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# **BY-LAWS**

## ***AMERICAN POLYGRAPH ASSOCIATION***

5 1. Division I: Name.

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7 1.1 This document shall be known as the By-Laws of the American Polygraph  
8 Association.

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10 2. Division II: General provisions.

11  
12 2.1 No action or proceeding commenced before these By-Laws take effect, and  
13 no right accrued, is affected by the provisions of these By-Laws, but all provisions  
14 thereafter taken herein shall conform to the provisions of these By-Laws.

15  
16 3. Division III: APA Standards of Practice (Effective 01/20/2007)

17  
18 3.1 Statement of Purpose

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

26  
27 3.2 Definitions

28 3.2.1 Evidentiary Examination: A polygraph examination, the written and stated  
29 purpose for which, agreed to by the parties involved, is to provide the diagnostic  
30 opinion of the examiner as evidence in a pending judicial proceeding. This is not  
31 intended to prevent admission as evidence of a confession obtained during the  
32 examination.

33  
34 3.2.2 Paired-testing: Polygraph examinations conducted in tandem on two or  
35 more individuals regarding a single central contested fact to which all examinees  
36 must know the truth thereof. Paired-testing is used by voluntary stipulation  
37 between the testifying parties to resolve disputed facts. Paired-testing must be  
38 conducted under the same standards as an evidentiary examination.

39  
40 3.2.3 Investigative Examination: A polygraph examination for which the  
41 examination is intended to supplement and assist an investigation and for which  
42 the examiner has not been informed and does not reasonably believe that the  
43 results of the examination will be tendered for admission as evidence in a court of  
44 record. Types of investigative examinations can include applicant testing,  
45 counterintelligence screening, and post-conviction sex offender testing, as well as  
46 routine multiple-issue or multiple-facet criminal testing. Investigative

1 examinations are required to be conducted with a testing and analysis technique  
2 that has been validated through published and replicated research.

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

7  
8 **3.2.4.1 90% or greater for evidentiary examinations, excluding inconclusive**  
9 **results, which cannot exceed 20%.**

10  
11 **3.2.4.2 86% or greater for paired-testing examinations, excluding inconclusive**  
12 **results, which cannot exceed 20%.**

13  
14 **3.2.4.3 80% or greater for investigative examinations, excluding inconclusive**  
15 **results, which cannot exceed 20%.**

16  
17 **3.2.5 Specific Issue Polygraph Examination: A single-issue examination,**  
18 **generally administered in conjunction with an investigation.**

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

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

31  
32 **3.3 Polygraph Examiner**

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

36  
37 **3.3.2 Evidentiary examinations are required to be conducted only by Full or**  
38 **Associate members.**

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

43  
44 **3.3.4 A polygraph examiner shall, where applicable, comply with all state**  
45 **continuing education requirements. Effective January 1, 2008 (the preceding**  
46 **passage to be deleted on January 1, 2008) practicing examiners shall complete a**  
47 **minimum of 30 continuing education hours every two years in coursework**  
48 **related to the field of polygraphy. Examiners are responsible for maintaining**  
49 **records to document that they have met the continuing education requirement.**

1 3.3.5 Examiners are required to accurately represent their Category of APA  
2 membership, their Academic credentials, their Licensure, and their certification  
3 status.

#### 4 3.4 Polygraph Examinee

5 3.4.1 The examiner is required to make reasonable efforts to determine that the  
6 examinee is a fit subject for testing. Basic inquires into the medical and  
7 psychological condition of the examinee as well as any recent drug use must be  
8 made where allowed by law. Mental, physical or medical conditions of the  
9 examinee that should be observable to, or that should be reasonably known by  
10 the examiner, are required to be considered in conducting and evaluating the  
11 examination.  
12

13  
14 3.4.2 During the pretest interview, where allowed by law, the examiner is  
15 required to specifically inquire of the person to be examined whether or not he or  
16 she is currently receiving or has in the past received medical, psychological or  
17 psychiatric treatment or consultation.  
18

19 3.4.3 If an examiner has a reasonable doubt concerning the ability of an  
20 examinee to safely undergo an examination, a release from the examinee and his  
21 or her physician is required.  
22

#### 23 3.5 Instrumentation and Recording

24 3.5.1 Polygraph examinations are required to be conducted with APA approved  
25 instrumentation and are required to record, at a minimum, the following  
26 channels or components:  
27

28 3.5.1.1 Respiration patterns recorded by pneumograph components. Thoracic  
29 and abdominal patterns are required to be recorded separately, using two  
30 pneumograph components.  
31

32 3.5.1.2 Electrodermal activity reflecting relative changes in the conductance or  
33 resistance of current by the epidermal tissue.  
34

35 3.5.1.3 Cardiograph to record relative changes in pulse rate, pulse amplitude, and  
36 relative blood volume.  
37

38 3.5.1.4 A motion sensor is required for evidentiary examinations. This  
39 technology is recommended for investigative examinations.  
40 Effective January 1, 2012, this section is replaced as follows (previous passage  
41 deleted January 1, 2012): A motion sensor is required for all examinations.  
42

43 3.5.1.5 Other physiological data may also be recorded during testing, but may not  
44 be used to formulate decisions of truthfulness or deception unless validated in  
45 replicated and published research.  
46

47 3.5.2 Physiological recordings during each test are required to be continuous,  
48 and are required to be of sufficient amplitude to be easily readable by the  
49 examiner and any reviewing examiner. Pneumograph and cardiograph tracings

1 between one-half inch and one inch in amplitude will be considered of sufficient  
2 size to be easily readable.

