the term of office of members of councils shall be four (4) years except as otherwise provided in the Bylaws or this Governance Manual. Except for members of the Council on Members Insurance and Retirement Programs whose tenure on the council shall be limited to two terms of three (3) years, the tenure of a member of a council shall be limited to one (1) term of four (4) years except as otherwise provided in the Bylaws or this Governance Manual. The current recipient of the Gold Medal Award for Excellence in Dental Research shall serve on the Council on Scientific Affairs until the award is bestowed on the next honoree.

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

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

G. Meetings of Councils. Each council shall hold at least one regular meeting annually, provided that funds are available in the budget for that purpose and unless otherwise directed by the Board of Trustees. Meetings may be held in the Headquarters Building, the Washington Office or from multiple remote locations through the use of a conference telephone or other communications equipment by means of which all members can communicate with each other. Such meetings shall be conducted in accordance with rules and procedures established by the Board of Trustees.
H. **Quorum.** Except as otherwise provided in the *Bylaws* or this *Governance Manual*, a majority of the members of any council shall constitute a quorum.

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

J. **Annual Report and Budget.**

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

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

K. **Areas of Responsibility.**

1. **Council on Advocacy for Access and Prevention.** The areas of subject matter responsibility of the Council shall be:
   a. Oral health literacy;
   b. Oral disease prevention and intervention;
   c. Access to oral healthcare; and
   d. Community oral health advocacy.

2. **Council on Communications.** The areas of subject matter responsibility of the Council shall be:
   a. Advise on the management of the Association’s reputation;
   b. Develop, recommend and maintain ADA strategic communications plans;
   c. Advise ADA agencies on branding;
   d. Advise on prioritization and allocation of communications resources; and
   e. Advise on communications and marketing for constituents and components, upon request.

3. **Council on Dental Benefit Programs.** The areas of subject matter responsibility of the Council shall be:
   a. Administration and financing of all dental benefit programs including both commercial and public programs;
   b. Dental Quality Alliance;
   c. Monitoring of quality reporting activities of third party payers;
   d. Peer review programs;
   e. Code sets and code taxonomies including but not limited to procedure and diagnostic codes;
   f. Electronic and paper dental claim content and completion instructions; and
   g. Standards pertaining to the capture and exchange of information used in dental benefit plan administration and reimbursement for services rendered.

4. **Council on Dental Education and Licensure.** The areas of subject matter responsibility of the Council shall be:
   a. Dental, advanced dental and allied dental education and accreditation;
   b. Recognition of dental specialties and interest areas in general dentistry;
   c. Dental anesthesiology and sedation;
   d. Dental admission testing;
   e. Licensure;
   f. Certifying boards and credentialing for specialists and allied dental personnel; and
   g. Continuing dental education.

5. **Council on Dental Practice.** The areas of subject matter responsibility of the Council shall be:
   a. Dental practice, including:
      i. Dental practice management;
      ii. Practice models and economics;
iii. Scope of practice;

iv. Impact of and compliance with regulatory mandates; and

v. Assessment of initiatives directed to the public and the profession;

b. Allied dental personnel, including:

i. Utilization, management and employment practices; and

ii. Liaison relationships with organizations representing allied dental personnel;

c. Dentist health and wellness, including:

i. Dental professional well-being, wellness and ergonomics;

ii. Patient safety and wellness; and

iii. Liaison relationships with state well-being programs and related national organizations;

d. Dental informatics and standards for electronic technologies; and

e. Activities and resources directed to the success of the dental practice and the member.

6. Council on Ethics, Bylaws and Judicial Affairs. The areas of subject matter responsibility of the Council shall be:

a. Ethics and professionalism, including disciplinary matters relating thereto;

b. The governing documents of this Association, including:

i. Review of the constitutions and bylaws of constituents and components to ensure consistency with the Association’s Bylaws; and

ii. To correct punctuation, grammar, spelling and syntax, change names and gender references and delete moot, and to correct article, chapter and section designations, punctuation, and cross references and to make such other technical and conforming revisions as may be necessary to reflect the intent of the House in connection with amendments to the Association’s Bylaws, Governance Manual, Manual of the House of Delegates, Principles of Ethics and Code of Professional Conduct and Current Policies where such revisions do not alter the material’s context or meaning upon the unanimous vote of the Council members present and voting; and

iii. To report to the House of Delegates any corrections made to the governing documents of the Association pursuant to subsection ii. of this section of the Governance Manual; and

c. Hold hearings and render decisions in disputes arising between constituents or between a constituent and component.

