

CONSTITUTION

Texas Association of Polygraph Examiners

(October 15, 2018 review)

OBJECTIVE

1. **The purpose of this Association is to bind together, in principals and acts, the professional polygraph examiner so as to create a better relationship and understanding within the profession of Polygraph with the general public and with law enforcement officers.**
2. **To organize an association of polygraph examiners in the State of Texas in order to establish a high standard of professional ethics and integrity within the profession.**
3. **To advance the techniques of detection of deception.**

POLICY

1. **This Association shall be non-political, non-commercial and non-profitable. It shall not endorse any commercial enterprise or political candidate.**
2. **The name of the Association and/or the reproduction of the seal of the Association shall be limited in use to letterheads, business cards and brochures of members of the Association only. The type of membership will be included. Any other use without prior approval of the Board of Directors shall constitute grounds for disciplinary action by the Board.**

MEMBERSHIP

The membership of the Association shall be of the following classes:

1. **Active Members**

Active membership shall consist of those examiners who are duly licensed by the Board of Polygraph Examiners, State of Texas, for the practise of polygraph and who are approved for membership by the Membership Committee.

2. Associate Members

A. Associate membership shall consist of those persons holding internship authority from the Board of Polygraph Examiners, State of Texas, for the practise of polygraph and who are approved for Associate Membership by the Membership Committee.

B. An Associate Member may change status to Active Membership upon submission, in writing, to the Secretary of the Association a statement that a license has been granted to the member by the Board of Polygraph Examiners, State of Texas, together with the license number granted.

C. If the Associate Member does not wish to become an Active Member upon obtaining a Texas State Polygraph Examiners License, or terminates licensing internship, membership in the Association shall be withdrawn.

3. Affiliate Members

A. Affiliate Membership shall consist of those persons active and practicing in the polygraph profession not licensed by the Board of Polygraph Examiners, State of Texas, but approved for membership by the Membership Committee.

B. An Affiliate Member shall be required to have had adequate training in Polygraphy, either through successful completion of a recognized training school or by preceptor training for a period of at least one year, and who, after completion of such training, has administered a minimum of 200 polygraph examinations.

4. Honorary Members

A. Honorary Membership shall consist of such persons as are elected by the Board of Directors or the Association in Seminar upon recommendation by the Membership Committee.

B. Honorary Membership shall be extended to Active Members who are no longer active in the polygraph profession but wish to retain contacts and interest in the Association.

C. **An Active Member may change status to Honorary Membership upon notification, in writing, of his or her retirement from the polygraph profession to the Secretary of the Association. Such notification shall not preclude continued administration of polygraph examinations by said member as long as such activity does not constitute that member's primary source of income.**

5. Life Members

Life Membership shall consist of all past presidents. Life Members shall not be required to pay yearly dues, assessments or seminar registration fees.

APPLICATION FOR MEMBERSHIP

1. Those persons desiring to become members of the Association shall make formal application for membership, provide the necessary information, complete the required forms and transmit such application and information to the Executive Director, or lacking an Executive Director, to the Secretary-Treasurer. Applicants for Active and Affiliate Membership shall include initiation fee.

2. In the event an Active or Affiliate Applicant fails to appear for interview before the Membership Committee after a third request by the chairman and without a legitimate explanation, such an applicant shall be rejected for "lack of interest". "Legitimate explanation" shall be decided by the Chairman of the Membership Committee.

3. Active and Affiliate Applications shall be processed as specified in Article V of the By-Laws of this Association.

4. Active and Affiliate Applications received less than sixty days prior to the next scheduled Seminar of the Association shall be processed if

possible but, if for some reason the filed is not completed prior to the seminar action on the application shall be held in abeyance until the next seminar and the applicant so notified.

