

THE CONSTITUTION FOR SOUTHWESTERN ASSOCIATION OF FORENSIC SCIENTISTS, INC.

ARTICLE ONE NAME AND PURPOSE

This organization shall be known as the Southwestern Association of Forensic Scientists, Incorporated, a non-profit corporation, referred to hereinafter as the Association or SWAFS. This Association is formed for the following reasons:

- a) To provide an association for persons who are actively engaged in the profession of scientific examination of physical evidence and/or collection and preservation of physical evidence, in an organized body so that the profession of all of its disciplines may be effectively and scientifically practiced.
- b) To exchange information among forensic scientists and crime scene investigators to improve techniques.
- c) To encourage research in forensic science.
- d) To keep its members apprised of the latest techniques and discoveries in forensic science and crime scene investigation.
- e) The Association shall be limited to such activities as fall within the scientific and educational purposes as prescribed by Section 501 (c) (3) of the Internal Revenue Code.
- f) Conflict of Interest Statement: The members of the Southwestern Association of Forensic Scientists, Inc., resolve that no member of our organization shall participate in any discussion or vote on any matter in which he or she or any member of his or her immediate family has potential conflict of interest due to having material economic involvement regarding the matter being discussed. When such a situation presents itself, the member must announce his or her potential conflict, disqualify him or herself, and be excused from the meeting until discussion is over on the matter involved. The President of the meeting is expected to make inquiry if such conflict appears to exist, and the member has not made it known.

The Association shall be operated as a not-for-profit organization, and the powers of the Association shall be vested in its membership. No net earnings shall be distributed at any time to anyone. Upon dissolution any and all assets remaining of the Association shall be donated to a similar organization of like intent and purpose.

ARTICLE TWO ELIGIBILITY FOR MEMBERSHIP

As defined in the By-Laws, membership in the Association shall be open to all qualified persons interested in furthering the objectives of the Association.

ARTICLE THREE MEETINGS

The Association should hold at least one meeting each year, if practicable, as duly constituted in accordance with the By-Laws. The Board of Directors, as defined by the By-Laws, may postpone or cancel the annual Association meeting if it is determined to be in the best interest of the Association or its members. The Board of Directors will approve proposed annual Association meeting locations at least twelve (12) months prior to the proposed meeting date, if practicable.

At business meetings, the presence of thirty (30) or more voting members in good standing shall constitute a quorum for the transaction of business. Proxy voting is not allowed.

In the absence of an annual business meeting or the lack of a quorum, the Association shall vote on Board of Director approved proposals via a secure electronic ballot. The Constitution & By-Laws Committee shall be responsible for coordinating the balloting with the Website Committee within thirty (30) days of the annual business meeting. Association members shall be allowed thirty (30) days from the date of electronic posting for review and comment of the Board of Director approved proposals. Association members shall then be allowed thirty (30) days for return of ballots.

It is recommended that the Board of Directors hold quarterly meeting either in person or virtually. One of these quarterly meetings must occur during the annual association conference which shall be considered the yearly Board of Directors meeting. The Board of Directors, as defined in the By-Laws, may call other meetings at its discretion.

ARTICLE FOUR PARLIMENTARY AUTHORITY

The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern the Association in all cases to which they are applicable and in which they are not inconsistent with these By-Laws and any special rules of order the Association may adopt.

ARTICLE FIVE AMENDMENTS

Proposed amendments to the Constitution and the By-Laws shall be submitted, in writing by two (2) members of the Association, to the Constitution & By-Laws Committee Chair and to the Board of Directors at least ninety (90) days prior to the business meeting. Proposed amendments shall be written to show additions, deletions, and any other changes to the current Constitution and By-Laws to make clear the exact wording to be voted upon. These proposed amendments shall be posted on the SWAFS website or separately mailed to the members at least thirty (30) days prior to the business meeting. The Constitution & By-Laws Committee shall be responsible for coordinating such notification.

It shall require a majority vote of all eligible voting members in attendance, or of returned electronic votes to pass an amendment to the Constitution and / or By-Laws.

BY-LAWS

ARTICLE ONE

Section 1. Membership

Membership in the Association shall be divided into the following six (6) classes:

- A. Regular Member
- B. Student Member
- C. Associate Member
- D. Distinguished Member
- E. Emeritus Member
- F. Partner Member

The candidate or member may be accepted into a class through application to the Membership Committee. The qualifications for membership in the six (6) classes are as follows:

A. Regular Member: Regular membership shall be limited to those persons who are engaged in forensic science and/or crime scene investigation, and involved in furthering the purposes of this Association.

To be eligible for Regular membership, a person must have at least 2 years of experience as a practicing forensic scientist and/or crime scene investigation.

Only Regular members whose dues are fully paid prior to a business meeting shall be allowed to vote on any matters coming before the Association.

B. Student Member: Those persons who are full time (minimum of twelve (12) credit hours per semester for undergraduate level and a minimum of six (6) credit hours per semester for graduate level) students at a college or university, who are not currently employed as a forensic scientist, crime scene investigator and/or who do not meet the minimum requirements for Associate or Regular membership. Student membership will be for a maximum time limit of three (3) years or upon graduation, whichever is reached first. Students may not vote but may earn points for attendance, workshop presentation or papers at meetings and contributions to the SWAFS publication.

