

**TEXAS ASSOCIATION
OF
POLYGRAPH EXAMINERS**

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PART ONE

CONSTITUTION

ARTICLE I

This Constitution contains the fundamental principles that outline the purpose, basic structure, and limits of the Texas Association of Polygraph Examiners (T.A.P.E.); and allows members and future potential members to have a better understanding of what this organization is and how it should function.

Should this Constitution or any part thereof, or any additions or amendments made subsequently be found in conflict with any state or federal law, concerning the qualifications of any person to practice polygraph within this state, such conflict shall be resolved in favor of the Texas State law, provided that the qualifications required by the Texas State law be less restrictive than the requirements of this Constitution, such conflict shall be resolved in favor of this Constitution. If no Texas State law exists, or is in effect, then the T.A.P.E. Constitution and By-Laws will be followed.

ARTICLE II

OBJECTIVES AND PURPOSES

The objectives and purposes of this Association are to:

- A. The Main Purpose of this Association is to set forth:
 - i. High Ethical and Professional Polygraph Testing Standards in order to protect the public,
 - ii. In that the State of Texas abolished the Testing, Regulation, Oversight and Licensing of Polygraph Examiners; T.A.P.E. has taken on the added purposes of Protecting the Public, Establishing Standards for Polygraph Examiners, Approval of Polygraph Testing Methods and Procedures, Determining the Education and Training of Examiners, Inspecting and Validation of Educational Certificates, Establishing T.A.P.E. Training Requirements/Standards.
- B. Regulate the conduct of its members by requiring the use of the highest professional techniques and ethical standards as promoted by T.A.P.E. and other States that have Polygraph Examiner Licensing Laws.
- C. Require the use of the best business practices model of Polygraph. Instill the use of Operational Standards as promoted by Instrument Manufactures, Use Scientifically Validated Professional Polygraph Testing Methods and Procedures as Recognized by T.A.P.E., and the American Polygraph Association (APA).
- D. Govern its members by establishing a Code of Ethics and Professional Standards requiring adherence to these Code of Ethics and Professional Standards.
- E. Judiciously screen applicants for membership to determine their education, training, experience, personal and moral character, criminal history and past employment to assure professional competence and ethical conduct by all members.
- F. Promote and protect the best interest of the public and the polygraph examinee(s).
- G. Serve the cause of truth in an ethical, professional manner with integrity, objectivity and fairness to all persons.
- H. Encourage and support research, training, and education of benefit to members of this Association, Allied Professionals and the polygraph community in general.
- I. Provide a forum for the presentation and exchange of information relating to polygraph testing methods.

- J. Provide a forum in which any examinee or member of the public can report real or suspected malpractice of a polygraph examiner in the State of Texas.

ARTICLE III

NAME OF ORGANIZATION

The name of this organization shall be known as Texas Association of Polygraph Examiners (T.A.P.E.)

ARTICLE IV

GENERAL PROVISIONS

- A. This document shall be known as the Constitution of the Texas Association of Polygraph Examiners.
- B. All persons who, at the time this Constitution goes into effect and hold office(s) under sections of any previous Constitution are continued by this Constitution and those individuals shall continue to hold the same office according to the former Constitution.
- C. No action or proceeding commenced before this Constitution takes effect, and no right accrued, is affected by the provisions of this Constitution, but all provisions taken and enacted shall conform to the provisions of this Constitution.
- D. Unless the context otherwise requires the General Provisions hereinafter set forth shall govern the construction of the Constitution.
- E. Should this Constitution or any part thereof, or any additions or amendments made subsequently thereto, be found in conflict with any state or federal law, concerning the qualifications of any person to practice polygraph within this state, such conflict shall be resolved in favor of the state law in effect, provided that the qualifications required by the law be less restrictive than the requirements of this Constitution, such conflict shall be resolved in favor of this Constitution.
- F. Writing shall include any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required by this Constitution, it shall be made in writing in the English language. Whenever any notice or other communication affecting the membership status of any member is required by this Constitution to be mailed, the mailing of such notice or other communication shall be by first class mail and shall be sufficient to be in compliance with the requirements of this Constitution. Notification can also be satisfied using email, or other recognized forms of standard electronic communication and those normally accepted standards of official methods of office communication.
- G. Whenever any reference is made to any portion of this Constitution, such reference shall apply to all amendments and additions thereto now or hereafter made.
- H. The present tense includes the past and future tense: and the future, the present.
- I. The singular includes the plural and the plural, the singular.
- J. The masculine gender includes the feminine, and the feminine gender includes the masculine.
- K. "Shall" is mandatory and "may" is permissive.

- L. "Accredited Polygraph School" shall mean any school of polygraph accredited by the American Polygraph Association.
- M. "Assessment" shall mean any extraordinary or special assessment payments by a member of this Association as authorized by SECTION 1 of the T.A.P.E. By-Laws.
- N. "Association" shall mean the Texas Association of Polygraph Examiners also known as T.A.P.E.
- O. "Dues" shall mean all dues made payable to this Association by any member of this Association as authorized by SECTION 1 of the T.A.P.E. By-Laws.
- P. "Examination" shall mean the entire environment within which an Association Member renders an opinion as to the veracity of an examinee's statements concerning the primary issue of the matter under investigation and shall mean and include all notes, recordings, records, collected or provided information and statements collected or recorded in any written form, recorded method, video tapes of an interview, interrogation or polygraph examination as applied to an official investigation, private inquiry and all polygraph charts obtained, collected, recorded or printed in any way and connected to the matter.
- Q. "Meeting" shall mean any meeting of the general membership of this Association and/or any meeting of the Board of Directors of this Association.
- R. "Member" shall mean any natural person as defined and limited in SECTION 1 of the T.A.P.E. By-Laws.
- S. "Officer" and/or "Director" shall include any natural person as defined and limited in SECTION 3 and SECTION 4 of the T.A.P.E. By-Laws.
- T. "Year" shall mean the calendar year beginning at 0001 hours, January 1 and ending at 2400 hours, December 31 of the same year. The affairs of this Association shall operate on the basis of a calendar year.
- U. Should any provisions of this Constitution, or the application thereof to any person or circumstance, be held invalid by any due process of law, the remainder of this Constitution and the applications of its provisions to other person(s) or circumstances, shall not be affected thereby.
- V. Corrections of obvious misspelled words, incorrect use of a word or phrase can be corrected without the need of a 75% vote or prior approval by the Board of Directors or General Membership. If the word or phrase is confusing and does not lend itself to an easy and obvious correction; or if the wording, phrase or phrases might change a matter under discussion or vote, then the change will require a vote by 75% the Board of Directors or 75% of the General Membership attending a business meeting before the change is made.

ARTICLE V**TEXAS ASSOCIATION OF POLYGRAPH EXAMINERS****CODE OF ETHICS**

The members of T.A.P.E. and all other polygraph examiners seeking to be members of T.A.P.E.; and/or listed in the **TEXAS J.P.C.O.T. ROSTER** should agree to adhere to and professionally conform to the **T.A.P.E. CODE OF ETHICS**, set forth as **ATTACHMENT (1)**, and **T.A.P.E. STANDARDS AND PRINCIPLES OF PROFESSIONAL PRACTICE, ATTACHMENT (2)**; and the **APA STANDARDS OF PRACTICE**, set forth as **ATTACHMENT (3)**. These documents should be reviewed to assist a polygraph examiner to understand the criteria of and how to establish **GOOD POLYGRAPH EXAMINER PROFESSIONAL STANDARDS** in their daily professional practice.

ARTICLE VI**T.A.P.E. STANDARDS and PRINCIPLES of PROFESSIONAL PRACTICE**

The members of T.A.P.E. and all other polygraph examiners seeking to be listed in the **TEXAS J.P.C.O.T. ROSTER** should adhere to and professionally conform to the **T.A.P.E. CODE OF ETHICS**, set forth as **ATTACHMENT (1)**; **T.A.P.E. STANDARDS AND PRINCIPLES OF PROFESSIONAL PRACTICE, ATTACHMENT (2)**; and the **APA STANDARDS OF PRACTICE**, set forth as **ATTACHMENT (3)**. These documents should be referred to for the establishment of **GOOD POLYGRAPH EXAMINER PROFESSIONAL STANDARDS** in their daily practice.

TEXAS ASSOCIATION OF POLYGRAPH EXAMINERS

BY-LAWS

These By-Laws are the rules of the day-to-day operation of this Association (Texas Association of Polygraph Examiners) also known as (T.A.P.E.); and the Constitution set forth the principles of this organization; if approved by the Board of Directors by a two thirds vote will be used until they are changed by a 75% vote of the Board of Directors or a 75% vote of the voting members present at a General Business Meeting or a Special Meeting of this Association.

The Constitution and By-laws do not have to be voted on by the total general membership in good standing. The voting membership in good standing at a general or special meeting can, after making a proper motion, make changes to the Constitution and By-Laws, if at least 75% of the voting membership are present and in good standing can vote to approve the motion.

SECTION 1 MEMBERSHIP

A. Classes of Membership: Membership in the Texas Association of Polygraph Examiners is a privilege and not a right. There shall be seven (7) classes of membership.

1. Interim Member
2. Full Member
3. Life Member
4. Allied Occupation Member
5. Associate Professional Member
6. Honorary Member
7. Inactive Member

B. Member in Good Standing: To become or, be a member of T.A.P.E.; all individuals must be current on all dues, fees, fines and Special assessments. They shall not have been convicted of any felony crime, or act considered to be disgraceful and/or detrimental to the polygraph profession as determined by the Board of Director; and if so, shall be ineligible to hold or continue to hold any class of Membership in this Association.

C. Membership Requirements: Dues, Fees, Obligations, Duties and Limitations of Membership. Be current on all DUES, FEES, ASSESSMENTS and FINES: The Board of Directors is empowered to set annual dues, set fees for T.A.P.E. functions, levy assessments, impose fines upon the membership, raise the application and initiation fees, or impose other fees if, in their judgment the needs of the Association require such action to include Special Assessments. Applicants for Association Membership other than Allied Profession Occupation and Honorary Members shall:

a. Submit their written application, and all requested documents, along with a non-refundable membership application fee of \$45.00, if they have never been a member of T.A.P.E. Their application package will include their first year's annual dues of \$75.00, refundable if not accepted as a member.

b. Provide proof they graduated from a polygraph school accredited by the American Polygraph Association and approved by the T.A.P.E. Educational Committee.

c.They shall submit documents to prove of such graduation to the membership committee along with their application for membership.

d.They shall provide proof of their employment for the previous ten (10) years, formal education, professional education, and requested documents to prove they meet professional polygraph examiner standards.

e. They shall provide proof of their meeting the law enforcement and/or investigation training, employment and experience standards.

f. All applicants for membership must attend and be present at the general meeting when they are introduced and voted on for membership.

CLASSES OF T.A.P.E. MEMBERSHIP

1.INTERIM MEMBER: From the time an Interim Member's application is received and until they are accepted as a Full Member.

- i. Individuals applying for membership in this Association and until they are a Full Member are referred to as an Interim Member and are eligible to attend and participate in all activities of the Association as permitted by the President; Presiding Officer or Committee Chairperson. They shall not be eligible for election to any office, nor can they chair any committee, they can attend all open meetings.
- ii. An Interim Member may serve as a committee member if approved by the President; and agreed to by the Committee Chairperson.
- iii. An Interim Member shall not represent themselves as other than an Interim Member of T.A.P.E.
- iv. They shall not be eligible to vote on matters before the Association; until such time as they become a full member.
- v. Interim Members shall be able to attend all Open Business Meetings of the general membership of this Association.
- vi. An Interim Member can speak at any Open General Business Meeting when recognized by the President or presiding officer.

