

**AMERICAN BOARD OF CRIMINALISTICS  
BY-LAWS**

**ARTICLE I: ORGANIZATION**

**SECTION 1. GENERAL.**

A. Name. The name of this organization shall be the American Board of Criminalistics, Inc., also know as ABC, hereinafter referred to as the Corporation.

B. Definition. For the purposes of this organization, criminalistics is defined as that profession and scientific discipline directed to the recognition, identification, individualization, and evaluation of physical evidence by application of the physical and natural sciences to law-science matters.

C. Purposes. The purposes of the Corporation, in the public interest, shall be:

1. To establish professional acceptable levels of knowledge, skills, and abilities for the practice of the science of criminalistics.
2. To define a mechanism to achieve professional levels of knowledge, skills and abilities.
3. To promote growth within the profession of criminalistics.
4. To encourage and promote adherence to high standards of ethics, conduct, and professional practice in criminalistics.
5. To grant and issue certificates, and/or recognition, in cognizance of special qualifications in criminalistics to voluntary applicants who conform to the standards established by the Corporation and who have established their fitness and competence therefore.
6. To cooperate with the several branches of federal and state governments and appropriate governmental and private agencies and organizations, and to secure general recognition and acceptance of certification by the American Board of Criminalistics, Inc.
7. To maintain and furnish to interested persons lists of individuals who have been granted certificates by the Corporation. Individuals who have been granted certificates by the Corporation shall hereinafter be referred to as Certificate Holders.
8. To engage in any activities, not prohibited by law or these by-laws, which may contribute to the above purposes or which promote the objectives and purposes enumerated in these by-laws.

- D. Incorporation. Shall maintain incorporation in the State of New York; offices may be maintained within or without the State.
- E. Seal and Insignia. The Corporation shall have a corporate seal, and may have other devices and insignia, of such design as the Board of Directors adopt.
- F. By-laws Provisions. May contain any provisions for the regulation and management of the affairs of the Corporation not inconsistent with the Statutes or the Articles of Incorporation.
- G. Parliamentary Authority. Shall be Robert's Rules of Order, Newly Revised, latest edition available unless otherwise provided in the Articles of Incorporation or by-laws, for all meetings of the Corporation, Board of Directors, or committees. Any question as to priority of business shall be decided by the chair without debate.
- H. Dissolution. Should the Corporation be dissolved, the Board of Directors shall dispose of any assets remaining after all existing liabilities have been paid. Such assets shall be distributed in accordance with the Articles of Incorporation.

## **SECTION 2. NOTICES.**

- A. Meeting Notices. For a meeting of the Board of Directors or the Corporation, notification shall be made at least 60 days prior to the meeting. The President or a majority of the Directors can call a special meeting upon 30 days notice. Notice of any special meeting shall include the purpose(s) of the meeting.
- B. Waiver of Notice. Whenever any notice of a meeting is required under these by-laws, a waiver thereof, in writing, signed by the person or persons entitled to such notice, whether before or after the time slated therein, shall be deemed equivalent to the giving of such notice. Further, attendance of any Member at any meeting shall constitute a waiver of notice of such meeting, except where a Member attends the meeting for the express purpose of objecting to the meeting.
- C. Delivery. All items shall be sent to the person to be notified at the physical mailing or electronic address shown in the records of the Corporation. Responsibility for notifying the Corporation Secretary of any change of address rests with the individual. Notice to the Membership Director (representative of record) is considered notice to the Member. It is the responsibility of the Member Organization to notify the Corporation Secretary of any changes in the representative of record.

## **SECTION 3. INDEMNIFICATION AND SURETY.**

- A. Indemnification. The Corporation shall indemnify any person made a part to an action, suit, or proceeding, by reason of the fact that such person, or such person's testator or intestate, is or was a Director, Officer, or employee of the Corporation, or of any

corporation which such person serves as such at the request of the Corporation, against the reasonable expenses, including attorneys' fees actually and necessarily incurred by such person in connection with the defense of such action, suit, or proceeding, or in connection with any appeal therein, except in relation to matters as to which it shall be adjudged in such action, suit, or proceeding that there was negligence or misconduct in the performance of such person's duties. The Corporation may also reimburse to any such Director, Officer, or employee the reasonable costs of settlement of any such action, suit, or proceeding, it shall be found by a majority of a committee composed of the Directors not involved in the matter in controversy (whether or not a quorum) that it was in the interests of the Corporation that such settlement be made and that such Director, Officer, or employee was not guilty of negligence or misconduct. Such rights of indemnification and reimbursement shall not be deemed exclusive of any other rights to which such Director, Officer, or employee may be entitled apart from the provisions of this section.