3  
4 **3.5.3** The polygraph instrument is required to be given a functionality or  
5 calibration test consistent with manufacturer recommendations and in  
6 compliance with state and federal law. A functionality or calibration test is  
7 required to be administered prior to all evidentiary examinations. These tests,  
8 where applicable, are required to be maintained by the examiner for not less than  
9 one year.

### 10 **3.6 Test Location and Conditions**

11 **3.6.1** Conditions under which testing occurs are required to be free from  
12 distractions that would interfere with the ability of the examinee to appropriately  
13 focus during the examination process.  
14

15 **3.6.2** Examiners conducting polygraph examinations for public viewing are  
16 prohibited from rendering opinions regarding the truthfulness of the examinees  
17 on the basis of that examination. It is recommended examiners attempt to  
18 ensure that reenactments of polygraph examinations are clearly conveyed as such  
19 to viewers. Should the examiner determine that the reenactment will not or has  
20 not been clearly conveyed as a reenactment; the examiner is required to  
21 immediately notify the Manager of the APA National Office.  
22

### 23 **3.7 Preparation**

24 **3.7.1** An examiner is required to, prior to the examination, dedicate sufficient  
25 time to identify the issues and any potential problems in any area of testing.  
26

### 27 **3.8 Pretest Practices**

28 **3.8.1** The examiner is required to obtain information sufficient to identify the  
29 examinee.  
30

31 **3.8.2** The examiner is required to obtain the consent of the examinee prior to  
32 testing. It is recommended the consent of the examinee be obtained after there is  
33 a reasonable understanding of the polygraph process, including the duration, the  
34 issues to be covered, and the instrumentation to be used.  
35

36 **3.8.3** Sufficient time is required to be spent during the pretest interview to  
37 ensure that the examinee has a reasonable understanding of the polygraph  
38 process and the requirements for cooperation.  
39

40 **3.8.4** Sufficient time is required to be spent to discuss the issues to be tested and  
41 to allow the examinee to fully explain his or her answers.  
42

43 **3.8.5** Sufficient time is required to be spent to ensure the examinee recognizes  
44 and understands each question. Attempts by the examinee to rationalize should  
45 be neutralized by a pretest discussion in which the examinee demonstrates he or  
46 she understands the test questions to have the same meaning as does the  
47 examiner. Questions are required to be asked in a form that would prevent a  
48 reasonable person, facing a significant issue, from successfully engaging in a  
49

1 rationalization process.

2  
3 **3.8.6** The examiner is required not to display or express bias in any manner  
4 regarding the truthfulness of the examinee prior to the completion of testing.

5  
6 **3.9 Testing**

7 **3.9.1** A member polygraph examiner is required to use a validated testing  
8 technique. Examinations are not permitted to materially deviate from the  
9 protocols of a validated testing technique. Where examinations deviate from the  
10 protocols of a validated testing technique it is recommended the deviations be  
11 noted and justified in writing.

12  
13 **3.9.2** A stimulation test or acquaintance test is required for all evidentiary and  
14 initial PCSOT examinations. A stimulation or acquaintance test is recommended  
15 for all initial examinations for any specific issue or investigative examination.

16  
17 **3.9.3** For the resolution of specific issues, a validated testing technique must be  
18 used.

19  
20 **3.9.4** Questions are required to be asked with clarity and distinctiveness.

21  
22 **3.9.5** Questions are required to be balanced in terms of length and impact for  
23 each category of questions utilized. Questions used in the assessment of truth  
24 and deception are required to be followed by time intervals of not less than 20  
25 seconds from question onset. When approved validated research supports the  
26 use of another time interval, that time interval will be acceptable.

27  
28 **3.9.6** Examiners are required to collect a sufficient number of charts so as to  
29 acquire sufficient data for proper evaluation, in conformance with a validated  
30 testing technique.

31  
32 **3.9.7** Nothing in these standards is intended to prevent the use of new or  
33 invalidated testing techniques for purposes of research.

34  
35 **3.9.8** Standardized chart markings, recognized and utilized within the polygraph  
36 profession shall be employed.

37  
38 **3.9.9** An audio/video recording of the pretest and in-test phases is required to  
39 be made and maintained as part of the examination file for as long as required by  
40 regulation or law, but for a minimum of one year for all evidentiary and paired-  
41 testing examinations. Audio/video recording is recommended for PCSOT  
42 examinations.

43  
44 **3.9.10** A member polygraph examiner is prohibited from conducting more than  
45 four investigative or three evidentiary examinations in one day, and no more than  
46 five examinations of any type in one day. On rare occasion, exigent  
47 circumstances may warrant a waiver of this requirement.

1 **3.10 Scoring**

2 **3.10.1 Examiners conclusions and opinions are required to be based on**  
3 **quantitative or numerical scoring for all evidentiary examinations and for all**  
4 **specific issue investigative examinations. The scoring method and decision rules**  
5 **shall have been validated through published and replicated research**  
6 **demonstrating that they are valid and reliable, and appropriate for the type of**  
7 **examination.**

8  
9 **3.10.2 Examiner notes of the test evaluation are required to have sufficient**  
10 **clarity and precision so that another examiner could read them.**

11  
12 **3.10.3 Examiners are prohibited from disclosing the results of the examination**  
13 **until the analysis has been completed.**

14  
15 **3.10.4 Examiners are required to maintain the confidentiality of their work**  
16 **conducted under privilege until a release by the client is obtained.**

17  
18 **3.10.5 An examiner subject to a quality control evaluation of a case is required to**  
19 **fully disclose all relevant information regarding the case under review. Any**  
20 **doubts as to relevancy are required to be resolved through disclosure.**

21  
22 **3.11 Standards for Post-Conviction Sex Offender Testing (PCSOT)**

23 **3.11.1 PCSOT examiners are required to satisfy the provisions set forth in the**  
24 **Standards of Practice for investigative examinations as well as the following**  
25 **mandatory standard:**