2.FULL MEMBER: Full Member status shall consist of the following provisions:

- i. Have graduated from a polygraph school accredited by the American Polygraph Association and recognized by the T.A.P.E. Educational Committee. They shall submit proof of such graduation to the membership committee.
- ii. Have successfully been a polygraph examiner more than one year; or otherwise,
- iii. Meet the requirements as outlined in the T.A.P.E. By-Laws.
- iv. A full member can attend all Open and Closed Meetings of the general membership of this Association.
- v. A full member can speak at any Open or Closed Meeting when recognized by the President or presiding officer.
- vi. Be eligible to attend and participate in all activities of the Association, if all dues; fees, fines, and Special Assessments have been paid in full.
- vii. Have full voting rights in all matters before the general membership and any committee meeting of the Association on which they may serve.
- viii. Be eligible for election or appointment to any office or committee of this Association.

ix. Be able to speak and vote at all Open and Closed Meetings of the general membership of this Association when recognized by the President or presiding officer.

x. A full member must pay their dues every year by December 31, of each year. After thirty days (30,) a 10% fine will be imposed every month thereafter until the member's dues are paid. Every member, to remain as a member in good standing must pay their dues, fees, fines and Special Assessments by December 31st of every year; and attend a T.A.P.E. Seminar and Business Meeting once every two years. If the conditions of this Section are not met a member will be placed on the INACTIVE MEMBER LIST, and not be considered a MEMBER IN GOOD STANDING.

3.Life Member: Life Membership status shall consist of all past presidents. Life membership may be granted to a Full Member of this Association who, by reason of retirement, health or personal finances would otherwise have to sever their membership; or, to a Full Member of this Association who has made an outstanding contribution to this Association; or to a Full Member of this Association who has held general membership status for twenty (20) or more consecutive years. Life Membership may be granted only upon recommendation by a two-third-majority vote of the Board of Directors and acceptance by a three-quarters majority vote of all Full Members voting at a regular meeting of the general membership. The nominee need not appear before the membership. Life Member in good standing shall:

- i. Retain all rights and privileges of a Full Member.
- ii. Be exempt from all dues and assessments of this Association, except seminar fees, fines and Special Assessments.
- iii. Be able to attend all Open and Closed Meetings of the general membership of this Association.
- iv. Can speak and vote at any Open or Closed Meeting or committee when recognized by the President or presiding officer.

4.Allied Occupation Member: Shall consists of persons having a valid professional interest in polygraph and may be eligible for Allied Occupation Membership in the Association and shall:

- i. Submit a written application for membership in the Association.
- ii. Be properly vetted.
- iii. Pay the \$45.00 non-refundable application fee; and first year dues of \$75.00.
- iv. Receive a favorable vote by the full and Life Members in attendance at a regular business meeting.
- v. Be present at the business meeting for their introduction and membership vote.
- vi. Following a favorable vote they will be accepted into membership.

- vii. Have no voting rights in any matter before the general membership or committee.
- viii. Not be eligible for election or appointment to any office or committee of this Association nor serve thereon.
- ix. Not represent themselves to be other than Allied Occupation Member of this Association.
- x. Not conduct any examination for the purpose of verifying the truth or determining deception unless such examination is conducted solely for the purpose of objective, scientific inquiry. Any Allied Occupation Member who violates this section shall be expelled from this Association.
- xi. Be able to attend all Open Meetings of the general membership of this Association.
- xii. Can speak at any Open Meeting when recognized by the President or presiding officer.
- xiii. Advise the officers, Board Members and provide information in their professional area of expertise when needed or requested.

5. Associate Professional Member: Qualifications to be an Associate Professional Member in this Association shall:

- i. First be a Full member in good standing in another State Polygraph Association.
- ii. Qualify as a Member in good standing with T.A.P.E., as shown by being current on payment of dues, fees, fines and Special Assessments; and attend at least one T.A.P.E. Seminar and business meeting every two years.
- iii. Graduated from a formal polygraph training school recognized and approved by the American Polygraph Association (APA); and recognized by the T.A.P.E. Educational and Membership Committees.
- iv. Completion of the T.A.P.E. required continuing yearly/bi -yearly professional education hours, if required.
- v. Meet and re-new T.A.P.E. Certification standards every two years.
- vi. Read and be familiar with **ATTACHMENTS (1), (2) and (3)**.
- vi. Associate Professional Members are eligible to attend open membership meetings; but they cannot vote, hold office or serve on any committee.
- vii. An Associate Professional Member is a form of membership that permits an out-of-state polygraph examiner to attend **T.A.P.E.** general meetings, attend seminars and be listed as a **T.A.P.E. POLYGRAPH EXAMINER IN GOOD STANDING**.

6. Honorary Member: Shall be any person who:

- i. Has made a significant, educational, or scientific contribution to the polygraph profession and may be eligible for Honorary Membership in this Association by a favorable vote by a majority of the Full and Life Members attending a business meeting.

- ii. They have no voting rights before the general membership.
- iii. They are not eligible for election or appointment to any committee.
- iv. They must not represent themselves to be other than an Honorary Member of this Association.
- v. They shall not conduct any examination for the purpose of verifying the truth or determining deception unless such examination is conducted solely for the purpose of objective scientific inquiry. Any Honorary Member who violates this section shall be expelled from this Association.
- vi. They can attend all Open Meetings of the general membership of this Association.
- vii. They have no vote but can speak at any Open Meeting if recognized by the President or presiding officer.
- viii. Submit a written application for membership in the Association.
- ix. Be properly vetted.
- x. Receive a favorable vote by a majority of the Full and Life Members in attendance at a regular business meeting.
- xi. Be present at the business meeting for their introduction and membership vote.
- xii. Following a favorable vote they will be accepted into membership.
- xiii. They shall pay all required fees to attend T.A.P.E. seminars and training sessions unless waiver by the President.
- xiv. Provide information and guidance to the Association and officers based on their expertise and experience.

7. **INACTIVE MEMBER:** Any Full Member who does not pay their yearly T.A.P.E. dues every year by December 31, could be considered for Inactive Member status. Thirty days (30,) after the due date of their Association dues not being paid, or good reason for the delay in payment not having been made, a 10% fine will be imposed every 30 days thereafter until the member's dues are paid in full to include all fines, fees and assessments. Every member, to continue to be a **MEMBER IN GOOD STANDING** must pay their yearly dues, fees, fines and Special Assessments by December 31st; and attend one T.A.P.E. Seminar and Business Meeting once every two years. If the conditions of this Section are not met after one year a member will be placed on the INACTIVE MEMBER LIST, and not be considered a **MEMBER IN GOOD STANDING**. To be removed from the INACTIVE MEMBER LIST, the member must pay all past dues, fees, fines and Special Assessments and attend a T.A.P.E. Seminar and Business meeting.

An individual who is on the INACTIVE MEMBER LIST cannot attend any T.A.P.E. seminar or Business meeting until all dues, fines, fee, and Special Assessments are paid in full.

A member can petition the President for relief from these conditions and actions. If sufficient proof is provided to the President, the President can remove the adverse action, remove or impose additional conditions, add or remove fees and fines; take any other actions they consider appropriate.

SECTION 2

Termination and Reinstatement of Membership

A. Termination

1. Subject to the provisions of this Article, membership in this Association shall be terminated for either of the following causes:
 - a. Conviction of any felony or crime of moral turpitude; or
 - b. Commission of any act considered to be detrimental to the polygraph profession as determined by the Board of Directors.
2. For a Conviction to be valid it shall be held before any court of competent authority, authority, local, county, state or federal, wherever located. For the purposes of this Article, conviction shall be recognized on a plea of "guilty," "no contest," a "plea agreement" or when included in a lesser offense or when included as a condition of any probation; or, if a "fine" or "restitution" is agreed on.
3. In addition, subject to the provisions of this Section, membership in this Association may be terminated or suspended for any of the following reasons:
 - a. Violation of any part of the Standards and Principles of practice.
 - b. Conduct by any member of this Association, which brings or may tend to bring discredit to this Association or the polygraph profession.
 - c. Representation by any member that he holds a class of membership, which in fact he does not hold; that he holds a four-year college degree or professional license that he does not hold. That he misrepresented his background information, personal history, employment history or other official records.
 - d. Failure of any Interim Member, Full Member or Allied Profession Member to meet and pay all financial obligations to this Association when due and payable are grounds for removal if there is no valid excuse as determined by the President.
4. Any member who has been arraigned in any court of competent jurisdiction on a charge of any felony crime or any crime related to amoral conduct or moral turpitude shall, within thirty (30) days of such arraignment, notify the President and Chairperson of the Ethics Committee of such arraignment. Notification shall be in writing and shall include the nature of the charge, the name of the court in which the member was charged, the date of the arraignment and the case or docket number assigned by the court clerk. The membership of any member who fails to comply with the provisions

of this section shall be suspended without action of the Board of Directors. Suspension of said membership shall be effective on the thirty-first (31) day after arraignment and shall continue until the charged member complies with the requirements of this section; or is cleared of all charges in full.

SECTION 3

Board of Directors

- A. Responsibility. The Board of Directors, as a group, is in-trusted with and responsible for the administration of the affairs of T.A.P.E. and is authorized to take any action necessary to protect the best interests of T.A.P.E.
- B. Composition. The Board of Directors shall be composed of nine (9) voting members and shall consist of:
1. The President
 2. The Chairman of the Board (The Immediate Past President)
 3. Vice-President
 4. Secretary/Treasurer
 5. The President-Elect
 6. Four (4) Directors
- C. Quorum: At any meeting of the Board of Directors, four (4) or more members shall constitute a quorum. No vote shall be taken by the Board of Directors in the absence of a quorum.
- D. Ex-officio Members. There can be ex-officio members of the Board of Directors. Ex-officio members other than past presidents, Editor/Website Manager, Sergeant at Arms, J.P.C.O.T. Coordinator and seminar sponsors, must be nominated by the President and confirmed by at least two-thirds (2/3) of the Board of Directors at which a quorum is present. Ex-officio members of the Board of Directors may attend all meetings of the Board of Directors but shall have no vote on matters before the Board of Directors. Ex-officio members of the Board of Directors shall include, but are not limited to:
1. Past Presidents
 2. Official Editor/Website Manager
 3. Sergeant at Arms
 4. J.P.C.O.T. Coordinator
 5. Seminar Sponsors are Association members who volunteer to take on the responsibility to coordinate, develop local seminar location information, hotel accommodations and act as a conduit with local city officials, businesses and news agencies.
- E. Term of Office or Position.
1. Directors: shall serve a term of two (2) years or until the next meeting of the General Membership thereafter and may be reelected to consecutive terms. Two (2) of the Directors shall be elected to office in years ending in even numbers and Two (2) of the Directors shall be elected to office in years ending in odd numbers.

