

# CONSTITUTION

## **Article I -- NAME**

The name of this organization shall be *Northwest Association of Forensic Scientists*, a nonprofit organization, referred to hereafter as the Association.

## **Article II -- OBJECTIVES AND PURPOSES**

### **Section 1:**

To encourage the dissemination of information within the fields of forensic science and to discuss problems of common interest.

### **Section 2:**

To foster friendship and cooperation among forensic scientists.

### **Section 3:**

To stimulate research and development of new techniques within the field.

## **Article III -- ELIGIBILITY FOR MEMBERSHIP**

Membership shall be limited to persons of professional competency, integrity and good moral character who are actively engaged in the application of natural sciences to the examination of physical evidence involved in legal problems.

## **Article IV -- MEETINGS**

### **Section 1:**

The Association shall meet up to twice a year, with meetings in the Spring and/or Fall. The location of the meetings shall be selected by the Regular members. The exact date of the meeting(s) shall be selected by the Meeting Chairperson.

### **Section 2:**

7% of the Regular and Life members shall constitute a quorum for conducting Association business.

### **Section 3:**

All actions by the Association shall be by majority vote except as otherwise provided in this Constitution or in the Bylaws.

### **Section 4:**

The current edition of Robert's Rules of Order shall govern the parliamentary procedure for all meetings of the Association.

## **Article V -- OFFICERS**

### **Section 1:**

Officers of the Association shall be the President, Vice-President, Secretary-Treasurer, Membership Secretary, Editorial Secretary, Technical Resources Secretary and one (1) Member-at-Large.

### **Section 2:**

The Officers of the Association shall also serve as the Board of Directors of the Association.

### **Section 3:**

Officers of the Association shall be elected to the following terms:

- a) the offices of President, Vice-President and Member-at-Large shall be for terms of one year; and
- b) the offices of Secretary-Treasurer, Membership Secretary, Technical Resources Secretary, and Editorial Secretary shall be for terms of three years.

### **Section 4:**

The terms of the Officers of the Association shall begin at the close of the annual meeting at which they are elected. Officers shall be eligible to serve no more than two consecutive full terms in the same office.

### **Section 5:**

In the event of the death, incapacitation or resignation of the President the Vice-President shall automatically be elevated to the office of President for the remainder of the term. In the event of the death, incapacitation or resignation of both the President and the Vice-President, the position will be held by the Secretary-Treasurer for the remainder of the term. In the event of vacancy of any Board member other than the President, the position shall be filled by a majority vote of the remaining Board members.

### **Section 6:**

The Board of Directors shall meet during the annual or semi-annual meetings to conduct the business of the Association. Special meetings may be called by the President or at the request of at least one-half of the Board members. Notice of each special meeting shall be given to all who are entitled to be present. Such special meetings may be conducted by telephone conference, in person, video, or other electronic means with the Board of Directors.

### **Section 7:**

A quorum of four (4) members of the Board of Directors shall be required to conduct the official business of the Association.

### **Section 8:**

Officers of the Association shall receive a 50% discount in meeting registration while serving on the Board.

## **Article VI -- AMENDMENTS**

### **Section 1:**

Any article of this Constitution may be amended by a three-fourths (3/4) vote of the Regular and Life members present at an Association Business Meeting, provided that copies of each proposed amendment have been distributed to all Regular and Life members at least thirty (30) days in advance of the meeting at which action is to be taken. Amendments may be distributed by publishing them in the Association newsletter, fax, e-mail, mail, or posting on the Association's web page.

### **Section 2:**

Any provision of the Bylaws may be amended by a three-fourths (3/4) vote of the Regular and Life members present at the Association Business Meeting.

# BY-LAWS

## CHAPTER I: MEMBERSHIP

### Section 1: Applying For Membership.

- 1) Application for membership in the Association shall be to the Membership Secretary no later than August 1 of the year in which the applicant requests to be considered for membership. The applicant shall clearly indicate whether the application is for Regular or Associate membership. An applicant for Regular membership shall submit written endorsements with the application for membership from three (3) Regular or Life members in good standing with the Association.
- 2) The Membership Committee shall present all candidates for Provisional membership, all recommendations for the elevation of current Provisional members to Regular or Associate membership, and any recommendations for granting Life membership at the first meeting following the August 1 cutoff. Approval of the Membership Committee recommendations requires a simple majority vote of the Regular and Life members in attendance.