B. Surety. The Board of Directors may, in their discretion, procure or cause to be procured, at the Corporation's expense, appropriate liability insurance coverage for the Board of Directors's Officers, Directors, agents and employees.

C. Fidelity Bonds. The Treasurer of the Board of Directors and such other Officers, Directors, agents, and employees as the Board of Directors may determine, may be required to furnish, at the expense of the Corporation, an appropriate fidelity bond approved by the Board of Directors, in such sum as the Board of Directors shall prescribe.

## **ARTICLE II: MEMBERSHIP**

### **SECTION 1. QUALIFICATIONS AND PROCEDURE.**

A. Qualifications. Membership in the Corporation shall be limited to professional organizations that are considered representative of a substantial number of individuals who practice in the field of criminalistics within a given geographical area; or such professional organization that is considered to represent a substantial number of those individuals who practice within a specific field or fields of criminalistics.

B. Procedure.

1. Any organization meeting the qualifications for a Member Organization may apply for membership in the Corporation.
2. The Member Organizations of the Corporation may, by two-thirds (2/3) majority, vote to accept into full membership any applicant meeting the qualifications.

## **SECTION 2. MAINTENANCE OR TERMINATION.**

- A. Maintenance. It is the responsibility of all Member Organizations to notify the Corporation Secretary in writing of all changes in name, address, and phone number of the representative of record as soon as they occur.
- B. Termination. The Member Organizations of the Corporation may remove any Member Organization from the Corporation for cause by unanimous vote by the non-charged Member-Organizations. Failure to pay membership dues as prescribed is to be considered sufficient cause. A Member Organization may resign by submitting written notice to the Corporation Secretary.
- C. Reinstatement. Any Member Organization whose membership is terminated either for cause or resignation may reapply, but the application shall be treated as a new request.

## **SECTION 3. MEETINGS.**

- A. Number, Date, and Location. There shall be at least one meeting of the Corporation per year in February with the time and location to be selected by the Board of Directors. The Board of Directors may hold additional meetings on reasonable notice upon the call of the President or upon the written request of a majority of the Directors.
- B. Quorum. A majority of the Directors eligible to vote (whether present or not) shall constitute a quorum for the conducting of business. In the event less than this number is present at a meeting, the Chairperson may adjourn the meeting until a quorum is present.
- C. Voting at Meetings. Unless otherwise stated herein, an affirmative vote by the Board of Directors shall be based on the number of Directors present and voting, provided there is a quorum. A majority or greater proportion in voting shall mean of votes cast as long as such is equal or greater than a quorum as determined in Articles 600 and 700 of the New York State Not-for-Profit-Law.
- D. Manner of Acting. Any action required to be, or any other action which may be, taken at a meeting of the Corporation may be taken without a meeting as follows:
1. Business of the Board of Directors may be conducted by mail, electronic mail, by conference, or by conference call, when authorized by all Directors in office.
  2. When such business conducted by mail, electronic mail or conference call requires a vote of the Board of Directors, a majority affirmative vote of all Directors shall be required to carry a motion.
  3. Business of the Board of Directors carried on by conference or by standing or special committee or the Board of Directors shall be conducted in such manner as the Board of Directors may direct, or in the absence of such Directions as the committees may

elect in accordance with the general spirit of these by-laws and the requirements of the Articles of Incorporation.

- E. Open Meetings. All Board of Directors meetings shall be open (when reasonable and practical)-The President shall allow and, in fact, should solicit such attendees to reasonably express the views of their organizations on issues of interest to the Board of Directors. Such attendees shall not have the power to vote.