2. Sergeant at Arms is appointed by the President and serves at his pleasure, or until the end of his term as President. The next President can continue the serving member's position or appoint a new member to the position of Sergeant at Arms. The Sergeant at Arms shall station himself at the outer door of the Seminar Hall until the meeting begins and then may be seated inside the meeting room at the entry door to monitor those who enter; and to assist with order. The Sergeant at Arms will not permit anyone to enter who is not properly qualified. He may demand identification and proof of membership at any time. He shall assist the President in preserving order and shall perform such other duties as the President may direct. He shall assist the Secretary/Treasurer in the registration of members and guests at Seminars of the Association.
3. Official Editor/Website Director: holds a voluntary position and serves at the pleasure of the President, or until they resign, and their replacement is appointed. The Editor and Website Director can be two separate individuals.
4. J.P.C.O.T. Coordinator holds a voluntary position and is appointed as chairperson of J.P.C.O.T. This individual, along with a selected team of J.P.C.O.T. Polygraph Examiners in Good Standing as selected by the Coordinator can assist the J.P.C.O.T. Coordinator in receiving, reviewing and approving all documents and records to record all Individual's Certificates of Training as required to meet all J.P.C.O.T. standards of education and training. The J.P.C.O.T. Coordinator is also responsible for approval of the Initial Forty (40) hour Sex Offender Polygraph Training Course, and the training classes required to meet the Twenty (20) hours of subsequent continuing education hours (CEH). The J.P.C.O.T. Coordinator maintains the records and publishes the names of Polygraph Examiners in the J.P.C.O.T. Roster of all polygraph examiners who have agreed to, and meet the training requirements, agreed to use and practice T.A.P.E and A.P.A. approved polygraph examination operational methods, testing formats and question formulation as reflected in the J.P.C.O.T. Guide. To be listed on the J.P.C.O.T. Roster individuals must be current and up to date on all J.P.C.O.T. training and T.A.P.E. training, dues, fees, assessments and fines. These individuals agree to follow the recommended Guidelines of J.P.C.O.T., to be listed on the J.P.C.O.T. Roster that is published on the T.A.P.E. website in Texas for review by Sex Offender Treatment Providers, Texas Department of Criminal Justice, and Texas Community Supervision & Correctional Departments for referral purposes. This J.P.C.O.T. Coordinator/chairperson serves

at the pleasure of the President or until replaced. They advise the Board of Directors of pertinent events and related information and training status. They also ensure that any continuing education hours, or certificates of training must meet approved standards; be conducted by an approved training curriculum, approved instructors who are recognized as an approved instructor based on their education, training and experience.

F. Vacancy.

1. Director: In the event of death, resignation or the inability of any Director to act, the President, with the consent of the majority of the Board of Directors, can immediately appoint any qualified Member to serve the unexpired term of the deceased, resigned or disabled Director.
2. President: A vacancy in the office of the President shall be filled by the Vice President for the balance of the remaining term, and one (1) year thereafter, or until a successor is duly elected.
3. Immediate Past-President/Chairman of the Board: Any vacancy in the office of the Immediate past President will result in the duties of that office being assumed by the President.

G. The Board of Directors shall convene within twenty-four (24) hours prior to each meeting of the general membership and at such other times and places as may be necessary, if called by the President or the Chairman of the Board. The Chairperson of the Board of Directors, either the President or Chairman of the Board may call a special meeting of the Board of Directors at any time. These meetings may be held in person, telephonically, by ZOOM, or other commonly recognized methods of communication. At any meeting of the Board of Directors, four (4) or more members shall constitute a quorum. No vote shall be taken by the Board of Directors in the absence of a quorum.

H. The Board of Directors shall report all financial transactions entered into and all contractual obligations incurred by the Board of Directors on behalf of the Association to the general membership at every regularly scheduled meeting of such membership. Further, the Board of Directors shall report to the general membership at the next meeting thereof the censure, suspension or termination of any member of the Board of Directors.

I. Should an allegation of misconduct, criminal arrest(s) or civil lawsuit(s) be filed against any member of the Board of Directors, said member should immediately notify the Board of Directors of T.A.P.E.

J. The Board of Directors shall receive and consider the findings of the Ethics Committee. Upon receipt of the findings of the Ethics Committee, the President shall notify the accused, in writing, of the findings of the Ethics Committee. The accused shall have the right to file an appeal of the findings of the Ethics Committee. That appeal shall be filed in writing with

the President within thirty (30) days of receipt of the notification. If the accused fails to file a timely appeal, the Board of Directors shall ratify the findings of the Ethics Committee. If the accused files a timely appeal, the President shall schedule a meeting of the Board of Directors at one of the next two regularly scheduled seminars. The Board of Directors may sustain, modify or reject any such recommendation by a two-thirds (2/3)-majority vote. The decision of the Board of Directors shall be final. In the event the accused fails to appear at the appeals hearing, the Board of Directors shall ratify the findings of the Ethics Committee. The Secretary shall record all such actions in the personal file of the member affected. When the member is notified about the results, either in person, or upon posting certified mail, the action becomes final.

K. A meeting of the Board of Directors and local Seminar Sponsor will precede each semi-annual seminar to:

1. Determine if all pre-seminar requirements have been met.
2. That adequate, relevant, appropriate and up to date information will be presented at the upcoming seminar(s).
3. Ensure that all speakers and seminar presenters have been confirmed.
4. Prepare and meet requirements needed by any of the speakers and presenters.
5. Ensure the hotel accommodations are adequate and the hotel staff are prepared.
6. That all placards, handouts, directional and identification cards, flags, displays have been obtained and are ready for display or passing out.
7. That all local officials have been contacted and invited to attend and provide a seminar opening statement.
8. Identify closest locations where printing of required documents can be performed if needed
9. Identify the closest company that can make plaques and awards within a limited amount of time
10. That all plaques, presenter gifts, certificates for each speaker, presenter or guest speaker have been obtained ahead of time
11. That attendance certificates have been prepared as needed to report to pertinent agencies all registered attendees and hours attended.
12. That all documents for recording attendance to report all CEH (Continuing Education Hours) have been prepared.

SECTION 4

Officers and Ex Officio Members

A. President. Shall serve a two (2) year term and remain in office until a member in good standing challenges the President by running for office and a replacement is elected; otherwise, the President can remain in office until they choose to no longer run for election, resigns from the position, dies while in office, or is removed by the Board of Directors.

B. The President's Duties:

1. Preside over all meetings and do not vote unless there is a tie vote of the membership. The President may, if unable to attend a seminar, other meetings or official functions may delegate duties to the Chairman of the Board or vice-President.
2. Have general supervision over the affairs and administration of this Association and of the duties performed by other elected officers, Ad Hoc Committees and other appointees.
3. Perform such duties as the Board of Directors may properly assign him or her, or as may be provided by this Constitution.
4. Call special meetings of this Association or Board of Directors when required to do so by a vote of the majority of the Board of Directors or upon written request by one-half (1/2) of the full membership. A special meeting may be held either in person, or by any agreed on standard method of communication to include in-person, ZOOM, SKYPE, telephone; and any other commonly recognized method of communication.
5. The President shall represent this Association at any official function. The President may delegate this function to any Member in Good Standing with the consent of the Board of Directors.
6. Appoint all chairpersons of the standing committees.
7. Appoint the chairperson of all Ad Hoc Committees established for a special purpose. The President shall be the sole appointing authority for all special committees. The President may call a special committee into session at any time. All special committees so established shall terminate upon the expiration of the appointing President's term of office, or upon dissolution by the President. All committee chairpersons shall serve at the pleasure of the President.

C.Vice-President: Shall be elected during the Fall seminar general meeting of the Association. He shall serve a two (2) year term and remain in office until being challenged and his replacement is elected; otherwise, the Vice-President can remain in office until he no longer runs for election, resigns from the position, dies in office or is removed by the Board of Directors.

D.Duties of the Vice-President: It shall be the duty of the Vice President to assist the President in the performance of his duties and assume his duties in the absence of the Chairman of the Board. He shall succeed to the office of the President in the event of the death, resignation or expulsion from membership of the President, or the position is vacant. The Vice-President shall act as ex-officio Chairman of the Seminar Committee to coordinate all aspects of each semi-annual seminar of the Association. The Vice President, after the agreement and announcement of the locations and dates of three future seminars and the identification of each location's Volunteer Seminar Sponsor who will host the seminar, the Vice-President will work closely with these individuals and coordinate all aspects and requirements for each seminar. The Vice President will, with the Volunteer Seminar Sponsor begin to identify local educational guest speakers and the presenters at each location and to identify their topics, hours of presentation, special needs, equipment requirements, duplication of handout materials, coordinate and arrange for their lodging and travel arrangements, as well as to negotiation their fees. The vice-president will also request each presenter and guest speaker to provide copies of the information and material they will lecture on, in addition a request for copies of all pertinent educational degree documents and certificates establishing their credentials if needed.

E.Chairman of the Board: The Immediate Past President shall:

1. Serve as Chairman of the Board & Immediate Past President for two (2) years after his or her term as President terminates, or until the election and confirmation of a new President produces another Past-President.
2. Assist, provide advice and/or mentor the presiding President and President-Elect when requested.
3. Not be a voting officer except in cases of a tie of the Board of Directors, if the Past-President is not present, the President will assume duties as Chairman of the Board.
4. May serve on Ad Hoc and Standing Committees at the discretion of the President for a term not to exceed the term of the President.
5. Perform other duties as assigned by the President or Board of Directors.

6. Assume the duties of President when required because of absence or failure of the President or Vice-President to conduct the Association's business.
7. **Treasurer:** The Treasurer shall:
 - a. Be elected during the Fall seminar general meeting of the Association. He shall serve a two (2) year term and remain in office until his replacement is elected; otherwise, the Treasurer can remain in office until he no longer runs for election, resigns from the position or is removed by the Board of Directors.
 - b. Be the custodian of all funds and securities which belong to this Association and maintain those bank accounts that are necessary and proper to meet this requirement.
 - c. Maintain complete and accurate records of all financial transactions related to this Association.
 - d. Be authorized, by virtue of this Constitution, to act in all financial matters, wherein an authorized signature is required on behalf of this Association. Two signatures will be required that of the Treasurer, Vice President or President; all who have the ability to sign financial instruments and checks.
 - e. Make available to the Auditing Committee, upon demand by the Chairperson of that Committee, all financial records, statements or accounts of this Association as well as all documents attendant thereto. The Audit Committee shall audit the financial records of the Treasurer at least once a year; or as the President directs.
 - f. Compile and make available to the general membership at each regular meeting thereof, a Statement of Assets and Liabilities as well as a Statement of Expenses covering the period immediately preceding the then current meeting.
 - g. Notify each member in writing, or by email, no later than November 1st, their yearly dues of \$75.00 and any other fees, fines and assessments that are then due and payable for the next calendar year requiring payment by December 31st.
 - h. Inform the membership that all dues and assessments received after December 31st will incur a 10% late fee; and an additional 10% late

fee will be added to the uncollected amount every 30 days thereafter until received and paid in full.

- i. Perform other duties as assigned by the President.

8. To oversee or assist with seminar registration and collection of all fees and monies.

9. The Treasurer will oversee the issue for signature of all members and individuals in attendance at T.A.P.E. sponsored seminars; receipt of any members dues, fees, receipt of assessments, and receipt of fines.

10. The Treasurer will issue Training Certificates and Membership Certificates at each seminar.

11. The outgoing Treasurer will assist the incoming Treasurer in the turnover of all documents, checks, cash, Association property and Association records. The transfer of check signature and credit card authorization will be affected as soon as possible.

8. Secretary: The office of Secretary, or the Secretary/Treasurer if both offices are not held by the same member shall:

- a. Maintain in writing all minutes, resolutions and proceedings of this Association and the Board of Directors thereof.
- b. Maintain a complete and current mailing list of all members of this Association
- c. Conduct all correspondence necessary to preserve the best interests of this Association.
- d. Maintain a file of each member of this Association. Said file shall contain a copy of the member's application for membership and any other correspondence relating to that member. Such files shall be confidential, and no disclosure of their contents shall be made to any person. Provided, such files may be disclosed:
 - i. To the respective member
 - ii. To the members of the Ethics Committee solely for the purpose of investigation after the filing of an allegation of misconduct against that member.
 - iii. To any court of competent and authority pursuant to a lawful order directing the production of said files.
 - iv. To the Board of Directors for the purpose of investigation after the recommendation of the Ethics Committee.
 - v. To the duly appointed Auditing Committee for their yearly audit, to validate the content and completeness of member files. Access shall not be granted to the Auditing Committee of sealed ethics investigation files.