### Section 2: There shall be four (4) classes of membership in the Association:

- A) PROVISIONAL MEMBER
  - 1) Provisional member is a temporary membership class held by newly accepted candidates for either Regular or Associate membership in the Association. This class of membership does not have the right to vote on issues brought before the Association during an Association Business Meeting nor on issues brought to the Regular membership by mail ballot.
  - 2) A Provisional member may not hold office in the Association.
  - 3) A Provisional member may, upon the recommendation of the Membership Committee, be terminated from the Association without cause by a three-fourths (3/4) vote of the Regular members present at any Association Business Meeting.
  - 4) A Provisional Associate member shall be elevated to Associate member after one year.
  - 5) A Provisional Regular member shall be eligible for elevation to Regular member after a minimum period of one (1) year combined

with sufficient participation in Association activities including, but not limited to:

- a) attendance at a regular meeting. Attendance shall be defined as the paid registration for a meeting, paid registration for an Association sponsored workshop; or participation of the member as an instructor for a workshop;
  - b) contribution of technical information to the Association Newsletter; or
  - c) participation on an active Association committee.
- 6) A Provisional Regular member has three (3) years from the time of membership to participate in the Association and elevate to Regular member or they will be reclassified as an Associate member.

#### B) REGULAR MEMBER

- 1) An individual shall be eligible for Regular membership provided:
  - a) the individual is involved in the application of the natural sciences to the examination of physical evidence relating to criminal activity; or
  - b) the individual manages or supervises others engaged in the application of the natural sciences to the examination of physical evidence relating to criminal activity; or
  - c) upon review, the Membership Committee determines the scope of work performed by the applicant to fall within the spirit of the meaning of Regular member.
- 2) A Regular member may vote on business put before the Association at a Business Meeting or on business to be voted on by mail.
- 3) A Regular member may hold office in the Association.
- 4) A Regular member may serve on any standing or *ad hoc* Association committee.

#### C) ASSOCIATE MEMBER

- 1) An applicant not meeting the requirements for Regular member in Section 2.B.1 shall be eligible for Associate membership if the individual is involved in forensic science as a student, educator, or a support position.
- 2) An Associate member shall not vote on business put before the Association.
- 3) An Associate member shall not hold office in the Association.
- 4) An Associate member may serve on any standing or *ad hoc* Association committee.

#### D) LIFE MEMBER

- 1) Life membership may be bestowed upon a Regular member in good standing upon nomination by three (3) Regular or Life members in writing to the Membership Secretary, the recommendation of the Membership Committee, and a simple majority vote of the Regular and Life members present at the Association Business Meeting. The criteria for evaluating the qualifications of the nominee for Life membership may include, but are not limited to:
  - a) Charter membership; or
  - b) service as a past officer of the Association; or
  - c) on-going, active participation on the working committees of the Association; and
  - d) continued service to the Association.
- 2) A Life member shall maintain the privileges of a Regular member, including:
  - a) voting rights on issues placed before the Membership for action
  - b) the right to hold an elected office in the association
  - c) shall receive the Association's newsletter
- 3) A Life member shall be exempt from paying annual Association dues.
- 4) A Life member shall be entitled to one free meeting registration per year.

### **Section 3: Charter Designation**

(A) All persons meeting the membership requirements outlined above and who attended any meeting of this Association prior to the adoption of its Constitution and Bylaws in October 1972, shall have the designation "Charter" added to their membership classification (i.e., Regular Charter member, Associate Charter member). This designation does not change any membership classification privileges under this Constitution and Bylaws.

### **Section 4: Voting Rules**

- A) Only Regular and Life members shall vote in Association Business Meetings. Voting by proxy vote shall not be allowed.
- B) Upon approval by simple majority of the Regular and Life members present at the Association Business Meeting, any business item taken up at the Business Meeting may be put to a vote of the Regular and Life members of the Association by a mail, fax or electronic ballot. A timetable detailing the deadline for sending the question to the Regular and Life members and a deadline for their response shall be set. Responses shall be made electronically, by fax or postage paid, pre-addressed postcards provided by the Association. The results of the balloting shall be reported in the Newsletter following the response deadline.