26  
27 **3.11.2 Minimum Training: A minimum of 40 hours of specialized instruction**  
28 **through PCSOT certification training approved by the APA, beyond the basic**  
29 **polygraph training course requirements, is required for those who practice**  
30 **sexual offender testing.**

31  
32 **3.11.3 Written Examination: Passing a final written examination, approved by**  
33 **the APA or its designated representative is required prior to receiving a diploma**  
34 **for the training. The written examinations are required to be properly controlled**  
35 **and protected to prevent exposure of the test questions or answers to any**  
36 **unauthorized persons.**

37  
38 **3.11.4 Maintaining of Written Examinations: The instructors of the approved**  
39 **course are required to maintain a copy of the final written examination. Upon**  
40 **completion of the 40-hour PCSOT course instructors are required to administer**  
41 **the examination to those students who qualify for the final examination. Upon**  
42 **completion of the examination the instructors are required to submit the tests to**  
43 **the APA National Office for scoring verifications.**

44  
45 **3.11.5 Recording Requirements: All PCSOT polygraph examinations submitted**  
46 **for quality control are required to be audio/visually recorded in their entirety.**  
47 **When required for quality control purposes these recordings will be made**  
48 **available. All recorded physiological data is required to be retained as part of the**  
49 **examination file as long as required by regulation or law, but for a minimum of**

1 one year.

2

3 **3.11.6 Conflict of Interest: PCSOT examiners who are therapists/treatment**  
4 **providers shall not conduct polygraph examinations on an individual that they**  
5 **directly or indirectly treat or supervise.**

6

7 **3.11.7 PCSOT examiners who are probation or parole officers shall not conduct a**  
8 **polygraph examination on any individual that they directly or indirectly**  
9 **supervise.**

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

12

13 **4.1 Rights of Examinees.**

14

15 **4.1.1 A member shall respect the rights and dignity of all persons to whom**  
16 **they administer polygraph examinations.**

17

18 **4.2 Standards for Rendering Polygraph Decisions.**

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20 **4.2.1 A member shall not render a conclusive diagnosis when the**  
21 **physiological records lack sufficient quality and clarity. This may include, but is**  
22 **not limited to, excessively distorted recordings possibly due to manipulations by**  
23 **the examinee, recordings with insufficient responsivity, or recordings with**  
24 **tracing amplitudes less than that generally accepted by the profession.**

25

26 **4.3 Post-Examination Notification of Results.**

27

28 **4.3.1 A member shall afford each examinee a reasonable opportunity to**  
29 **explain physiological reactions to relevant questions in the recordings. There are**  
30 **three exceptions:**

31

32 **4.3.1.1 When the examinee is represented by an attorney who requests that no**  
33 **post-examination interview be conducted, and that the results of the examination**  
34 **be released only to the attorney.**

35

36 **4.3.1.2 When the examination is being conducted by court order which**  
37 **stipulates that no post-examination interview is to be conducted.**

38

39 **4.3.1.3 Instances of operational necessity.**

40

41 **4.4 Restrictions on Rendering Opinions.**

42

43 **4.4.1 A member shall not provide any report or opinion regarding the medical**  
44 **or psychological condition of the examinee for which the member is not**  
45 **professionally qualified to make. This shall not preclude the examiner from**  
46 **describing the appearance or behavior of the examinee. Polygraph outcome**  
47 **decisions shall be restricted to only those based on polygraph data.**

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49

1     **4.5     Restrictions on Examinations.**

2  
3     **4.5.1   A member shall not conduct a polygraph examination when there is reason**  
4     **to believe the examination is intended to circumvent or defy the law.**

5  
6     **4.6     Fees.**

7  
8     **4.6.1   A member shall not solicit or accept fees, gratuities, or gifts that are**  
9     **intended to influence his or her opinion, decision, or report. No member shall set**  
10    **any fee for polygraph services which is contingent upon the findings or results of**  
11    **such services, nor shall any member change his or her fee as a direct result of his**  
12    **or her opinion or decision subsequent to a polygraph examination.**

13  
14    **4.7     Standards of Reporting.**

15  
16    **4.7.1   A member shall not knowingly submit, or permit employees to submit, a**  
17    **misleading or false polygraph examination report. Each polygraph report shall**  
18    **be a factual, impartial, and objective account of information developed during the**  
19    **examination, and the examiner's professional conclusion based on analysis of the**  
20    **polygraph data.**

21  
22    **4.8     Advertisements.**

23  
24    **4.8.1   A member shall not knowingly make, publish, or cause to be published any**  
25    **false or misleading statements or advertisements relating to the Association or**  
26    **the polygraph profession. No member shall make any false representation as to**  
27    **category of membership in the Association. All advertisements making reference**  
28    **to membership in the Association shall also list the category of membership.**

29  
30    **4.9     Release of Non-relevant Information.**

31  
32    **4.9.1    A member shall not disclose to any person any irrelevant personal**  
33    **information gained during the course of a polygraph examination which has no**  
34    **connection to the relevant issue, and which may embarrass or tend to embarrass**  
35    **the examinee, except where such disclosure is required by law.**

36  
37    **4.10    Restrictions on Examination Issues.**

38  
39    **4.10.1   A member shall not include in any polygraph examination, questions**  
40    **intended to inquire into or develop information on activities, affiliation, or beliefs**  
41    **on religion, politics, or race except where there is relevancy to a specific**  
42    **investigation.**

43  
44    **4.11    APA Oversight Authority.**

45  
46    **4.11.1   A member who administers or attempts to administer any polygraph**  
47    **examination in violation of the Code of Ethics or the Standards of Practice may**  
48    **be subject to investigation, censure, suspension or expulsion from the**  
49    **Association, as provided by Article IV of the APA Constitution.**

1 5. Division V: Membership (**MODIFIED AUGUST 2005**) –  
2 (**DELETED CATEGORY OF INTERN MEMBER & INTERNATIONAL AFFILIATE**)  
3

4 5.1 Full Member.

