BY-LAWS
AMERICAN POLYGRAPH ASSOCIATION
(With Amendments through March 2015)

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

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 Standards: The generally accepted principles for the preparation, conduct, analysis, documentation, and reporting of polygraph examinations. Standards are mandatory, enforceable and can include sanctions for violations by APA members. Standards in the APA Standards of Practice include the word "shall."

3.2.2 Guidelines: Recommended practices for the preparation, conduct, analysis, documentation and reporting of polygraph examinations. Guidelines convey perceived best practices, are recommendations and are non-enforceable by the APA. Guidelines in the APA Standards of Practice include the word "should."

3.2.3 Polygraph examination: A psychophysiological detection of deception interview and testing process encompassing all activities occurring between a polygraph examiner and an examinee during a series of interactions that include a pretest interview as applicable, recording of physiological data, the test data analysis, and rendering a professional opinion. Nothing in these standards is intended to prevent
admission as evidence of a confession or other information obtained during a polygraph examination.

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

3.2.5 Paired Testing Examination: 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.

3.2.6 Investigative Examination: A polygraph examination which is intended to supplement and/or assist an investigation and for which the examiner has not been informed and does not reasonably believe that the results of the examination will be tendered for admission as evidence in a court proceeding.

3.2.7 Diagnostic examination: An event-specific evidentiary or investigative polygraph examination conducted to assist in determining the veracity of an examinee regarding their knowledge of or involvement in a reported issue or allegation. Diagnostic examinations may address a single aspect or multiple-facets of an event for which the examination questions are intended to describe different roles or levels of involvement.

3.2.8 Screening examination: A polygraph examination conducted in the absence of a reported issue or allegation to investigate whether an examinee has withheld information regarding engagement in behaviors encompassed by the relevant questions that cover specified periods of time. Screening examinations may be designed to investigate both single and multiple types of behavior.

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

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

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

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

3.3 Polygraph Examiner

3.3.1 A polygraph examiner shall meet the training and educational requirements of his or her category of membership as set forth in the Division V of the By-Laws.

3.3.2 Polygraph examinations of sex offenders as a condition of treatment, probation or parole shall be conducted by members who have completed specialized training consistent with standards found in section 3.11.

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

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

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

3.4 Polygraph Examinee

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

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

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

3.5 Instrumentation and Recording

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

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

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

3.5.1.3 Cardiovascular activity including changes in relative blood pressure, pulse rate and pulse amplitude.

3.5.1.4 A motion sensor is required for all examinations.

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

3.5.2 Physiological recordings during each test shall be continuous, and 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 shall be given a functionality or calibration test consistent with manufacturer recommendations and in compliance with state and federal law.

3.6 Test Location and Conditions

3.6.1 Conditions under which testing occurs should be free from distractions.
3.6.2 Examiners conducting polygraph examinations during public viewing are prohibited from rendering opinions regarding the truthfulness of the examinees on the basis of that examination. Examiners should 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 shall immediately notify the APA National Office.

3.7 Preparation

3.7.1 Prior to an examination, the examiner shall 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 shall obtain information sufficient to identify the examinee.

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

3.8.3 Sufficient time shall 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 shall be spent to discuss the issues to be tested and to allow the examinee to fully explain his or her answers.

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

3.8.6 The examiner shall not display or express bias in any manner regarding the truthfulness of the examinee prior to the completion of testing.

3.9 Testing

3.9.1 A member polygraph examiner shall use a validated testing technique. For
purposes of these standards a testing technique shall be considered valid if supported by research conducted in accordance with the APA’s research standards. Upon request for a minimum of five years from publication, researchers of polygraph techniques shall provide reasonable access to validation data for critical review. Where examinations deviate from the protocols of a validated testing technique the deviations should be noted and justified in writing.

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

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

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

3.9.1.4 Polygraph techniques used for screening purposes shall be those for which there exists research demonstrating an unweighted accuracy rate significantly greater than chance, and should be used in a “successive hurdles” approach which entails additional testing with validated methods when the screening test is not favorably resolved.

3.9.1.4.1 (Effective January 1, 2015, 3.9.1.4 shall be replaced with the following). Polygraph techniques used for screening purposes shall be those for which there exists at least two published empirical studies, original and replicated, demonstrating an unweighted accuracy rate that is significantly greater than chance, and should be used in a “successive hurdles” approach which entails additional testing with validated methods when the screening test is not favorably resolved.

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

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

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

3.9.2 Each member shall conduct an acquaintance test for all evidentiary, paired-testing, initial community safety and initial investigative examinations.

3.9.3 Questions shall be asked with clarity and distinctiveness.

3.9.4 Questions used in the assessment of truth and deception shall be followed by time intervals of not less then 20 seconds from question onset to question onset. When validated and replicated research supports the use of another time interval, that time interval will be acceptable.