5. **All members of the Association will cooperate with the Membership Committee and will answer correspondence promptly.**

VOTING

1. **Active Members shall have the tight of voice, vote and of holding office.**
2. **Associate Members shall have the right of voice only.**
3. **Affiliate Members shall have the right of voice and vote.**
4. **Honorary Members shall have the right of voice only.**
5. **Life Members shall have the right of voice, vote and of holding office.**

DUES AND ASSESSMENTS

1. **The initiation fee for Active and Affiliate Applicants, which includes the first years dues, shall be seventy-five (\$75.00) dollars.**
2. **The annual dues of Active and Affiliate Member shall be seventy-five (\$75.00) dollars. The annual dues shall be payable on or before the first day of July of each year.**
3. **All applications for Active and Affiliate Membership must be accompanied by payment of the initiation fee which shall not be returned to the applicant should the application be rejected.**
4. **No Active or Affiliate Member or applicant for Active or Affiliate Membership shall be excused from the payment of initiation fees, dues or assessments except in unusual circumstances, and then only with the approval of the Board of Directors. No dues or assessments shall be required of Associate Members until such time as they become Active Members of the Association. No initiation fees shall be required of applicants for Associate Membership. No dues or assessments shall be required of Honorary Members.**

5. The fiscal year of the Association shall be from July 1 through June 30 of the next succeeding year. Dues paid by a member or applicant between July 1 and June 30 of the next succeeding year shall be applied to the current year.

6. The Board of Directors is empowered to levy assessments upon the membership or raise the initiation fee or dues if, in its judgment, the needs of the Association require such action.

OFFICERS

1. The officers of the Association shall be the President, Past President, Vice President, Secretary-Treasurer, News Editor, Sergeant at Arms and four Directors. An office of Executive Director shall be an appointive office.

2. All officers and directors shall hold office until their successors are duly elected and have qualified.

DUTIES OF OFFICERS

1. **President.** It shall be the duty of the President to preside at all meetings of the Association and of the Boards of Directors. He shall enforce the Constitution, By-Laws and all ruled and regulations regarding the administration of the Association. He shall determine the dates of the semi-annual seminars in consultation with the host(s) of the seminar. He shall call special meetings of the Association upon written request of one-half (1/2) of the voting members of the Association. He shall call meeting of the Board of Directors at his own discretion or upon request of a majority of the Board of Directors. He shall appoint all standing and special committees unless otherwise provided. He shall fill all vacancies among the officers caused by death, resignation or other causes, such appointments to be confirmed by a majority of the Board of Directors. He shall not vote except in case of a tie vote at any meeting of the Association.

2. **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 President. He shall succeed to the office of the President in the event of death, resignation or expulsion from membership

of the President. He shall acts as ex-officio Chairman of the Seminar Committee to coordinate all aspects for each semi-annual seminar of the Association.

3. **Past President.** The retiring President shall automatically assume the office of Past President and become a member of the Board of Directors.

4. **Secretary-Treasurer.** The Secretary-Treasurer shall keep the records of the Association. He shall keep a full and accurate accounting of the proceedings of all meeting of the Association and of the Board of Directors. He shall receive all monies due the Association and keep a list and accurate accounting between the Association and its members. He shall deposit the monies collected in a secure depository in the name of the Association with all regular and necessary recordings and he shall keep a record of the financial transactions of the Association. He shall conduct correspondence relating to the Association and issue notices of all meeting of the Association and of the Board of Directors. He shall keep a current record of the membership by a consecutively numbered membership certificate which he shall issue to each member. Such membership certificate shall remain the property of the Association and shall be surrendered to the Association in case of termination of membership for any reason except death. He shall issue a membership card to each member upon payment of current dues, such membership card to bear the imprint of the year for which issued and the membership number. He shall draw and sign all warrants for required expenses of the Association. He shall perform all other duties normally performed by a SecretaryTreasurer. He shall submit a personal report of his office at each semi-annual seminar. The Secretary-Treasurer shall be bonded at the expense of the Association in an amount necessary to cover the estimated total amounts of monies entrusted to his care yearly, upon assumption of his office.