7. Council on Government Affairs. The areas of subject matter responsibility of the Council shall be:

a. Encourage the improvement of the health of the public and to promote the art and science of dentistry in matters of legislation and regulations by appropriate activities;

b. Formulate and recommend legislation, regulatory activity, policies and governmental programs relating to dentistry and oral health for submission to Congress;

c. Serve and assist as liaison with those agencies of the federal government which employ dental personnel or have dental care programs, and formulate polices which are designed to advance the professional status of federally employed dentists; and

d. Disseminate information which will assist the constituents and components involving legislation and regulation affecting the dental health of the public.

8. Council on Members Insurance and Retirement Programs. The areas of subject matter responsibility of the Council shall be:

a. Insurance and retirement plan products and resources; and

b. Risk management education programs and resources.

9. Council on Membership. The areas of subject matter responsibility of the Council shall be:

a. Membership recruitment and retention and related issues;

b. Monitor and provide support and assistance for the membership activities of constituents and components; and
10. Council on Scientific Affairs. The areas of subject matter responsibility of the Council shall be:

a. Science and scientific research, including:
   i. Evidence-based dentistry;
   ii. Evaluation of professional products;
   iii. Identification of intramural and extramural priorities for dental research every three years; and
   iv. Promotion of student involvement in dental research;

b. Scientific aspects of the dental practice environment related to the health of the public, dentists and allied health personnel;

c. Standards development for dental products;

d. The safety and efficacy of concepts, procedures and techniques for use in the treatment of patients;

e. Liaison relationships with scientific regulatory, research and professional organizations and science-related agencies of professional healthcare organizations; and

f. The ADA Seal of Acceptance program.
 CHAPTER IX. COMMISSIONS

A. Members, Selections, Nominations and Elections.

1. Commission on Dental Accreditation. The number of and the method of selection of members of the Commission on Dental Accreditation shall be governed by the *Rules of the Commission on Dental Accreditation*, except that twelve (12) members shall be selected as follows:

   a. Four (4) members who shall be appointed by the Board of Trustees from the names of active, life or retired members of this Association. None of the appointees shall be a faculty member of any dental education program working more than one day per week or a member of a state board of dental examiners or jurisdictional dental licensing agency.

   b. Four (4) members who are active, life or retired members of this Association and also active members of the American Association of Dental Boards shall be selected by the American Association of Dental Boards. None of these members shall be a faculty member of any dental education program.

   c. Four (4) members who are active, life or retired members of this Association and also active members of the American Dental Education Association shall be selected by the American Dental Education Association. None of these members shall be a member of any state board of dental examiners or jurisdictional dental licensing agency.

2. Joint Commission on National Dental Examinations. The number of and the method of selection of members of the Joint Commission on National Dental Examinations shall be governed by the *Rules of the Joint Commission on National Dental Examinations*, except that twelve (12) members shall be selected as follows:

   a. Three (3) members who shall be appointed by the Board of Trustees from the names of active, life or retired members of this Association. None of the appointees shall be a faculty member of any dental education program working more than one day per week or a member of a state board of dental examiners or jurisdictional dental licensing agency.

   b. Six (6) members who are active, life or retired members of this Association and also active members of the American Association of Dental Boards shall be selected by the American Association of Dental Boards. None of these members shall be a faculty member of any dental education program.

   c. Three (3) members who are active, life or retired members of this Association and also active members of the American Dental Education Association shall be selected by the American Dental Education Association. None of these members shall be a member of any state board of dental examiners or jurisdictional dental licensing agency.

3. Commission for Continuing Education Provider Recognition. The number of and the method of selection of members of the Commission for Continuing Education Provider Recognition shall be governed by the *Rules of the Commission for Continuing Education Provider Recognition*, except that six (6) members shall be selected as follows:

   a. Four (4) members who shall be appointed by the Board of Trustees from the names of active, life or retired members of this Association. None of the appointees shall be a faculty member of any dental education program working more than one day per week or a member of a state board of dental examiners or jurisdictional dental licensing agency. At least two (2) of the members appointed shall be general dentists.

   b. One (1) member who is an active member of the American Association of Dental Boards and also, if eligible, an active, life or retired member of this Association shall be selected by the American Association of Dental Boards.
c. One (1) member who is an active member of the American Dental Education Association and also, if eligible, an active, life or retired member of this Association shall be selected by the American Dental Education Association.