## **Section 5: Termination Of Membership**

- A) *Termination upon request of member.* Any member may terminate their membership in the Association by a written request directed to the Membership Secretary. The Membership Committee shall inform the members of the Association of the termination at the next regular Association Business Meeting.
  
- B) *Termination for failure to pay dues.* Membership shall be terminated when the member is delinquent in payment of dues for a period of one (1) year, during which time two (2) written notices were issued by the Membership Secretary. A late fee shall be assessed on delinquent dues. Members shall be terminated after two (2) years without current contact information, even though written notices cannot be issued.
  
- C) *Termination for cause.* A member may be expelled from the Association for unethical conduct, conduct detrimental to the profession of forensic sciences, or conduct detrimental to the welfare of the Association.

## **Section 6: Reclassification of Membership**

- A) A member shall notify the Membership Secretary in writing within six (6) months of any change of employment or employment duties. Unless termination is specifically requested by a Regular member to the Membership Secretary, a Regular member shall be reclassified as an Associate member if their new employment duties fail to meet the eligibility requirements listed in Section 2.B.1 of the Bylaws.
- B) An Associate member seeking to elevate to Regular member status must:
  - 1) meet the requirements for Regular member as stated in Section 2.B.1 of the Bylaws at the time of their written application to the Membership Secretary for Regular membership, and
  - 2) have met the participation requirements detailed in Section 2.A.5, and
  - 3) be recommended by the Membership Committee for the change, and
  - 4) be approved by simple majority of the Regular and Life members present at the Association Business Meeting.
- C) Any Regular member, upon their written request to the Membership Secretary and approval by the Membership Committee, shall be reclassified as an Associate member.
- D) Elected Officers and appointed committee Chairpersons may complete their term of office before reclassification.

## **Section 7: Reinstatement Of Membership**

- A) A member in good standing who has resigned their membership in the Association shall be able to petition the Membership Secretary in writing or by membership application for reinstatement for a period up to and including five (5) years from the date of resignation. The member is eligible to reinstate at the same membership classification held at the time of their resignation. For the purposes of this section, the term "good standing" shall mean:
- 1) the member's dues were paid and current at the time of resignation; and
  - 2) the member was not under investigation by the Association for any ethical violation, any incident(s) of conduct detrimental to the profession of forensic sciences, and/or any incident(s) of conduct detrimental to the welfare of the Association.
- B) A member who has been terminated for non-payment of dues or who resigns with membership dues still being owed to the Association shall, for a period up to and including five (5) years from the time of resignation or termination:
- 1) be able to petition the Membership Secretary in writing or by membership application to request consideration for reinstatement; and
  - 2) shall pay in advance the outstanding dues owed to the Association in full.
- C) Any member whose membership has been terminated due to any ethical violation, any incident(s) of conduct detrimental to the profession of forensic sciences, and/or any incident(s) of conduct detrimental to the welfare of the Association shall be permanently banned from membership in the Association, unless the termination is overruled by the membership with a two-thirds (2/3) vote, as allowed in Chapter III.
- D) Any member who resigns their membership pending the completion of an investigation of any charge against them of an ethical violation, any incident(s) of conduct detrimental to the profession of forensic sciences, and/or any incident(s) of conduct detrimental to the welfare of the Association shall be permanently banned from membership in the Association unless reinstated by a 75% vote of the Board. Should the member be reinstated, all proceedings and the investigation will resume.

## **CHAPTER II: GOVERNMENT**

### **Section 1:**

The general management of the Association, including levying of dues, shall be the responsibility of the Board of Directors. The Board of Directors shall be comprised of the President, Vice-President, Member-at-Large, Secretary-Treasurer, Editorial

Secretary, Technical Resources Secretary, and the Membership Secretary. The President shall preside over the Board of Directors; in the event of the President's absence, the Vice-President shall preside.

**Section 2:**

Any decision made by the Board of Directors is subject to recall by three-fourths (3/4) vote of the Regular and Life members present at the next Association Business Meeting.

**Section 3:**

The Secretary-Treasurer shall be responsible for the recording of the minutes of all meetings and receive and care for all business records and papers belonging to the Association, and shall bill, collect, keep account of, and properly safeguard all funds of the Association. In the absence of the Secretary-Treasurer, the President shall appoint an Acting Secretary-Treasurer for that Association Business Meeting.