5. **Official Editor.** The Editor shall receive all articles and items of interest intended for publication, edit them when necessary and arrange for publication. He shall secure such other beneficial publicity for the Association as may be within his power. He shall arrange for the quarterly publication of a newsletter to be furnished to each member of the Association in March, June, September and December of each year and for any additional publications as may be directed by the President of the Association.

6. **Sergeant at Arms.** The Sergeant at Arms shall station himself at the outer door of the Seminar Hall and will permit none to enter who is not properly qualified. He may demand identification 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 registration of members and guests at the Seminars of the Association.

7. **Board of Directors.** The Board of Directors, consisting of the President, who shall be ex-officio Chairman, the Past President, the Vice President and four Directors elected by the membership, shall determine the policies and actions of the Association which are not specifically limited by the Constitution and By-Laws. In the absence of the President, the Vice President shall act as temporary Chairman. Directors shall be elected for two year terms on a staggered basis so that two Directors are elected at each annual election. The Board shall be responsible for the property and management of the Association. The Board shall have authority to audit the books of the Association at its pleasure. The Board is empowered to remove from office, for cause, or, at its discretion, for inactivity, any other the officers of the association, provided that removal for cause shall be only upon a hearing by the Board of Directors and after ten days written notice was furnished the offender. Such Board proceedings shall be in keeping with disciplinary directives of the Association. Absence from two consecutive meeting of the Board of Directors shall cause the office of such member to become vacant at the discretion of the Board, unless there was a just and sufficient reason for such absence. If, for any reason, it becomes necessary to change the location of a semi-annual seminar, it shall be the duty of the Board to select a different location. They shall arbitrate disputes between members and officers, between members and between members and non-members when the interest and the welfare of the Association is involved. They shall verify suspension made by the Secretary-Treasurer and acts as a trial committee upon request of the President or any members who is under charges and their decision shall be final upon appeal to the Association assembled in Seminar.

8. **Executive Director.** The Executive Director shall be appointed by the President with advice from the Board of Directors but with ultimate approval of the Association in a seminar. He shall provide a permanent office location for the Association. The Executive Director shall assume all of the duties of the Secretary-Treasurer except that of keeping a full

and accurate account of minutes of the meetings of the Association and of the Board of Directors. He shall not be authorized to sign warrants of checks for an expenditure of Association funds. He shall be responsible for any duties assigned by the President of the Association. He shall edit and publish newsletters and other publications of interest to the membership of the Association under the direction of the Official Editor of the Association or of the President. He need not be a Licensed Polygraph Examiner of the State of Texas but he should be an individual who will be of assistance to the Association in polygraph matters and hold its best interest at heart. The members of the Association shall assist the Executive Director in the performance of his duties upon his request. The Executive Director shall have no voice, vote or authority to hold elective office in the Association unless he be an Active Member of the Association. Monetary remuneration for the Executive Director shall be recommended by the President with advice from the Board of Directors but with ultimate approval of the Association in a seminar. In the event of a vacancy in the Office of the Executive Director, the Secretary /Treasurer and Official Editor shall reassume their respective duties and responsibilities, as outlined in this Constitution, pending the appointment of a new Executive Director.

COMMITTEES

1. There shall be two kinds of committees, standing and special, and, when not otherwise provided, they shall be appointed by the President.

2. The President shall appoint the following committees, unless otherwise indicated, to acts during the session of a seminar or to remain standing, if so required, during the recess of the Association.

- A. **Committee on Auditing and Finance**
- B. **Committee on Legislation**
- C. **Committee on Membership**
- D. **Committee on Nominations**
- E. **Committee on Credentials**
- F. **Committee on Ethical Practices**
- G. **Other special committees seemed necessary.**

3. Duties of committee shall be as follows. Committees shall consist of three members each unless specified otherwise.

A. Committee on Auditing and Finance: This committee shall audit all of the financial records and accounts of the Association annually or upon order of the Board of Directors and shall report to the Association in a seminar or to the Board of Directors upon order of the Board.