5  
6 5.1.1 Full members of this Association are those persons who have:

7  
8 5.1.1.1 Graduated from an APA Accredited School.

9  
10 5.1.1.2 Completed not less than two hundred (200) actual polygraph  
11 examinations using a standardized polygraph technique as taught at an APA  
12 Accredited School and hold a current and valid license to practice polygraphy  
13 issued by an state or Federal agency requiring such license.  
14

15 5.1.1.3 Received a Baccalaureate Degree from a college or university  
16 accredited by a regional accreditation board.  
17

18 5.1.1.4 Full Members shall:

19  
20 5.1.1.4.1 Have the right to vote in all matters before the General Membership.

21  
22 5.1.1.4.2 Be eligible to hold any elective office in the Association.  
23

24 5.1.1.4.3 Be eligible to hold any appointed position in the Association or serve as  
25 the Chair of any standing or Ad Hoc Committee, as well as serve as the Chair of  
26 any such committee.  
27

28 5.1.1.4.4 Shall be permitted to cast votes in any election conducted by the  
29 Association.  
30

31 5.1.1.4.5 Shall meet all financial obligations to the Association.  
32

33 5.2 Associate Member.

34  
35 5.2.1 Associate Members of this Association are:

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37 5.2.1.1 Persons who are practicing polygraph examiners and who are  
38 graduates of an APA Accredited Polygraph school, but do not meet the  
39 requirements as Full Member; or,  
40

41 5.2.1.2 Are graduates of any basic polygraph school of at least six weeks in  
42 continuous, full time duration which was in existence on or before 1 August 2001,  
43 and are practicing polygraph examiners; and,  
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45  
46 5.2.1.2.1 Have attended an APA sponsored seminar; and,  
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48 5.2.1.2.2 Have successfully passed an APA administered written examination;  
49 and,

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

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

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

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

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

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

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

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

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

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

5.2.2.7 They have satisfied all financial obligations to the APA.

5.3.3 Associate Members shall:

5.3.3.1 Have the right to vote in all matters before the General Membership, but not hold any elective office in the Association.

- 1 5.3.3.2 Be eligible to hold any appointed position in the Association and Chair  
2 any standing or Ad-Hoc Committee.  
3
- 4 5.3.3.3 Shall not represent themselves as other than Associate Member of the  
5 APA.  
6
- 7 5.4 Life Member  
8
- 9 5.4.1 A Life Member is any member of the Association:  
10
- 11 5.4.1.1 Who has been nominated by another Member of Life Membership,  
12 and;  
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- 14 5.4.1.2 Whose nomination has been approved by a two-thirds (2/3) majority  
15 vote of the Board, and:  
16
- 17 5.4.1.3 Whose nomination has been confirmed by a majority vote of all Voting  
18 Members present at a meeting of the General Membership.  
19
- 20 5.4.2 Life Members shall:  
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- 22 5.4.2.1 Have the right to vote in all matters before the General Membership.  
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- 24 5.4.2.2 Be eligible to hold any elective office in the Association.  
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- 26 5.4.2.3 Be eligible to hold any appointed position in the Association and Chair  
27 any Standing or Ad-Hoc Committee.  
28
- 29 5.4.2.4 Be eligible to serve on any Standing or Ad-Hoc Committee.  
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- 31 5.4.2.5 Be exempt form annual membership dues to the Association.  
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- 33 5.5 Science and Technology Membership.  
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- 35 5.5.1 Science and Technology members are those persons, organizations or  
36 corporations who have a professional or scientific interest in the polygraph  
37 profession through polygraph research or instrumentation.  
38
- 39 5.5.2 Science and Technology members shall:  
40
- 41 5.5.2.1 Not have the right to vote in matters before the General Membership.  
42
- 43 5.5.2.2 Not be eligible to hold any elective office in the Association.  
44
- 45 5.5.2.3 Not be eligible to hold any appointed position in the Association.  
46
- 47 5.5.2.4 Be eligible to serve on any Standing or Ad-Hoc Committee.  
48
- 49 5.5.2.5 Meet all financial obligations to the Association.

1     **5.6     Honorary Member.**

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3     **5.6.1     Honorary Members are those persons who:**

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5     **5.6.1.1     Have made an outstanding contribution to the Association and the**  
6     **polygraph profession, and;**

7  
8     **5.6.1.2     Have been nominated by any Member for Honorary Membership, and;**

9  
10    **5.6.1.3     Whose nomination has been approved by a two-thirds (2/3) majority**  
11    **vote of the Board, and;**

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13    **5.6.1.4     Whose nomination has been confirmed by a majority vote of all Voting**  
14    **Members present at a meeting of the General Membership.**

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16    **5.6.2     Honorary Members shall:**

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18    **5.6.2.1     Not have the right to vote in matters before the General Membership.**

19  
20    **5.6.2.2     Have the right to speak on any issue before the General Membership or**  
21    **the Board of Directors.**

22  
23    **5.6.2.3     Not be eligible to hold any elective office in the Association.**

24  
25    **5.6.2.4     Not be eligible to Chair any Standing or Ad-Hoc Committee.**

26  
27    **5.6.2.5     Be exempt from annual membership dues to the Association.**

28  
29    **5.7     Retired Members.**

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31    **5.7.1     Retired members are those persons who:**