### **ARTICLE III: MANAGEMENT**

#### **SECTION 1. GENERAL.**

- A. General Powers. The affairs of the Corporation shall be managed by the Board of Directors. To facilitate operations of the Corporation, the Board of Directors may issue and/or change Policies and Procedures governing the actions of the Corporation or individuals acting on behalf of the Corporation. Such rules shall not be in conflict with the Statutes, the Articles of Incorporation, or these By-Laws.
- B. Contracts. The Board of Directors may authorize by vote any Officer(s) or agent(s) of the Corporation to enter into any contract or execute and deliver any instrument in the name of the Corporation. Such authority may be general or confined to specific instances.
- C. Records. The Corporation shall keep correct and complete books and records of account and also keep minutes of the proceedings of meetings of the Corporation, Board of Directors, and committees having any of the authority of the Board of Directors. The Corporation shall keep a record of the names and addresses of Directors at the registered or principal office. All books and records of the Corporation may be inspected by any Director or the Director's agent or attorney for any proper purposes at any reasonable time.
- D. Public Statements. No Officer, Director, employee or representative of the Corporation may make statements on behalf of the Corporation without the approval of the Board of Directors.

#### **SECTION 2. FISCAL.**

- A. Fiscal Year. Shall be January 1 through December 31.
- B. Dues and Fees. The Corporation may require annual dues payable to the Corporation by Member Organizations.
- C. Income. The income of the Corporation shall be derived from application fees and other fees and charges, from gifts and contributions, and from such other sources and activities

as may be approved by the Board of Directors. All monies accruing to the Corporation shall be collected by such person(s) as the Board of Directors may designate.

D. Compensation and Reimbursements. No Member of the Board of Directors shall be paid any salary or fee for services as a Director or an Officer.

1. Subject to prior Board of Directors approval, a Director or an Officer may be reimbursed for actual and necessary expenses incurred in attending meetings of the Board of Directors or in performing other services, duties, or functions on behalf of the Board of Directors.
2. The Board of Directors shall determine the compensation and reimbursements to be paid to parties other than Officers and Directors of the Board of Directors, for services performed or for activities carried out on behalf of the Board of Directors.

E. Audits. Following each fiscal year, an audit of the Corporation's books shall be conducted and a report made to the Board of Directors.

### **SECTION 3. BOARD OF DIRECTORS.**

A. Board of Directors. The governing body of the Corporation shall be a Board of Directors, which shall be empowered to have, hold, control, manage, and administer all of the property, funds, business, affairs, and operations for the Corporation pursuant to its Articles of Incorporation, with authority to do everything necessary and desirable in the conduct of affairs and business of the Corporation and in accordance with Statutes, the Policies and Procedures, and these By-Laws.

All Directors are expected to adhere to the Corporation's code of ethics in their professional conduct. Additionally, when acting for the Corporation, Directors are expected to follow the By-Laws.

B. Composition. Members of the Board of Directors shall hereinafter be called Directors. The Board of Directors shall consist of two (2) classes of Directors and one class of Representative.

1. **Membership Directors.** The Corporation shall have one (1) Membership Director position for each Member Organization.
2. **At-Large Directors.** The Corporation may have three (3) Director positions to serve as At-Large Directors.
3. **Public Representative.** The Corporation may have one (1) position to serve as a Public Representative.

C. Election of Membership Directors.

1. Procedure. Each Member Organization shall recommend a candidate or candidates from its ranks to be its representative of record and who shall exercise the Member Organization's voting rights and represent the Member Organization at meetings as a Membership Director. The person(s) recommended must be a Certificate Holder of the Corporation. It is the responsibility of the Member Organization to work in conjunction with the Corporation to ensure the best fit-for-purpose representative is selected. The Member Organization shall notify the Corporation in writing of its representative. The representative of record for each Member Organization shall be referred to as a Membership Director.
2. Vacancy. A vacancy in the office of a Membership Director shall be filled by the Member Organization.

D. Election of At-Large Directors.

1. Procedure. Each At-Large Director shall be elected by the Membership Directors at the annual meeting. Prior to the annual meeting of the Board of Directors, the President or designee shall solicit nominations from qualified organizations to fill eligible vacancies on the Board of Directors and supply such nominations to the Membership Directors at least 30 days prior to the membership meeting where such election will be held. Except for the initial Board of Directors, every person elected as an At-Large Director shall be a Certificate Holder of this Corporation. Any Certificate Holder of the Corporation may be elected as an At-Large Director of the Board of Directors whenever an eligible vacancy exists.
2. Vacancy. When the Board determines that the vacancy needs to be filled, a vote shall be conducted as soon as practical. A vacancy in the office of an At-Large Director shall be filled by a vote of the Membership Directors only. Such an election may be conducted by mail. The elected At-Large Director shall serve for the unexpired term of office.