**Section 4:**

All officers elected at the Association Business Meeting shall assume office at the close of that meeting.

**Section 5:**

All classes of members shall be privileged to attend and participate in any of the Association's scientific, social, or business sessions. Only Regular and Life members may:

- A. vote during Association Business Meetings.
- B. vote via a ballot distributed by mail.
- C. be elected to hold office.

**Section 6:**

The place of the meeting shall be determined by a majority of the Regular and Life members present at an Association Business Meeting.

**Section 7:**

No public statement representing Association policy or opinion shall be made except as follows:

- A. A proposed policy statement or opinion must appear in the published agenda of an Association Business Meeting. The policy statement or opinion may be adopted with approval by three-fourths (3/4) of the Regular and Life members present at the Business Meeting.
- B. If time constraints require the issuance of a policy statement or opinion prior to the next Business Meeting, a three-fourths (3/4) vote of the Board of Directors must approve the statement text before the statement is issued.

## **CHAPTER III: ELECTED SECRETARY AND COMMITTEE RESPONSIBILITIES**

### **Section 1:**

The President shall appoint a Meeting Chairperson no later than thirty (30) days after a meeting location is approved at an Association Business Meeting.

### **Section 2:**

The President shall be an *ex-officio* member of all Association committees.

### **Section 3:**

The following shall be the minimum duties of the elected Secretaries, their committees, and other standing committees of the Association:

- A) The Board of Directors shall once a year inspect financial records of the Association.
- B) The Membership Secretary shall be the chairperson of the Membership Committee and shall be responsible:
  - 1) to select no fewer than two (2) Regular, Life and/or Associate members to serve on the Membership Committee and assist with the compliance with these Bylaws.
  - 2) to insure all members operate within their membership class designations.
  - 3) to maintain all membership records, including new member applications, membership class elevations, and nominations for Life members.
  - 4) to notify, with two written notices, members who are delinquent in paying their dues by one or more years.
  - 5) to publish, in cooperation with the Publications Committee, the membership roster at least once a year.
  - 6) to bill and maintain records of membership dues.
  - 7) to seek from within the membership suitable candidates for the Association's annual elections.
- C) The Editorial Secretary shall be the chairperson of the Publications Committee and shall be the Editor of the Association's Newsletter. As such, the Editorial Secretary shall be responsible:
  - 1) to select no fewer than two (2) Regular, Life and/or Associate members to serve on the Publications Committee and assist with the work of the Committee.
  - 2) to ensure:
    - a) the Association's Newsletter is published quarterly and is e-mailed directly to all members of the Association in good standing.
    - b) the business of the Association, scientific and other information are reported to the membership in the Newsletter.

- c) in conjunction with the Membership Committee, a directory of the membership shall be produced at least once a year and distributed to the membership of the Association.
  - d) other official communications approved by the Board of Directors is published in the Newsletter and distributed to the Membership in a timely manner.
  - e) the oversight of peer review of technical submissions submitted to the editor to be published in the Newsletter.
- 3) The Secretary shall work with the Meeting Chairperson to photograph and collect documents pertaining to the Association's meetings for historical purposes.

D) The Technical Resources Secretary shall be the chairperson of the Seminar Planning Committee. As such, the Technical Resources Secretary shall be responsible:

- 1) to select no fewer than two (2) Regular, Life and/or Associate members to serve on the Seminar Planning Committee. The Seminar Planning Committee shall be a standing committee of the Association. The Seminar Planning Committee shall be responsible:
  - a) to create, publish or update a manual for use by future meeting hosts. The manual shall contain information regarding the negotiation of contracts with hotels, how to organize a meeting, how to appropriate time for workshops and papers, and other details relating to the hosting of an Association meeting.
  - b) assist the meeting host with the organization and running of the meeting.
  - c) actively poll the Association membership to determine the training needs of the membership.
  - d) maintain a list of suggested workshops and training topics, along with possible instructors for the training for use by the meeting host.
- 2) to ensure:
  - a) all reference and training materials which are the property of the Association are readily available for the membership to use.

E) The Ethics Committee will be convened on an *ad hoc* basis and shall be responsible for the following:

- 1) Review and recommend changes to the Association bylaws and Code of Ethics. The Code of Ethics and any changes to the Code of Ethics shall be approved by a simple majority vote of the Regular and Life members at any Association Business Meeting.
- 2) Review all complaints received, which specify a violation of the Association Code of Ethics.