3.9.5 Standardized chart markings, recognized and utilized within the polygraph profession shall be employed.

3.9.6 An audio and video recording of the pretest and in-test phases shall be made and maintained as part of the examination file, consistent with regulation and law, and for a minimum of one year, for all evidentiary and paired-testing examinations. Audio and video recording should be used for post-conviction sex offender testing examinations.

3.9.7 A member polygraph examiner shall not conduct more than four diagnostic or three evidentiary examinations in one day, and no more than five examinations of any type in one day. On rare occasion, exigent circumstances may warrant a waiver of this requirement.

3.10 Scoring

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

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

3.10.3 Examiners shall not disclose the results of the examination until the analysis has been completed.
3.10.4 Examiners shall 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 shall fully disclose all pertinent information regarding the case under review.

3.10.6 Examiners conducting polygraph examinations should submit to a quality control review of their work product at least annually. 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 shall satisfy the provisions set forth in the Standards of Practice as well as the following mandatory standards:

3.11.2 Minimum Training: Examiners who conduct PCSOT exams shall complete a minimum of 40 hours of specialized instruction, beyond the basic polygraph training course requirements, through PCSOT training approved by the APA.

3.11.3 Written Examination: Passing a final written examination, approved by the APA or its designated representative shall occur prior to receiving a certificate of training for the specialized PCSOT training.

3.11.4 Recording Requirements: All PCSOT polygraph examinations submitted for quality control shall be audio/visually recorded in their entirety. When required for quality control purposes, these recordings shall be made available. All recorded physiological data shall be retained as part of the examination file as long as required by regulation or law, but for a minimum of one year when not in conflict with regulation or law.

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

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

4. Division IV: Code of Ethics

4.1 Rights of Examinees.

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

4.2 Standards for Rendering Polygraph Decisions.

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

4.3 Post-Examination Notification of Results.

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

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

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

4.3.1.3 Instances of operational necessity.

4.4 Restrictions on Rendering Opinions.

4.4.1 A member shall not provide any report or opinion regarding the medical or psychological condition of the examinee for which the member is not professionally qualified to make. This shall not preclude the examiner from describing the appearance or behavior of the examinee.

4.4.2 Polygraph outcome decisions shall be restricted to only those based on polygraph data.

4.5 Restrictions on Examinations.

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

4.6 Fees.

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

4.7 Standards of Reporting.

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

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

4.7.3 Reports of evidentiary and paired-testing examinations should contain validation information reflected in paragraph 3.9.1.

4.8 Advertisements.

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

4.9 Release of Non-relevant Information.

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

4.10 Restrictions on Examination Issues.

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

4.11 APA Oversight Authority.

4.11.1 A member who administers or attempts to administer any polygraph examination
in violation of the Code of Ethics or the Standards of Practice may be subject to investigation, censure, suspension, expulsion or other discipline as deemed appropriate, as provided by Article IV of the APA Constitution.

4.11.2 Applicants for membership and existing members are required to be truthful in any written communications with the APA.

5. **Division V: Membership**

5.1 **Full Member.**

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

5.1.1.1 Graduated from an education and training program that substantially meets the accreditation standards of the APA in place at the time of graduation.

5.1.1.2 Completed not fewer than two hundred (200) actual polygraph examinations using a validated polygraph technique as taught at an APA accredited education and training program and, where required by law, to hold a current and valid license to practice polygraphy issued by a state or federal agency requiring such license.

5.1.1.3 Received a minimum of a Baccalaureate Degree from a college or university accredited by an accreditation board recognized by the United States Department of Education or the Council on Higher Education Accreditation; or an equivalent degree from a college or university outside of the United States recognized by the international educational community as meeting similar standards.

5.1.1.4 Full Members shall:

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

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

5.1.1.4.3 Be eligible to hold any appointed position in the Association or serve as the Chair of any Standing or Ad Hoc Committee.

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

5.1.1.4.5 Shall meet all financial obligations to the Association.

5.2 **Associate Member.**
5.2.1 Associate Members of this Association are persons who:

5.2.1.1 Are polygraph examiners who are graduates of an APA accredited education and training program, but do not meet the requirements as Full Member; or,

5.2.1.2 Are graduates of any basic polygraph education and training program that substantially meets the accreditation standards of the APA in place at the time of graduation; and

5.2.1.2.1 Have attended an APA sponsored seminar; and,

5.2.1.2.2 Have successfully passed an APA administered written examination;

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.

5.2.3 Associate Members shall:

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

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

5.2.3.3 Shall not represent themselves as other than Associate Member of the APA.

5.3 Life Member

5.3.1 A Life Member is any member of the Association:

5.3.1.1 Who has been nominated by another Member for Life Membership, and;

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

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

5.3.2 Life Members shall:

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

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

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

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

5.3.2.5 Be exempt from annual membership dues to the Association.

5.4 Science and Technology Membership.

5.4.1 Science and Technology members are those persons, organizations or
corporations who have a professional or scientific interest in the polygraph profession through polygraph research or instrumentation.