C. Associate Member: Those persons who are practicing forensic scientists or crime scene investigation, but do not meet the two (2) year employment requirement of Regular member may apply to become an Associate member. Associates may not vote but may earn points for attendance, workshop presentations or papers at meetings and contributions to the SWAFS publication. Except by special approval by the Board of Directors, Associate Membership will be for a maximum of five (5) years. The Associate Member must become eligible and apply for Regular Membership during this time or lose all membership rights.

D. Distinguished Member: The class of Distinguished Member is established to reward a Regular Member's superior efforts in forwarding the work and purposes of the Association. Any member who acquires fifteen (15) points in the manner described herein and who has not been censured or disciplined during their term of membership may apply to advance to this class. A Distinguished Member shall retain all rights of a Regular Member.

1. Attendance* 1 Point
2. Committee 2 Points
3. Meeting Host & Meeting Committee Members 2 Points
4. Presentation of Workshop or Paper at Meetings 2 Points
5. Contributions to SWAFS publications 2 Points
6. Publication Editor 3 Points
7. Officer 3 Points

* Maximum of four (4) points towards total of fifteen (15). The total fifteen (15) points must include contributions to at least four (4) of the preceding categories. A category may be listed more than one (1) time, i. e. "Officer" may be used for each time the member serves a new term on the Board of Directors. President-Elect, President and Chairperson of the Board is counted once since it is one (1) time served. "Contributions to the SWAFS Publication" may be used for each new contribution.

E. Emeritus Member: Any Regular member or Distinguished member who has had twenty-five (25) years as a member of the Association; or, who after at least five (5) years as a member of the Association, has either reached the age of 65 or is on a retired status from their place of employment in the field of forensic science and/or crime scene investigation, may apply to become an Emeritus member.

Emeritus members shall pay no annual dues. Emeritus members will retain the right to vote in Association affairs and they may attend all meetings; however, they will be responsible for any costs incurred to attend the annual meeting or workshop.

F. Partner Member: Partner Membership shall be open to forensic educators, crime scene investigators, trainers and those who do not meet the criteria for Regular Membership. Partner members may include forensic vendors which are actively involved in forensic technology research and development. This membership allows an affiliation with the Association, however Partners may not vote nor earn points for promotion.

Non-members that have attended and/or presented at a conference may apply their promotion points that were achieved as a non-member within the last 3 years of the submitted membership application, to the membership class, when they apply for SWAFS membership. It is the non-member's obligation to provide proof of attendance and/or presentations to the Membership Committee. This is not an option for Partner Members, as they are unable to earn points for promotion.

Section 2. Applications for Membership

A. An application for Regular, Associate, Partner or Student membership shall be made upon the official application blank of the Association.

B. The completed application for membership must be submitted to the Membership Committee for consideration. The Membership Committee shall verify that each application is complete and that Student applications include official or unofficial transcripts. The non-refundable application fee shall be forwarded to the Treasurer.

C. The Membership Committee Chair or designee shall notify the applicant of his or her acceptance as a candidate for membership.

D. Names of candidates for membership shall be published to the members of the Association from the Membership Committee by mail and/or website posting. If a member has knowledge of any reason that a candidate should not be voted into the Association, he/she shall contact the Membership Chair within sixty (60) days of the mailing or website posting. At the earliest convenience after this sixty (60) day period, the Membership Committee will recommend only the approved candidates to the Admissions Committee and shall also notify those candidates who are not approved for recommendation. Candidates will be voted on for membership by the Admissions Committee. Candidates who are voted in as members shall be awarded a certificate of membership by the Secretary and assessed for dues by the Treasurer.

E. Candidates not accepted for membership, whether by the Membership Committee or the Admissions Committee may appeal in writing, to the Board of Directors. The general membership will hear the appeal at the next business meeting. If a quorum is not present at the business meeting, the appeal will be conducted by electronic mail to the general membership. The Membership Committee will send out the appeal not more than thirty (30) days after the business meeting.

F. New Membership Applications and documents will be archived for a three (3) year period with the Membership Committee. After this three (3) year period, those records will be destroyed. Applications will be purged once pertinent information is obtained and archived electronically.

Section 3. Termination of Membership

A. A member may terminate their membership upon written request to the Secretary or Membership Committee Chair.

B. If a member's dues, for the current year, are not paid by the date of the Board of Directors' annual conference meeting for that year as defined in Article Twelve of these By-Laws, the member will be removed from membership by a vote of the Board of Directors no earlier than June 30th of the following year. Members will retain all privileges until dropped from membership by the Board of Directors. If a member repays all outstanding dues in arrears prior to being removed from membership by the Board of Directors, the member shall continue current membership if the arrears are not greater than two (2) years. If the arrears are greater than two (2) years, then the member shall complete a new member application process.

C. Upon receipt of a report from the Professional Conduct Committee regarding an ethics matter that the Committee has investigated, the Board of Directors may terminate the membership of the individual investigated by majority vote of the Board of Directors as defined in Article Fourteen of these By-Laws.

D. Upon termination of membership for any reason, the person shall be removed from any office or committee of the Association.

E. The Board of Directors may revisit and by majority vote rescind a prior termination if it is revealed that the termination was conducted improperly or under mitigating circumstances not previously known to the Board. If a termination is rescinded:

1. The member will resume all the rights and privileges of their membership status at the time of the termination.

2. Office or committee positions held by the member at the time of termination are not automatically resumed.
3. Any dues owed the Association at the time of the termination will again be active and payable. However, further dues will only be assessed forward from the date of the rescinded termination.