- 3) Upon review of such complaints, recommend a course of action to the Board of Directors. The final decision on all committee recommendations rests with the Board of Directors.

Members of the committee shall be comprised of the current President, who will act as the Chair, the two (2) immediate past Presidents, and two (2) members not serving on the Board of Directors. All committee members shall be in good standing and be willing to serve. Should any member become the subject of review, or be employed by the same employer as the respondent, that person shall withdraw from any deliberation concerning the matter, and a temporary committee member shall be named by the Board.

Ethics complaints shall proceed as follows:

1. A written complaint alleging violation(s) of the Code of Ethics must be submitted to the Chair.
2. The Chair shall acknowledge receipt of the complaint by certified mail, within ten (10) business days, to the individual submitting the complaint here after known as the complainant.
3. The Chair shall evaluate the complaint to determine whether additional information or clarification is needed to ascertain the nature and circumstances of the alleged violation. The Chair may request the complainant to provide additional or clarifying information. The Chair shall determine whether the Ethics Committee has jurisdiction and whether the complaint alleges a violation of the Association Code of Ethics. If the Chair finds that the Ethics Committee does not have jurisdiction or that the complaint does not allege a violation of the Code of Ethics, the complaint shall be dismissed. In the event of dismissal, the complainant shall be notified of the dismissal in writing. The member who is the subject of the complaint, hereafter known as the respondent, shall be notified that a complaint was made, the nature of the complaint, and that the complaint was dismissed. The respondent shall not be advised of the identity of the complainant.
4. If the Chair finds that the Ethics Committee has jurisdiction and that the complaint alleges a violation of the Code of Ethics, the respondent shall be notified by certified mail of the filing of the complaint and provided with a copy of the complaint and all materials submitted with the complaint. The respondent shall be advised that he/she must submit, within thirty (30) days of the mailing notice, a written reply and any documents the respondent desires to have considered by the Ethics Committee. This response will be considered in making a preliminary determination of whether probable cause exists to proceed with a hearing on the matters raised in the complaint. Failure to respond will be taken as an acknowledgement of the fact as stated in

the complaint. After the expiration of the reply period, the Ethics Committee shall consider the complaint, any reply and all materials submitted by the complainant of the respondent, and determine whether there is probable cause to believe that the allegations of the complaint are true. If probable cause is not found, the complaint shall be dismissed and the complainant and respondent notified of the dismissal. If probable cause is found to exist, the Ethics Committee shall schedule a hearing.

5. If probable cause is found to exist and a hearing will be held, the Ethics Committee may appoint a member of the Association to conduct an investigation of the matters raised in the complaint and secure written statements and documents for consideration by the Ethics Committee. The investigation is to be one of fact-finding, not advocacy. During the investigation, the Ethics Committee may examine any potential ethical violations, which come to its attention. Copies of any material submitted to the Ethics Committee by any person so appointed shall be made available for inspection by the complainant and respondent.
6. Should the respondent cease to be a member for any reason after an investigation is opened and prior to it being closed, the President will immediately order the member excluded from membership unless that membership is reinstated by a 75% vote of the Board. All proceedings and any investigation of the respondent shall be suspended. Should the exclusion be rescinded, the action regarding the respondent will resume.
7. This process may be suspended at any time at the discretion of the Ethics Committee if it becomes known that any court or other competent body, pending its resolution, is dealing with the circumstances surrounding the complaint. The complainant, the respondent, and the Board of Directors shall be notified of this action.

#### Hearing of the complaint:

1. The complainant and respondent shall be notified by certified mail with respect to the nature and particulars of the complaint, the date, time, and location of the Ethics Committee hearing, the rights of the parties to submit written statements for consideration at this hearing, and the right of the parties to confront one another. This notification is to be at least thirty (30) days prior to the hearing. All written submissions from the complainant and the respondent (or their representatives) must be received at least seven (7) days prior to the hearing.