5.4.2 Science and Technology members shall:

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

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

5.4.2.3 Not be eligible to hold any appointed position in the Association.

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

5.4.2.5 Meet all financial obligations to the Association.

5.5 Honorary Member.

5.5.1 Honorary Members are those persons who:

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

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

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

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

5.5.2 Honorary Members shall:

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

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

5.5.2.3 Not be eligible to hold any elective office in the Association

5.5.2.4 Not be eligible to serve on any Standing or Ad-Hoc Committee.

5.5.2.5 Be exempt from annual membership dues to the Association.
5.6 Retired Members.

5.6.1 Retired Members are those persons who:

5.6.1.1 Are at least 65 years of age.

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

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

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

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

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

5.6.2 Retired Members shall:

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

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

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

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

5.6.2.5 Be exempt from annual membership dues to the Association.

5.7 Divisional Members.

5.7.1 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:

5.7.1.1 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.
5.7.1.2 Be granted Divisional Membership upon a two-thirds (2/3) majority vote of the Board.

5.7.2 Divisional Members shall:

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

5.7.2.2 Not represent themselves as other than a Divisional Member 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.

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

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

5.7.2.4.1 Fails to subscribe to or enforce upon its members the American Polygraph Association Code of Ethics and Standards of Practice.

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

5.8 General Provisions.

5.8.1 Subject to the terms and conditions of this Article, membership in the Association shall be terminated upon the conviction of any member, other than a Divisional Member, of any felony crime conviction or its equivalent. For the purpose of this section, conviction shall mean the judgment of any court of competent jurisdiction, local, state or federal and shall include a plea of "no contest."

5.8.2 Any Member, other than a Divisional Member, who has been formally charged in any court of competent jurisdiction on a charge amounting to a felony crime or any crime of moral turpitude shall, within thirty (30) days of such charge, notify the Chairperson of the Grievance Committee of such charge. Notification shall be in writing and shall include the nature of the charge, the name and address of the court where the member was charged, the date of the charge and the case or docket number assigned by the court.
5.8.2.1 The membership of any Member who fails to comply with the provisions of this sub-section shall be suspended without action by the Grievance Committee or Board. Said suspension shall be effective on the thirty-first (31st) day after being formally charged and shall continue until the member complies with the requirements of this sub-section.

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

5.8.3.1 Qualifies for the class of membership to which he or she qualified at the time of resignation.

5.8.3.2 Meets all financial obligations to the Association for the year in which the reinstatement is sought.

5.8.3.3 Was not the subject of an unresolved investigation by the Grievance Committee at the time of his or her resignation. Any such unresolved investigation must be resolved prior to reinstatement.

5.8.4 Any applicant pending Board approval of membership or Associate Member who is in the process of upgrading to Full Member will not be eligible for upgrade processing until their current grievance investigation is closed.

6. Division VI: Nominations

6.1 Any member qualified under Division V of the By Laws to hold APA elected office may have his or her name appear on the ballot if nominated by at least one voting member of the Association. A voting member may self-nominate. The nomination shall be made in writing and submitted to the Association National Office at least 90 days prior to the commencement of the Annual Seminar. Any form of written communication (e.g., electronic, facsimile, etc) is acceptable, provided the communication can be authenticated, if necessary, as that of a voting member.

6.1.1 With the exception of self-nominees, the immediate Past President shall notify each nominee of his or her nomination no later than 85 days prior to the commencement of the Annual Seminar. Within 2 days of notification, nominees must notify the immediate Past President of his or her acceptance or rejection of the nomination.

6.2 A candidate shall only compete for a single office in any one-election year. Each Director position shall be considered a single office. If nominated for more than one office, the nominee must submit in writing to the APA National Office which one of the
nominations he or she has chosen to accept. If the statement is not received from the candidate within two days of notification by the Past President, of the nominations for multiple offices, the candidate shall not be placed on the ballot for any elected office in that election year.

6.3 The Immediate Past President shall notify all candidates of the results of the election.

7. Division VII: Election Procedures

7.1 With the exception of run-off elections as described in section 7.4, elections shall be conducted electronically and completed no later than 60 days prior to the commencement of the Annual Seminar.

7.2 The electronic ballot shall list the candidates for each office in alphabetical order by last name.

7.3 The election period shall remain open for seven calendar days for all elections held electronically.

7.4 If no candidate wins 50% of the vote for an office, a runoff election shall be completed no later than 30 days prior to the commencement of the Annual Seminar.

7.4.1 The runoff election shall include only the two candidates that received the most votes unless there is a tie among more than two candidates for the two ballot positions.