E. Election of Public Representative.

1. Procedure. When the Board determines that the vacancy of Public Representative needs to be filled, a vote shall be held by the Membership Directors at the annual meeting. Prior to the annual meeting of the Board of Directors, the Board shall solicit nominations to fill an eligible vacancy on the Board and supply such nominations to the Membership Directors at least 30 days prior to the membership meeting where such an election will be held. The Public Representative shall not be eligible for certification by the ABC.
2. Vacancy. A vacancy in the office of the Public Representative shall be filled by a vote of the Membership Directors only. Such vote shall be conducted as soon as practical after the Board has determined the vacancy needs to be filled. The elected

Public Representative shall serve for the unexpired term of office. Such an election may be conducted by mail.

F. Term of Office for Directors.

1. The term of office for Membership Directors shall be one (1) year as defined by the ABC Certificate of Incorporation.
2. The term of office for Membership Directors shall begin immediately after the February membership meeting. The term shall expire at the end of the next February membership meeting. Vacancies filled mid-year shall expire at the end of the next February membership meeting.
3. The maximum number of consecutive terms any individual Membership Director may serve shall be 10 terms.
4. The recommended minimum number of consecutive terms for Membership Directors is two (2) terms.
5. The term of office for At-Large Directors and Public Representatives shall be three (3) years with the exception of the initial terms of office, which shall be determined to stagger the terms of the At-Large Directors. The maximum number of terms any At-Large Director or Public Representative shall not exceed three (3) consecutive terms.
6. After an At-Large Director or Public Representative leaves the Board upon reaching the maximum number of terms, the individual may return to the Board after a 1-year absence.
7. After a Director or Representative leaves, the Board upon reaching the maximum number of consecutive terms, the individual may return to the Board after a 1-year absence.
8. The maximum number of years any Director or Representative may serve is 15 years.
9. Prior service as one class of Director shall not bar election to a different class of Director, with the exception of the Public Representative. No one who has served as either a Membership Director or as an At-Large Director may qualify to serve as the Public Representative.
10. If three or more of the Directors will be leaving the Board due to term limits or resignation, the Board may define a transition plan, which may extend the number of terms of one or more Directors. This extension shall not extend the maximum number of terms any Director may serve.

G Voting Privileges. Unless otherwise specified in these by-laws, all Directors shall have an equal vote.

Any Director may provide their absentee vote to the Secretary to exercise the Director's vote on agenda items at any meeting of the Corporation. The Director may cast his/her vote via electronic means.

Any Director may designate another Director as a proxy. A written designation may restrict or qualify the exercise of the proxy vote in accordance with the Director's wishes.

H. Duties and Functions of the Directors. The duties and functions of the Board of Directors shall be as follows:

1. The Board of Directors shall exercise control over the affairs and operations of the Corporation.
2. The Board of Directors shall be charged with the responsibility of carrying out the purposes of the organization in accordance with the Articles of Incorporation and these By-Laws. All actions and standards shall not be discriminatory and shall apply on an equal basis to all persons applying for certification.
3. Duties may be assigned to any Director either by the President or by action of the Board of Directors.
4. The Board of Directors may designate qualified persons (who need not be Directors) or organizations to act on behalf of the Board of Directors. Such persons or organizations shall perform duties and functions as determined by the Board of Directors. Such persons and organizations may be compensated for their services and reimbursed for the actual and necessary expenses incurred in the discharge of such duties and functions, and shall serve at the pleasure of the Board of Directors.

I. Removal of a Director. Any Director may be removed for cause by a two-thirds (2/3) vote of the Directors.

#### **SECTION 4. OFFICERS AND THEIR DUTIES.**

A. General. The Officers of the Board of Directors shall be the Officers of the Corporation and shall serve in the same respective capacities.