4. **National Commission on Recognition of Dental Specialties and Certifying Boards.** The National Commission on Recognition of Dental Specialties and Certifying Boards shall be composed of members selected as follows:
   a. One (1) specialist from each dental specialty recognized by this Commission who is an active, life or retired member of this Association appointed by the sponsoring organization for that specialty.
   b. A number of general dentists equal to the number of members appointed pursuant to subsection 4.a. of this Section who are active, life or retired members of this Association appointed by the Board of Trustees.
   c. A member of the general public appointed by the Commission.*

5. **Amendment.** The entirety of this Section A of Chapter IX is amendable by a two-thirds (2/3) affirmative vote of delegates present and voting provided that the proposed amendment(s) shall have been presented in writing at a previous session or a previous meeting of the same session of the House of Delegates.

**B. Removal for Cause.** Any of the commissions of this Association shall have the sole authority to remove any of its members for cause pursuant to its **Rules**, with notice of such removal being given to the ADA Board of Trustees.

**C. Eligibility.**

1. All members of commissions who are dentists must be active, life or retired members in good standing of this Association except as otherwise provided in the **Bylaws**.

2. If a commission member ceases to be a member of the organization that selected or elected the commission member, that commission member’s membership on the commission shall terminate, and the Chair of the commission shall declare the position vacant.

3. Any organizations that select members to serve on the Commission for Continuing Education Provider Recognition and offer continuing dental education courses must be recognized as a continuing education provider by the commission.

4. No member of a commission may serve concurrently as a member of a council or another commission.

5. A member shall not be eligible for appointment to another commission or council for a period of two (2) years after completing a previous commission or council appointment.

**D. Chairs.** Commissions shall elect their own chairs. To be eligible to serve as chair of a commission, the commission member must be an active, life or retired member of this Association.

**E. Consultants, Advisers and Staff.**

1. **Consultants and Advisers.**
   a. The Commission on Dental Accreditation shall have the power to appoint consultants to assist in developing requirements and guidelines for conducting the accreditation program and accreditation evaluations, including site visitations, of predoctoral, advanced and allied dental education programs.

---

* To achieve the desired staggering of member terms for continuity, the initial terms of the members of the National Commission on Recognition of Dental Specialties and Certifying Boards shall be as set forth in Appendix 2 that accompanied Resolution 30H-2017 that established this Commission. This footnote shall expire without further action at the adjournment sine die of the 2021 House of Delegates.
b. The Joint Commission on National Dental Examinations shall have the power to appoint consultants
to serve on the commission’s test construction teams and to assist with test administration, test
development, test security and test psychometric evaluation.

c. The Commission for Continuing Education Provider Recognition shall have the power to appoint
consultants to assist in developing standards and procedures, conducting recognition reviews and
conducting appeals.

d. The National Commission on Recognition of Dental Specialties and Certifying Boards shall have the
power to appoint consultants to assist in the periodic review of dental specialties, the annual review of
dental specialty certifying boards, and in conducting appeals.

2. Staff. The Executive Director shall employ the staff of commissions, in the event they are employees, and
shall select the titles for commission staff positions.

F. Term of Office and Tenure.

1. Term of Office. The term of office of members of the commissions of this Association shall be four (4)
years except that (a) the term of office of members of the Commission on Dental Accreditation selected
pursuant to the Rules of the Commission on Dental Accreditation shall be governed by those Rules, and
(b) the term of office of the dental student selected by the American Student Dental Association for
membership on the Joint Commission on National Dental Examinations shall be one (1) year.

2. Tenure. The tenure of a member of a commission shall be limited to one (1) term of four (4) years except
that (a) the tenure of members of the Commission on Dental Accreditation selected pursuant to the Rules
of the Commission on Dental Accreditation shall be governed by those Rules, and (b) tenure in office of
the dental student selected by the American Student Dental Association for membership on the Joint
Commission on National Dental Examinations shall be one (1) term.

