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BY-LAWS
AMERICAN POLYGRAPH ASSOCIATION
(Updated March 5, 2010)

1. Division I: Name.

1.1 This document shall be known as the By-Laws of the American Polygraph Association.

2. Division II: General provisions.

2.1 No action or proceeding commenced before these By-Laws take effect, and no right accrued, is affected by the provisions of these By-Laws, but all provisions thereafter taken herein shall conform to the provisions of these By-Laws.

3. Division III: APA Standards of Practice (Effective 01/20/2007)

3.1 Statement of Purpose

A polygraph examination, properly administered by a well trained and competent polygraph examiner using a valid testing and analysis protocol is the most accurate means known to science for determining whether a person has been truthful. To promote the highest degree of accuracy, the APA establishes for its membership the following Standards of Practice. Moreover, all examinations are required to be conducted in compliance with governing local, state, and federal regulations and laws.

3.2 Definitions

3.2.1 Evidentiary Examination: A polygraph examination, the written and stated purpose for which, agreed to by the parties involved, is to provide the diagnostic opinion of the examiner as evidence in a pending judicial proceeding. This is not intended to prevent admission as evidence of a confession obtained during the examination.

3.2.2 Paired-testing: Polygraph examinations conducted in tandem on two or more individuals regarding a single central contested fact to which all examinees must know the truth thereof. Paired-testing is used by voluntary stipulation between the testifying parties to resolve disputed facts. Paired-testing must be conducted under the same standards as an evidentiary examination.

3.2.3 Investigative Examination: A polygraph examination for which the examination is intended to supplement and 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 of record. Types of investigative examinations can include applicant testing, counterintelligence screening, and post-conviction sex offender testing, as well as routine multiple-issue or multiple-facet criminal testing. Investigative examinations are required to be conducted with a testing and analysis technique that has been validated through published and replicated research.

1 3.2.4 Effective January 1, 2012 (previous passage deleted January 1, 2012)
2 Validated Testing Technique: A polygraph technique for which exists a body of
3 published and replicated studies demonstrating an average accuracy of :
4

5 3.2.4.1 90% or greater for evidentiary examinations, excluding inconclusive
6 results, which cannot exceed 20%.
7

8 3.2.4.2 86% or greater for paired-testing examinations, excluding inconclusive
9 results, which cannot exceed 20%.
10

11 3.2.4.3 80% or greater for investigative examinations, excluding inconclusive
12 results, which cannot exceed 20%.
13

14 3.2.5 Specific Issue Polygraph Examination: A single-issue examination,
15 generally administered in conjunction with an investigation.
16

17 3.2.6 Standards of Practice: The generally accepted principles for the best/most
18 appropriate way to conduct a polygraph examination are required to be observed
19 and followed in conducting, analyzing, documenting, and reporting polygraph
20 examinations. Standards are mandatory and may be accompanied by
21 enforcement sanctions.
22

23 3.2.7 Guidelines: Recommended practices for the conduct, analysis,
24 documentation and reporting of polygraph examinations. They differ from
25 standards in that standards are mandatory whereas guidelines convey better
26 practices. Within the standards of practice, guidelines are explicitly set forth as
27 recommendations.
28

29 3.3 Polygraph Examiner 30

31 3.3.1 A polygraph examiner is required to meet the training and educational
32 requirements of his or her category of membership as set forth in the Division V
33 of the By- Laws.
34

35 3.3.2 Evidentiary examinations shall be conducted only by a Full or Associate
36 member.
37

38 3.3.3 Polygraph examinations of sex offenders as a condition of treatment,
39 probation or parole are required to be conducted by members who have
40 completed specialized training consistent with guidelines found in section 3.11.
41

42 3.3.4 A polygraph examiner shall, where applicable, comply with all state
43 continuing education requirements. Practicing examiners shall complete a
44 minimum of 30 continuing education hours every two years in coursework
45 related to the field of polygraphy. A practicing examiner shall be defined as any
46 member who has conducted polygraph training, quality assurance, or
47 examinations in the previous two years. Examiners are responsible for
48 maintaining records to document that they have met the continuing education
49 requirement.
50

51 3.3.5 Examiners are required to accurately represent their category of APA

1 membership, their academic credentials, their licensure, and their certification
2 status.

3
4 3.3.6 Polygraph examiners conducting PCSOT tests shall have at least half of
5 their required 30 continuing education hours specific to issues dealing with the
6 testing, treatment or supervision of sex offenders.

7 8 3.4 Polygraph Examinee

9
10 3.4.1 The examiner is required to make reasonable efforts to determine that the
11 examinee is a fit subject for testing. Basic inquires into the medical and
12 psychological condition of the examinee as well as any recent drug use must be
13 made where allowed by law. Mental, physical or medical conditions of the
14 examinee that should be observable to, or that should be reasonably known by
15 the examiner, are required to be considered in conducting and evaluating the
16 examination.

17
18 3.4.2 During the pretest interview, where allowed by law, the examiner is
19 required to specifically inquire of the person to be examined whether or not he or
20 she is currently receiving or has in the past received medical, psychological or
21 psychiatric treatment or consultation.

22
23 3.4.3 If an examiner has a reasonable doubt concerning the ability of an
24 examinee to safely undergo an examination, a release from the examinee and his
25 or her physician is required.

26 27 3.5 Instrumentation and Recording

28
29 3.5.1 Polygraph examinations are required to be conducted with
30 instrumentation that records with, at a minimum, the following channels or
31 components:

32
33 3.5.1.1 Respiration patterns recorded by pneumograph components. Thoracic
34 and abdominal patterns are required to be recorded separately, using two
35 pneumograph components.

36
37 3.5.1.2 Electrodermal activity reflecting relative changes in the conductance or
38 resistance of current by the epidermal tissue.

39
40 3.5.1.3 Cardiograph to record relative changes in pulse rate, pulse amplitude, and
41 relative blood pressure.

42
43 3.5.1.4 A motion sensor is required for all examinations and will become
44 mandatory as of January 1, 2012. This technology is recommended for
45 investigative examinations. Effective January 1, 2012, this section is replaced as
46 follows (previous passage deleted January 1, 2012): A motion sensor is required
47 for all examinations.

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49 3.5.1.5 Other physiological data may also be recorded during testing, but may not
50 be used to formulate decisions of truthfulness or deception unless validated in
51 replicated and published research.