32  
33    **5.7.1.1     Are at least 65 years of age.**

34  
35    **5.7.1.2     Are no longer engaged in profit-making polygraph employment.**

36  
37    **5.7.1.3     Have at least 20 years of membership in the American Polygraph**  
38    **Association.**

39  
40    **5.7.1.4     Have attended a minimum of five (5) American Polygraph Association**  
41    **Annual Seminars.**

42  
43    **5.7.1.5     Whose nomination has been approved by a two-third (2/3) majority**  
44    **vote of the Board, and;**

45  
46    **5.7.1.6     Whose nomination has been confirmed by a majority vote of all Voting**  
47    **Members present at a meeting of the General Membership.**

48  
49

- 1 5.7.2 Retired Members shall:  
2  
3 5.7.2.1 Have the right to vote in all matters before the General Membership.  
4  
5 5.7.2.2 Be eligible to hold any elective office in the Association.  
6  
7 5.7.2.3 Be eligible to hold any appointed position in the Association and Chair  
8 any Standing or Ad-Hoc Committee.  
9  
10 5.7.2.4 Be eligible to serve on any Standing or Ad-Hoc Committee.  
11  
12 5.7.2.5 Be exempt from annual membership dues to the Association.

13  
14 **5.8 Divisional Members.**

15  
16 **5.8.1** Divisional Members are those polygraph organizations or associations  
17 who desire a professional relationship with the American Polygraph Association  
18 and whose members agree to abide by the Code of Ethics and the Standards of  
19 Practice of the Association. An applicant for Divisional Membership shall:

20  
21 **5.8.1.1** File a copy of its Constitution or By-laws with the Board and, if granted  
22 membership, notify the Board of any changes in said documents.

23  
24 **5.8.1.2** Be granted Divisional Membership upon a two-thirds (2/3) majority  
25 vote of the Board.

26  
27 **5.8.2** Divisional Members shall:

28  
29 **5.8.2.1** Be autonomous in all matters, but must be in compliance with the Code  
30 of Ethics and Standards of Practice of this Association.

31  
32 **5.8.2.2** Not represent themselves as other than a Divisional Members of this  
33 Association nor represent that by virtue of their Divisional Membership some or  
34 all of the members therein are members of the American Polygraph Association.  
35 This shall not preclude members of the American Polygraph Association from  
36 belonging to a Divisional Member and representing themselves to be members of  
37 the Association.

38  
39 **5.8.2.3** Maintain separate financial accounts and records from the American  
40 Polygraph Association and not bind the Association to any financial commitment  
41 or responsibility.

42  
43 **5.8.2.4** The Board of Directors may upon a two-thirds (2/3) majority vote,  
44 revoke the Divisional Membership of any such member who:

45  
46 **5.8.2.4.1** Fails to subscribe to or enforce upon its members the American  
47 Polygraph Association Code of Ethics and Standards of Practice.

48  
49

1 5.8.2.4.2 Fails to hold a meeting of its General Membership within a twelve (12)  
2 month period.

3  
4 5.9 General Provisions.

5  
6 5.9.1 Subject to the terms and conditions of this Article, membership in the  
7 Association shall be terminated upon the conviction of any member, other than a  
8 Divisional Member, of any felony crime or any crime of moral turpitude.  
9 Conviction, for the purpose of this section, shall mean the judgment of any court  
10 of competent jurisdiction, local, state or federal and shall include a plea of "no  
11 contest" to a crime amounting to a felony or when included as a lesser offense or  
12 when included as a condition of probation. Such termination of membership  
13 shall be automatic and without action by the Grievance Committee or the Board.

14  
15 5.9.2 Any Member, other than a Divisional Member, who has been formally  
16 charged in any court of competent jurisdiction on a charge amounting to a felony  
17 crime or any crime of moral turpitude shall, within thirty (30) days of such  
18 arraignment, notify the Chairperson of the Grievance Committee of such  
19 arraignment. Notification shall be in writing and shall include the nature of the  
20 charge, the name and address of the court where the member was arraigned, the  
21 date of the arraignment and the case or docket number assigned by the court.

22  
23 5.9.2.1 The membership of any Member who fails to comply with the  
24 provisions of this sub-section shall be suspended without action by the Grievance  
25 Committee or Board. Said suspension shall be effective on the thirty-first (31st)  
26 day after being formally charged and shall continue until the member complies  
27 with the requirements of this sub-section.

28  
29 5.9.3 The membership of any Member, other than a Divisional Member, who  
30 resigns from this Association shall be reinstated upon approval of the  
31 Membership Committee or the Board; provided, the member:

32  
33 5.9.3.1 Qualifies for the class of membership to which he or she qualified at  
34 the time of resignation.

35  
36 5.9.3.2 Meets all financial obligations to the Association for the year in which  
37 the reinstatement is sought.

38  
39 5.9.3.3 Was not the subject of investigation by the Grievance Committee or  
40 failed to meet his or her financial obligations to the Association at the time of his  
41 or her resignation.

42  
43 5.9.4 Any applicant pending Board approval of membership or Associate  
44 Member who is in the process of upgrading to Full Member will not be eligible for  
45 further membership processing unless their current grievance investigation is  
46 deemed unfounded and closed.