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

1. In the event the member of a commission whose office is vacant is or was a member of and was
appointed or elected by this Association, the President of this Association shall appoint a member of this
Association to fill that vacancy. The appointed member shall possess the same qualifications as
established in this Governance Manual for the previous member, and the appointed member shall fill the
vacancy until a successor is elected by the next House of Delegates of this Association for the remainder
of the unexpired term.

2. In the event the member of a commission whose office is vacant was selected by an organization other
than this Association, such other organization shall appoint a successor. The appointed member shall
possess the same qualifications as those possessed by the previous member of the commission.

3. In the event such vacancy involves the chair of a commission, the vice chair shall serve as ad interim
chair pending selection of a chair.

4. If the term of the vacated office of a member of a commission has less than fifty percent (50%) of a full
four-year term remaining at the time the successor member is appointed or elected to fill the vacancy, the
successor member shall be eligible for election to a new four-year term. If fifty percent (50%) or more of
the vacated term remains to be served at the time of the appointment or election of a successor member
to fill the vacancy, the successor member shall not be eligible for another term.

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

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

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

K. **Annual Report and Budget.**

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

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

L. **Power to Adopt Rules.** Any commission of this Association shall have the power to adopt rules for such commission and amendments thereto, provided such rules and amendments thereto do not conflict with or limit the *Constitution and Bylaws, Governance and Organizational Manual* and *Standing Rules for Councils and Commissions* of this Association. Commissions shall have the power to adopt rules and amendments thereto pursuant to a two-thirds affirmative vote of the members present and voting.
If duties are assigned to a special committee that are assigned under the Bylaws to more than one (1) council, commission or other agency, members of the relevant councils, commissions or other agencies shall be appointed to serve on that special committee. Duties assigned by the Bylaws or this Governance Manual solely to a single council, commission or other agency should be assigned to that council, commission or other agency with the necessary funding to accomplish the task.
CHAPTER XI. PRINCIPLES OF ETHICS AND CODE OF PROFESSIONAL CONDUCT, MEMBER CONDUCT POLICY AND JUDICIAL PROCEDURES

A. Disciplinary Matters.

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

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

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

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

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

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

   e. Removal from Office. If the member holds any ADA office, disciplinary action may include 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.

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.

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.

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 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 file an 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 Professional Conduct:

a. Right to Appeal.

i. Disciplinary Decision of a Component. Any member shall have the right to appeal a disciplinary decision issued by the member’s component that imposes a penalty. That appeal shall be made to member’s constituent by filing a notice of appeal in affidavit form with the secretary of the constituent.

ii. Disciplinary Decision of a Constituent. Any member or component shall have a right to appeal a disciplinary decision that is adverse to it that is issued by a constituent. That appeal shall be made to the Council on Ethics, Bylaws and Judicial Affairs of this Association by filing a notice of appeal in affidavit form with the Chair of the Council on Ethics, Bylaws and Judicial Affairs.

iii. Disciplinary Decision Adverse to a Direct Member. A direct member of this Association shall have the right to appeal a disciplinary decision of a hearing panel of the Council on Ethics, Bylaws and Judicial Affairs that imposes a penalty of censure, suspension, expulsion, or probation. That appeal shall be made to the full Council on Ethics, Bylaws and Judicial Affairs of this Association by filing a notice of appeal in affidavit form with the Chair of the Council on Ethics, Bylaws and Judicial Affairs. Members of the hearing panel that issued the decision being appealed shall have no right to vote on the Council’s decision in such an appeal.

b. Time to Appeal. An appeal from any decision shall not be valid unless the appeal is filed within thirty (30) days of the date the decision appealed from was issued.
c. **Time for the Filing of Briefs on Appeal.** Briefs in appeals brought under this Article II must be filed in accordance with the following schedule:

   i. **Appellant's Initial Brief.** If being filed, an initial brief supporting an appeal must be filed within sixty (60) days of the issue date of the decision being appealed.

   ii. **Reply Brief.** If being filed, a reply brief must be filed within ninety (90) days of the issue date of the decision being appealed.

   iii. **Rejoinder Brief.** If being filed, a rejoinder brief must be filed within one hundred five (105) days of the issue date of the decision being appealed.