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3.5.2 Physiological recordings during each test are required to be continuous, and are required to be of sufficient amplitude to be easily readable by the examiner and any reviewing examiner. Pneumograph and cardiograph tracings between one-half inch and one inch in amplitude, at the time of data collection, will be considered of sufficient size to be easily readable.

3.5.3 The polygraph instrument is required to be given a functionality or calibration test consistent with manufacturer recommendations and in compliance with state and federal law. Effective January 1, 2012, in the absence of manufacturer's recommendations, examiners should semi-annually record a chart demonstrating correct functioning of the instrument. A functionality or calibration test is required to be administered prior to all evidentiary examinations. These tests, where applicable, are required to be maintained by the examiner for not less than one year.

3.6 Test Location and Conditions

3.6.1 Conditions under which testing occurs are required to be free from distractions that would interfere with the ability of the examinee to appropriately focus during the examination process.

3.6.2 Examiners conducting polygraph examinations for public viewing are prohibited from rendering opinions regarding the truthfulness of the examinees on the basis of that examination. It is recommended examiners attempt to ensure that reenactments of polygraph examinations are clearly conveyed as such to viewers. Should the examiner determine that the reenactment will not or has not been clearly conveyed as a reenactment; the examiner is required to immediately notify the Manager of the APA National Office.

3.7 Preparation

3.7.1 Prior to an examination, the examiner is required to dedicate sufficient time to identify the issues and any potential problem (s) in any area of testing.

3.8 Pretest Practices

3.8.1 The examiner is required to obtain information sufficient to identify the examinee.

3.8.2 The examiner is required to obtain the consent of the examinee prior to testing. It is recommended the consent of the examinee be obtained after there is a reasonable understanding of the polygraph process, including the duration, the issues to be covered, and the instrumentation to be used.

3.8.3 Sufficient time is required to be spent during the pretest interview to ensure that the examinee has a reasonable understanding of the polygraph process and the requirements for cooperation.

3.8.4 Sufficient time is required to be spent to discuss the issues to be tested and to allow the examinee to fully explain his or her answers.

1
2 3.8.5 Sufficient time is required to be spent to ensure the examinee recognizes
3 and understands each question. Attempts by the examinee to rationalize should
4 be neutralized by a pretest discussion in which the examinee demonstrates he or
5 she understands the test questions to have the same meaning as does the
6 examiner. Questions are required to be asked in a form that would prevent a
7 reasonable person, facing a significant issue, from successfully engaging in a
8 rationalization process.

9
10 3.8.6 The examiner is required not to display or express bias in any manner
11 regarding the truthfulness of the examinee prior to the completion of testing.

12 3.9 Testing

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14
15 3.9.1 A member polygraph examiner is required to use a validated testing
16 technique. Examinations are not permitted to materially deviate from the
17 protocols of a validated testing technique. Where examinations deviate from the
18 protocols of a validated testing technique it is recommended the deviations be
19 noted and justified in writing from question onset.

20
21 3.9.2 A stimulation test or acquaintance test is required for all evidentiary and
22 initial PCSOT examinations. A stimulation or acquaintance test is recommended
23 for all initial examinations for any specific issue or investigative examination.

24
25 3.9.3 For the resolution of specific issues, a validated testing technique must be
26 used.

27
28 3.9.4 Questions are required to be asked with clarity and distinctiveness.

29
30 3.9.5 Questions are required to be balanced in terms of length and impact for
31 each category of questions utilized. Questions used in the assessment of truth
32 and deception are required to be followed by time intervals of not less the 20
33 seconds from question onset to question onset. When approved validated
34 research supports the use of another time interval, that time interval will be
35 acceptable.

36
37 3.9.6 Examiners are required to collect a sufficient number of charts so as to
38 acquire sufficient data for proper evaluation, in conformance with a validated
39 testing technique.

40
41 3.9.7 Nothing in these standards is intended to prevent the use of new or not
42 validated testing techniques for purposes of research.

43
44 3.9.8 Standardized chart markings, recognized and utilized within the polygraph
45 profession shall be employed.

46
47 3.9.9 An audio/video recording of the pretest and in-test phases is required to
48 be made and maintained as part of the examination file for as long as required by
49 regulation or law, but for a minimum of one year for all evidentiary and paired-
50 testing examinations. Audio/video recording is recommended for PCSOT
51 examinations.

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3.9.10 A member polygraph examiner is prohibited from conducting more than four investigative or three evidentiary examinations in one day, and no more than five examinations of any type in one day. On rare occasion, exigent circumstances may warrant a waiver of this requirement.

3.10 Scoring

3.10.1 Examiners conclusions and opinions are required to be based on quantitative or numerical scoring for all evidentiary examinations and for all specific issue investigative examinations. The scoring method and decision rules shall have been validated through published and replicated research demonstrating that they are valid and reliable, and appropriate for the type of examination.

3.10.2 Examiner notes of the test evaluation are required to have sufficient clarity and precision so that another examiner could read them.

3.10.3 Examiners are prohibited from disclosing the results of the examination until the analysis has been completed.

3.10.4 Examiners are required to maintain the confidentiality of their work conducted under privilege until a release by the client is obtained.

3.10.5 An examiner subject to a quality control evaluation of a case is required to fully disclose all relevant information regarding the case under review. Any doubts as to relevancy are required to be resolved through disclosure.

3.10.6 Examiners conducting polygraph examinations should annually submit to a quality control review of their work product. The submitted examination should be recorded in its entirety unless precluded by law or government policy, or it should be witnessed in its entirety by the reviewing examiner.

3.11 Standards for Post-Conviction Sex Offender Testing (PCSOT)

3.11.1 PCSOT examiners are required to satisfy the provisions set forth in the Standards of Practice for investigative examinations as well as the following mandatory standard:

3.11.2 Minimum Training: A minimum of 40 hours of specialized instruction through PCSOT certification training approved by the APA, beyond the basic polygraph training course requirements. In the event an examiner attends and successfully completes the advanced training prior to completing 200 polygraph examinations, the examiner must participate in an internship program consisting of at least 10 PCSOT examinations, under the supervision of a PCSOT certified examiner, and upon successful completion of that testing, will receive an APA certificate reflecting satisfactory completion of training requirements, thus being considered to possess the requisite knowledge to conduct polygraph testing in conjunction with sex offender treatment and monitoring programs.