ARTICLE TWO

Section 1. Officers

There are hereby created the following Officers of the Association:

- A. President
- B. President-Elect
- C. Chairperson of the Board of the Directors
- D. Secretary
- E. Treasurer
- F. Four (4) Directors
- G. Chief Technical Officer (CTO)

Section 2.

All foregoing Officers shall be elected at the business meeting of the Association except the following:

The Chairperson of the Board shall be the retiring President and shall hold office for a period of one (1) year. In the event the retiring President is unable, for any reason, to assume the office of Chairperson of the Board of Directors, the retiring chairperson of the board shall serve in his/her place.

The President shall be the retiring President-Elect and shall hold office for a period of one (1) year. In the event the President-Elect is unable, for any reason, to assume the office of President, then the retiring Chairperson of the Board shall assume the duties of President until the next business meeting.

The Chief Technical Officer (CTO) shall be appointed by the current President. The CTO is a highly specialized position and therefore the appointed individual may occupy the CTO position for more than one (1) year. The current President can replace the CTO at any time with an individual that possesses similar technical skills and/or experience.

Section 3.

No member shall be a candidate for, elected to, or appointed to more than one (1) elective office during any one (1) year.

Section 4.

The terms of office of the President, President-Elect, and Chairperson of the Board shall be for a period of one (1) year. The retiring President and the retiring Chairperson of the Board may not

stand for election as President. The terms of office of the Secretary and Treasurer shall be for a period of two (2) years. These terms shall be staggered such that the election for the office of Secretary shall occur in even numbered years and election for the office of Treasurer shall occur in odd numbered years. The Secretary and/or the Treasurer may be re-elected for two (2) additional two (2) year terms (serving a maximum of six (6) consecutive years). The terms of office of the four (4) Directors will be for a period of two (2) years. These terms shall be staggered such that each year two (2) Directors will be elected. The Directors shall not serve two (2) consecutive terms as Directors. The CTO may serve more than one (1) year, as long as the current President renews the CTO's appointment.

Upon leaving any office of this Association, for any reason, the individual vacating the office shall immediately surrender and transfer all records of the Association to the individual succeeding the office or to an individual designated by the President of the Association. Any officer can be removed from office, recalled, by the following procedure:

- A. A petition for the recall must be signed by thirty (30) voting members, and presented to the Board of Directors, not later than 120 days before the next business meeting. See Article One of these By-Laws for voting members.
- B. The Board of Directors will certify that at least thirty (30) signatures on the petition are voting members. If the petition complies with Subsection (A) then the Board of Directors will notify the members no later than sixty (60) days prior to the next business meeting that a recall election will be conducted at the meeting.
- C. It shall require a vote of two-thirds of all voting members in attendance to recall any officer.

ARTICLE THREE

BOARD OF DIRECTORS (BOD)

Section 1.

The powers of the Association shall be vested in its membership, but may be exercised by a Board of Directors as hereinafter defined:

The general management of the Association, including the levying of dues and assessments, shall be the responsibility of a Board of Directors which shall consist of the President, the President-Elect, the Secretary, the Treasurer, the Chairperson of the Board of Directors, the four (4) Directors, and the Chief Technical Officer.

Section 2.

A quorum of the Board of Directors shall consist of at least five (5) of its members. All affairs which require a vote shall be conducted by the voting members of the Board, either in person or electronically.

Section 3.

The Board of Directors shall meet at least once per year and may hold additional meetings upon reasonable notice as called by the Chairperson of the Board. It is recommended that the Board of Directors hold quarterly meetings either virtually or in person. One of these quarterly meetings must occur during the annual conference which shall be considered the Board of Directors meeting.

The Board of Directors has the authority to postpone or cancel the annual business meeting if it is determined that doing so would be in the best interest of the Association or its members.

Section 4.

Each Board member may request a maximum of \$600.00 per annum for personal expenses incurred, that will not be reimbursed by his or her agency, for attendance at the Board and Business meetings that take place during the conference. The Board member seeking any such reimbursement, shall attend at least 75% of the annual conference. Original receipts must be submitted to qualify for reimbursement.

Section 5.

Board members who attend the annual Association meeting will have their basic registration costs waived by the Meeting Advisory Committee. Any additional costs incurred outside the allowed reimbursable amount mentioned in the above section, by a Board member at that meeting, shall be the responsibility of that Board member.

Section 6.

The Board of Directors will select a SWAFS member to receive the James Alan Zotter Memorial Award each year. The Board of Directors will submit nominees. Active board members are exempt from nomination. A vote will be conducted, the member with the majority votes will be the recipient of the award.

ARTICLE FOUR

COMMITTEES

Section 1. The Nominating Committee

The Nominating Committee shall consist of a Chair and other members appointed by the President at the annual meeting. The duties of this Committee shall be:

- Seeking, screening, and selecting qualified candidates for offices that become vacant due to expiration of tenure
- Coordinating electronic ballots
- Supervising the election process and informing the membership and all candidates of the results of the election
- Forwarding to the new officers and the Board of Directors a statement of their functions and duties.

The specific function of the Nominating Committee shall be as follows:

To forward to eligible members an announcement as to the offices to become vacant at the business meeting and the request for qualified individuals interested in filling these offices.

To mail an official ballot or coordinate electronic balloting. The ballot shall include the slate of candidates for each office and a short resume of each candidate. Each eligible voting member shall have not less than thirty (30) days prior to the business meeting to vote. The committee shall receive completed ballots or an electronic ballot report not less than thirty (30) days prior to the business meeting. A voting member shall have the right to cast a ballot for one (1) qualified write-in candidate for each office in a specific election.