B. Committee on Legislation: This committee shall be responsible for developing and drafting legislation which might be or benefit to the Association.

C. Committee on Membership:

1. The President shall appoint a Membership Committee Chairman. Committee members shall be appointed by the Chairman, as required, to effectively sponsor prospective members.

2. The Chairman shall obtain a list of newly licensed Intern Polygraph Examiners from the State Board of Polygraph Examiners each quarter of the year. The Chairman shall designate a member of the Committee in each Intern's are of the state to contact that Intern Examiner concerning application for membership in Association as an Associate Member, at no cost to the Intern, and he shall assist the Intern in making application should the Intern accept the offer.

3. A meeting of the Membership Committee shall be held prior to each Semi-annual Seminar of the Association in order to pass on each application.

4. **Active and Affiliate Membership Applications shall be investigated by the Chairman and the results presented to the entire committee at the Semi-annual Meeting of the Committee.**

5. **The Membership Committee is granted wide latitude in determining whether an applicant is considered qualified for membership and may recommend rejection of an applicant for any cogent reason. Committee Members shall not reject an applicant simply for personal reasons.**

6. **A majority of the Membership Committee present at a regular meeting of the committee shall constitute a quorum. A rejected applicant may request the President, in writing, for appeal to the Association in a seminar for reconsideration of the rejected application. The action of the Association is final. A rejected applicant may reapply for membership after one year from the date of the last application.**

D. **Committee on Nomination: This committee shall consist of all Past Presidents. It shall meet during the Spring Seminar of the Association and consider qualified Active Members for recommendation as officers of the Association for the next term. The immediate Past President shall act as Ex-Officio Chairman of this committee.**

E. **Committee on Credentials: This committee shall consist of the President, Vice President and Secretary-Treasurer who shall pass upon the eligibility of all delegated to a seminar.**

F. **Committee on Ethical Practices: This committee shall conduct investigations on any reported unethical practices of members of this Association using the Code of Ethics as a guide. This committee shall attempt also to obtain information concerning unethical practices of non-member examiners and furnish this information to the President who will forward same to the Executive Director for permanent filing in Association records. Such information shall be made available to the Membership Committee should the person apply for membership in this Association. All information concerning unethical practices shall be forwarded by members to the Executive Director who will furnish such information to**

the Chairman of the Committee on Ethical Practices for appropriate action. The committee will attempt to dissuade the offending examiner from the unethical practices and report all facts, comments, etc. to the President, who is hereby authorized to institute appropriate action.

MEETINGS

- 1. The seminars of this Association shall be held semi-annually at a place selected at each semi-annual seminar.**
- 2. The place of the seminar shall be determined by a majority vote of all members present and voting. If more than two places are nominated, the place receiving the smallest number of votes on the first ballot shall be dropped from consideration and the balloting continued until one place, of two remaining, has received a majority of all votes cast and the place of the next seminar be determined thereby.**
- 3. In order to attend a semi-annual or any meeting of the Association a member of any class membership shall be in good standing.**
- 4. Elected officials of other polygraph organizations may be invited to attend the business meeting of the Association at the discretion and invitation of the President. Non-Examiners or other Polygraph Examiners may attend a seminar for all activities excluding the business meeting of the Association.**

QUORUM

- 1. A quorum for the transaction of business duly presented at a business meeting of this Association shall consist of those members present.**
- 2. A quorum of the Board of Directors shall consist of at least four members of the Board in attendance.**
- 3. Except as otherwise provided, only a simple majority vote in favor of a proposal is necessary for approval of Association business.**

DISCIPLINARY ACTION

1. Censure. Members may be censured by action of a majority of the Board of Directors. The censure shall be at a closed session in the presence of a majority at the Board of Directors, the Ethics Committee Chairman and the member against whom such action is to be considered. At least ten days prior to this closed session, the Ethics Committee Chairman shall request the attendance of that member, in writing.