1 3.11.3 Written Examination: Passing a final written examination, approved by
2 the APA or its designated representative is required prior to receiving a certificate
3 for the training. The written examinations are required to be properly controlled
4 and protected to prevent exposure of the test questions or answers to any
5 unauthorized persons.

6
7 3.11.4 Recording Requirements: All PCSOT polygraph examinations submitted
8 for quality control are required to be audio/visually recorded in their entirety.
9 When required for quality control purposes these recordings will be made
10 available. All recorded physiological data is required to be retained as part of the
11 examination file as long as required by regulation or law, but for a minimum of
12 one year.

13
14 3.11.5 Conflict of Interest: PCSOT examiners who are therapists/treatment
15 providers shall not conduct polygraph examinations on an individual that they
16 directly or indirectly treat or supervise.

17
18 3.11.6 PCSOT examiners who are probation or parole officers shall not conduct a
19 polygraph examination on any individual that they directly or indirectly
20 supervise.

21
22 4. Division IV: Code of Ethics **(01/10/99)**

23
24 4.1 Rights of Examinees.

25
26 4.1.1 A member shall respect the rights and dignity of all persons to whom
27 they administer polygraph examinations.

28
29 4.2 Standards for Rendering Polygraph Decisions.

30
31 4.2.1 A member shall not render a conclusive diagnosis when the
32 physiological records lack sufficient quality and clarity. This may include, but is
33 not limited to, excessively distorted recordings possibly due to manipulations by
34 the examinee, recordings with insufficient responsivity, or recordings with
35 tracing amplitudes less than that generally accepted by the profession.

36
37 4.3 Post-Examination Notification of Results.

38
39 4.3.1 A member shall afford each examinee a reasonable opportunity to
40 explain physiological reactions to relevant questions in the recordings. There are
41 three exceptions:

42
43 4.3.1.1 When the examinee is represented by an attorney who requests that no
44 post-examination interview be conducted, and that the results of the examination
45 be released only to the attorney.

46
47 4.3.1.2 When the examination is being conducted by court order which
48 stipulates that no post-examination interview is to be conducted.

49
50 4.3.1.3 Instances of operational necessity.

1 4.4 Restrictions on Rendering Opinions.

2
3 4.4.1 A member shall not provide any report or opinion regarding the medical
4 or psychological condition of the examinee for which the member is not
5 professionally qualified to make. This shall not preclude the examiner from
6 describing the appearance or behavior of the examinee. Polygraph outcome
7 decisions shall be restricted to only those based on polygraph data.

8
9 4.5 Restrictions on Examinations.

10
11 4.5.1 A member shall not conduct a polygraph examination when there is reason
12 to believe the examination is intended to circumvent or defy the law.

13
14 4.6 Fees.

15
16 4.6.1 A member shall not solicit or accept fees, gratuities, or gifts that are
17 intended to influence his or her opinion, decision, or report. No member shall set
18 any fee for polygraph services which is contingent upon the findings or results of
19 such services, nor shall any member change his or her fee as a direct result of his
20 or her opinion or decision subsequent to a polygraph examination.

21
22 4.7 Standards of Reporting.

23
24 4.7.1 A member shall not knowingly submit, or permit employees to submit, a
25 misleading or false polygraph examination report. Each polygraph report shall
26 be a factual, impartial, and objective account of information developed during the
27 examination, and the examiner's professional conclusion based on analysis of the
28 polygraph data.

29
30 4.7.2 A member shall maintain for a period of at least one year, all polygraph
31 data and documentation related to the conduct of a polygraph examination.

32
33 4.8 Advertisements.

34
35 4.8.1 A member shall not knowingly make, publish, or cause to be published any
36 false or misleading statements or advertisements relating to the Association or
37 the polygraph profession. No member shall make any false representation as to
38 category of membership in the Association. All advertisements making reference
39 to membership in the Association shall also list the category of membership.

40
41 4.9 Release of Non-relevant Information.

42
43 4.9.1 A member shall not disclose to any person any irrelevant personal
44 information gained during the course of a polygraph examination which has no
45 connection to the relevant issue, and which may embarrass or tend to embarrass
46 the examinee, except where such disclosure is required by law.

47
48 4.10 Restrictions on Examination Issues.

49
50 4.10.1 A member shall not include in any polygraph examination, questions
51 intended to inquire into or develop information on activities, affiliation, or beliefs

1 on religion, politics, or race except where there is relevancy to a specific
2 investigation.

3
4 4.11 APA Oversight Authority.

5
6 4.11.1 A member who administers or attempts to administer any polygraph
7 examination in violation of the Code of Ethics or the Standards of Practice may
8 be subject to investigation, censure, suspension or expulsion from the
9 Association, as provided by Article IV of the APA Constitution.

10
11 5. Division V: Membership (**MODIFIED AUGUST 2005**) –
12 (*DELETED CATEGORY OF INTERN MEMBER & INTERNATIONAL AFFILIATE*)

13
14 5.1 Full Member.

15
16 5.1.1 Full members of this Association are those persons who have:

17
18 5.1.1.1 Graduated from an APA Accredited School.

19 5.1.1.2 Completed not less than two hundred (200) actual polygraph
20 examinations using a standardized polygraph technique as taught at an APA
21 Accredited School and hold a current and valid license to practice polygraphy
22 issued by an state or Federal agency requiring such license.

23
24 5.1.1.3 Received a Baccalaureate Degree from a college or university
25 accredited by a regional accreditation board.

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28
29 Full Members shall:

30
31 5.1.1.4.1 Have the right to vote in all matters before the General Membership.

32
33 5.1.1.4.2 Be eligible to hold any elective office in the Association.

34
35 5.1.1.4.3 Be eligible to hold any appointed position in the Association or serve as
36 the Chair of any standing or Ad Hoc Committee, as well as serve as the Chair of
37 any such committee.

38
39 5.1.1.4.4 Shall be permitted to cast votes in any election conducted by the
40 Association.

41
42 5.1.1.4.5 Shall meet all financial obligations to the Association.

43
44 5.2 Associate Member.