- vi. The Board of Directors can request that an applicant or member's application and records be reviewed to insure no fraudulent or incorrect information was provided to become a member, change membership status or other certification purposes.
- vii. Destroy the files of members in good standing of this Association after they have been inactive for more than three (3) calendar years and all other files not necessary for the day-to-day operation, or for the historical preservation of pertinent information of this Association.
- viii. The Secretary shall maintain a record of such membership records destroyed and the status of such member(s) at the time such member(s) left the Association.
- ix. The Secretary shall retain all SUSTAINED investigations that resulted in revocation of T.A.P.E. membership.
- x. The Secretary shall maintain all SUSTAINED, NOT-SUSTAINED, EXONERATED or UNFOUNDED ethics complaints for a period of five years from the date of the original complaint. After five years all the ethics complaints and related files, other than those that resulted in revocation of membership, shall be destroyed.
- xi. The Secretary shall maintain all ethics complaints that were deemed NO FINDING for one year and then destroy the complaint and related file.
- xii. The Secretary shall destroy ethics files involving deceased members or former members once death is confirmed.
- xiii. The Secretary may open a sealed ethics file at the direction of the Ethics Committee. The Ethics Committee request shall be in writing and will be made a part of said file.
- xiv. A shadow file of a member's file will be copied into an electronic media file of pertinent information for permanent retention. Three copies will be made of all electronic media. One copy will be stored in a safe deposit box; one copy will be held by the secretary/treasurer; and one copy will be held by the President.
- xv. The secretary/treasurer and President's media storage device will be identified, "This Electronic Media Storage Device is the Property of the Texas Association of Polygraph Examiners and should be turned over to an official representative of T.A.P.E. upon, resignation, replacement, or the demise of the holder of the device." They will produce and show their electronic media file storage devices at the start of each Board of Director's meeting.

- xv. On the replacement or election of their replacement their copy of the Storage device will be turned over to their successor, or to the Chairman of the Board to be held until their replacement is named or elected.
- e. Maintain all training records of this Association.
- f. Design, prepare, print and issue all training certificates and membership certificates.
- g. The Secretary/Treasurer can be assisted by the SGT at ARMS, or any of the four (4) Directors if assistance is needed and they are assigned specific duties.
- h. Perform other duties as assigned by the President.

9.Directors: The Directors of this Association shall be four (4) in number. The Directors shall:

- A. Be elected to a term in office of two (2) years.
- B. Two (2) Directors shall be elected in each calendar year which ends in an even number; and two (2) Directors shall be elected in each calendar year which ends in an odd number; thus, serving staggered terms of two (2) years

C. Director Duties: The Directors will:

- i. Be assigned responsibilities and duties as close as possible to a geographic area of Texas where they live and that contains an equal distribution of Association Members. Each Director will establish methods to develop and stay in contact with the Association Members within their geographic area of coverage. These contacts can be by letter, telephone, email, text messages, skype, ZOOM, or personal group meetings. The purpose of the contacts will be to inform members and other interested individuals about the business, upcoming meetings, seminars, future training, and local gatherings of the Association and its members. These contacts should be used to obtain information about current, and past members, sick or convalescing members and the identification of potential new members. All avenues should be used to develop new members for the Association. The Directors should encourage former members to re-new their memberships, attend future seminars and meetings. Also, when possible to develop relationships with local allied professionals, law enforcement agencies, court officials and local leaders and agency personnel to

promote the use of polygraph, provide information on the proper use of polygraph, discuss innovative methods of polygraph procedure, development; along with encouraging professional standards and ethical practices of good professional polygraph methods. To continually look for new seminar presenters, innovative training methods and educational material. They could be of interest to the Association members

- ii. Each Director will attempt to contact the Association Members within their geographic area of coverage once each quarter to provide a brief discussion of pertinent events, inform them about upcoming seminars, meetings and training opportunities, obtain information that may be of use by all Board Members.
- iii. Assist the Chairman of the Board, the President, Vice-President, Secretary/Treasurer and Seminar Hosts with their duties as requested; and, or assigned by the Chairman of the Board, current President or Vice-President.
- iv. Any Director who does not attend two consecutive seminars without a valid excuse or is not excused by the President may be removed from their office and replaced by the President.

10.General Counsel: The General Counsel if appointed by the President shall:

- a. Advise the Board of Directors on all legal matters which may come before it and may represent T.A.P.E. in all litigation.
- b. Provide legal advice to the Board of Directors.
- c. Maintain professional liability insurance at General Counsel's own expense, or under the Association's coverage, for professional legal services provided to T.A.P.E. in an amount determined by the Board of Directors; and
- d. Perform other duties as assigned by the Board of Directors.
- e. Serve until replaced by the President, or the end of the President's term of office as President.

11.Seminar Program Chair: The Seminar Program Chair shall be a member who volunteers to host one of the T.A.P.E. seminars:

- a. Assist the Vice-President with arranging one of the general membership training sites during a calendar year.
- b. Assist the Vice-President in identifying local speakers, other presenters and their topics.
- c. Present to the Vice-President and Board Members the estimated costs, and alternate locations.
- d. Coordinate with the Vice-President outside organization approvals; recognition of local officials, etc..
- e. Assist the Vice President with forming any needed training and additional seminar committee members if needed.
- f. Identify and arrange for audio visual equipment, the Hospitality room requirements.
- g. Ensure the hotel manager is aware of and the contract states the Association can bring into the hospitality room and meeting room liquor, other beverages and soft drinks, coffee and food for snacks.
- h. Perform other duties as assigned by the President or Vice President.
- i. The local host will identify and inform the Vice President about adequate hotel accommodations, identify newer construction, inform the hotel of the Association's requirements and develop blocks of rooms, meeting room requirements, hospitality suites, determine if the guest rooms are adequate, clean, free from mold, mildew and tobacco odor, that they are safe, secure, have up to date locks and security systems, video monitors, TV's, refrigerators, coffee makers, sufficient lighting, work stations, computer and Internet connections, adequate parking within close proximity, connected to the hotel and a well-lighted parking lot that is monitored at night. Determine if after dark security is provided, if not suggest it. Contact local law enforcement and request added patrols at night.
- j. **The seminar host will negotiate preliminary contract information and pricing but will not sign or execute the contract.** The final contract will be agreed on by at least three Board Members after reviewing same and before execution of the contract.
- k. The seminar hosts will identify local entertainment, nightlife, restaurants, bars, problem areas, high crime areas and coordinate liaison with local police and county sheriffs. Provide information about shopping areas for spouses to take advantage of, local sporting events, recommend local

sightseeing areas, day trips, identify unique events of interest, historical sights, have available adequate numbers of maps and directions to these areas. Directions to local hospitals, urgent care facilities and drug stores. A **SEMINAR HOST CHECKLIST** is set forth as **ATTACHMENT (5)**.

12. Website Manager/Newsletter Editor shall:

- a. Publish or distribute all publications, newsletters, or other documents as authorized and directed by the President and Chairman of the Board.
- b. Perform other duties as assigned by the President.
- c. Maintain the Association's Website
- d. Put out announcements of seminars, training sessions and general Meetings.

13. Joint Polygraph Committee for Offender Testing (J.P.C.O.T.) Chairperson:

- a. The President of T.A.P.E. will appoint a Chairperson to approve, record, maintain the records of and publish the names of Polygraph Examiners who agree to the training requirements, take part in such training and follow the identified recommended guidelines as identified and listed in the J.P.C.O.T. Manual. The J.P.O.C.T. Roster is published in Texas for review by Licensed Sex Offender Treatment Providers (LSOTP), the Texas Department of Criminal Justice, and Texas Counties Community Supervision & Corrections Departments to refer examinees to competent trained and Certified Polygraph Examiners in Good Standing and have completed required training and met J.P.C.O.T. standards as Polygraph Examiners **In Good Standing** to conduct Post Sentence Polygraph Examinations.
- b. The approved Roster of Polygraph Examiners who meet the yearly training standards and are in receipt of the required hours of training will be published on the T.A.P.E. website and be maintained and updated by the J.P.C.O.T. Chairperson.
- c. Each polygraph examiner desiring to be listed on the J.P.C.O.T. roster will submit necessary proof of the training they receive every year. This proof should be twenty (20) hours that meet the required standards as identified in the J.P.C.O.T. Manual.
- d. To qualify as a J.P.C.O.T. Polygraph Examiner each polygraph examiner should provide certificates/diplomas of college education, law enforcement training, graduation from an A.P.A. approved Polygraph School; proof of their initial 40 hours of Sex Offender Polygraph Examination training; and subsequent twenty (20) hours of yearly training.

14. The Association Officers and Directors: Will, in addition to their duties imposed and identified by this Constitution and By-Laws, will perform all other

duties and obligations imposed on them by all Articles of this Constitution; the Association By-Laws and as directed by the President; and the Chairman of the Board.

SECTION 5 MEETINGS, ELECTIONS, VOTING and DUES

A. All elections shall be conducted during the Fall Seminar General Business Meeting. Installation of all elected officers/members will be conducted as the final closing act of business at the Fall Seminar/Business Meeting. The outgoing officers will finalize the closing of the seminar and turn over to the incoming officers all records, documents, checks, monies, T.A.P.E. property and equipment. These officers will coordinate, work with and assist the incoming officers as needed to acquaint them with the Association business and make a smooth transition of office.

B. The general membership of this Association shall meet not less than two (2) times each calendar year. Five members of the Board of Directors will constitute a Quorum.

C. The Board of Directors with the assistance of the General Members present at a seminar shall identify and maintain three future seminar locations at all times, establish the date, time and meeting sites in advance to permit adequate planning, coordination and identification of training goals, guest speakers and to obtain approval of instructional material and hours for CEH (Continuing Education Hours). Also, this will allow all presenters adequate time to prepare their training material.

D. Prior to the agreement on locations and dates, it is imperative to consider other local public events and holidays that might conflict with hotel accommodations and attendance by members, i.e., college and professional football, baseball, basketball schedules and holidays.

E. Active Members in Good Standing of this Association present at any meeting of the general membership shall constitute a quorum to transact all business brought before the membership by proper motion. A simple majority vote, unless otherwise provided, shall be sufficient to carry any motion before the general membership when a Quorum of the Board of Directors is present.

F. Election of President, Vice-President, Secretary-Treasurer and Directors:

- a. Will be by secret ballot held during the fall meeting of the general membership in any calendar year.
- b. The officer positions shall be elected by a plurality, which being the number of votes cast for a candidate who receives more than any other but does not receive an absolute majority of the votes cast. Runoff elections would occur if no single candidate had a plurality.

- c. The President, Vice-President, Secretary-Treasurer and the two (2) elected Directors shall be sworn in and take office at the close of the business meeting. The newly elected officers will be responsible for all aspects of the next seminar. The outgoing President, Vice-President and Directors should collaborate with the incoming officers to assist with becoming familiar with their duties and responsibilities and to affect a smooth transition of power and responsibilities in their preparations for the next seminar and to develop the two next following seminars.
- d. The ballots shall list the candidates for the President, Vice-President, Secretary-Treasurer and each Director position in alphabetical order by last name.
- e. Each voting Member (Full and Life Member) in good standing shall be entitled to cast one (1) ballot for any President, Vice-President, Secretary-Treasurer or Director position. One office or one officer candidate will be voted on at a time so as not to reduce the voting member population present for casting ballots.

G. Qualifications for Election:

- a. Applicants for President, Vice-President, Secretary Treasurer and Director offices must specify for which office they are a candidate.
- b. Candidates may run for only one office at a time.
- c. The nominating or elections committee will validate each candidates' eligibility based on the following:
 - i. Applicants for Directors must be full members and have their dues, fines and fees up to date.
 - ii. Be a member in good standing.
 - iii. Be an active participant of T.A.P.E. by attending at least one seminar a year with two of them occurring within the last two years prior to their election.
 - iv. No recent sustained ethics or grievance violations within (3) three years before their election.
 - v. Have a favorable interview with the nomination committee resulting in a majority vote of the nomination committee members.

H. Entitlements of Full and Life Members:

- a. Any active Full Member or Life Member of this Association shall be entitled to speak on the floor at any meeting of the general membership.
- b. Only Full Members and Life Members shall have the right to vote upon motions, elections and any other business before the Association.