   d. **Time for Appellate Hearing.** No hearing shall be held within one hundred fifty (150) days of the issue date of the decision being appealed or forty-five (45) days after the last brief in the appeal was filed, whichever is later. Omission of briefs will not alter the date for the hearing of an appeal unless otherwise agreed to by the parties and the chair of the body hearing the appeal.


   e. **Conduct of Appellate Hearing.** The following procedure shall be used in processing appeals:

   i. **Appellate Hearings.** If the requirements of subsections a. and b. of this section relating to appeals from disciplinary decisions relating to the ADA Bylaws and the Principles of Ethics and Code of Professional Conduct are met, the party bringing the appeal shall be entitled to a hearing.

   ii. **Parties to an Appeal.** The parties to an appeal are the accused member and the entity that brought the charges against the accused member. In appeals to the Council on Ethics, Bylaws and Judicial Affairs of this Association, the constituent which heard the first appeal, if any, may, at its option, participate in the appeal.

   iii. **Right to be Represented by Counsel.** The parties to an appeal shall be entitled to be represented by counsel in the appeal.

   iv. **Appearance at Hearing not Required.** A party to an appeal is not required to attend a hearing in an appeal brought pursuant to this section.

   v. **Option to Conduct Telephonic Hearings.** Upon the request by a party and the concurrence of all other parties, the body hearing the appeal may permit one or more of the parties to an appeal to participate in the hearing remotely via telephone or other suitable means. The decision whether to allow remote participation in an appeal hearing is discretionary with the body hearing the appeal and granting such a request can be subject to meeting reasonable terms and conditions set by the hearing body.

   vi. **Hearing Notice.** A body that receives a notice of appeal shall notify the constituent or component (or components) concerned or, where applicable, the hearing panel of the Council on Ethics, Bylaws and Judicial Affairs, and the accused member of the time and place of the appeal hearing. Such notice shall be sent by certified mail, return receipt requested, to the last known address of each party to the appeal. The hearing notice should be mailed not less than thirty (30) days prior to the hearing date.

   vii. **Hearing Continuances.** Granting of hearing continuances shall be at the discretion of the hearing body.

   viii. **Prehearing Matters.** All communications with a hearing body shall be in writing. All parties to the appeal shall receive copies of such communications via the same method of delivery as used with the hearing body. Prehearing requests shall be granted at the discretion of the hearing body. In appeals to this Association’s Council on Ethics, Bylaws and Judicial Affairs, the Council chair has the authority to rule on requests from the parties for continuances and other prehearing
procedural matters with advice from legal counsel of this Association. The Council chair may consult with the Council before rendering prehearing decisions.

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

x. Record of Disciplinary Proceedings. Upon notice of an appeal, the entity that issued the decision being appealed shall provide to the body hearing the appeal and to the accused member a transcript, or an officially certified copy of the minutes, of the hearing accorded the accused member. Certified copies of any affidavits or other documents submitted as evidence to support or refute the charges against the accused member in the disciplinary hearing and any other material considered by the body issuing the decision being appealed will accompany the transcript or minutes. Where the body conducting the hearing resulting in the decision being appealed does not transcribe the hearing, the accused member, at the accused’s own expense, is entitled to arrange for transcription of the hearing by a court reporter.

xi. Appellate Jurisdiction. The body to which a decision has been appealed shall be required to review the decision appealed from to determine whether the evidence before the component, constituent or body which brought the charges against the accused member supports that decision or warrants the penalty imposed. The body hearing the appeal shall not be required to consider additional evidence unless there is a clear showing that a party to the appeal will be unreasonably harmed by failure to consider the additional evidence.

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

(a) Uphold the decision of the entity that brought charges against the accused member;

(b) Reverse the decision of the entity that brought the charges and thereby exonerate the accused member;

(c) Deny an appeal where it fails to satisfy the requirements for appealing disciplinary decisions in this Governance Manual;

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

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

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

xiii. Delivery of the Appeal Decision to the Parties. Within thirty (30) days of the date on which a written decision on appeal is approved by the entity conducting the appeal, a copy of the written decision shall be sent by certified mail, return receipt requested, to the last known address of each of the following: the accused member; the secretary of the component of which the accused is a member, if applicable; the secretary of the constituent of which the accused is a member, if
C. Member Conduct Hearings. The following procedures will be followed by the Council on Ethics, Bylaws and Judicial Affairs in cases involving allegations of violations of the Member Conduct Policy of the Association:

1. Charges. Any member of the Association or the Association’s staff has the right to bring charges alleging a violation or violations of the Association’s Member Conduct Policy. Charges must meet the following specifications:

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

   b. Identify Violation. The charges must include an identification of the provision(s) of the Association’s Member Conduct Policy alleged to have been violated;

   c. Include Description. Include a detailed description of the conduct alleged to constitute the violation; and

   d. Delivery of Charges. The charges must be sent to the chair of the Council on Ethics, Bylaws and Judicial Affairs of this Association.