45
46 5.2.1 Associate Members of this Association are:

47
48 5.2.1.1 Persons who are practicing polygraph examiners and who are
49 graduates of an APA Accredited Polygraph school, but do not meet the
50 requirements as Full Member; or,
51

1 5.2.1.2 Are graduates of any basic polygraph school of at least six weeks in
2 continuous, full time duration which was in existence on or before 1 August 2001,
3 and are practicing polygraph examiners; and,
4

5 5.2.1.2.1 Have attended an APA sponsored seminar; and,
6

7 5.2.1.2.2 Have successfully passed an APA administered written examination;
8 and,
9

10 5.2.1.2.3 Have presented the work product (pretest worksheet, question list,
11 charts and report) from a minimum of ten (10) completed polygraph
12 examinations to the Membership Committee to confirm whether an acceptable
13 level of technical competence has been achieved. If the Membership Committee
14 deems it necessary, any person applying for membership agrees to allow a
15 representative of the Membership Committee to observe a live test administered
16 by the applicant. Any such observation shall be conducted in accordance with
17 existing laws and regulations applicable to that examiner.
18

19 5.2.2 Associate members shall be eligible to be upgraded to Full Member
20 status, provided that the following conditions have been satisfied:
21

22 5.2.2.1 They have satisfactorily completed a qualifying examination attesting
23 to their knowledge of and competence in the administration of polygraph
24 procedures. This examination shall consist of an oral and written assessment of
25 both academic and practical knowledge of polygraph detection of deception
26 procedures and shall be administered by the APA Membership Committee.
27

28 5.2.2.2 They have been Associate members for not less than 36 months.
29

30 5.2.2.3 Within the 36 months preceding upgrading, they have successfully
31 completed either:
32

33 5.2.2.3.1 A minimum of 108 hours of continuing education in topics directly
34 related to polygraph testing, including at least one APA annual seminar, during
35 their Associate membership; or,
36

37 5.2.2.3.2 They have completed an APA approved refresher course administered
38 by a polygraph training school accredited by the APA.
39

40 5.2.2.4 They are in attendance at an APA annual seminar at the time of
41 consideration of their request for upgrading to Full Member.
42

43 5.2.2.5 They submit proof of having completed not less than 200 satisfactory
44 polygraph examinations.
45

46 5.2.2.6 They hold a current and valid license as a polygraph examiner in the
47 state or other similar governmental jurisdiction of their practice, if at the time of
48 application such license is required by law.
49

50 5.2.2.7 They have satisfied all financial obligations to the APA.
51

- 1 5.3.3 Associate Members shall:
2
- 3 5.3.3.1 Have the right to vote in all matters before the General Membership,
4 but not hold any elective office in the Association.
5
- 6 5.3.3.2 Be eligible to hold any appointed position in the Association and Chair
7 any standing or Ad-Hoc Committee.
8
- 9 5.3.3.3 Shall not represent themselves as other than Associate Member of the
10 APA.
11
- 12 5.4 Life Member
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- 14 5.4.1 A Life Member is any member of the Association:
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- 16
- 17 5.4.1.1 Who has been nominated by another Member for Life Membership,
18 and;
19
- 20 5.4.1.2 Whose nomination has been approved by a two-thirds (2/3) majority
21 vote of the Board, and:
22
- 23 5.4.1.3 Whose nomination has been confirmed by a majority vote of all Voting
24 Members present at a meeting of the General Membership.
25
- 26 5.4.2 Life Members shall:
27
- 28 5.4.2.1 Have the right to vote in all matters before the General Membership.
29
- 30 5.4.2.2 Be eligible to hold any elective office in the Association.
31
- 32 5.4.2.3 Be eligible to hold any appointed position in the Association and Chair
33 any Standing or Ad-Hoc Committee.
34
- 35 5.4.2.4 Be eligible to serve on any Standing or Ad-Hoc Committee.
36
- 37 5.4.2.5 Be exempt form annual membership dues to the Association.
38
- 39 5.5 Science and Technology Membership.
40
- 41 5.5.1 Science and Technology members are those persons, organizations or
42 corporations who have a professional or scientific interest in the polygraph
43 profession through polygraph research or instrumentation.
44
- 45 5.5.2 Science and Technology members shall:
46
- 47 5.5.2.1 Not have the right to vote in matters before the General Membership.
48
- 49 5.5.2.2 Not be eligible to hold any elective office in the Association.
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- 51 5.5.2.3 Not be eligible to hold any appointed position in the Association.

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5.5.2.4 Be eligible to serve on any Standing or Ad-Hoc Committee.

5.5.2.5 Meet all financial obligations to the Association.

5.6 Honorary Member.

5.6.1 Honorary Members are those persons who:

5.6.1.1 Have made an outstanding contribution to the Association and the polygraph profession, and;

5.6.1.2 Have been nominated by any Member for Honorary Membership, and;

5.6.1.3 Whose nomination has been approved by a two-thirds (2/3) majority vote of the Board, and;

5.6.1.4 Whose nomination has been confirmed by a majority vote of all Voting Members present at a meeting of the General Membership.

5.6.2 Honorary Members shall:

5.6.2.1 Not have the right to vote in matters before the General Membership.

5.6.2.2 Have the right to speak on any issue before the General Membership or the Board of Directors.

5.6.2.3 Not be eligible to hold any elective office in the Association.

5.6.2.4 Not be eligible to Chair any Standing or Ad-Hoc Committee.

5.6.2.5 Be exempt from annual membership dues to the Association.

5.7 Retired Members.

5.7.1 Retired members are those persons who:

5.7.1.1 Are at least 65 years of age.

5.7.1.2 Are no longer engaged in profit-making polygraph employment.

5.7.1.3 Have at least 20 years of membership in the American Polygraph Association.

5.7.1.4 Have attended a minimum of five (5) American Polygraph Association Annual Seminars.

5.7.1.5 Whose nomination has been approved by a two-third (2/3) majority vote of the Board, and;

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5.7.1.6 Whose nomination has been confirmed by a majority vote of all Voting Members present at a meeting of the General Membership.

5.7.2 Retired Members shall:

5.7.2.1 Have the right to vote in all matters before the General Membership.

5.7.2.2 Be eligible to hold any elective office in the Association.

5.7.2.3 Be eligible to hold any appointed position in the Association and Chair any Standing or Ad-Hoc Committee.

5.7.2.4 Be eligible to serve on any Standing or Ad-Hoc Committee.

5.7.2.5 Be exempt from annual membership dues to the Association.

5.8 Divisional Members.

5.8.1 Divisional Members are those polygraph organizations or associations who desire a professional relationship with the American Polygraph Association and whose members agree to abide by the Code of Ethics and the Standards of Practice of the Association. An applicant for Divisional Membership shall:

5.8.1.1 File a copy of its Constitution or By-laws with the Board and, if granted membership, notify the Board of any changes in said documents.