- I. Dues, Fees and Special Assessments:
 - a. Dues, Fees, Fines and Special Assessments may be established and levied against Interim, Full and Allied Profession Members. All dues, fees and/or special assessments so levied shall only be established by a two-thirds (2/3) vote of the Board of Directors of this Association. Assessments shall not be levied against the Secretary/Treasurer, Life or Honorary Members. All unpaid dues and fees are delinquent if not paid by December 15th of the calendar year. A 10% fine will be incurred every thirty (30) days after December 15th during which a member's dues and fees are not paid in full. The Dues are \$75.00 per year.
- J. The Secretary-Treasurer of the Association in recognition of the time and effort required of them to conduct and perform the duties of the position will not be required to pay dues, assessments, or hotel accommodations at each seminar.

SECTION 6 COMMITTEES

- A. There shall be two types of committees, Standing and Ad Hoc. When not otherwise identified by this Constitution or By-Laws, the President shall be responsible for their formation.
- B. The President shall appoint the following committees and assign their duties, unless otherwise indicated in the Constitution or By-Laws of this Association.
- C. The President may appoint Ad Hoc Committees for the purpose of administering the needs and goals of this Association.
- D. Committees of this Association can be:
 - 1. Auditing and Finance
 - 2. Legislation
 - 3. Membership
 - 4. Nominations
 - 5. Credentials
 - 6. Ethical Practices
 - 7. Welfare
 - 8. Publicity
 - 9. Historical
 - 10. Other Committees as deemed appropriate and necessary by the President and/or the Board of Directors.
- E. Committee Chairmen
 - 1. The President shall appoint the chairmen of each committee
 - 2. Each committee chairperson shall select at least three members in good standing to assist with the duties of the committee.
 - 3. Each committee will meet at least prior to each seminar and the chairman will provide a report on their committee at the pre-seminar Board Meeting and at the regular seminar business meeting.
- F. The President shall appoint the chairpersons of the Ethics and Audit Committees. The Chairpersons of these standing and all other committees shall select all members of their committees. Members of all committees shall serve at the pleasure of the Chairperson and may be removed and replaced at any time for any cause by the committee chairperson or the President.
 - 1. ETHICS COMMITTEE The Ethics Committee shall consist of a Chairperson and three (3) members.
 - i. The Secretary of this Association shall receive all allegations of misconduct against members of this Association in the manner and form prescribed by Sections 2 and Section 6 of

- the By Laws of this Association. A copy of these allegations shall be forwarded to the Chair of the Ethics Committee and a copy forwarded to the President within ten (10) business days.
- ii. The Ethics Committee shall expeditiously, fairly and impartially investigate all allegations of misconduct against members of this Association. Upon receipt of an allegation of misconduct by a member, the Committee shall immediately, in writing, notify the accused member of the name of the accuser, the date the allegation was received and shall mail a copy of the allegation to the accused. Should an allegation be filed against a member of the Ethics Committee, said member shall immediately resign from the Committee pending resolution of the allegation, and the Chairperson shall appoint his replacement within five (5) days.
 - iii. The accused member shall have thirty (30) days from the date of notification by the committee chairperson in which to request a hearing before the Committee. Such a request shall be addressed to the chairperson of the Committee in writing. Upon a request for a hearing, the chairperson shall hold a meeting of the Committee and the accused member for the purpose of affording the accused member the opportunity to answer the accusation at one of the next two regularly scheduled meetings. The accused may appear at the hearing in person, or he may be represented by his written statement. If the accused fails to request a hearing or fails to appear at a hearing after, or request for one, the Committee may proceed with any investigation it deems necessary to make a fair and impartial finding to the Board of Directors.
 - iv. The Ethics Committee shall conduct its investigation in an expeditious manner. If the Ethics Committee by majority vote on the matter votes to have the full membership vote on the matter it will be presented to the general membership at the next business meeting or special meeting. If the Ethic Committee after hearing the accused explanation and presentation of evidence determine the accusation(s) are not valid by a majority vote of the Ethics Committee the matter will be reported to the Board of Directors and if a majority of the Board of Directors agree the matter will be closed and letters will be sent to the accuser and the accused.
 - v. The President shall, after three hundred and sixty-five days (365) days, if no action is taken on the matter order the Committee to terminate any investigation and forward forthwith to the Board of Directors its decision on the

- allegation. The Committee shall comply with this order within thirty (30) days. No investigation shall continue for a period of more than one (1) year. If the Committee fails to forward its decision to the Board of Directors or should the Board of Directors fail to act on any allegation of misconduct within one (1) year from the date of the initial allegation, or when any appeal was made, the allegation shall be dismissed, and no further proceedings shall be held.
- vi. Meetings of the Ethics Committee shall be closed to all persons, save the members thereof, the accused and all witnesses called by the Committee. The accused shall have the right to legal counsel or other advocate and such counsel or advocate shall be permitted to attend any meeting of the Committee for the purpose of representing the accused. The accused may call witnesses on his behalf and shall have the right to cross-examine all witnesses who may testify against him.
 - vii. Immediately upon the submission to the Board of Directors of the final decision on an allegation of misconduct, the chair shall forward to the Secretary all records, documents or other materials connected with the investigation by the Committee. The Secretary shall seal these records, documents and materials in an envelope and file the envelope in the accused member's membership file. Thereafter, the envelope shall be opened only in accordance with the limitations of Section 4, paragraph I, Subsection 4 of these By-Laws.
 - viii. Upon consideration of all evidence presented to it or developed by it in the course of its investigation, the Committee shall submit its findings to the Board of Directors in writing. "Findings" require a two-thirds majority vote of the Board of Directors.
 - ix. If the allegation is sustained, disciplinary action will be taken as described below.
 - a. Letter of Censure
 - b. Remedial training and/or probation not to exceed 24 months.
 - c. Suspension of membership not to exceed 24 months. Reapplication for membership required.
 - d. Suspension requires the return of all T.A.P.E. Examiner Membership Certificates. The suspended member cannot use the T.A.P.E. LOGO on any letterheads, official documents, on any Internet site, Website or Social Media site. Reapplication for membership will be required and

not considered until all T.A.P.E. Membership Documents have been returned to this Association's Secretary.

- e. Revocation of membership with prejudice required that no reapplication be allowed.
- x. A copy of the Findings shall be delivered to the President. The findings shall be signed by all members of the Committee. Thereafter, no member of the Committee shall discuss the investigation or the Findings with any person other than a member of the Committee, the Board of Directors or a person designated by court order, the subject member of the inquiry or that member's designated representative.
- xi. The below listed "Findings" require a two-thirds majority vote of the T.A.P.E. Board of Directors.
 - a. Sustained: The investigation disclosed evidence sufficient to prove the allegation(s) by a preponderance of the evidence.
 - b. Not Sustained: The investigation failed to disclose the evidence sufficiently to prove or disprove the allegation by a preponderance of the evidence.
 - c. Exonerated: the act did occur but was consistent with T.A.P.E. policies and procedures.
 - d. Unfounded: The investigation revealed the allegation was false or not factual or the named T.A.P.E. member was not involved.
 - e. No Finding: The complainant failed to cooperate sufficiently with the investigation; or complete the investigation; or the complainant desired to withdraw the complaint; or the person named in the complaint is no longer a member of T.A.P.E.
- xii. If at any point of the inquiry process the accused member does not agree to, or fails to cooperate, or communicates in any form their unwillingness to participate with the inquiry process then a letter documenting all facts and the collected information to date will be submitted to the President as soon as possible. All documentation of facts and information will be forwarded to the Texas State Attorney General's Office of Investigation, or the Texas Secretary of State's Office of Consumer Affairs, Violation of Business Standards Division. The said letter will provide all collected information, facts, documents, statements and letters requesting an investigative inquiry and that appropriate punitive action be taken on behalf of the Citizens of the State of Texas.

2. AUDITING COMMITTEE: The auditing committee shall consist of a Chairperson and at least two (2) members.
 - i. As pertains to Section 4, paragraph H, sub-section 5, of these By-Laws. The Auditing Committee may audit the records of the Treasurer at any time.
 - ii. As pertains to Section 4, paragraph H, sub-section 5, of these By-Laws, the Auditing Committee shall audit the financial records of the Treasurer once each year, or as directed by the President, provided the Committee shall not audit nor have access to the sealed ethics investigations of any member.
 - iii. Any audit conducted by the Committee; the Treasurer shall make available to the Committee all records of this Association in the custody of the Treasurer within ten (10) days of a written demand by the chairperson.
 - iv. The Audit Committee shall report its findings made after any audit conducted under this Section to the President and the Board of Directors not less than thirty (30) days after the conclusion of such audit, nor later than the next regular meeting of the general membership. Any report of findings so submitted to the Board of Directors shall be submitted in writing and shall be signed by all members of the Committee.

SECTION 7**GRIEVANCES**

- A. Any person may bring allegations of misconduct by any member of this Association before the Ethics Committee.
- B. All allegations of misconduct must be submitted in writing to the Secretary/Treasurer and signed by the reporting member or the grievance will not be accepted for action.
- C. Upon receipt of an accepted allegation of misconduct against any member of this Association, the Secretary/Treasurer shall maintain the original document and, within ten (10) days, forward a copy to the President and the Ethics Committee chairperson. Thereafter, the chairperson of the Ethics Committee shall act in accordance with the requirements of Section 2, Termination and Reinstatement of Membership; and the actions required in Section 6, Committees; paragraph F, sentence 1., subpart i.

SECTION 8

FINANCIAL MATTERS

- A. No single expenditure more than \$5,000.00 shall be authorized or made without the express consent of the general membership.
- B. The total expenditure authorized by the Board of Directors between regularly scheduled meetings of the general membership shall not exceed the sum of \$1,000.00.
- C. The President or the President's designee shall be authorized expenditures up to \$500.00 without the consent of the Board of Director, but with the agreement of the Vice President and the Secretary/Treasurer.
- D. Expenditures over \$1,000.00 and up to \$5,000.00 shall be made with either the consent of the Board of Directors or the approval of the general membership in accordance with the above.
- E. Standing Operational Committees shall be authorized expenditures by the President as deemed needed not to exceed \$500.00.
- F. Any travel of the Board for T.A.P.E. business shall be reimbursed based on the following guidelines
 - 1. Travel must be approved by the President before the travel.
 - 2. T.A.P.E. will cover economy fares for traveling and follow standard Per Diem rates for meals. T.A.P.E. will not cover entertainment expenses such as alcohol.
 - 3. The Individual representing T.A.P.E. must submit itemized receipts for reimbursement.

SECTION 9

AWARDS AND RECONITION

The Texas Association of Polygraph Examiners Awards are identified and described as for the purpose of each award:

1. **PRESIDENT’S AWARD**- The Association President can award to anyone for any reason but usually to someone who exemplified themselves by their conduct in a professional manner of an uncalled for, personal display of unselfish effort for the promotion of the polygraph profession; or putting forth unrequested effort that resulted in the release of a falsely convicted individual.
2. **EXAMINER OF THE YEAR AWARD**- A member who completed a noteworthy case that brought Honor to the polygraph examiner for their effort in the conviction of an individual(s) who perpetrated a heinous crime.
3. **PIONEER AWARD**-Someone who made remarkable contribution(s) to the polygraph profession, improved polygraph procedure, improved polygraph education standards or methods, made a significant contribution to publications.
4. **LIFETIME ACHIEVEMENT AWARD**-A member who, overtime, has continued to contribute to the polygraph profession through work or deeds that have promoted T.A.P.E. in the eyes of the public, law enforcement profession or the polygraph profession.
5. **RECOGNITION FOR YEARS OF MEMBERSHIP in T.A.P.E.**-The awards will be in the form of Certificates presented by the Association President to members who qualify by their continuous membership in good standing in the Association. The Certificates for length of membership will be presented at the business meeting during the Fall seminar.
 1. Copper Certificate: Five (5) years of continuous membership.
 2. Bronze Certificate: Ten (10) years of continuous membership.
 3. Silver Certificate: Twenty (20) years of continuous membership.
 4. Gold Certificate: Thirty (30) years of continuous membership.
 5. Platinum Certificate: Forty (40) years of continuous membership.
 6. Diamond Certificate: Fifty (50) years of continuous membership.