Section 2. The Membership Committee

The Membership Committee shall consist of a Chair, which is the elected Secretary of the Association, and two (2) other members selected by this Committee Chair. The duties of this Committee shall be:

- Soliciting and encouraging membership in the Association of qualified persons in the field of forensic science and crime scene investigations.
- Receiving, reviewing, and accepting completed applications for membership.
- Recommending acceptance or denial of an individual's application for membership to the Admissions Committee.
- Maintaining the Association membership list in coordination with the Website Committee. This includes receiving all notices of membership changes.

Section 3. The Professional Conduct Committee

The Professional Conduct Committee shall consist of six (6) members appointed by the Board of Directors, as duly constituted under the By-Laws. Current members of the Board of Directors shall not be eligible to serve on the Professional Conduct Committee. The Professional Conduct Committee shall establish guidelines and rules, as provided in the By-Laws, to govern itself in the investigation of grievances. This Committee shall only act in a fact-finding capacity regarding the investigation of current members of this Association. A grievance concerning professional conduct of a member of this Association, must be made in writing to the Board of Directors by a member of the Association. This Committee shall investigate any ethics matter submitted in writing to the Board of Directors. This Committee shall present a report to the Board of Directors upon completion of the investigation.

The Board of Directors shall review the report and determine if any action shall be taken against the member cited. The Board of Directors, by a majority vote, can terminate the membership of the individual investigated.

Any member terminated from this Association is no longer eligible to hold office or vote in the Association. Any dues and/or fees paid to the Association are forfeited to the Association when a member is terminated.

If, based upon the investigation of the Professional Conduct Committee, the Board of Directors determines that termination is not necessary, but some other action is appropriate, the same protocol used for termination will be followed.

If, based upon the investigation of the Professional Conduct Committee, the Board of Directors determines that no action is necessary, the matter shall be closed. The member who filed the original grievance will be notified in writing, by this Committee, of the Board of Directors' decision.

Section 4. The Audit Committee

The Audit Committee shall consist of at least three (3) members and a Chair from the Association. These members and Chair shall be appointed by the President. The Audit Committee shall make a detailed examination of the financial records of the annual conference and the overall Association main account. The detailed examination may be conducted by an external individual(s) that is approved by the Board of Directors. This Committee will present both reports of the findings to the membership, at least once each business year, or more frequently if deemed necessary by the President. The business year shall be from one (1) business meeting until the next business meeting.

The Audit Committee will coordinate with the Website Committee on how and where to archive the examination of the financial records.

Section 5. The Meeting Advisory Committee

The Meeting Advisory Committee shall consist of a Chair, which is the current President-Elect of the Association. Additional Committee members will be appointed by the President-Elect and shall not exceed five (5) members including the Chair, unless approved by the Board of Directors. The duties of this Committee shall be:

- Advising in planning meetings and conferences.
- Collecting specific information about the annual conference and archiving the information in an easily accessible area. Some of the items to be archived include: hotel room night usage, courses abstracts, technical presentation abstracts, sponsoring vendors, etc. Archiving this information should be in coordination with the Historical Committee, CTO, and/or Website Committee.
- Overseeing the financial records of the annual conference, to include collecting and storage of receipts and contracts until these records are turned over to the Treasurer and/or the Audit Committee.

Section 6. The Scholarship Committee

The Scholarship Committee shall consist of four (4) members. The President shall appoint the Scholarship Committee Chair. The second year Board Directors shall also serve as members on this Committee. The Chair of this Committee shall appoint the fourth member from the membership at-large.

The awarded scholarship amounts can be revised by a Board of Directors vote. At a minimum, one (1) \$1,000.00 scholarship will be awarded each calendar year, as funds permit.

Recipient(s) of the scholarship who choose to attend the annual SWAFS conference during the same year the scholarship was awarded may have their conference registration waived. Should the scholarship be awarded to an individual during a year where no conference was held, that individual may have the registration fee waived for the following year's conference.

Section 7. The Admissions Committee

The Admissions Committee shall consist of five (5) members including the Chair. The President shall appoint the Chair. The two (2) most newly elected Board Directors shall serve as members on this Committee. The Chair of this committee shall appoint the two (2) remaining members from the membership at-large. The Admissions Committee shall be responsible for the granting (not promoting) of member status (Partner, Student, Associate or Regular) within the Association to individuals who have been recommended by the Membership Committee. At least once per calendar year, the written decisions of this Committee shall be made available to the Board of Directors and to the Membership Committee Chair.

Member status shall be awarded by a simple majority vote of the Admissions Committee; except that any Committee member may offer a rejection for cause, which shall be information which indicates that the applicant does not meet the basic requirements for membership as outlined in Article One of these By-laws or is in violation of the current Code of Professional Conduct as outlined in Article Fourteen of these By-laws. In such a case, no membership status shall be awarded until the Committee has conducted an inquiry. The inquiry may consist of, but is not limited to, requests for records, affidavits, or interviews from the candidate or other sources of information. The inquiry will

be allowed a time limit of 180 days from initiation, during which time the Committee will vote on the member status. This time limit may be extended to one (1) year if the Committee, by majority vote, decides that requests for information during the initial inquiry have not been satisfied. Where a delay in membership status occurs due to action by the Committee, a letter notifying the applicant of such delay shall be sent by the Committee Chair and shall be made part of the applicant's file. The Board of Directors must be kept apprised of the situation at all times. Applicants not approved for membership may appeal under the rules set forth in Article One, Section 2.E of these bylaws.