5.8.1.2 Be granted Divisional Membership upon a two-thirds (2/3) majority vote of the Board.

5.8.2 Divisional Members shall:

5.8.2.1 Be autonomous in all matters, but must be in compliance with the Code of Ethics and Standards of Practice of this Association.

5.8.2.2 Not represent themselves as other than a Divisional Members of this Association nor represent that by virtue of their Divisional Membership some or all of the members therein are members of the American Polygraph Association. This shall not preclude members of the American Polygraph Association from belonging to a Divisional Member and representing themselves to be members of the Association.

5.8.2.3 Maintain separate financial accounts and records from the American Polygraph Association and not bind the Association to any financial commitment or responsibility.

5.8.2.4 The Board of Directors may upon a two-thirds (2/3) majority vote, revoke the Divisional Membership of any such member who:

1
2 5.8.2.4.1 Fails to subscribe to or enforce upon its members the American
3 Polygraph Association Code of Ethics and Standards of Practice.

4
5 5.8.2.4.2 Fails to hold a meeting of its General Membership within a twelve (12)
6 month period.

7
8 5.9 General Provisions.

9
10 5.9.1 Subject to the terms and conditions of this Article, membership in the
11 Association shall be terminated upon the conviction of any member, other than a
12 Divisional Member, of any felony crime or any crime of moral turpitude.
13 Conviction, for the purpose of this section, shall mean the judgment of any court
14 of competent jurisdiction, local, state or federal and shall include a plea of "no
15 contest" to a crime amounting to a felony or when included as a lesser offense or
16 when included as a condition of probation. Such termination of membership
17 shall be automatic and without action by the Grievance Committee or the Board.

18
19 5.9.2 Any Member, other than a Divisional Member, who has been formally
20 charged in any court of competent jurisdiction on a charge amounting to a felony
21 crime or any crime of moral turpitude shall, within thirty (30) days of such
22 arraignment, notify the Chairperson of the Grievance Committee of such
23 arraignment. Notification shall be in writing and shall include the nature of the
24 charge, the name and address of the court where the member was arraigned, the
25 date of the arraignment and the case or docket number assigned by the court.

26
27 5.9.2.1 The membership of any Member who fails to comply with the
28 provisions of this sub-section shall be suspended without action by the Grievance
29 Committee or Board. Said suspension shall be effective on the thirty-first (31st)
30 day after being formally charged and shall continue until the member complies
31 with the requirements of this sub-section.

32
33 5.9.3 The membership of any Member, other than a Divisional Member, who
34 resigns from this Association shall be reinstated upon approval of the
35 Membership Committee or the Board; provided, the member:

36
37 5.9.3.1 Qualifies for the class of membership to which he or she qualified at
38 the time of resignation.

39
40 5.9.3.2 Meets all financial obligations to the Association for the year in which
41 the reinstatement is sought.

42
43 5.9.3.3 Was not the subject of investigation by the Grievance Committee or
44 failed to meet his or her financial obligations to the Association at the time of his
45 or her resignation.

46
47 5.9.4 Any applicant pending Board approval of membership or Associate
48 Member who is in the process of upgrading to Full Member will not be eligible for
49 further membership processing unless their current grievance investigation is
50 deemed unfounded and closed.

1 6. Division VI: Nominations and Fair Elections Committee (Amended August 4,
2 2009)
3

4 6.1 Any member qualified under Division V of the By-Laws may have their
5 name appear on the ballot if they are nominated by at least one voting member of
6 the Association. A voting member may nominate oneself. The nomination shall
7 be made on a form provided by the Association.
8

9 6.2 All completed nomination forms shall be delivered to the Immediate Past
10 President by January 1 in the calendar year of the election. Upon receipt of the
11 nominations, the Immediate Past President shall examine the authenticity of
12 each nomination and that the nominees meet all qualifications required by the
13 Association to hold the office to which they have been nominated.
14

15 6.3 All nominees shall deliver to the Immediate Past President by February 5
16 in the calendar year of the election a letter in support of their candidacy for
17 inclusion in the ballot packet for APA members. The letter shall not be more than
18 500 words.
19

20 6.4 The Immediate Past President shall present to the Board of Directors a
21 slate of all qualifying nominees. The Board of Directors considers any challenge
22 as to whether the candidate meets all qualifications required by the Association to
23 hold the office to which they have been nominated. The Board of Directors shall
24 timely certify the slate of nominees for the ballot.
25

26 6.5 The Immediate Past President shall notify all nominated candidates of
27 their status for the ballot.
28

29 7. Division VII: Election Procedures
30

31 7.1 A Fair Elections Committee shall be appointed by the Immediate Past
32 President, immediately after leaving the office of President, to conduct the annual
33 election. The Fair Elections Committee shall consist of at least five (5) Full
34 Members of the Association and the Immediate Past President who shall serve as
35 Chair. At least one appointed member shall be selected from each of the three
36 categories of membership, Private, Law Enforcement and Government; an
37 additional Full member shall be selected so as to make the Committee broadly
38 representative of the constituent interests of the Association.
39

40 7.2 A printed ballot shall be mailed to all regular members qualified to vote.
41 The ballot shall include the names of the candidates for each office in last name
42 alphabetical order and a space for write-in candidates. Election materials will be
43 mailed to the membership by February 15 of each year.
44

45 7.3 Enclosed with the printed ballot shall be biographical and goals
46 statements by the candidates for each office, a self-addressed envelope, and a
47 smaller inner envelope bearing only the statement, "Secret Ballot." The marked
48 ballot must be returned in the inner envelope, within the self-addressed
49 envelope. Members may insert and return the "Secret Ballot" envelope in their
50 own envelope or an agency envelope if preferred.
51

1 7.4 As a means of certifying that the return envelope and the enclosed ballot
2 were the result of a regular member's vote the member's printed name and
3 signature shall be placed on the outside of the "Secret Ballot" envelope. The Fair
4 Elections Committee shall count only official "Secret Ballot" envelopes designed
5 for return ballots.