SECTION 10

DISSOLUTION OF THE CORPORATION

Upon dissolution of the Corporation, the assets of the Corporation will by majority vote be donated to a Shelter or Home for Abused women and Children; or Court Appointed Special Advocate Center.

The physical property of the Association will be auctioned off and the proceeds will be added to the Corporation assets for donation.

PART THREE

ATTACHMENTS

ATTACHMENT (1)

TEXAS ASSOCIATION OF POLYGRAPH EXAMINERS ASSOCIATION

CODE OF ETHICS

- A. Purpose: Support the objectives of the Texas Association of Polygraph Examiners (T.A.P.E.).
- B. Maintain the highest standards of professional practice, moral and ethical conduct. Assume the responsibility for conduct and behavior designed to serve the cause of truth, justice and the best interest of their clients.
- C. Respect the dignity of all individuals and deal fairly, justly and objectively with all persons, regardless of race, color, creed, sex or national origin.
- D. A member shall not conduct a polygraph examination when there is reason to believe the examination is intended to circumvent or defy the law.
- E. That all polygraph testing methods, polygraph instruments, scoring and evaluation procedures meet the National Center for Credibility Assessment and the American Polygraph Association standards.
- F. A member shall not solicit or accept fees, gratuities, or gifts that are intended to influence his or her opinion, decision, or report. No member shall set any fee for polygraph services which is contingent upon the findings or results of such services, nor shall any member change his or her fee as a direct result of his or her opinion or decision after a polygraph examination.
- G. A member shall not knowingly submit, or permit employees to submit, a misleading or false polygraph examination report. Each polygraph report shall be a truthful, factual, impartial, and an objective account of information developed during the pre-test, the polygraph examination, the examiner's professional conclusion based on analysis of the collected polygraph data, post-test statements and admissions made by the examinee.
- H. A member shall not knowingly make, publish, or cause to be published, any false or misleading statements or advertisements relating to the Association, the polygraph profession, or any member of this Association.

No member shall make any false representation as to their category of membership in the Association, their credentials, their licensure, and their education, training, experience, expertise certification status. All advertisements referring to membership of the Association should also list their category of membership.

- I. A member shall not disclose to any individual any personal information obtained during a pre-test or post-test interview, polygraph examination or polygraph interrogation which has no connection to the relevant issue, and which may embarrass or tend to embarrass the examinee, except where such disclosure is required by law.
- J. A member shall not include in any polygraph examination, questions intended to inquire into or develop information on activities, affiliation, or beliefs based on religion, politics, sex or race, except where there is relevancy to a specific examination or investigation.
- K. A member who administers or attempts to administer any polygraph examination in violation of the T.A.P.E. Code of Ethics and Standards of Professional Practice may be subject to investigation, censure, suspension, expulsion, or other discipline as provided by the ASSOCIATION Bylaws and recommended by an Inquiry Board.
- L. Applicants and Members are required to be truthful in all written communications with the ASSOCIATION and their clients.
- M. Polygraph examiners shall avoid conflicts of interest with clients and examinees and shall identify any such conflict of interest prior to conducting a polygraph examination or interview. If a conflict of interest cannot be resolved the examiner should recuse himself. If a potential conflict of interest exists, or the appearance of such conflict of interest could be perceived to exist, the examiner should recuse himself.
- N. A member of this ASSOCIATION who shall be found in violation of the T.A.P.E. CODE OF ETHICS by an appointed inquiry board shall be removed from this ASSOCIATION upon recommendation by the Inquiry Board, a simple majority of the Board of Directors, and a simple majority vote of the Full and Life members in attendance at a general meeting.
- O. All members of this ASSOCIATION shall abide by all the provisions of the **T.A.P.E. Code of Ethics, ATTACHMENT (1);** and the **T.A.P.E. Standards and Principles of Professional Practice, ATTACHMENT (2).**

ATTACHMENT (2)

T.A.P.E. Standards and Principles of Professional Practice

A. Each member shall recognize that his primary responsibility is to the well-being of, and professionalism shown to the person who has volunteered to submit to a polygraph examination, regardless of the circumstances that created the need for the examination.

B. Recognizing that a polygraph examination cannot be conducted on a person against his will, no member shall conduct or attempt to conduct any polygraph examination when he believes or has reason to believe the examinee has been subjected to coercion or duress. Further, no member shall conduct or attempt to conduct any polygraph examination in violation of any Texas State Law or Federal legislation pertaining to polygraph examinations. Legal exceptions to this section are recognized and may be justified on an individual basis only after due process and diligent research.

C. The examiner shall make reasonable efforts to determine that the examinee is a fit subject for testing, where allowed by law. Basic inquiries into the medical and psychological condition of the examinee as well as any recent drug use which could influence the results of a polygraph examination should be made where allowed by law. Mental, physical or medical conditions of the examinee that should be observable too, or that should be known by the examiner, should also be considered prior to testing. No test should be conducted where valid results could not be foreseen, or the examinee displays lack of mental capacity, abilities, or their cognitive abilities are influenced by the use of drugs or alcohol.

D. No member shall render a conclusive oral or written opinion, decision or report based upon the results of a polygraph examination unless said opinion, decision or report is based upon and supported by not less than two (2) polygraph charts, each of which conforms to a standardized polygraph technique recognized and approved by the American Polygraph Association, or National Center for Credibility Assessment (N.C.C.A.) at Ft. Jackson.

E.A member shall afford each examinee a reasonable opportunity to explain physiological reactions or appearance of deception to relevant question recordings. There are three exceptions:

5. When the examinee is represented by an attorney who requests that no post-examination interview be conducted and that the results of the examination be released only to an attorney.
6. When the examination is being conducted by court order which stipulates that no post-examination interview is to be conducted.
7. Instances of medical or operational necessity or matters not under the control of the examiner or examinee; i.e., the examiner or examinee becomes ill; fire alarm goes off; personal emergency occurs.

F.No member shall include in any opinion, decision or report, in oral or written form any statements purporting to be of a medical, legal or psychiatric nature, unless, by virtue of his education and training he is qualified to make such statements. This shall not preclude the member from describing the appearance or behavior of the examinee, if such appearance or behavior is pertinent to the polygraph examination providing the member refrains from any diagnosis which they are not professionally qualified to make.

G. No member shall conduct any polygraph examination when there is a reason to believe said examination is intended to circumvent or defy the law.

H. Every polygraph opinion, decision or report, oral or written, shall be a factual, and impartial and objective account of the relevant information developed during the polygraph interview or examination and based upon an analysis of the polygraph charts.

I. Optimally and to assure objectivity, the fee for the polygraph services should be collected prior to the examination of a civil, private or criminal matter. No member shall solicit or accept irregular fees, gratuities or gifts which may be intended to influence their opinion, decision or report. Further, no member shall set any fee for professional polygraph service contingent upon the findings or results of such services, nor shall any member increase his initially agreed upon fee as a direct result of his findings during the polygraph examination.

J. No member shall express orally or in writing any conclusion or opinion, which is based solely upon subjective observation or personal assumption. This shall not preclude the rendering of a professional judgment or opinion based upon the interpretation and analysis of polygraph charts in the absence of substantive admissions by the examinee.

K.All information obtained during a private (as opposed to public agency) polygraph examination is privileged and shall not be made public. This shall not prohibit the member from disclosing said information and/or his opinion to

the examinee, the examinee's attorney, the member's client or any other person authorized by the examinee; or required by court order to receive such information. Nor shall this prohibit a member from disclosing the examinee's polygraph charts; and his opinion based upon those polygraph charts to another member of this Association, the American Polygraph Association or the American Association of Police Polygraphists provided such disclosure is solely for the purpose of confidential professional consultation, review of testing technique, validity of the examiner results.

L. No member shall disclose to his client or another person any extraneous, personally degrading or embarrassing information obtained from the examinee which has no bearing on the relevant issue in question.

M. No member shall offer testimony concerning the polygraph charts or opinions presented by another member unless he uses or is sufficiently familiar with the techniques and procedures employed by the other examiner. This restriction shall not apply when the techniques or procedures in question are not one of those techniques or procedures taught at an American Polygraph Association accredited school; nor shall this restriction prohibit a member from testifying when such testimony is based upon his own independent polygraph examination of the same examinee.

N. No member shall deliberately degrade or malign another member of this Association, in public, in court, on social media, public websites or otherwise. It is recognized that occasional differences of opinion regarding procedures and techniques and the results thereof will occur. Such disagreements shall be stated as "a difference of professional opinion."

O. No member shall publish or cause to be published any false or misleading advertisements relating to this Association, its members or the polygraph profession.

P. No member shall conduct any examination for the purpose of verifying the truth or detecting deception without the use of an instrument capable of accurately, separately and simultaneously recording the following channels or components:

1. Respiration patterns recorded by pneumograph components. Thoracic and abdominal patterns shall be recorded separately using two pneumograph components.

2. Electrodermal activity reflecting relative changes in the conductance or resistance of current by the epidermal tissue.

3. Cardiograph to record relative changes in pulse rate, pulse amplitude and relative blood volume.

4. Physiological recording during each test shall be continuous and shall be of sufficient amplitude to be easily readable by the examiner and any reviewing examiner. Pneumograph and cardiograph tracings over one-half inch in amplitude shall be considered of sufficient size to be easily readable.

Q. Any member who knowingly and/or deliberately administers or attempts to administer any polygraph examination in any manner not consistent with T.A.P.E. and APA Standards and Principle of Practice can be subject to investigation, counsel, censure, suspension or expulsion from this Association.

R. Members should refer to the Polygraph Examination Guidelines and Recommendations that are published by the polygraph school they graduated from, the APA Professional Polygraph Operations Guide or the American Association of Police Polygraphists (AAPP) Blue Book (polygraph operational standards)..

ATTACHMENT (3)

APA STANDARDS OF PRACTICE

1 Statement of Purpose: To promote the highest degree of decision accuracy in credibility assessment, the APA establishes for its membership the following Standards of Practice. All examinations are required to be conducted in compliance with governing local, state, and federal regulations and laws.

1.1 Definitions:

1.1.1 Polygraph examination: a psychophysiological test of deception or recognition sometimes referred to as lie-detection as a term of convenience. The polygraph examination is a standardized, evidence-based test of the margin of uncertainty or level of confidence surrounding a categorical conclusion of deception or the possession of knowledge or information regarding a test target issue. Test data are a combination of physiological proxies that have been shown to vary significantly with different types of test stimuli as a function of deception or truth-telling in response to the relevant investigation target stimuli as a function of deception or truth-telling in response to the relevant investigation target stimuli. The psychological basis of responses to polygraph stimuli is thought to involve attention, cognition, emotion, and behavioral conditions. The examination consists of an interview phase, to clarify the issue under investigation and related test stimuli, a data acquisition phase, during which physiological responses to test stimuli are permanently recorded, and an analysis phase during which differences in responses to different types of test stimuli are numerically quantified to calculate a statistical classifier for a categorical test result. The examiner may also provide the examinee an opportunity to explain any physiological responses and resolve any remaining inconsistencies.

1.1.2 Evidentiary Examination: A polygraph examination in which the written and stated purpose agreed to by the parties involved is to provide a diagnostic opinion as evidence in a pending judicial proceeding.