2. Preliminary Investigation.

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

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


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

   b. Possible Violation. If the investigatory panel determines that the charge does sufficiently state a violation of the Member Conduct Policy, the charging individual and accused member shall be notified in writing. The notice of possible violation shall conform to the following specifications:

      i. Specification of Charges. The notice of possible violation shall provide a specification of the charges brought against the accused member;

      ii. Hearing Notice. The notice of possible violation shall specify the time and place of hearing on the charges brought against the accused member;

      iii. Manner of Delivery. The notice of possible violation shall be sent via certified mail, return receipt requested, to the last known addresses of the charging individual and the accused member; and

      iv. Time of Notice Mailing. The notice of possible violation shall be mailed not less than twenty-one (21) days prior to the date set for the hearing.

4. Hearing. In the event of finding of a possible violation of the Member Conduct Policy, the accused member shall be entitled to a hearing before a panel of three (3) members of the Council on Ethics, Bylaws and Judicial Affairs.
a. Hearing Panel Make Up. Members of the investigatory panel that investigated the allegations against
the accused member and the Council member from the accused's trustee district are ineligible to sit
on the hearing panel.

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

c. Representation by Counsel. The accused member is entitled to be represented by legal counsel at
the member conduct hearing.

d. 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 at the
discretion of the chair of the Council on Ethics, Bylaws and Judicial Affairs, who may but need not
consult with the Council or the hearing panel on the request.

5. Decision. Any member conduct hearing panel decision shall conform to the following specifications:

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

i. The charges lodged against the member;

ii. The relevant facts;

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

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

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

i. The accused member;

ii. The charging individual;

iii. The secretary of the accused member’s component, if any;

iv. The secretary of the accused member’s constituent, if applicable;

v. The Chair of the American Dental Association Council on Ethics, Bylaws and Judicial Affairs;

vi. The Executive Director of this Association; and, if applicable


6. Notice of Right to Appeal. A written notice to the accused member informing the accused member of his
or her right to appeal the decision of the hearing panel must accompany the copies of the decision sent
pursuant to these procedures.

7. 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 notice of appeal has expired.

8. Non-Appeal of Decision Containing Sentence of Expulsion. If a decision includes a sentence of expulsion
and no notice of appeal is received within the thirty (30) day period within which to appeal, the Council on
Ethics, Bylaws and Judicial Affairs shall notify all parties and the accused member’s constituent and, if
appropriate, component, of the failure of the accused member to file an appeal. The sentence of
expulsion will take effect on the date the notice is received. The disciplined member’s 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.

D. Member Conduct Appeals. The following procedures shall be followed in any appeal from a decision issued as a result of a member conduct hearing pursuant to the procedures in this Governance Manual:

1. Right to Appeal. Any member shall have the right to appeal a disciplinary decision issued by a member conduct hearing panel that imposes a penalty to the full Council on Ethics, Bylaws and Judicial Affairs by filing an appeal in affidavit form with the chair of the Council on Ethics, Bylaws and Judicial Affairs of this Association.

2. Time to Appeal. An appeal from any member conduct decision under the procedures of this Governance Manual will not be valid unless the appeal is filed within thirty (30) days of the date the decision appealed from was issued.

3. Time for Filing Briefs on Appeal. Briefs in member conduct appeals brought under the procedures of this Governance Manual will be filed according to the following schedule:
   a. Appellant's Initial Brief. If being filed, an initial brief supporting an appeal must be filed within sixty (60) days after the date the decision being appealed was issued.
   b. Reply Brief. If being filed, a reply brief supporting the decision appealed from must be filed by the Association member or staff member who lodged the member conduct complaint within ninety (90) days after the decision being appealed was issued.
   c. Rejoinder Brief. If being filed, a rejoinder brief supporting an appeal must be filed within one hundred five (105) days after the date the decision being appealed was issued.