Section 8. The Website Committee

The Website Committee shall consist of the Chief Technical Officer (CTO) who will act as the Chair. Additional members may be added to this Committee by the CTO as deemed necessary or useful. This Committee shall not exceed more than three (3) members including the CTO, unless approved by the Board of Directors. The duties of this Committee shall be:

- Maintaining, updating, and ensuring the security of the SWAFS website and directory. Changes to the SWAFS website beyond routine updates and corrections must be reviewed and approved by the Board of Directors.
- Maintaining social media accounts associated with SWAFS.
- Maintaining and ensuring operation of software and/or application(s) used at the meetings.
- Coordinating electronic balloting with the Nominating Committee.
- Coordinating with the Treasurer on the cost of running and maintaining the SWAFS website.
- Maintaining SWAFS electronic documents and forms.

As long as committee members do not have master level privileges, they may run for office while simultaneously having administrative access to the SWAFS website.

The SWAFS website, membership directory, social media account(s), and all other electronic documents, sites, spreadsheets, ledgers, etc., that were used in the operations of SWAFS is solely the property of SWAFS.

Section 9. Constitution & By-Laws Committee

The Constitution & By-Laws Committee shall consist of a Chair, appointed by the President. Additional members, as deemed necessary or useful, will be selected by the Chair. This Committee shall not exceed more than five (5) members including the Chair, unless approved by the Board of Directors. This Committee shall be responsible:

- Maintaining the most current version of the Constitution and By-Laws.
- Receiving proposed amendments and notifying the membership in accordance with Article Five of the SWAFS Constitution and updating the Constitution and By-Laws when amended.
- Provide the most current version of the Constitution and By-Laws to the Website Committee within thirty (30) days after amendments have been passed, as well as maintain a record of previous versions of the Constitution and By-Laws whenever possible.
- Assisting the Board of Directors and the membership with Constitution and By-Laws issues and questions, as requested.

Section 10. Historical Committee

The Historical Committee shall consist of a Chair, appointed by the President. Additional members, as deemed necessary or useful, will be selected by the Chair. The duties of this Committee shall be:

- Assisting the Meeting Advisory Committee with archiving annual conference information in an easily accessible area. Some of the items to be archived include hotel room information,

course abstracts, technical presentation abstracts, sponsoring vendors, etc. Archiving this information should be in coordination with the CTO and/or Website Committee.

- Coordinating with the CTO and/or Website Committee with the archiving of SWAFS Journals/Bulletins in an easily accessible location for Association members.
- Coordinating with the CTO and/or Website Committee with the posting of Zotter Award and scholarship recipients to the SWAFS website.
- Maintaining historically significant documents to be referenced by the BOD or other members that have been given prior BOD approval.

Section 11. Peer Review Committee

The Peer Review Committee shall consist of a Chair, appointed by the President. Additional members, as deemed necessary or useful, will be selected by the Chair. This Committee shall be responsible for accepting potential journal and/or bulletin articles for SWAFS publication.

Section 12. Other Committees

Such other committees as the President or Board of Directors shall deem to be, from time to time, useful or necessary, shall be appointed by the President as needed.

Section 13. SWAFS representation at external committees

External committees that consist of a SWAFS member that is in good standing and selected by the Board of Directors. The Board of Directors will determine what the benefits are for the Association, prior to selecting a SWAFS member to be the Association representative.

As a SWAFS external committee representative, the selected member will:

- Submit a written notification (e.g., e-mail) to all SWAFS BOD members, when the SWAFS member plans on attending an external meeting. Then submit a request for reimbursement with projected expenses, at least two (2) months prior to travel. A maximum of \$400.00 per calendar year will be reimbursed.
- Submit a written report informing the BOD of external meeting details, no later than two (2) weeks upon returning from external meeting.
- Submit original receipts for reimbursement, no later than two (2) weeks upon return. Travel, lodging, and per diem will be considered; no wages will be reimbursed.

ARTICLE FIVE

DUTIES OF THE PRESIDENT

Section 1.

The President shall preside at all meetings of the Association and preserve order and decorum. The President shall carefully supervise the affairs of the Association and labor for its usefulness and efficiency. The President shall appoint all committees as provided for herein. The President shall fill all vacancies caused by death, resignation, or other causes except as specifically provided otherwise herein. The President shall serve as member of the Board of Directors.

Section 2.

Warrants or checks for expenditures or disbursements of up to \$200 shall be issued only after being authorized by the President. Expenditures of over \$200 shall require prior approval of the Board of Directors.

ARTICLE SIX

DUTIES OF THE PRESIDENT-ELECT

Section 1.

The President-Elect shall act as presiding officer of the Association during the temporary absence or disability of the President. The President-Elect shall automatically succeed to the office of President in the event of death, disability, resignation, or removal from office of the President and shall serve the unexpired term thereof.

Section 2.

In the event of a vacancy occurring in the office of the President-Elect due to death, resignation or other causes, such office shall remain vacant until the next business meeting.

Section 3.

In the event neither the President nor the President-Elect is able to conduct the business meeting, the Board of Directors shall appoint a Past President of the Association or a member of the Board of Directors to conduct the business meeting.

Section 4.

The President-Elect shall serve as the Parliamentarian at the annual meeting. In the event the President-Elect cannot attend the meeting, these duties will fall upon the Chairperson of the Board or other designated person appointed by the President.

Section 5.

The President-Elect shall chair the Meeting Advisory Committee.