A. Grounds for censure shall include action of a member which is interpreted

as being a clear violation of the Code of Ethics, the Constitution or the By-Laws of the Association, but not interpreted as being intentional and/or of having a serious or detrimental effect on the Association or its members.

B. Publication of an action of censure by the Board of Directors shall be

limited to furnishing the censured member with written notice of the terms of censure, a copy of which shall be kept on permanent record in the censured person's personnel file at the office of the Association. In the event the member disagrees with the action of censure, the matter shall be presented to the membership at the next scheduled business meeting of the Association, which action shall be final.

2. Suspension. Members shall be suspended from membership in the Association by recommendation of a majority of the Board of Directors and approval by the membership present and voting at the next scheduled semi-annual business meeting of the Association.

A. Grounds for suspension shall include:

1. Suspension of an examiner's Texas State Polygraph License. The period of suspension shall run concurrent with the license suspension.

2. Action by a member interpreted as being an intentional violation of the Code of Ethics, the Constitution or the By-Laws of the Association but not interpreted as having a serious or detrimental effect on the reputation, character or integrity of the Association or of its members.

3. **Failure or refusal of a member to comply both with the spirit or with the intent of an action of censure.**

B. Notification of the terms of suspension shall be furnished in writing to the suspended member by the office of the Association within ten days after the action is approved by the membership. During the period of suspension, the person suspended may not represent that he or she is a member of this Association. The suspended person shall lose all rights and privileges of membership during the suspension period. Specifically, the suspended person shall not display the Certificate of Membership nor indicate membership on personal cards or brochures, during the period of suspension.

C. Reinstatement of all membership rights shall be automatic upon the day following the end of the suspension period provided that the suspended person has not violated the terms of suspension or engaged in any action that is in violation with the Code of Ethics, the Constitution or By-Laws of the Association during the period of suspension.

3. Expulsion. Members shall be expelled from membership in the Association by recommendation of a majority of the Board of Directors and approved by the membership present and voting at the next semi-annual business meeting of the Association.

A. Grounds for expulsion from membership shall include:

1. **Revocation of Texas State Polygraph License.**
2. **Action by a member interpreted as being an intentional violation of the Code of Ethics, the Constitution or the By-Laws of the Association and is interpreted as having a serious or detrimental effect on the reputation, character or integrity of this Association or its members.**

3. Failure or refusal by a member to comply with the terms of an action of suspension taken against that member by the Board of Directors and the membership.

4. Non-payment of annual dues in accordance with the Constitution and By-Laws of the Association.

B. Notification of the expulsion shall be furnished in writing to the expelled

person by the office of the Association within ten days after the action in approved by the membership. Terms of the expulsion shall include the loss of all membership rights and privileges. Specifically, the expelled person must return the Certificate of Membership of the Association within ten days after receiving notification of the expulsion. The expelled person may not indicate membership in the Association on any personal business card or brochure.

C. Reinstatement of membership terminated by expulsion shall be made in

the same manner as prescribed for an original membership. Failure or refusal to comply with the terms of expulsion shall prohibit approval of future application for membership in the Association.

REINSTATEMENT OF MEMBERS

1. Memberships under suspension for non-payment of dues are automatically reinstated upon receipt of the delinquent dues by the Executive Director prior to the commencement date of the annual spring seminar following suspension.

2. Memberships terminated by non-payment of dues, by resignation or by expulsion may be reinstated only upon application for membership in the same manner as prescribed for original membership and approved by the Board of Directors on a case by case basis.

CODE OF ETHICAL CONDUCT

Preamble

The Texas Association of Polygraph Examiners promoted and supports the exchange of knowledge and ideas in order to develop the highest possible standards of professional competence among members. Each member is bound by the following Code of Ethics.