6
7 7.5 Thirty (30) days shall be allowed for the voting process, i.e., for the receipt
8 of election materials and the return of marked ballots. In the instructions
9 accompanying the election material, a deadline for receipt of the ballots shall be
10 announced. No ballots received after this date shall be counted.

11
12 7.6 The Fair Elections Committee will then tabulate the results of the election
13 and notify the entire membership of the Association and report the results to the
14 Board of Directors.

15
16 7.7 If no candidate for an office has received a majority of those valid ballots
17 cast, a runoff election shall be held. Such ballot shall include only the two
18 persons who receive the highest number of votes on the original ballot. A period
19 not exceeding thirty (30) days shall be allowed for conducting the runoff election.
20 The Chairman of the Fair Elections Committee shall retain the ballots and all
21 other election material until the election has been certified at the annual meeting.
22 The Board may authorize the destruction of the ballots and other election
23 material at its annual meeting provided there is no pending contest of the
24 election.

25
26 7.8 Anyone wishing to contest the election results must submit a formal,
27 written petition to the Board at or before its first session during the annual
28 meeting setting forth all pertinent information. If this matter is not resolved by
29 the Board to the satisfaction of all parties directly concerned, it shall be presented
30 to the membership during the scheduled business session for final disposition.

31
32 7.9 If an election is held to be null and void by the Board, the Board may
33 authorize an election from the floor of the annual meeting. Article VII of the
34 Constitution applies.

35 36 8. Division VIII: Election Certification

37
38 8.1 The official certification of the results will be by the Board at the next
39 annual meeting of the Association.

40 41 9. Division IX: Amendment of the Election Code.

42
43 9.1 Amendments to the Election Code may be made only by the procedure
44 specified in Article XI of the Constitution. However, nothing in these provisions
45 in the Election Code or Article XI shall be deemed to preclude modification of
46 purely administrative or clerical procedures or details by the Fair Elections
47 Committee or the Board necessitated by effective and efficient carrying out of the
48 intent and purposes of the Code. In any such case, the decision of the Board shall
49 be final, subject to the provisions of Article XI Interpretation of the Constitution.

50
51 9.2 Proposed amendments approved by the Board shall be submitted by the

1 Secretary to the membership using the same procedures provided for in Article
2 XI, insofar as applicable. Amendments may be submitted at any time as
3 determined by the Board.
4

5 10. Division X: Directors
6

7 10.1 Directors of the Association shall perform such duties as assigned by the
8 President or Board of Directors.
9

10 11. Division XI: Officers
11

12 11.1 The President shall:
13

14 11.1.1 Preside over all meetings of the General Membership.
15

16 11.1.2 In the absence of the Chairperson of the Board, preside over all meetings
17 of the Board of Directors.
18

19 11.1.3 Have general supervision over the affairs and administration of the
20 Association and of the duties of those appointed to office.
21

22 11.1.4 Perform such duties as the Board may assign and represent this
23 Association at all official functions.
24

25 11.1.5 Appoint the general Chairpersons of all Standing or Ad-Hoc Committees.
26

27 11.1.6 Perform other duties as assigned by the Board.
28

29 11.2 The President-Elect shall:
30

31 11.2.1 Assist the President in the performance of his/her duties.
32

33 11.2.2 Upon direction by three-fourths (3/4) majority vote of the Board of
34 Directors, the President-Elect shall act to discharge the duties of the presidential
35 office in the event of the President's absence, disability, or refusal to act.
36

37 11.2.3 If the office of the President becomes vacant for any reason, the President-
38 Elect shall succeed to the presidency until the expiration of the term remaining
39 for his predecessor and for the term of one year thereafter, or until a successor is
40 duly qualified.
41

42 11.3 The Immediate Past President shall:
43

44 11.3.1 Be the presiding Chair at meetings of the Board of Directors but shall not
45 be a voting member thereof except in cases of a tie among the Board.
46

47
48 11.3.2 Shall call meeting of the Board upon request of the president, or as may be
49 required by majority vote of the Board.
50

51 11.3.3 He/She shall undertake such other duties as may be assigned by the

1 President or the Board of Directors.

2
3 11.4 The Vice-Presidents shall:

4
5 11.4.1 Represent the interest of all APA members, especially focusing on the
6 segment of their representation, Government, Private, Law Enforcement.

7
8 11.4.2 Perform other duties as assigned by the Board.

9
10 11.5 The Secretary shall:

11
12 11.5.1 In conjunction with the National Office Manager, serving as appointed
13 Assistant Secretary, be responsible for recording and retaining the official
14 minutes, resolutions, and proceedings of the Association derived from business
15 meetings of the general membership, the Board of Directors, or other meetings as
16 may be required for the effective and orderly transaction of the Association's
17 business.

18
19 11.5.2 Distribute official notices, correspondence and other materials and record
20 policy and procedures established during Board of Directors Meetings.

21
22 11.5.3 Perform other duties as assigned by the President or the Board.

23
24 11.6 The Treasurer shall:

25
26 11.6.1 Be the primary custodian of all funds and securities, of whatever nature,
27 which are the property of the Association and shall provide copies thereof to the
28 National Office Manager.

29
30 11.6.2 Maintain complete and accurate records of all financial transactions
31 related to the Association.

32
33 11.6.3 Be authorized, and by virtue of these By-laws is authorized, to act in all
34 financial matters wherein an authorized signature is required on behalf of this
35 Association. In the absence or disability of the Treasurer, the President may act
36 for him.

37
38 11.6.4 Select an independent Certified Public Accountant, approved by the Board
39 of Directors, to perform a certified annual audit of the Association's records and
40 financial transactions and report the results to the membership at the Annual
41 Business meeting.

42
43 11.6.5 Publish or cause to be published a Statement of Assets and Liabilities as
44 well as a Statement of Income and Expenses of the Association on a monthly
45 basis and mail to each member of the Board of Directors. Such statements shall
46 be available for review by any Voting Member upon demand. Such information is
47 deemed proprietary to the APA and shall be treated as confidential and any
48 dissemination to anyone other than the requester is prohibited and unlawful.

49
50 11.6.6 Collect all dues authorized by the General Membership and all
51 assessments levied by the Board. Dues are due on or before 31 March each year.

1 Any member who fails to meet financial obligations to the Association shall be
2 suspended without action of the Board until the next meeting of the Board of
3 Directors at which time they may continue the suspension or terminate the
4 membership.