1.1.3 Paired Testing Examination: Polygraph examinations conducted in tandem on two or more individuals by different examiners who are mutually blind to the other test results regarding a single central contested fact to which all examinees are expected to know the truth thereof. Paired testing is used by voluntary stipulation between the testifying parties to resolve disputed facts.

1.1.4 Investigative Examination: A polygraph examination which is intended to supplement and/or assist an investigation and for which the examiner has not been informed and does not

reasonably believe that the results of the examination will be tendered for admission as evidence in a court proceeding. Investigative examinations may be conducted for screening purposes or to investigate known allegations or known incidents.

1.1.5 Diagnostic examination: An event-specific evidentiary or investigative polygraph examination conducted to assist in determining the veracity of an examinee regarding his or her knowledge of or involvement in a reported issue or allegation. Diagnostic examinations may address a single aspect or multiple facts of an event.

1.1.6 Screening examination: A polygraph examination conducted in the absence of a reported incident or allegation. Screening examinations may be conducted as single issue or multiple issue exams.

1.1.7 Test data analysis in polygraph refers to any structured method, whether manual or automated, for the evaluation and interpretation of the recorded physiological data in terms of probabilistic margins of uncertainty and/or categorical test decisions concerning the examinee's truthfulness or concealed knowledge. Decisions for diagnostic and screening examinations include:

1.1.7.1 Diagnostic Opinion: A professional opinion based on the results of a polygraph technique that meets the criterion validity requirements for evidentiary testing or paired testing. Results of deception tests can be described in terms of statistical significance, and are normally reported using the terms Deception Indicated, No Deception Indicated, Inconclusive, and No Opinion (DI or NDI, INC, or NO). Test results of recognition tests are normally reported using the terms Recognition Indicated, No Recognition Indicated, or No Opinion (RI, NRI, NO).

1.1.7.2 Screening Opinion: A professional opinion based on the results of a polygraph technique that meets the requirements for screening purposes; normally reported using the terms Significant Response, No Significant Response, Inconclusive, or No Opinion (SR, NSR, INC, or NO).

1.1.7.3 Polygraph Technique: A polygraph technique consists of a combination of: 1) a polygraph testing format for which there is a published description of test administration procedures that conforms to evidence-based principles for target selection, test question construction, and test administration; and 2) a published description of the test data analyses model, including physiological features, transformation, decision rules, and normative data.

1.1.7.3.1 Polygraph techniques for evidentiary examinations shall be those for which there exists at least two published empirical studies, original and replicated, demonstrating an unweighted average accuracy rate of 90% or greater excluding inconclusive results, which shall not exceed 20%.

1.1.7.3.2 Polygraph techniques for paired testing shall be those for which there exists at least two published empirical studies, original and replicated, demonstrating an unweighted average accuracy rate of 86% or greater, excluding inconclusive results, which shall not exceed 20%.

1.1.7.3.3 Polygraph techniques for investigative testing shall be those for which there exist at least two published empirical studies, original and replicated, demonstrating an unweighted average accuracy rate of 80% or greater, excluding inconclusive results, which shall not exceed 20%.

1.1.7.3.4 Polygraph techniques used for screening purposes shall be those for which there exist at least two published empirical studies, original and replicated, demonstrating an unweighted accuracy rate that is significantly greater than chance, and should be used in a “successive hurdles” approach which entails additional testing with validated methods when the screening test is not favorably resolved.

1.1.7.4 A Polygraph Examiner: a person who meets the training and education requirements as set forth in the APA Bylaws.

1.1.7.5 Post Conviction Sex Offender Testing (PCSOT) Examiner: a polygraph examiner who conducts examinations of sex offenders as a condition of treatment, probation, parole or supervised release, and who has completed specialized training consistent with APA standards.

1.2 Examiner Responsibilities:

1.2.1 A polygraph examiner shall, where applicable, comply with all state continuing education requirements. Practicing examiners shall complete a minimum of 30 continuing education hours every two years in coursework related to the field of polygraphy. Examiners are responsible for maintaining their own records to document that they have met the continuing education requirement.

1.2.2 Examiners shall accurately represent their APA membership category, their academic credentials, licensure, and certification status.

1.2.3 The examiner should make reasonable efforts to determine that the examinee is a suitable candidate for polygraph testing. Basic inquiries into the medical and psychological condition of the examinee should be made where allowed by law. Mental, physical, or medical conditions of the examinee that are observable by or reasonably known to the examiner should be considered when conducting and evaluating an examination.

1.3 Instrumentation and Recording:

1.3.1 Polygraph examinations shall be conducted with properly functioning instrumentation that records with, at a minimum, the following physiological data:

1.3.1.1 Respiration patterns recorded by pneumograph components. Thoracic and abdominal patterns should be recorded separately, using two pneumograph components;

1.3.1.2 Electrodermal activity reflecting relative changes in the conductance or resistance of electrical current by the epidermal tissue;

1.3.1.3 Cardiovascular activity including changes in relative blood pressure, pulse rate, and pulse amplitude; and,

1.3.1.4 A seat activity sensor.

1.3.1.5 Other physiological data may also be recorded during testing but may not be used to formulate probabilistic or categorical conclusions unless their validity is supported by replicated and published research.

1.3.2 Physiological recordings during each test shall be continuous and should be of sufficient amplitude to be easily readable by the examiner and any reviewing examiner.

1.4 Test Location and Conditions:

1.4.1 The testing environment should be reasonably free from distractions.

1.4.2 Examiners conducting polygraph examinations during public viewing are prohibited from rendering opinions regarding the truthfulness of the examinees on the basis of these examinations. Examiners should ensure that reenactments of polygraph examinations are clearly conveyed as such to viewers. If the examiner determines that the reenactment will not or has not been clearly conveyed as a reenactment, the examiner shall immediately notify the APA National Office.

1.5 Preparation:

1.5.1 Prior to an examination, the examiner shall dedicate sufficient time to identify and discuss the examination issues and potential problem areas.

1.6 Pretest Practices:

1.6.1 The examiner shall obtain information sufficient to identify the examinee.

1.6.2 The examiner shall obtain the informed consent of the examinee prior to testing. It is recommended that the informed consent of the examinee be obtained after an overview of the polygraph process, including polygraph instrumentation and sensors, use of video/audio recording, issues to be discussed, requirements for cooperation during testing, and the need to report information and results to the referring professionals.

1.6.3 The examiner shall review all test questions prior to recording the physiological responses of the examinee.

1.6.4 The examiner shall conduct the examination in a neutral manner and shall not display or express any bias regarding the truthfulness of the examinee prior to the completion of testing.

1.7 Testing:

1.7.1 A Member polygraph examiner shall use evidence-based validated testing techniques. For purposes of these standards, a testing technique shall be considered valid if supported by research conducted in accordance with the APA's research standards. Where examinations deviate from the protocols of a validated polygraph technique, the deviations should be explained in writing.

1.7.2 Nothing in these standards of practice shall be construed as preventing examiners and researchers from investigating and developing improved methods. Polygraph techniques that do not meet this standard for validation shall be considered experimental methods.

1.7.3 Field examiners who employ experimental techniques shall be in compliance with applicable law related to human subject research and should inform the examinee and the party requesting the examination of the use of any experimental techniques. Results from experimental techniques used in field settings shall not be used in isolation to render diagnostic or screening decisions.

1.7.4 Nothing in these standards of practice shall be construed as prohibiting the use of other supportive methodologies that do not meet the requirements of these standards (e.g.: Yes Test, Searching Peak of Tension, etc.). However, non-validated techniques shall not be used in isolation to render screening or diagnostic decisions

1.7.5 Examiners shall conduct an acquaintance test for all diagnostic, evidentiary, paired-testing, initial screening, and initial investigative examinations.

1.7.6 Questions used in the assessment of truth and deception shall be followed by time intervals of not less than 20 seconds from question onset to question onset.

1.7.7 Examiners should use standardized chart markings.

1.7.8 An audio and video recording of all phases of the exam shall be maintained as part of the examination files, consistent with agency policy, regulation or law, for a minimum of one year.

1.7.9 A member polygraph examiner shall not conduct more than four diagnostic or three evidentiary examinations in one day, and no more than five examinations of any type in one day.

1.7.10 Examiners who test sex offenders as a condition of treatment probation, parole or supervise release, shall have earned a certificate of training for a minimum of 40 hours of specialized instruction in post-conviction testing.

1.8.0 Scoring:

1.8.1 Examiner conclusions and opinions shall be based on validated scoring methods and decision rules.

1.8.2 Examiner notes shall have sufficient clarity and precision so that another examiner can read them and replicate the analysis and conclusion.

1.8.3 For evidentiary examinations, an examiner shall report the probabilistic results for the technique and/or the rendered opinion.

1.8.4 Examiners shall not disclose or report the results of the examination until the analysis has been completed.

1.8.5 Examiners shall maintain the confidentiality of their work conducted until a release by the client is obtained.

1.8.6 An examiner subject to quality control review shall fully disclose all pertinent information regarding the case under review. **(ATTACHMENT (3))**

ATTACHMENT (4)

• **TAPE Application for Membership**

- **Please read the instructions before completing. If additional space is required please number and identify the information on all additional pages.**

Cost of Membership Application: \$45 – Non-refundable Application Fee. Paid at the time of application.

Applicants must be present at the seminar meeting during their vote of membership

Mail this application to:

Gary Hale, 5710 Gardenia Lane, Katy, Texas 77493

Phone: 210-836-8020

1. Name of Applicant

First Name

Middle Name

Last Name

- Title
- Agency
- Agency / Business Address

Street Address

Street Address Line 2

City State

Postal / Zip Code

Agency Email and Telephone Number:

- Personal Email
example@example.com
- Business Phone Number:
- Cell Phone Number:
Please enter a valid phone number.
- What is your current employment status?

2. Current Employing Agency:

- Name of Agency:
- Employment Dates:
- Agency Address:
- Agency Phone Number:
- Agency Supervisor & Contact Information:
- Provide information of all employers during the past ten years:
- Employer:
- Address:
- Supervisor:
- Supervisor Contact Information, - Please provide their name, email, and phone number.

3. Indicate which Class of Membership you are applying for: _____

Interim Member: The title and status of an individual conferred after receipt of application and acceptance as a Full Member by approval and vote of the membership at a business meeting.

Full Member – An individual who meets all the conditions of membership as set forth in Section 1, of the T.A.P.E. by-laws.

Associate Professional Member – The title of and form of membership conferred on an individual as a Polygraph examiner from an out of state Private, State or Federal agency.

Life Member- Past Presidents, members with health or personal finance issues, or by reason of retirement, must be granted and approved:

Allied Profession Member- Non-examiner interested in furtherance of the polygraph profession:

Honorary - Bestowed by vote of Board of Director (no dues)

4. List all polygraph licenses you possessed in the past and currently possess by State, License # and dates issued:
5. When and where did you obtain your Basic Polygraph Training? List school name, school director, intern supervisor, and graduation date. List three of your polygraph school classmates and their contact information:
6. Applicant's years of polygraph experience:
7. Number of and types of polygraph examination administer during the past twelve months:
8. List Professional Training Certificates and provide copies of each:
9. List other Professional Associations applicant is member of:
10. Have you ever been denied a polygraph license?
11. Have you ever been denied entry into a polygraph school?
12. Have you ever had action taken against you by any polygraph association?
13. If "yes" to the previous three questions, please list details.
14. Have you been sued during the past five years, if so provide information of the year filled, year settled, names of all parties involved; and the county and state of the action.
15. List three (3) polygraph examiner references - provide current contact information: name, address, phone number and email.

Membership Approval

After completing this application, the TAPE Director and Membership Coordinator will reach out to you. Once approved, an invoice for payment of dues will be sent from the TAPE Secretary/Treasurer. Membership is approved by a consensus of background information obtained, Board of Directors approval and positive vote by a majority of the membership at a General Business Meeting at a T.A.P.E. Training Seminar.