B. Officers and Their Duties. The functions and duties of the Officers shall include those outlined in these by-laws; and shall be such as usually and customarily pertain to their respective offices. Other duties may be assigned to any Officer either by the President or by action of the Board of Directors.

1. **President.** Preside at Corporation and Board of Directors meetings; conduct the business of the Corporation.
2. **Vice President.** Fulfills the President's duties should the President be absent, leave office, or become incapacitated. The Vice-President shall fill a vacancy in the office of President occurring during his/her term of office as Vice-President.
3. **Secretary.** Record the minutes of Corporation and Board of Directors meetings, maintain the Corporation's records, and maintain a list of Directors. In the absence of a Secretary from a Corporation or Board of Directors meeting, the presiding Officer shall appoint a temporary Secretary.

4. Treasurer. Keep Corporation financial records and manage and safeguard its funds.

C. Election of Officers. The Officers of the Board of Directors shall be elected at the annual Board of Directors meeting. The election shall be by ballot. Those elected shall be determined by a majority vote of the Directors.

1. Qualifications. Officers of the Board of Directors shall be Directors of the Board of Directors.
2. Vacancies. Elected by the Board of Directors for the unexpired term unless otherwise specified in these by-laws. Such election may be conducted by mail ballot.

D. Tenure. The Officers shall take office immediately following the close of the meeting at which they are elected and shall hold office for one (1) year, or until his/her successor has been duly elected and qualified. The term limit for President, Vice-President and Secretary should be 3 years for any individual Director. The term limit for Treasurer should be 5 years for any individual Director. Organizational need may dictate that a Director may serve additional terms as an officer.

## **SECTION 5. COMMITTEES.**

A. General. The Board of Directors may, by resolution adopted by a majority of the Directors in office, designate and establish, and determine the scope of authority, functions, and duties of, such standing and special committees as it deems necessary. The President shall be an ex-officio member of all committees.

B. Appointment. Unless specifically designated otherwise in these By-Laws, all Members and Chairpersons of each committee shall be appointed by the President. Such appointments may be overturned by two-thirds (2/3) vote of the Board of Directors.

C. Authority. Every committee may, unless otherwise provided in these By-Laws, exercise the authority of the Board of Directors in the manner and to the extent provided for in the resolution establishing the committee.

D. Tenure. All appointments shall be for a term of one (1) year or until their successors are appointed. The Chair and all Members of every committee shall be eligible for reappointment.

E. Operation. Each committee may adopt such operational rules as are not in conflict with these By-Laws or the Policies and Procedures of the Board of Directors.

F. Standing Committees.

1. Examination Committee. The Examination Committee shall be composed of one representative from each Member Organization, chosen by the Member Organization. The Member Organization shall notify the Board of Directors, in writing, of the representative. There shall be one (1) vote per Member Organization. The Examination Committee shall be responsible for the writing and administration of any test required for certification.
2. Credentials Committee. The Credentials Committee shall be responsible for recommending standards for certification; reviewing the qualifications of applicants; and recommending to the Board of Directors those applicants who should be certified. The final decision on all committee recommendations shall rest with the Board of Directors.
3. Recertification Committee. The Recertification Committee shall be responsible for recommending qualifying professional development activities; reviewing, verifying and documenting the submitted professional development activities of all certificate holders and Affiliates; and making recommendations to the Board of Directors regarding the certification status of all certificate holders pending recertification.
4. Proficiency Review Committee. The Proficiency Review Committee shall be responsible for developing criteria for acceptable proficiency testing programs and successful participation in proficiency testing; reviewing and documenting the submitted proficiency test data for all certificate holders of record; and informing the Board of Directors of those who fail to successfully participate in required proficiency testing.
5. Quality Assurance Committee. The Quality Assurance Committee shall be responsible for reviewing and recommending changes to Policies and Procedures; annual review of the Corporations' policy and procedures; recommends to the Board of Directors changes to the Policies and Procedures of the Corporation, and recommends corrective and preventative actions. Excepting corrective and preventative actions, the final decision on all committee recommendations shall rest with the Board of Directors. Final records shall be forwarded to the Accreditation Manager for publication and rescinded documents to archive.
6. Appeals Committee. Reviews appeals submitted by applicants, test takers and certificate holders. Makes decisions on appeals filed.