5
6 11.6.7 Provide a bond in an amount deemed appropriate by the Board of
7 Directors. The bond shall be payable to the American Polygraph Association.
8 The premium shall be paid by the Association.

9
10 11.6.8 Assisted by the National Office Manager, be responsible for preparing or
11 supervising such tax and other official documents as may be required by law;
12 proposing or supplying such other budget or financial reports as the Board may
13 direct.

14
15 11.6.9 Compile and present a budget to the incoming APA Board of Directors
16 subsequent to the General Membership meeting.

17
18 11.6.10 Perform other duties as assigned by the Board.

19
20 12. Division XII: Ex-Officio Members of the Board of Directors

21
22 12.1 The General Counsel shall:

23
24 12.1.1 Advise the Board on all legal matters which may come before it and may
25 represent the Association in all litigation.

26
27 12.1.2 Provide advice to the Board of Directors on policies and decisions under
28 consideration by the Board of Directors.

29
30 12.1.3 Perform other duties as assigned by the President.

31
32 12.2 The Editor In Chief shall:

33
34 12.2.1 Publish or cause to be published any and all publications, newsletters,
35 journals or other documents authorized and directed by the Board.

36
37 12.2.2 Distribute or cause to be distributed any and all publications, newsletters,
38 journals or other documents authorized and directed by the Board.

39
40 12.2.3 Shall recommend to the President for approval and appointment, the
41 names of other editorial and/or staff members. The Editor shall maintain
42 financial and other records as may be required by the Board of Directors.

43
44 12.2.4 Perform other duties as assigned by the President.

45
46 12.3 The National Office Manager shall:

47
48 12.3.1 Manage the National office in support of APA members under the direct
49 supervision of the President and the members of the Board of Directors.

50
51 12.3.2 Be the primary custodian of all records, of whatever nature, which are the

1 property of the American Polygraph Association.

2
3 12.3.3 Perform other duties as assigned by the President and the Board of
4 Directors.

5
6 13. Division XIII: Standing Committees

7
8 13.1 Standing Committees shall consist of a Chairperson appointed by the
9 General Chair and not less than three, whose total number shall be determined
10 by the General Chair dependant on the needs of the Committee.

11
12 13.1.1 The Ethics and Grievance Committee

13
14 13.1.1.1 The Ethics and Grievance Committee receives and expeditiously,
15 fairly, and impartially investigates all allegations of misconduct against members
16 of the Association. An ethics or grievance investigation shall be initiated by filing
17 a complaint. All complaints shall be in writing, signed by the complainant, and
18 submitted to the APA National Office. The Committee shall not consider,
19 investigate, nor act upon any allegation that does not meet these criteria.

20
21 13.1.1.2 Upon receipt of the complaint, the General Chair of the Committee
22 shall determine whether the complaint sets out an allegation of an ethical
23 violation. If the General Chair determines that the complaint sets out an
24 allegation of an ethical violation, the General Chair shall forward the complaint to
25 the accused member requesting a written response to the complaint along with a
26 request for any other documentation deemed necessary for investigation of the
27 complaint. The accused member shall have thirty (30) days, or such longer time
28 as granted by the General Chair, from the receipt of the complaint to respond, in
29 writing, to the General Chair. Failure to provide requested information to the
30 Ethics & Grievance Committee shall be grounds for the Ethics and Grievance
31 Committee General Chair to seek suspension of the accused member by the
32 Board of Directors. Continued failure to provide the requested information shall
33 be grounds for additional sanctions, up to and including termination of
34 membership. Upon receipt of the written response, the General Chair shall, along
35 with any investigation deemed necessary, determine if the complaint is without
36 merit and should be dismissed or whether disciplinary proceedings should be
37 initiated.

38
39 The General Chair shall notify, in writing, the complainant and the accused
40 member of the decision of whether to initiate a disciplinary proceeding.

41
42 13.1.1.3 If a disciplinary proceeding is initiated, the accused member shall
43 have thirty (30) days from the date of notification by the General Chair to request
44 a hearing. Such request shall be in writing and addressed to the General Chair.
45 The hearing is to provide the accused member of an opportunity to present any
46 additional evidence or argument in response to the grievance complaint. The
47 General Chair shall, after receipt of the accused member's request for a hearing,
48 appoint a hearing officer from a list of hearing officers, which have been
49 nominated and approved by the Board of Directors, to conduct the hearing in the
50 state, province, or country of the accused member. This hearing may be
51 accomplished by telephone, videoconference or in person. The investigating

1 Committee member shall provide at least ten (10) days written notice to the
2 accused member of the time, place, and date of the hearing. The accused
3 member shall have the right to legal counsel or other advocate and may call
4 witnesses to provide evidence on his or her behalf. The appointed hearing officer
5 may examine witnesses called by the accused member and may call other
6 witnesses as deemed necessary.

7
8 13.1.1.4 Upon consideration of the evidence and testimony, within ten (10)
9 days, or such longer time as granted by the General Chair, the hearing officer
10 shall submit his or her findings to the Ethics & Grievance Committee who will
11 make a determination of whether the grievance is founded or unfounded. The
12 General Chair shall be governed by a majority vote of the Committee and shall
13 notify the accused member, in writing, of its findings and recommendations.

14
15 13.1.1.5 If disciplinary action is recommended, the General Chair or the
16 appointed hearing officer shall present the evidence, findings, and
17 recommendations to the Board of Directors. The accused member may appear or
18 submit in writing to the Board of Directors, on such conditions as determined by
19 the Board of Directors, only mitigating or extenuating matters that may effect the
20 Board of Directors decision concerning types of disciplinary actions to be
21 imposed. The Board of Directors shall by majority vote determine whether, and
22 the nature of, disciplinary action to be taken against the member. The Board of
23 Directors may publicly or privately censure, suspend, or terminate membership
24 in the Association or take such other actions as deemed appropriate. The General
25 Chair shall notify the accused member, in writing, of the Board's determination.
26 The General Chair shall advise the complainant of whether disciplinary action
27 was taken.