- 1. To practice objectivity in all polygraph matters expressing an unbiased opinion on all such matters.**
- 2. To disclose information, findings or other information resulting from polygraph procedures to authorized persons only.**
- 3. To avoid conduct or actions that would reflect adversely on the reputation, character or integrity of the Polygraph Profession or the Association.**
- 4. To refrain from conduct or actions that may appear to be a conflict of interest in polygraph matters.**
- 5. To publicize no false or misleading information relating to the Polygraph Profession.**
- 6. To communicate no remarks, either expressed or implied that would appear to reflect adversely on the professional reputation or integrity of any member of the Polygraph Profession except as required by law or as provided in the Constitution or By Laws of the Association.**

Applicants for membership shall submit an affidavit substantially as follows along with the application for membership.

“I have read the Code of Ethics of the Texas Association of Polygraph Examiners and agree to abide thereby. I understand that failure to comply with the Code may result in my expulsion from membership, should I be accepted as a member. I further understand that previous violations of the Code may be considered by the membership committee during processing of my application but that such violations would not

necessarily disqualify me as long as such practices are discontinued immediately”.

CONSTITUTIONAL AMENDMENTS

- 1. All constitutional amendments which are to be proposed to the Association shall be received by the office of the Secretary-Treasurer not later than thirty (30) days prior to a semi-annual seminar.**
- 2. Any motion to change the Constitution of the Texas Association of Polygraph Examiners shall be read by the Secretary-Treasurer to the Association in a business meeting and, if passed by the Association, shall go over to the next business meeting for final passage and adoption. A proposal for a change of the Constitution, which has been passes at the first presentation, shall be published in the next two successive newsletters prior to final presentation.**

DISSOLUTION OF THE ASSOCIATION

Upon dissolution of the Texas Association of Polygraph Examiners all property held will be disposed of by the Board of Directors for the benefit of the Association, such as sale or donation. All monies, after payment of all outstanding indebtedness, shall be divided equally among the members who have paid dues and are up-to-date in all monetary obligations with the Association at the time of official dissolution.

**BY-LAWS
OF THE
TEXAS ASSOCIATION OF POLYGRAPH EXAMINERS**

Article 1

Section 1. The election of officers shall take place on the last day of the Spring Seminar.

Section 2. Nomination of officer may be made from the floor. Nominations from the floor may be made only by voting members of the Association. The presiding officer shall close nomination when there are no further nominations to be made.

Section 3. If more than two candidates are nominated for any one office, the candidate receiving the lowest number of votes shall be dropped and the voting repeated until one candidate received a majority of the votes.

Article II

Section 1. Members who have not paid their dues for the current year by October 31st shall be deemed not in good standing and shall be so notified by the Executive Director.

Section 2. Members who have not paid their dues for the current and past year by October 31st shall be suspended for non-payment of dues and their name omitted from the roster. They shall be so notified by the Executive Director.

Section 3. Any member who is not reinstated by October 31st of the third year of non-payment of dues shall not be eligible for reinstatement, but shall be required to rejoin.

Article III

Section 1. All members are entitled to the floor of the business meeting or other deliberative assemblies of the Association or the Board of Directors.

Section 2. Members holding Active, Affiliate and Life Membership in hood standing are entitled to vote upon business of the Association and in the election of officers.

Article IV

Section 1. No charges made against an officer or member by any complaint shall be considered unless made in writing and signed by the complainant.

Section 2. All charges and complaints conforming with the above section shall be placed in the hands of the Executive Director, who shall within ten (10) days, lay the matter before the Ethics Committee.

Section 3. Appeal of any decision of the Board of Directors may be taken by either party to a complaint to the floor of the Association and the decision of the Board upheld or rejected by a two-thirds vote of the members present and voting.

Article V

The Chairman of the Membership Committee shall furnish the name and home address of all newly accepted members of the Association to the Executive Director who shall publish each in the next succeeding newsletter.