**ARTICLE IV: CERTIFICATION.**

**SECTION 1. STANDARDS.**

The Board of Directors shall establish, maintain, and revise as necessary, standards and qualifications for the granting, issuing, and renewing of certifications and/or other forms of recognition in cognizance of special qualifications in the various fields of criminalistics.

## **SECTION 2. EVALUATION OF APPLICANTS.**

The Board of Directors shall arrange for suitable means to evaluate the fitness, competence, and qualifications of persons seeking certification by the Corporation. This function shall be carried out by the appropriate committee(s).

## **SECTION 3. CERTIFICATES.**

Upon majority vote, the Board of Directors shall have authority to issue or cause to be issued Certificates of Qualification in the appropriate specific categories of criminalistics to persons who have met the standards of the Corporation and have fully complied with all applicable requirements. Certificates of Qualification shall be in such forms as prescribed or approved by the Board of Directors and shall be valid for such period of time as the Board of Directors may determine. Each certificate shall be and remain the property of the Board of Directors, but every person to whom a certificate has been properly issued shall be entitled to its continued possession unless and until such certificate is revoked. A person holding a valid, unsuspended or unrevoked Certificate of Qualification issued by this Board of Directors shall be entitled to use the designation "Diplomate of the American Board of Criminalistics" or "Fellow of the American Board of Criminalistics" certified in the specific category(ies).

## **SECTION 4. FEES.**

The Board of Directors shall annually establish the fees and other charges incident to application for and granting, issuing, and renewal of Certificates of Qualification and/or other forms of recognition.

## **SECTION 5. DENIAL AND REVOCATION OF CERTIFICATES.**

Disciplinary action including probation, suspension, denial and revocation of Certificates of Qualification shall reside with the Board of Directors. Certificates issued by the Board of Directors are subject to revocation by two-thirds (2/3) affirmative vote, and only for one or more of the following reasons:

1. An intentional misstatement or misrepresentation, or concealment or omission, of a material fact or facts in an application or any other communication to the Board of Directors or its representative(s).
2. Conviction of an applicant for certification or holder of a certificate of this Corporation by a court of competent jurisdiction of a felony or of any crime involving moral turpitude.
3. Issuance of a certificate contrary to or in violation of any of the laws, standard rules, or regulations governing the Corporation and its certification programs at the time of issuance; or determination that the person certified was not in fact eligible to receive such certificate at the time of its issuance.

4. Violation of the Rules of Professional Conduct by an applicant or holder of a certificate of this Corporation.
5. Failure to fulfill requirements of certification such as paying required fees, submission of signed rules of professional conduct, proficiency testing requirements or other requirements of certification not listed.

Action to suspend or revoke certification may only be taken after at least thirty (30) days advance written notice of the nature of the charges or reasons for such action has been given to the individual concerned and an opportunity for such person to be heard has been provided by the Board of Directors.

## **ARTICLE V: AMENDMENTS**

### **SECTION 1. PROCEDURE.**

- A. These By-Laws may be amended, altered, or repealed, in whole or in part in the following ways:
  1. Upon two-thirds (2/3) vote of the Membership Directors present at a meeting of the Membership Directors at which a quorum is present, provided that a copy of the proposed change(s) has been submitted to all Member Organizations at least thirty (30) days prior to such meeting; Upon two-thirds (2/3) vote by mail or electronic ballot of the Member Organizations within sixty (60) days after a copy of the proposed change(s) has been submitted to all Member Organizations; or By the unanimous written or electronic consent of all Member Organizations.
- B. Notice to the Membership Director is deemed notice to the Member Organization.

## **ARTICLE VI: EFFECTIVE DATE OF BY-LAWS**

**SECTION 1.** These by-laws shall become effective upon written notification of adoption to all of the Membership Directors.

Ratified on September 5, 1992.  
Amended February 18, 1996.  
Amended July 8, 1999.  
Amended August 17, 2003.  
Amended February 15, 2014.

Amended February 15, 2015.  
Amended November 2, 2016.

Revised this 10<sup>th</sup> day of June, 2019

Signed/signed

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Shawn K. West, Secretary  
American Board of Criminalistics