1       **6.       Division VI: Directors**

2  
3       **6.1       Directors of the Association shall perform such duties as assigned by the**  
4       **President or Board of Directors.**

5  
6       **7.       Division VII: Officers**

7  
8       **7.1       The President shall:**

9  
10      **7.1.1    Preside over all meetings of the General Membership.**

11  
12      **7.1.2    In the absence of the Chairperson of the Board, preside over all meetings**  
13      **of the Board of Directors.**

14  
15      **7.1.3    Have general supervision over the affairs and administration of the**  
16      **Association and of the duties of those appointed to office.**

17  
18      **7.1.4    Perform such duties as the Board may assign and represent this**  
19      **Association at all official functions.**

20  
21      **7.1.5    Appoint the general Chairpersons of all Standing or Ad-Hoc Committees.**

22  
23      **7.1.6    Perform other duties as assigned by the Board.**

24  
25      **7.2       The Vice-Presidents shall:**

26  
27      **7.2.1    Represent the interest of all APA members, especially focusing on the**  
28      **segment of their representation, Government, Private, Law Enforcement.**

29  
30      **7.2.2    Perform other duties as assigned by the Board.**

31  
32      **7.3       The Secretary shall:**

33  
34      **7.3.1    In conjunction with the National Office Manager, serving as appointed**  
35      **Assistant Secretary, be responsible for recording and retaining the official**  
36      **minutes, resolutions, and proceedings of the Association derived from business**  
37      **meetings of the general membership, the Board of Directors, or other meetings as**  
38      **may be required for the effective and orderly transaction of the Association's**  
39      **business.**

40  
41      **7.3.2    Distribute official notices, correspondence and other materials and record**  
42      **policy and procedures established during Board of Directors Meetings.**

43  
44      **7.3.3    Perform other duties as assigned by the President or the Board.**

45  
46      **7.4       The Treasurer shall:**

47  
48      **7.4.1    Be the primary custodian of all funds and securities, of whatever nature,**  
49      **which are the property of the Association and shall provide copies thereof to the**

1 National Office Manager.

2  
3 7.4.2 Maintain complete and accurate records of all financial transactions  
4 related to the Association.

5  
6 7.4.3 Be authorized, and by virtue of these By-laws is authorized, to act in all  
7 financial matters wherein an authorized signature is required on behalf of this  
8 Association. In the absence or disability of the Treasurer, the President may act  
9 for him.

10  
11 7.4.4 Select an independent Certified Public Accountant, approved by the  
12 Board of Directors, to perform a certified annual audit of the Association's  
13 records and financial transactions and report the results to the membership at  
14 the Annual Business meeting.

15  
16 7.4.5 Publish or cause to be published a Statement of Assets and Liabilities  
17 as well as a Statement of Income and Expenses of the Association on a monthly  
18 basis and mail to each member of the Board of Directors. Such statements shall  
19 be available for review by any Voting Member upon demand. Such information is  
20 deemed proprietary to the APA and shall be treated as confidential and any  
21 dissemination to anyone other than the requester is prohibited and unlawful.

22  
23 7.4.6 Collect all dues authorized by the General Membership and all  
24 assessments levied by the Board. Dues are due on or before 31 March each year.  
25 Any member who fails to meet financial obligations to the Association shall be  
26 suspended without action of the Board until the next meeting of the Board of  
27 Directors at which time they may continue the suspension or terminate the  
28 membership.

29  
30 7.4.7 Provide a bond in an amount deemed appropriate by the Board of  
31 Directors. The bond shall be payable to the American Polygraph Association.  
32 The premium shall be paid by the Association.

33  
34 7.4.8 Assisted by the National Office Manager, be responsible for preparing  
35 or supervising such tax and other official documents as may be required by law;  
36 proposing or supplying such other budget or financial reports as the Board may  
37 direct.

38  
39 7.4.9 Compile and present a budget to the incoming APA Board of Directors  
40 subsequent to the General Membership meeting.

41  
42 7.4.10 Perform other duties as assigned by the Board.

43  
44 8. Division VIII: Ex-Officio Members of the Board of Directors

45  
46 8.1 The Executive Director shall:

47  
48 8.1.1 Be appointed, as needed.

49

- 1     **8.1.2**     Represent the interests of the Association to the public.
- 2
- 3     **8.1.3**     Be the Executive Officer in charge of APA affairs under direction of the
- 4     President.
- 5
- 6     **8.1.4**     Be the Chief Executive Officer of all Divisions of the American
- 7     Polygraph Association.
- 8
- 9     **8.1.5**     Be responsible for authoritative statements of APA policy in
- 10    cooperation with the Chairperson of the Public Relations and Information
- 11    Committee.
- 12
- 13    **8.1.6**     Perform other duties as assigned by the President.
- 14
- 15    **8.2**     The General Counsel shall:
- 16
- 17    **8.2.1**     Advise the Board on all legal matters which may come before it and
- 18    may represent the Association in all litigation.
- 19
- 20    **8.2.2**     Provide advice to the Board of Directors on policies and decisions
- 21    under consideration by the Board of Directors.
- 22
- 23    **8.2.3**     Perform other duties as assigned by the President.
- 24
- 25    **8.3**     The Editor In Chief shall:
- 26
- 27    **8.3.1**     Publish or cause to be published any and all publications, newsletters,
- 28    journals or other documents authorized and directed by the Board.
- 29
- 30    **8.3.2**     Distribute or cause to be distributed any and all publications,
- 31    newsletters, journals or other documents authorized and directed by the Board.
- 32
- 33    **8.3.3**     Shall recommend to the President for approval and appointment, the
- 34    names of other editorial and/or staff members. The Editor shall maintain
- 35    financial and other records as may be required by the Board of Directors.
- 36
- 37    **8.3.4**     Perform other duties as assigned by the President.
- 38
- 39    **8.4**     The National Office Manager shall:
- 40
- 41    **8.4.1**     Manage the National office in support of APA members under the
- 42    direct supervision of the President and the members of the Board of Directors.
- 43
- 44    **8.4.2**     Be the primary custodian of all records, of whatever nature, which are
- 45    the property of the American Polygraph Association.
- 46
- 47    **8.4.3**     Perform other duties as assigned by the President and the Board of
- 48    Directors.
- 49