Section 6.

The President-Elect shall have signatory authority to the Association financial records.

ARTICLE SEVEN

DUTIES OF CHAIRPERSON OF THE BOARD OF DIRECTORS

Section 1.

The Chairperson of the Board of Directors shall be held by the retiring President for a period of one (1) year or until the next business meeting, or until succeeded by the next retiring President of the Association.

Section 2.

In his/her absence at the Board or Business Meetings the Chairperson of the Board shall secure another Board member to act in their absence.

ARTICLE EIGHT

DUTIES OF THE SECRETARY

Section 1.

The Secretary shall keep the records and minutes of the Association. In his/her absence at the Board of Directors Meeting or Business Meeting, the Secretary shall ensure that a method for accurately recording the minutes is made available to the officer presiding over the meeting.

Section 2.

The Secretary shall endeavor to keep all members informed of current events relating to the Association. The Secretary shall provide all new members with a certificate of membership. Members who have been voted to Partner, Student, Associate, Regular, Distinguished or Emeritus status will receive a certificate.

Section 3.

The Secretary shall serve as the Chair of the Membership Committee.

Section 4.

The Secretary shall serve as a member of the Board of Directors. In addition, the Secretary will be added to the main and conference accounts for the length of their term. This must be coordinated within 60 days of the association annual meeting or when the Secretary begins the term.

ARTICLE NINE

DUTIES OF THE TREASURER

Section 1.

The Treasurer shall draw all warrants and checks for the expenses of the Association, which shall be signed by him/her, the President-Elect, the President, or the Chairperson of the Board of Directors. All warrants or checks for expenditures or disbursements of up to \$200 shall be issued only after being authorized by the President. Expenditures of over \$200 shall require prior approval of the Board of Directors.

The Treasurer shall obtain a written receipt for all expenditures, or else prepare a written statement detailing the reason for disbursement.

Section 2.

The Treasurer shall receive all monies due to the Association. All monies shall be deposited in an account(s) for the benefit of the Association. Each account or financial institution shall be approved by the Board of Directors.

Section 3.

The Treasurer shall keep a just and accurate financial account of the Association and shall give a financial report at each business meeting. At a minimum the report shall include the financial status of the association and the arrears list. In the event the Treasurer is unable to attend a business meeting, the Treasurer will forward a copy of the Treasurer's report to the Secretary of the Association, so the report may be presented to the membership and the Board of Directors.

Section 4.

The Treasurer shall provide a copy of all financial statements, monthly bank statements, or bank records for each account in which Association monies are deposited to the Audit Committee for the time from the last audit to the current date. These statements will be made available to the Board of Directors as required. The Treasurer shall maintain the original of all financial reports, bank records, and monthly bank statements for the past two (2) years. Records older than two (2) years must be archived in coordination with the CTO.

Section 5.

The Treasurer shall be responsible for filing appropriate tax returns for the Association.

Section 6.

The Treasurer shall serve as a member of the Board of Directors.

Section 7.

The Treasurer will forward the official/unofficial college transcripts of Student members to the Membership Committee Chair (SWAFS Secretary).

ARTICLE TEN**DUTIES OF THE CHIEF TECHNICAL OFFICER****Section 1.**

The CTO shall maintain the computer hardware and software used in maintaining Association records, to ensure all Association records are maintained under a common format. The CTO will also provide copies of Association software and operating manuals to appropriate Board Members and Committee Chairs that have been authorized by the Board of Directors.

Section 2.

The CTO shall serve as a member of the Board of Directors. The CTO is an appointed position by the President and therefore does not have a Board vote.

Section 3.

The CTO shall be responsible for archiving and security of Association documents and forms stored on SWAFS approved electronic sites.

Section 4.

The CTO/designee shall coordinate with the Meeting Advisory Committee to ensure that all necessary audio/video equipment for meetings/conferences is available, compatible and in good working order. The CTO must advise the Board of Directors when new or replacement technical equipment is needed for the Association.

ARTICLE ELEVEN**ELECTIONS****Section 1.**

Only Regular, Distinguished or Emeritus Members in good standing shall be entitled to vote. Proxy voting shall not be permitted.

Section 2.

All officers shall be elected by a secure electronic balloting system. Only Regular, Distinguished, or Emeritus members of the Association may be nominated for or hold the office of Chairperson of the Board of Directors, President, President-Elect, Secretary, Treasurer, or Board of Directors. In order to be elected to any office, the person nominated must receive the highest number of votes cast for persons running for that particular office. In the event of a tie, a runoff election will be held within twenty (20) days of the original election date, to be completed by the annual conference.

Section 3.

All elections shall be administered by the Nominating Committee, who shall be responsible for certifying the results of the election.

ARTICLE TWELVE DUES AND ASSESSMENTS

Section 1.

Dues and assessments shall be set by the Board of Directors and approved by the membership at the business meeting.

Section 2.

Associate, Partner, and Distinguished Members shall pay the same dues as Regular Members. Student Members shall pay one-half the dues of Regular Members. Current dues are \$50.00 per year for a Regular, Associate, Distinguished and Partner members. Current dues for Student members is \$25.00 per year. There are no annual dues for Emeritus members. Student membership status must be certified each year with a current official/unofficial college transcript that must accompany the due's statement. It is the responsibility of the student member to provide the appropriate paperwork.

Section 3.