4. Time for Appellate Hearing. No hearing on an appeal will be held within one hundred fifty (150) days of the date the decision appealed from was issued or forty-five (45) days after the last brief in the appeal was filed, whichever is later. Omission of briefs will not alter the hearing date unless otherwise agreed to by the parties and the chair of the body hearing the appeal.

5. Conduct of Appellate Hearing. The accused member shall be entitled to a hearing on an appeal, provided that such appeal meets the requirements of this section of the Governance Manual. The appeal hearing shall be conducted in accordance with the following parameters:
   a. Council Members Hearing the Appeal. Members of the investigatory and hearing panels involved in the action being appealed and the Council representative from the accused member’s Trustee District shall be recused from and will not take part in the appeal.
   b. Parties to the Appeal. In any appeal of a decision under the Member Conduct Policy, the parties to such an appeal shall be the accused member and the Association member or the Association staff member who brought the charges.
   c. Representation by Counsel. In any appeal, the accused member is entitled to be represented by legal counsel.
   d. Attendance at Hearing. A party need not appear for the appeal to be heard by the Council on Ethics, Bylaws and Judicial Affairs.
   e. Option to Conduct Telephonic Hearing. Upon the request by a party and the concurrence of all other parties, the Council on Ethics, Bylaws and Judicial Affairs may permit one or more of the parties to an appeal to participate in the hearing remotely via telephone or other suitable means. The decision whether to allow remote participation in an appeal hearing is discretionary with the Council and
granting such a request can be subject to meeting reasonable terms and conditions set by the Council.

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

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

h. **Prehearing Matters.** All prehearing communications will be in writing and a copy of each communication shall be sent to every other party in the same manner sent to the Council on Ethics, Bylaws and Judicial Affairs. Prehearing requests shall be granted at the discretion of the Chair of the Council on Ethics, Bylaws and Judicial Affairs. The Council Chair has the authority to rule on requests from the parties for continuances and other prehearing procedural matters with advice from legal counsel of this Association. The Council Chair may consult with the Council before rendering prehearing decisions.

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

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

k. **Appellate Jurisdiction.** The Council on Ethics, Bylaws and Judicial Affairs is required to review the decision appealed from to determine whether the evidence before the hearing panel supports that decision or warrants the penalty(ies) imposed. The Council on Ethics, Bylaws and Judicial Affairs shall not be required to consider additional evidence unless there is a clear showing that a party to the appeal will be unreasonably harmed by failure to consider the additional evidence.

6. **Decision on Appeals.**

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

i. **Written Decision.** In any appeal that does not involve the recommended probation, suspension, expulsion and/or removal from office of a trustee or elective officer, the decision of the Council on Ethics, Bylaws and Judicial Affairs shall be reduced to writing. The decision must clearly state the conclusion of the Council and the reasons for reaching that conclusion.

ii. **Permissible Penalties.** The Council shall have the discretion to:
(a) Uphold the decision of the hearing panel;
(b) Reverse the decision of the hearing panel and thereby exonerate the accused member;
(c) Deny an appeal that fails to satisfy the requirements the procedures for appeals of member conduct decisions in this Governance Manual;
(d) Refer the case back to the hearing panel for new proceedings, if the rights enumerated under all applicable policies and procedures were not accorded the accused;
(e) Remand the case back to the member conduct hearing panel for further proceedings when the appellate record is insufficient in the opinion of the Council on Ethics, Bylaws and Judicial Affairs to enable it to render a decision; or
(f) Modify the decision of the hearing panel by reducing the penalty imposed.

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

iv. Delivery of the Appeal Decision to the Parties. Within thirty (30) days of the date on which a final decision on appeal is approved by the Council on Ethics, Bylaws and Judicial Affairs, a copy of the written decision shall be sent by certified mail, return receipt requested, to the last known address of each of the following: the accused member; the Association member or Association staff member bringing charges; the secretary of the component of which the accused is a member, if applicable; the secretary of the constituent of which the accused is a member, if applicable; the Election Commission of the Association; and the Executive Director of this Association.

b. Appeals Involving Recommended Probation, Suspension, Expulsion and/or Removal of a Trustee or Elective Officer.