1       **9.       Division IX: Standing Committees**

2  
3       **9.1       Standing Committees shall consist of a Chairperson appointed by the**  
4       **General Chair and not less than three, whose total number shall be determined**  
5       **by the General Chair dependant on the needs of the Committee.**

6  
7       **9.1.1       The Ethics and Grievance Committee**

8  
9       **9.1.1.1     The Ethics and Grievance Committee receives and expeditiously, fairly,**  
10       **and impartially investigates all allegations of misconduct against members of the**  
11       **Association. An ethics or grievance investigation shall be initiated by filing a**  
12       **complaint. All complaints shall be in writing, signed by the complainant, and**  
13       **submitted to the APA National Office. The Committee shall not consider,**  
14       **investigate, nor act upon any allegation that does not meet these criteria.**

15  
16       **9.1.1.2     Upon receipt of the complaint, the General Chair of the Committee**  
17       **shall determine whether the complaint sets out an allegation of an ethical**  
18       **violation. If the General Chair determines that the complaint sets out an**  
19       **allegation of an ethical violation, the General Chair shall forward the complaint to**  
20       **the accused member requesting a written response to the complaint along with a**  
21       **request for any other documentation deemed necessary for investigation of the**  
22       **complaint. The accused member shall have thirty (30) days, or such longer time**  
23       **as granted by the General Chair, from the receipt of the complaint to respond, in**  
24       **writing, to the General Chair. Failure to provide requested information to the**  
25       **Ethics & Grievance Committee shall be grounds for the Ethics and Grievance**  
26       **Committee General Chair to seek suspension of the accused member by the**  
27       **Board of Directors. Continued failure to provide the requested information shall**  
28       **be grounds for additional sanctions, up to and including termination of**  
29       **membership. Upon receipt of the written response, the General Chair shall, along**  
30       **with any investigation deemed necessary, determine if the complaint is without**  
31       **merit and should be dismissed or whether disciplinary proceedings should be**  
32       **initiated.**

33  
34       **The General Chair shall notify, in writing, the complainant and the accused**  
35       **member of the decision of whether to initiate a disciplinary proceeding.**

36  
37       **9.1.1.3     If a disciplinary proceeding is initiated, the accused member shall have**  
38       **thirty (30) days from the date of notification by the General Chair to request a**  
39       **hearing. Such request shall be in writing and addressed to the General Chair.**  
40       **The hearing is to provide the accused member of an opportunity to present any**  
41       **additional evidence or argument in response to the grievance complaint. The**  
42       **General Chair shall, after receipt of the accused member's request for a hearing,**  
43       **appoint a hearing officer from a list of hearing officers, which have been**  
44       **nominated and approved by the Board of Directors, to conduct the hearing in the**  
45       **state, province, or country of the accused member. This hearing may be**  
46       **accomplished by telephone, videoconference or in person. The investigating**  
47       **Committee member shall provide at least ten (10) days written notice to the**  
48       **accused member of the time, place, and date of the hearing. The accused**  
49       **member shall have the right to legal counsel or other advocate and may call**

1 witnesses to provide evidence on his or her behalf. The appointed hearing officer  
2 may examine witnesses called by the accused member and may call other  
3 witnesses as deemed necessary.  
4

5 **9.1.1.4** Upon consideration of the evidence and testimony, within ten (10)  
6 days, or such longer time as granted by the General Chair, the hearing officer  
7 shall submit his or her findings to the Ethics & Grievance Committee who will  
8 make a determination of whether the grievance is founded or unfounded. The  
9 General Chair shall be governed by a majority vote of the Committee and shall  
10 notify the accused member, in writing, of its findings and recommendations.  
11

12 **9.1.1.5** If disciplinary action is recommended, the General Chair or the  
13 appointed hearing officer shall present the evidence, findings, and  
14 recommendations to the Board of Directors. The accused member may appear or  
15 submit in writing to the Board of Directors, on such conditions as determined by  
16 the Board of Directors, only mitigating or extenuating matters that may effect the  
17 Board of Directors decision concerning types of disciplinary actions to be  
18 imposed. The Board of Directors shall by majority vote determine whether, and  
19 the nature of, disciplinary action to be taken against the member. The Board of  
20 Directors may publicly or privately censure, suspend, or terminate membership  
21 in the Association or take such other actions as deemed appropriate. The General  
22 Chair shall notify the accused member, in writing, of the Board's determination.  
23 The General Chair shall advise the complainant of whether disciplinary action  
24 was taken.  
25

26 **9.1.1.6** If the accused member fails to request a hearing or fails to appear at a  
27 hearing subsequent to a request for such, the General Chair shall appoint a  
28 member of the Committee to proceed with an investigation as he or she deems  
29 necessary to make findings and recommendations. The appointed Committee  
30 member shall submit his or her findings and recommendations to the General  
31 Chair for submission to the full Committee for review and comment. The  
32 Committee shall determine whether to accept, reject or modify the findings and  
33 recommendations. The General Chair or his appointed representative shall  
34 notify the accused member, in writing of its findings and recommendations. If  
35 disciplinary action is recommended, the General Chair or his or her appointed  
36 Committee representative shall present the matter to the Board of Directors as  
37 set out in 9.1.5 above.  
38

39 **9.1.1.7** Except as otherwise contemplated by the Constitution and By-laws,  
40 information obtained by the Grievance Committee is considered confidential and  
41 should not be released outside the Committee or Board of Directors.  
42

43 **9.1.1.8** If an ethics or grievance complaint is filed by or against a member of  
44 the Ethics and Grievance Committee or a member of the Board of Directors, that  
45 member shall recuse himself or herself from investigation or consideration of the  
46 complaint.  
47

48 **9.1.1.9** The Ethics and Grievance Committee performs other duties as assigned  
49 by the President of the Board of Directors.