Dues shall be due and payable on January 1st of each year. If not paid by the Board of Directors meeting for that year, the member will in arrears and no longer "in-good-standing", if the arrears are not greater than three (3) years. If the arrears become greater than three (3) years, then the member shall complete a new member application. Members not "in-good-standing" shall retain privileges until their membership is terminated by a Board of Directors vote.

ARTICLE THIRTEEN

PUBLICATIONS

Section 1.

The Constitution and By-laws of this Association shall be made available to all members of the Association. The SWAFS Journal/Bulletin will be published as needed.

ARTICLE FOURTEEN

CODE OF PROFESSIONAL CONDUCT

This code is intended to be a guideline for members of and those seeking membership in the Southwestern Association of Forensic Scientists (SWAFS) to provide a basis for their proper and

ethical conduct. It is recognized that no set of guidelines can deal with every circumstance and this code is neither intended to be all-inclusive nor a strict set of rules. Every member of and those seeking membership in SWAFS shall refrain from exercising professional or personal conduct adverse to the best interests and purpose of the Association. Any member who violates any of the provisions of this Code of Professional Conduct (Article Fourteen) shall be liable to probation, censure, suspension, or termination by action of the Board of Directors as provided in Section VI below. Any person seeking membership shall be denied membership if any violation(s) of the provisions of this Code of Professional Conduct are discovered or disclosed to the Board of Directors, Membership Committee, or Professional Conduct Committee.

“Criminalistics is an occupation that has all the responsibility of medicine, the intricacy of the law, and the universality of science. Inasmuch as it carries higher penalties for error than other professions, it is not a matter to take lightly, nor to trust to luck...”

Paul L. Kirk, Ph.D.

1902-1970

The word ‘Forensic’ is defined in the *Academic Press Dictionary of Science and Technology* as “of or relating to courts of law or legal proceedings...”

Existence of the forensic science profession is undeniably linked to the justice system. Jury decisions are based in part on the opinions presented to them by forensic “experts.” Trial verdicts are reached from these jury decisions. Forensic scientists therefore have an obligation to provide opinions and facts to a court of law that are truthful, honorable, and of sound judgment. Conclusions and opinions must not be compromised, misrepresented, embellished nor exaggerated. Testimonial negligence will result in the utmost crime against humanity. No person shall...” be deprived of life, liberty or property without due process of law” (Fifth Amendment as referenced by Kusmack).

Preparation for civil and/or criminal law matters must be given great attention and should commence early on during one’s career. Previous sections have discussed ideals that empower forensic scientists in their abilities to successfully execute the duties of their job. The work product of the forensic scientist is culminated in the conclusions stated in their report and during testimony.

“Always tell the truth; that way you never have to remember what you said.” Harry S. Truman

Communication pertaining to forensic legal matters, nevertheless, must be succinct yet thorough and understandable.

The obligations of forensic testimony are almost infinite. The SWAFS Code of Professional Conduct will not ensure that its members are respectful, honest, fair, and responsible, but it will ensure that persons not upholding their responsibility to the profession are aware of the consequences of their negligent actions. Nicholas T. Kuzmach, J.D., M.A., “Legal Aspects of Forensic Science” In *Forensic Science Handbook*. Richard Saferstein, Editor. 1982. Chapter 1. Ron Smith “Courtroom Testimony Techniques: Success instead of Survival” Meridian Mississippi.

I. Ethics Relating to General Criminalistic Matters

Each SWAFS member is to give the best possible services in all cases, irrespective of the importance of the matter and in any case in which surrounding circumstances seriously restrict an adequate examination should be appropriately recorded.

- A. It shall be the responsibility of every SWAFS member to uphold the laws unto which they are bound, at both the federal and state levels.
- B. A good faith effort shall be made by both SWAFS and SWAFS members to promote and receive quality training.

II. Ethical responsibilities to the Profession

- A. Each SWAFS member must be law abiding and avoid behavior leading to the arrest and conviction of a felony or crimes involving moral turpitude.
- B. A member convicted of a felony may have membership in SWAFS revoked.
- C. Conviction of DWI/DUI, possession/use of controlled substances may be cause for revocation of SWAFS membership.
- D. It shall be a violation of this code for a member of SWAFS to willingly tolerate unethical activity on part of another member.
- E. Members have a responsibility to keep abreast of advances in the forensic field and the open sharing of information concerning new techniques and developments in the field.
- F. The forensic scientist may only release information or classified law enforcement information to authorized personnel as commanded by their state law, agency policy, and agency practices.

III. Ethics Relating to Collection, Examination, and Analyses

- A. Evidentiary examinations should be undertaken with an objective frame of mind.
- B. The forensic scientist will make a thorough examination of evidence, applying a sufficient number of tests to reach a conclusion.
- C. The crime scene investigator will make a thorough investigation of the crime scene, collecting, documenting, and preserving evidence in accordance to all documented policies and procedures.
- D. Only methodology currently accepted in the forensic and crime scene field shall be used. New techniques shall be thoroughly validated and accepted before use.

IV. Ethics Relating to Opinions and Conclusions

- A. Statements pertaining to the results and conclusions of an examination must be objective in nature, keeping in mind the current capabilities of forensic science.
- B. Opinions based on study, experience, and judgment should be distinguished from those based on facts derived from scientific evaluation.

- C. Results, opinions, and interpretations must be based on the information gained from the evidence, not on extraneous information from other sources.
- D. Opinions must be stated as clearly and succinctly as is practical, both on reports and in legal proceedings, to prevent miscommunication. Extraneous and superfluous verbiage should be avoided.
- E. The member must not render opinions, which are beyond his/her area of expertise or beyond the current capabilities of the analysis performed.