28
29 13.1.1.6 If the accused member fails to request a hearing or fails to appear at
30 a hearing subsequent to a request for such, the General Chair shall appoint a
31 member of the Committee to proceed with an investigation as he or she deems
32 necessary to make findings and recommendations. The appointed Committee
33 member shall submit his or her findings and recommendations to the General
34 Chair for submission to the full Committee for review and comment. The
35 Committee shall determine whether to accept, reject or modify the findings and
36 recommendations. The General Chair or his appointed representative shall
37 notify the accused member, in writing of its findings and recommendations. If
38 disciplinary action is recommended, the General Chair or his or her appointed
39 Committee representative shall present the matter to the Board of Directors as
40 set out in 9.1.5 above.

41
42 13.1.1.7 Except as otherwise contemplated by the Constitution and By-laws,
43 information obtained by the Grievance Committee is considered confidential and
44 should not be released outside the Committee or Board of Directors.

45
46 13.1.1.8 If an ethics or grievance complaint is filed by or against a member
47 of the Ethics and Grievance Committee or a member of the Board of Directors,
48 that member shall recuse himself or herself from investigation or consideration
49 of the complaint.

50
51 13.1.1.9 The Ethics and Grievance Committee performs other duties as

1 assigned by the President of the Board of Directors.

2
3 13.1.2 The Legislative Committee:

4
5 13.1.2.1 Represents the interests of the Association in all matters relating to
6 legislation, proposed or enacted, at the federal, state or local level, which affect or
7 may affect the Association or the members thereof.

8
9 13.1.2.2 When appropriate, recommends to the Board any changes in the
10 Standards and Principles of Practice necessitated by changes in law or the effects
11 of law.

12
13 13.1.2.3 Performs other duties as assigned by the President and the Board of
14 Directors.

15
16 13.1.3 The Membership Committee:

17
18 13.1.3.1 Examines the qualifications of applicants for membership,
19 publishes the names of all applicants for membership at least thirty (30) days
20 prior to the submission of their names to the Board and sends to the Board the
21 names of all those whom the Committee finds meet the qualifications for the class
22 of membership requested.

23
24 13.1.3.2 Performs other duties as assigned by the President and the Board of
25 Directors.

26
27 13.1.4 The Seminar Committee:

28
29 13.1.4.1 Is responsible for the training and education components of that
30 meeting of the General Membership designated as the annual seminar.

31
32 13.1.4.2 Performs other duties as assigned by the President and the Board of
33 Directors.

34
35 13.1.5 Research and Development Committee:

36
37
38 13.1.5.1 Investigates those areas of science and technology which impact the
39 validity, reliability and use of the polygraph technique and reports the findings of
40 said investigations to the Board and the General Membership as appropriate.

41
42 13.1.5.2 Performs other duties as assigned by the President and the Board of
43 Directors.

44
45 13.1.6 Educational Accreditation Committee:

46
47 13.1.6.1 Has the authority and responsibility to establish and promulgate
48 criteria for evaluation and accreditation of programs and institutions engaged in
49 any course of study within any private, public, or federal educational or training
50 institution which purports to offer instruction in, or the teaching of, the theory or
51 practice of detecting deception or verifying truth of statements through the use of

1 any polygraph techniques or instrumentation. The criteria are under continuing
2 review and changes are made as appropriate and as required.

3
4 13.1.6.2 Uses the accreditation process to enhance the instruction and
5 learning experience of those seeking to be polygraph professionals.

6
7 13.1.6.3 Performs other duties as assigned by the President and the Board of
8 Directors.

9
10 13.1.7 Public Relations and Information Committee:

11
12 13.1.7.1 Develops written, visual and auditory materials for dissemination of
13 positive and educational information about the polygraph profession.

14
15 13.1.7.2 Establishes public relations programs to promote the best interest
16 of the polygraph profession.

17
18 13.1.7.3 Answers media inquiries regarding polygraph matters.

19
20 13.1.7.4 Performs other duties as assigned by the President and Board of
21 Directors.

22
23 13.1.8 Continuing Education Committee:

24
25 13.1.8.1 Offers educational seminars for American Polygraph Association
26 members at various regional locations.

27
28 13.1.8.2 Provides training and information on technological advances in the
29 polygraph profession.

30
31 13.1.8.3 Performs other duties as assigned by the President and the Board of
32 Directors.

33
34
35
36 13.1.9 Budget Committee

37
38 13.1.9.1 Is chaired by the Treasurer

39
40 13.1.9.2 By May 1 each year, provides an estimated budget of income and
41 expenses for the American Polygraph Association to the Board of Directors.

42
43 13.1.9.3 Monitors the budget and provides such information to the Board of
44 Directors.

45
46 13.1.9.4 Performs other duties as assigned by the President and the Board of
47 Directors.

48
49 13.1.10 Awards Committee:

50
51 13.1.10.1 Identifies those persons who through their unselfish and

1 extraordinary efforts promote and advance the best interests of the polygraph
2 profession.

3
4 13.1.10.2 The following are current Awards offered by the American
5 Polygraph Association:

6
7 13.1.10.2.1 William L. and Robbie S. Bennett Memorial Award: For unrelenting
8 efforts and display of ability in the interest of the American Polygraph
9 Association.

10
11 13.1.10.2.2 Al & Dorothea Clinchard Award: For extended, distinguished,
12 devoted and unselfish service in behalf of the American Polygraph Association
13 membership.

14
15 13.1.10.2.3 Cleve Backster Award: Honoring an individual or group that
16 advances the polygraph profession through tireless dedication to standardization
17 of polygraph principles and practices (January 28, 2006).

18
19 13.1.10.2.4 Leonarde Keeler Award: For long and distinguished service to the
20 American Polygraph Association.

21
22 13.1.10.2.5 David L. Motsinger Horizon Award: In recognition of a new shining
23 star in the profession or association who early in their career demonstrates
24 loyalty, professionalism and dedication to the polygraph profession (less than 10
25 years) (January 28, 2006).

26
27 13.1.10.2.6 John E. Reid Award: For achievement in research teaching and
28 writing of the polygraph profession.

29
30 13.1.10.2.7 President's Award: Given at the discretion of the President.

31
32 13.1.10.2.8 Merit and Service award certificates.

33
34 13.1.10.3 Perform other duties as assigned by the President and the Board of
35 Directors.

36 37 14 Division XIV: Ratification

38
39 14.1 These By-Laws shall take effect at the time the Constitution of the
40 American Polygraph Association is ratified and shall supersede all other By-Laws
41 then in effect.

42
43
44
45
46