2. The hearing panel shall be comprised of at least three (3) Ethics Committee members. The complainant and the respondent may be present at the hearing and address the panel prior to their decision. The complainant and respondent shall be responsible for any expenses incurred by them to attend the hearing. Additional witnesses may be heard and legal representatives for all parties involved may be present. The hearing is not open to other Association members not involved in the action or the public.
3. Recommendations of the Ethics Committee shall be based on the preponderance of evidence as determined by the hearing panel.
4. The Chair shall provide a written report of the outcome of the hearing to the Board of Directors within sixty (60) days from the date of the Ethics Committee hearing. The report is to present a concise summary of the facts for both parties, with regard to the credibility of the evidence, and conclude with the recommendations for action by the Board of Directors.
5. The report and its contents shall be treated as confidential and not publicized.
6. The complainant and respondent shall be notified in writing of the recommendations being made by the Ethics Committee to the Board of Directors, but shall not be provided with a copy of the report.

Board of Directors action:

1. The Board of Directors shall consider the Ethics Committee report at the next meeting of the Board. The respondent and complainant shall be notified by certified mail as to the date, time, and location of the Board meeting.
2. If the respondent wishes to attend the meeting, the President shall be notified at least fifteen (15) days prior to the meeting. The respondent will be responsible for any expenses incurred to attend the meeting.
3. The Board will decide by simple majority what action should be taken with the complaint. The action of the Board can be one of the following:
  - a. Dismiss the complaint with no further action.
  - b. Uphold the complaint and issue a letter of reprimand, with or without sanctions.
  - c. Revoke membership.

4. The President of the Association shall notify the respondent and complainant of the decision within ten (10) business days after the decision.
5. The affected member can appeal the decision of the Board. A notice of appeal must be submitted, together with any written statement he/she may wish to submit on his/her behalf, with the Membership Secretary not less than 120 days prior to the next regular meeting. The Secretary will advise each member of the Board and forward to each a copy of the supporting papers from the appellant upon receipt of the notice of appeal.
6. The appellant must obtain a two-thirds (2/3) vote of the voting members present at the next scheduled Association Business Meeting to overrule the action of the Board of Directors in regard to any censure, suspension, or expulsion of a member.
7. Board or Committee members will make no other public or private statement regarding the investigation. No record of testimony provided to the Board of Directors or Ethics Committee members will be released regarding the Association's action on the complaint or its resolution.
8. The only record to the membership is reported adjustment of any loss of membership as regularly recorded and reported by the Membership Committee, unless an appeal is made and must be voted on by the membership at the Association Business Meeting.

The President shall securely maintain the case files of the Ethics Committee and transfer them to his/her successor. All members of the Committee shall submit their records to the President to be included in the Committee case file. Other Committee members will not maintain any copies of those records.

#### **Section 4: Committee Regulations**

- A) The Board of Directors shall appoint all other appropriate committees as is deemed necessary. These *ad hoc* committees shall receive their direction from the President and shall report their work product to the Board of Directors. These *ad hoc* committees shall be comprised of no fewer than two (2) Regular, Life and/or Associate members. The lifetime of an *ad hoc* committee shall be determined by its mission; the committee may be dissolved automatically at the completion of the assigned mission or by a majority vote of the Board of Directors.
- B) No member of the Board of Directors or any committee shall receive, either directly or indirectly, any salary for their service.
- C) The elected Secretaries and committee chairpersons shall submit to the Board a written report of their committee's activities during the

previous year. Except for reports of the Ethics Committee activity, these written reports shall become part of the minutes of the Association Business Meeting and shall be published along with the minutes in the Newsletter.

**Section 5:**

Any and all expenses chargeable to the Association must be approved through the Board of Directors. Such approved expenses shall be reimbursed provided an original receipt and a brief description of the expenditure is provided to the Secretary-Treasurer.

**Section 6:**

The files, books and records of the Association are the property thereof and, excluding ethics investigations, shall at all times be open to the inspection and examination by any member. Upon vacating office for any reason, the past office holder must turn over all files, books and records to their successor in office within thirty (30) days of leaving office. Any expenses relating to the timely transfer of these records to the successor shall be reimbursable when accompanied by receipts.

**Section 7:**

The Association Newsletter, The Crime Scene, shall be the official publication of the Association, and any announcement appearing in the Newsletter shall be considered an official notification to all Association members. When technical articles are submitted and accepted for publication, there is no transferring agreement rule between submitting author and newsletter. This means that the ownership of each technical submissions remains with the original author(s)- the Association does not take ownership of the submissions.