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

ii. Permissible Penalties. The Council shall have the discretion to:
(a) Recommend upholding the decision of the hearing panel;
(b) Reverse the recommended decision of the hearing panel and thereby exonerate the accused member;
(c) Recommend denial of an appeal that fails to satisfy the requirements of the member conduct hearing procedures of this Governance Manual;
(d) Refer the case back to the hearing panel for new proceedings, if the rights enumerated under all applicable procedures were not accorded the accused;
(e) Remand the case back to the hearing panel for further proceedings when the appellate record is insufficient in the opinion of the Council on Ethics, Bylaws and Judicial Affairs to enable it to render a decision; or
(f) Modify the decision of the hearing panel by reducing the penalty imposed, except in cases in which the reduced penalty is probation, suspension and/or removal from office, the Council’s decision shall be a recommendation.
iii. **Final Decision.** The decision of the Council on Ethics, Bylaws and Judicial Affairs shall be final and non-appealable only in cases where the Council’s decision does not result in the recommendation of a sentence of probation, suspension, expulsion and/or removal from office.

iv. **Delivery of the Appeal Decision in Cases not Involving Recommended Probation, Suspension, Expulsion and/or Removal from Office.** Within thirty (30) days of the date on which a final decision that does not recommend probation, suspension, expulsion and/or removal from office is approved by the Council on Ethics, Bylaws and Judicial Affairs, a copy of the decision shall be sent by certified mail, return receipt requested, to the last known address of each of the following: the accused trustee or elective officer; the Association member or Association staff member preferring charges; the secretary of the component of which the trustee is a member, if applicable; the secretary of the constituent of which the trustee or elective officer is a member, if applicable; and the Executive Director of this Association.

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

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

vii. **Consideration of Decision by House of Delegates.** Any decision that recommends probation, suspension, expulsion, and/or removal from office of a trustee or elective official shall be considered by the House of Delegates.

viii. **Consideration of Recommended Probation, Suspension, Expulsion and/or Removal from Office of Trustees or Elective Officers by House of Delegates.** The House of Delegates shall decide whether to accept or reject any recommendation of a sentence of probation, suspension, expulsion, and/or removal from office made pursuant to the provisions of this section of the **Governance Manual** against Trustees or Elected Officers of this Association. Delegates and alternate delegates who participated in any portion of the procedures that resulted in such recommendation shall be recused from deliberations under this section. A two-thirds (2/3) affirmative vote of the delegates present and voting is required to impose a disciplinary sentence of expulsion from membership or removal from office, suspension or probation.

E. **Enforcement of Sentences.** After all appeals are exhausted or after the time for filing an appeal has expired, a sentence of censure, suspension, expulsion, and/or removal from office meted out to any member by decisions rendered pursuant to the procedures in this **Governance Manual**, including those instances when the disciplined member has been placed on probation, shall be enforced by such individual’s component and constituent, if such exist, and this Association.
F. **Non-Compliance.** In the event of a failure of technical compliance with the procedural requirements contained in this *Governance Manual*, the entity hearing the appeal shall determine the effect of such non-compliance.

G. **Reminders of Obligation.** Because Reminders of Obligation are private administrative actions and not disciplinary penalties, copies of such Reminders of Obligation shall only be kept by the Council on Ethics, Bylaws and Judicial Affairs for a period of six (6) months after issuance following which such copies shall be destroyed.
CHAPTER XII. FINANCIAL MATTERS

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

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

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

C. Special Assessments.

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

2. Amendments and Number of Assessments Permitted. The House of Delegates may consider only one (1) specific project to be funded by a proposed assessment at a time. However, if properly adopted by the House of Delegates, two (2) or more special assessments may be in force at the same time.
CHAPTER XIII. INDEMNIFICATION [Reserved]
CHAPTER XIV. PROCEDURAL MANUALS OF THE ASSOCIATION [Reserved]
CHAPTER XV. PARLIAMENTARY AUTHORITY [Reserved]
1426  CHAPTER XVI. AMENDMENTS [Reserved]
CHAPTER XVII. CONFLICT OF INTEREST

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

1. placing themselves in a position where personal or professional interests may conflict with their duty to this Association;
2. using information learned through such office or position for personal gain or advantage; and
3. obtaining by a third party an improper gain or advantage.

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

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

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

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

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

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

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

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

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

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

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

As of March 2, 2021