1 **9.1.2 The Legislative Committee:**

2  
3 **9.1.2.1** Represents the interests of the Association in all matters relating to  
4 legislation, proposed or enacted, at the federal, state or local level, which affect or  
5 may affect the Association or the members thereof.

6  
7 **9.1.2.2** When appropriate, recommends to the Board any changes in the  
8 Standards and Principles of Practice necessitated by changes in law or the effects  
9 of law.

10  
11 **9.1.2.3** Performs other duties as assigned by the President and the Board of  
12 Directors.

13  
14 **9.1.3 The Membership Committee:**

15  
16 **9.1.3.1** Examines the qualifications of applicants for membership, publishes  
17 the names of all applicants for membership at least thirty (30) days prior to the  
18 submission of their names to the Board and sends to the Board the names of all  
19 those whom the Committee finds meet the qualifications for the class of  
20 membership requested.

21  
22 **9.1.3.2** Performs other duties as assigned by the President and the Board of  
23 Directors.

24  
25 **9.1.4 The Seminar Committee:**

26  
27 **9.1.4.1** Is responsible for the training and education components of that  
28 meeting of the General Membership designated as the annual seminar.

29  
30 **9.1.4.2** Performs other duties as assigned by the President and the Board of  
31 Directors.

32  
33 **9.1.5 Research and Development Committee:**

34  
35 **9.1.5.1** Investigates those areas of science and technology which impact the  
36 validity, reliability and use of the polygraph technique and reports the findings of  
37 said investigations to the Board and the General Membership as appropriate.

38  
39 **9.1.5.2** Performs other duties as assigned by the President and the Board of  
40 Directors.

41  
42 **9.1.6 Educational Accreditation Committee:**

43  
44 **9.1.6.1** Has the authority and responsibility to establish and promulgate  
45 criteria for evaluation and accreditation of programs and institutions engaged in  
46 any course of study within any private, public, or federal educational or training  
47 institution which purports to offer instruction in, or the teaching of, the theory or  
48 practice of detecting deception or verifying truth of statements through the use of  
49 any polygraph techniques or instrumentation. The criteria are under continuing

1 review and changes are made as appropriate and as required.

2  
3 **9.1.6.2** Uses the accreditation process to enhance the instruction and learning  
4 experience of those seeking to be polygraph professionals.

5  
6 **9.1.6.3** Performs other duties as assigned by the President and the Board of  
7 Directors.

8  
9 **9.1.7** Public Relations and Information Committee:

10  
11 **9.1.7.1** Develops written, visual and auditory materials for dissemination of  
12 positive and educational information about the polygraph profession.

13  
14 **9.1.7.2** Establishes public relations programs to promote the best interest of  
15 the polygraph profession.

16  
17 **9.1.7.3** Answers media inquiries regarding polygraph matters.

18  
19 **9.1.7.4** Performs other duties as assigned by the President and Board of  
20 Directors.

21  
22 **9.1.8** Continuing Education Committee:

23  
24 **9.1.8.1** Offers educational seminars for American Polygraph Association  
25 members at various regional locations.

26  
27 **9.1.8.2** Provides training and information on technological advances in the  
28 polygraph profession.

29  
30 **9.1.8.3** Performs other duties as assigned by the President and the Board of  
31 Directors.

32  
33 **9.1.9** Budget Committee

34  
35 **9.1.9.1** Is chaired by the Treasurer

36  
37 **9.1.9.2** By May 1 each year, provides an estimated budget of income and  
38 expenses for the American Polygraph Association to the Board of Directors.

39  
40 **9.1.9.3** Monitors the budget and provides such information to the Board of  
41 Directors.

42  
43 **9.1.9.4** Performs other duties as assigned by the President and the Board of  
44 Directors.

45  
46 **9.1.10** Awards Committee:

47  
48 **9.1.10.1** Identifies those persons who through their unselfish and  
49 extraordinary efforts promote and advance the best interests of the polygraph

1 profession.

2  
3 9.1.10.2 The following are current Awards offered by the American  
4 Polygraph Association:

5  
6 9.1.10.2.1 William L. and Robbie S. Bennett Memorial Award: For unrelenting  
7 efforts and display of ability in the interest of the American Polygraph  
8 Association.

9  
10 9.1.10.2.2 Al & Dorothea Clinchard Award: For extended, distinguished,  
11 devoted and unselfish service in behalf of the American Polygraph Association  
12 membership.

13  
14 9.1.10.2.3 Cleve Backster Award: Honoring an individual or group that  
15 advances the polygraph profession through tireless dedication to standardization  
16 of polygraph principles and practices (January 28, 2006).

17  
18 9.1.10.2.4 Leonarde Keeler Award: For long and distinguished service to the  
19 American Polygraph Association.

20  
21 9.1.10.2.5 David L. Motsinger Horizon Award: In recognition of a new shining  
22 star in the profession or association who early in their career demonstrates  
23 loyalty, professionalism and dedication to the polygraph profession (less than 10  
24 years) (January 28, 2006).

25  
26 9.1.10.2.6 John E. Reid Award: For achievement in research teaching and  
27 writing of the polygraph profession.

28  
29 9.1.10.2.7 President's Award: Given at the discretion of the President.

30  
31 9.1.10.2.8 Merit and Service award certificates.

32  
33 9.1.10.3 Perform other duties as assigned by the President and the Board of  
34 Directors.

35  
36 10 Division X: Ratification

37  
38 10.1 These By-Laws shall take effect at the time the Constitution of the  
39 American Polygraph Association is ratified and shall supersede all other By-Laws  
40 then in effect.