T.A.P.E.

MEMBERSHIP APPLICATION and INFORMATION RELEASE

I, _____ attest and affirm that I am the applicant named in this application. I have read and understand the contents herein and, to the best of my knowledge and belief, the foregoing answers and statements are complete and true. I further agree that any misstatement or omission of fact from this application will constitute sufficient grounds for rejection of my application and/or termination of membership in the Texas Association of Polygraph Examiners (T.A.P.E.)

By my signature affixed to this Membership Application and Information Release, I acknowledge that I have read, understand, and will adhere to the Texas Association of Polygraph Examiners By-Laws, and Standards of Practice as published and amended from time to time. I hereby grant authorization to release to the Texas Association of Polygraph Examiners and/or to its designated agents, criminal records involving criminal charges, criminal convictions, and/or criminal investigations brought against or directed at me and to contact any and every person and organization listed herein for information regarding me.

I agree to release and hold harmless the Texas Association of Polygraph Examiners, its members, examiners, and officers from any damages or liabilities by reason of any action they, or any of them, take in connection with the processing, investigation, or action taken on this application. A photocopy of this Affirmation and Release shall be considered as effective and binding as the original executed document.

Signed: _____

Date: _____

Printed Name of Applicant: _____

SSN: _____

Date of Birth: _____

Place of Birth: _____

PART FOUR

T.A.P.E. SEMINAR PREPARATIONS CHECKLIST

SELECTION OF GEOGRAPHIC AREA OR CITY

- () SELECT SITE: Obtain input and suggestions for the city, or geographic area that will be used to identify the seminar location.
- () SEMINAR ASSOCIATION MEMBER HOST: Will be identified by their volunteering to host the seminar, assist with location demands, hotel accommodations, initial negotiations and other preparation efforts as listed in the seminar check list and as identified and developed by association members involved.

HOTEL & SEMINAR SITE

- () **THE SEMINAR HOST WILL OBTAIN A COPY OF THE HOTEL'S CONTRACT AND WILL NOT SIGN OR APPROVE THE CONTRACT, THAT IS THE VICE-PRESIDENT'S DUTY.**
- () **THE CONTRACT WILL BE READ AND A DETERMINATION WILL BE MADE TO ENSURE THAT T.A.P.E CAN BING IN LIQUOR AND FOOD TO THE HOSPITALITY SUITE, IF NOT AND THIS CAN NOT BE RESOLVED WITHOUT THE PAYMENT OF A FEE THEN ANOTHER HOTEL WILL BE LOCATED.**
- () **THE HOSPITALITY SUITE WILL BE INSPECTED AS ALL ROOM SIZES AND FURNITURE AND EQUIPEMENT WILL BE DETERMINED TO BE SUITABLE AND OF APPROPRIATE SIZE, CONDITION AND DEMINSIONS TO SUIT THE REQUIREMENTS.**
- () NEGOTIATE: number of rooms, price for rooms, group rate
- () ESTABLISH an appropriate number of rooms to be blocked for reservations.
- () OVERFLOW accommodations
- () MASTER LIST: board members, qualified speakers
- () MEETING ROOMS
 1. Board Meeting
 2. Classroom

- SELECT MENUS (If needed)
 1. Estimate number of plates needed – adjust as seminar gets closer
- HIDDEN EXPENSES:
 1. Electrical: exhibitors, credit card machine
 2. A/V needs
 3. Charge for tables used by exhibitors
- SHIPPING INFORMATION
- ORDER
 1. Name tag holders
 2. Paper for name tags
 3. Ribbons for name tags
 4. Paper for certificates
 5. Invitations as needed

WEBSITE: SEND REQUIRED INFORMATION ABOUT THE SEMINAR

- SEND REGISTRATION FORM TO EDITOR
- SEND DESCRIPTION OF SEMINAR DESTINATION DIRECTIONS AND LOCAL LOCATION
- PROVIDE LIST OF
 1. Hotel Amenities
 2. Entertainment
 3. Local Attractions
 4. Nearby Restaurants
- SEND DESCRIPTION OF ANY SPONSORED EVENTS AND OTHER ACTIVITIES

EXHIBITORS

- MAIL EXHIBITOR INFORMATION
- VERIFY ELECTRICAL NEEDS, TABLES, LOCATIONS OUTSIDE OF LECTURE AREA
- GIVE SHIPPING INSTRUCTIONS IF NEEDED

SEMINAR REGISTRATION FORM

- () CREATE REGISTRATION FORM
1. For seminars send copies:
 - a. For CE hours/TECLOSE
 - b. Continuing Education Chairperson
 - c. Webpage coordinator
 - d. Speakers
 - e. Exhibitors
 - f. Surrounding states and local agency polygraph associations, treatment providers and associations, law enforcement agencies and individuals-District Attorneys, Sheriff, Police Chief, Legal Aide, Defense Attorney and Local Legal Bar.

REGISTRATION FORMS

1. Mark registration form with member number, type of membership, type of examiner
2. Enter registration on to Nametag
3. Print seminar certificate at time of registration
4. Stamp certificate with president and seminar program chair signatures
5. Attach T.A.P.E. gold seal
6. File registration form (expandable file)
7. File certificate (expandable file)

BADGES AND SIGN IN SHEETS

- () PRINT NAME TAGS (guest, BOD, exhibitors)
- () ASSEMBLE BADGES
- () PRINT SIGN IN SHEETS FOR EACH DAY

GIFTS/DOOR PRIZES

- () SELECT MEMBERSHIP GIFT
- () SELECT SPEAKER GIFT
- () OUT-GOING PRESIDENT'S GIFT
- () OUT-GOING OFFICER'S GIFT
- () REQUEST AND/OR OBTAIN DOOR PRIZES

CERTIFICATES & AWARDS

- () AWARD CERTIFICATES
- () YEARS OF MEMBERSHIP CERTIFICATES
- () SPEAKER CERTIFICATES
- () HOST CERTIFICATE
- () LOCAL GOVERNMENT/SHERIFF/POLICE CHIEF, ETC
 - 1. CERTIFICATES
 - 2. GIFTS
 - a. T-SHIRTS
 - b. COFFEE MUGS

GUEST SPEAKERS

- () LIST OF GUEST SPEAKERS
 - 1. Name
 - 2. Title
 - 3. City, State
 - 4. Business
 - 5. Topic
- () SEND A/V NEEDS FORM TO SPEAKERS
- () REQUEST HANDOUT MATERIAL AND BIOS FROM SPEAKERS BE SENT TO VICE PRESIDENT
- () KEEP COPY OF ORIGINAL HANDOUT MATERIAL
- () PRINT SPEAKER CERTIFICATES
- () ORDER SPEAKER GIFTS
- () ASSEMBLE HANDOUTS/BIOS IN ORDER (separated by colored paper, ready for printer)
- () VERIFY A/V NEEDS
- () VERIFY ARRIVAL/DEPARTURE DATES
- () RESERVE ROOMS

AWARDS

- () COLLECT NAMES OF RECIPIANTS
- () CHECK SPELLING
- () READY FOR TROPHY OR CERTIFICATE

NOTEBOOK/CD/THUMB DRIVE

- () INCLUDE STANDARDS OF PRACTICE, CODE OF ETHICS, AND BY-LAWS
- () TAKE HANDOUT MATERIAL TO PRINTER
- () MAKE SPEAKER EVALUATION SHEETS (one for each speaker each time they speak, use 1 to 10 evaluation method; ask for high point/low point/request for future training or speakers, should the presenter be asked to return)
- () BLANK PAGES FOR NOTE TAKING
- () PUT HANDOUT MATERIAL INTO FOLDERS
- () SPEAKER LIST (name, where from, business, brief introduction speech)
- () MAKE ATTENDANCE CERTIFICATION FORMS (continuing education)

AFTER THE SEMINAR

- () MAKE AN INCOME/EXPENSE SPREADSHEET
- () ENSURE THE EXPENSES BALANCE WITH THE TREASURER
- () POST CEU'S TO SEMINAR CONFERENCE FULL LIST
- () SEND CE HOURS, J.P.C.O.T. AND TCLOSE ATTENDANCE INFORMATION
- () COLLECT AND TOTAL EVALUATION FORMS & SUGGESTIONS

ITEMS TO INCLUDE FOR DELIVERY

- () T.A.P.E. BANNER
- () EVALUATION FORMS
- () CONTINUING EDUCATION HOURS FORM
- () SIGN IN SHEETS
- () SPEAKER GIFTS
- () PRINTER
- () LABEL MAKER
- () LABEL REFILLS
- () NAME TAGS
- () EXTRA NAME TAGS FOR WALK INS
- () BAGS
- () SALE ITEMS (hats, shirts, cups, CDs, etc.)
- () DOOR PRIZES
- () RAFFLE TICKETS
- () A/V EQUIPMENT
- () STAPLER, STAPLES, STAPLE REMOVER
- () FELT TIP PENS
- () RUBBER BANDS
- () MERCHANDISE BAGS
- () PROGRAM POSTERS
- () CLASSROOM SIGNS
- () PRICE LIST
- () FORMS (address change, volunteer, advanced training, primary instructor)
- () FORM SIGNS
- () BLANK REGISTRATION FORMS
- () MEMBERSHIP APPLICATIONS
- () RETURN MAILING LABELS
- () PACKAGING TAPE
- () BOX CUTTER

AFTER SEMINAR MURDER BOARD

- () ALL OFFICERS, BOARD OF DIRECTORS AND SEMINAR HOST PROVIDES A WRITTEN PRO & CON OVERVIEW OF ALL EVENTS, OBSERVATIONS, RECOGNIZED PROBLEMS AND ACTIONS THAT NEED TO BE CORRECTED OR ADDRESSED BEFORE THE NEXT SEMINAR.

() THE SEMINAR HOST HANDS OUT TO ALL ATTENDEES A FORM THAT PROVIDES FOR AN EVALUATION OF GUEST SPEAKERS, HOTEL ACCODOMATIONS, CRITICISIMS ABOUT THE SEMINAR AND SUGGESTIONS FOR THE NEXT SEMINAR TO INCLUDE TOPICS AND GUEST SPEAKERS.

PART FIVE

BOARD OF DIRECTORS MEETING ORDER OF BUSINESS

A meeting of the Board of Directors will precede each semi-annual seminar to:

1. Determine if all pre-seminar requirements have been met
2. Ensure that all speakers and seminar presenters have been confirmed
3. Prepare any requirements needed by any of the speakers or presenters
4. Ensure the hotel accommodations are adequate and hotel staff are prepared
5. That all placards, handouts, directional and identification cards, flags, displays have been obtained and are ready for display or passing out
6. That all local officials have been contacted and requested to attend, provide a seminar opening statement
7. That local news organizations have been informed about the seminar in advance to allow for coverage, or publication in local papers prior to the opening of the seminar
8. That local law enforcement officials have been contacted and informed about the seminar, and any professional assistance has been put in place
9. Identify the closest location where printing of required documents can be performed if needed
10. Identify the closest company that can make plaques and awards within a limited amount of time
11. Brainstorming Session

GENERAL MEMBERSHIP MEETING ORDER OF BUSINESS

In the interest of uniformity in the conduct of business by the Association, the following order of business shall be observed in meetings.

1. Call to Order
2. Opening Prayer
3. Pledge to allegiance
4. Roll Call of Officers present
5. Initiation of new members
6. Reading of the minutes of the previous meeting
7. Reading of the Treasurer's report
8. Reading of the Minutes of the Board of Director's Meeting
9. Report of Committees, if required
10. Reading of Communications
11. Submission of bills
12. Recess for payment of dues if needed
13. Old/Unfinished business
14. New business
15. Suggestions
16. Good of the Association
17. Identification of the infirmed
18. Salutation to the dead
19. Closing Prayer
20. Adjournment