7.4.1.1 In the case of such a tie for the most votes, only those candidates with the most votes shall appear on the ballot regardless of their number.

7.4.1.2 If the tie is among those with the second-most votes, the ballot would include the candidate with the most votes and all those tied for second-most votes regardless of their number.

7.5 If no candidate in the runoff election wins 50% of the vote for an office, a final vote will be taken during the General Business Meeting at the Annual Seminar that includes all of the candidates from the runoff election.

7.6 Any candidate wishing to contest the election results must submit a formal, written petition to the Board at or before its first session during the annual meeting setting forth all pertinent information. If this matter is not resolved by the Board to the satisfaction of all parties directly concerned, it shall be presented to the membership during the scheduled business session for final disposition.
7.7 If an election is held to be null and void by the Board, the Board may authorize an election from the floor of the annual meeting. Article VII of the Constitution applies.

8. Division VIII: Election Certification

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


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

9.2 Proposed amendments approved by the Board shall be submitted by the Secretary to the membership using the same procedures provided for in Article XI, insofar as applicable. Amendments may be submitted at any time as determined by the Board.

10. Division X: Directors

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

11. Division XI: Officers

11.1 The President shall:

11.1.1 Preside over all meetings of the General Membership.

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

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

11.1.4 Perform such duties as the Board may assign and represent this Association at all official functions.
11.1.5 Appoint the general Chairpersons of all Standing or Ad-Hoc Committees.

11.1.6 Perform other duties as assigned by the Board.

11.2 The President-Elect shall:

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

11.2.2 Upon direction by a majority vote of the Board of Directors, the President-Elect shall act to discharge the duties of the presidential office in the event of the President's absence, disability, or refusal to act.

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

11.3 The Immediate Past President shall:

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

11.3.2 Shall call a meeting of the Board upon request of the President, or as may be required by majority vote of the Board.

11.3.3 Shall undertake such other duties as may be assigned by the President or the Board of Directors.

11.4 The Vice-Presidents shall:

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

11.4.2 Perform other duties as assigned by the Board.

11.5 The Secretary shall:

11.5.1 In conjunction with the National Office Manager, serving as appointed Assistant Secretary, be responsible for recording and retaining the current Association Constitution and Bylaws, the official minutes, resolutions, and proceedings of the Association derived from business meetings of the general membership, the Board of Directors, or other meetings as may be required for the effective and orderly transaction of the Association’s business.
11.5.2 Distribute official notices, correspondence and other materials and record policy and procedures established during Board of Directors Meetings.

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

11.6 The Treasurer shall:

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

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

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

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

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

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

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

11.6.8 Assisted by the National Office Manager, be responsible for preparing or supervising such tax and other official documents as may be required by law; proposing or supplying such other budget or financial reports as the Board may direct.
11.6.9 Compile and present a budget to the incoming APA Board of Directors subsequent to the General Membership meeting.

11.6.10 Perform other duties as assigned by the Board.

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

12.1 The General Counsel shall:

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

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

12.1.3 Perform other duties as assigned by the President.

12.2 The Editor In Chief shall:

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

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

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

12.2.4 Perform other duties as assigned by the President.

12.3 The National Office Manager shall:

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

12.3.2 Be the primary custodian of all records, of whatever nature, which are the property of the American Polygraph Association.

12.3.3 Perform other duties as assigned by the President and the Board of Directors.
13. Division XIII: Standing Committees and Ad-Hoc Committees

13.1 The President shall establish the following standing committees and shall appoint a chairperson from the membership of the Board of Directors for each committee:

1 – Communication and Public Relations Committee
2 – Ethics and Grievance Committee
3 – Members Services Committee
4 – Professional Development Committee
5 – Research and Development Committee
6 – Education Accreditation Committee
7 – Standards and Specialized Testing Committee
8 – Post Conviction Sex Offender Testing Committee

13.1.1 Standing Committees shall consist of a Chairperson appointed by the President and no fewer than three eligible members appointed by the Committee Chair, whose total number shall be determined by the Committee Chair dependent on the needs of the Committee. The Committee Chair may appoint a Vice-chair. The Committee Chair shall report to the Board of Directors.

13.1.2 Standing Committees shall have and maintain a standard operating procedure of which any changes to require a majority vote of the Board of Directors or general membership.

13.2 The President may establish Ad-Hoc committees for the purpose of administering the goals and objectives of the Association and may appoint any Voting Member to act as Chairperson of any such committee. Ad-Hoc committees shall dissolve upon the completion of their stated purpose, dissolution by the President of upon the expiration of the office of the appointing President.

13.3 Policies and Procedures established by the Board of Directors in administrating the Association shall be documented as historical record by the Secretary and retained at the National Office.

14 Division XIV: Ratification

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