V. Ethics Relating to Testimony/ Courtroom Presentation

- A. A member of SWAFS must refrain from misrepresentation of education, experience, or area of expertise. It is imperative that the forensic scientist be aware of personal limitations in training and experience.
- B. No statement shall be made to intentionally create an impression or cause the layperson to draw a conclusion that is not warranted by the results of the tests conducted.
- C. All explanations and testimony should utilize terminology such that is easily understood by the court and/or jury.

VI. Ethics relating to SWAFS committee chairpersons and elected Board of Directors' members

- A. It shall be the responsibility of these chairpersons and elected officials to uphold all duties explained in the bylaws.
- B. Each elected Board Member must sign a yearly code of conduct which will be electronically stored by the SWAFS Secretary. This must be completed within 60 days of the annual conference conclusion. See document A for further reference.
- C. These duties start as soon as the annual conference ends and/or when the new officials and chairpersons begin said responsibilities and duties. The President is responsible for designating the chair and all committees once they have assumed office. This task may take additional time, depending on the circumstances.
- D. Each committee chairperson and elected official must avoid any conflict-of-interest situations regarding their positions.

VII. Rules and Procedures

In order to be aware of the ethical standards expected by SWAFS and possible violations of the Code of Professional Conduct (Code), every member will have access to the Code whether it is incorporated into the By-Laws or becomes a separate publication of its own. It is the responsibility of the individual member to read the Code and be aware of its implications.

Unethical conduct detrimental to the profession or serious unethical conduct per se, which is not specified herein are also considered violations of the Code. If a member against whom a grievance has been filed terminates his/ her membership, a record will be maintained in the member's file that the termination of membership occurred with a grievance pending.

- A. A grievance concerning professional conduct of a member of this association must be made in writing to the Board of Directors (BOD). The Chairperson of the Board will submit an

approved grievance by the BOD, within 30 days of approval, to the Professional Conduct Committee. The Professional Conduct Committee shall investigate any ethical matters submitted in writing to the BOD. The Professional Conduct Committee shall present a written report to the BOD upon completion of the investigation.

- B.** The BOD shall review the report and determine if any action shall be taken against the member cited. The BOD, by a majority vote, can determine the course of action to be taken: termination, suspension, censure, or probation.
1. Termination: The member will be notified of termination and given the right to meet with the BOD to deny, defend, refute, any actions in question. This can occur via phone conference, at the annual meeting, or other means acceptable by the BOD. A final decision will be voted on by the BOD and a majority vote will prevail. Any subsequent information that is provided to the BOD or Professional Conduct Committee will be used in considering reactivation of membership but is at the discretion of the BOD.
 2. Suspension: The member will be notified of suspension and given the right to meet with the BOD to deny, defend, refute, any actions in question. This can occur via phone conference, at the annual meeting, or other means acceptable by the BOD. A final decision and length of suspension will be voted on by the BOD and a majority vote will prevail. Any subsequent information that is provided to the BOD or Professional Conduct Committee will be used in considering lifting the suspension. The BOD may also recommend a course of action that the suspended member must undergo in order to have the suspension lifted.
 3. Censure: The member will be notified of censure and given the right to meet with the BOD to deny, defend, refute, any actions in question. This can occur via phone conference, at the annual meeting, or other means acceptable by the BOD. A final decision will be voted on by the BOD and a majority vote will prevail. Any subsequent information that is provided to the BOD or Professional Conduct Committee will be used in considering removing the censure. The BOD must set a time limit for the censorship and recommend a course of action that the censured member must undergo to have the censure removed.
 4. Probation: The member will be notified of probation and given the right to meet with the BOD to deny, defend, refute, any actions in question. This can occur via phone conference, at the annual meeting, or other means acceptable by the BOD. A final decision will be voted on by the BOD and a majority vote will prevail. Any subsequent information that is provided to the BOD or Professional Conduct Committee will be used in considering removing the probation. The BOD may also recommend a course of action that the member must undergo to have the probation lifted. The probation should last no longer than one (1) year from the time the final decision is rendered by the BOD.
- C.** The member should be notified of the Professional Conduct Committee's and BOD findings of any ethical violation, in writing, with ample time to respond, in writing, as to why a particular issue is not an ethics issue (violation of the Association By-Laws and Code of Professional Conduct). Those initial correspondences should be between the BOD and the accused member based on the documented research of the Professional Conduct Committee.
- D.** Any member who has been suspended from membership may apply for reinstatement once the period of suspension is completed.

- E.** Any member terminated from this Association is no longer eligible to hold office or vote in the Association. Any dues and/or fees paid to the Association are forfeited to the Association when a member is terminated.
- F.** If, based upon the investigation of the Professional Conduct Committee, the BOD determines that some other action is appropriate, the same protocol will be followed.
- G.** If, based upon the investigation of the Professional Conduct Committee, the BOD determines that no action is necessary, the matter shall be closed. The member who filed the original grievance will be notified in writing of the Board of Directors' decision.

Document A

SWAFS BOD members Code of Conduct

1. I will comply with all bylaws of this organization to the best of my ability
2. I will disclose any conflicts of interest regarding my position on the board of directors.
3. I will participate accordingly in discussions and association business in a prompt and thorough manner.
4. I will always keep all board discussions confidential.
5. I will conduct myself with professional respect and dignity that behooves the forensic science profession.
6. I will be respectful and gracious to others when debating issues and concerns.

BOD member _____ Date _____