

# BY-LAWS

## AMERICAN POLYGRAPH AND VOICE STRESS ASSOCIATION

### 1. Division I: Name.

1.1 This document shall be known as the By-Laws of the APAVSA.

### 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: APAVSA Standards of Practice effective 01/01/2008

#### 3.1 Statement of Purpose

A polygraph and / or VSA, Credibility Assessment examination, properly administered by a well trained and competent 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 APAVSA establishes for its membership the following Standards of Practice. Moreover, all examinations are required to be conducted in compliance with governing local, state, and federal regulations and laws.

#### 3.2 Definitions

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

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

3.2.3 Investigative Examination: A Credibility Assessment examination for which the examination is intended to supplement and assist an investigation and for which the examiner has not been informed and does not reasonably believe that the results of the examination will be tendered for admission as evidence in a court of record. Types of investigative examinations can include applicant testing and screening, counterintelligence screening, and post-conviction sex

1 offender testing, as well as routine employment periodic honesty screening,  
2 multiple-issue or multiple-facet criminal testing. Investigative examinations are  
3 required to be conducted with a testing and analysis technique that has been  
4 validated.

5  
6 3.2.5 Specific Issue Credibility Assessment Examination: A single-issue  
7 examination, generally administered in conjunction with an investigation.

8  
9 3.2.6 Standards of Practice: The generally accepted principles for the best/most  
10 appropriate way to conduct a Credibility Assessment examination are required to  
11 be observed and followed in conducting, analyzing, documenting, and reporting  
12 examinations.

13  
14 3.2.7 Guidelines: Recommended practices for the conduct, analysis,  
15 documentation and reporting of Credibility Assessment examinations. They  
16 differ from standards in that standards are mandatory whereas guidelines convey  
17 better practices. Within the standards of practice, guidelines are explicitly set  
18 forth as recommendations.

### 19 20 3.3 Polygraph / VSA Examiner

21 3.3.1 An examiner is required to meet the training and educational requirements  
22 of his or her category of membership as set forth in the By- Laws.

23  
24 3.3.2 Evidentiary examinations are required to be conducted only by Full or  
25 Associate members who are “certified examiners.”

26  
27 3.3.3 Examinations of sex offenders as a condition of treatment, probation or  
28 parole are required to be conducted by members who have completed specialized  
29 training consistent with APAVSA guidelines.

30  
31 3.3.4 Examiner shall, where applicable, comply with all state / country  
32 continuing education requirements. Practicing examiners shall complete annual,  
33 re-certification coursework by “contact hours” or by approved distance learning  
34 seminars.

35  
36 3.3.5 Examiners are required to accurately represent their Category of APAVSA  
37 membership their academic credentials, their Licensure, and their certification  
38 status.

### 39 40 3.4 Polygraph / VSA Examinee

41 3.4.1 The examiner is required to make reasonable efforts to determine that the  
42 examinee is a fit subject for testing. Basic inquires into the medical and  
43 psychological condition of the examinee as well as any recent drug use must be  
44 made where allowed by law. Mental, physical or medical conditions of the  
45 examinee that should be observable to, or that should be reasonably known by  
46 the examiner, are required to be considered in conducting and evaluating the  
47 examination.

48  
49 3.4.2 During the pretest interview, where allowed by law, the examiner is

1 required to specifically inquire of the person to be examined whether or not he or  
2 she is currently receiving or has in the past received medical, psychological or  
3 psychiatric treatment or consultation.  
4

5 3.4.3 If an examiner has a reasonable doubt concerning the ability of an  
6 examinee to safely undergo an examination, a release from the examinee and his  
7 or her physician is required.  
8

### 9 3.5 Instrumentation and Recording – POLYGRAPH EXAMINATIONS

10 3.5.1 All POLYGRAPH Examinations are required to be conducted with  
11 recognized (ANSI) instrumentation and are required to record, at a minimum,  
12 the following channels or components for POLYGRAPH:  
13

14 3.5.1.1 Respiration patterns recorded by pneumograph components. Thoracic  
15 and abdominal patterns are required to be recorded separately, using two  
16 pneumograph components.  
17

18 3.5.1.2 Electrodermal activity reflecting relative changes in the conductance or  
19 resistance of current by the epidermal tissue.  
20

21 3.5.1.3 Cardiograph to record relative changes in pulse rate, pulse amplitude, and  
22 relative blood volume.  
23

24 3.5.1.4 A motion sensor is RECOMMENDED for POLYGRAPH examinations.  
25

26 3.5.1.5 Other physiological data may also be recorded during testing, i.e. VSA  
27 (PolyStress Technique).  
28

29 3.5.2 Physiological recordings during each test are required to be continuous,  
30 and are required to be of sufficient amplitude to be easily readable by the  
31 examiner and any reviewing examiner  
32

33 3.5.3 The polygraph instrument is required to be given a functionality or  
34 calibration test consistent with manufacturer recommendations and in  
35 compliance with state and federal law.  
36

### 37 3.5/4 Instrumentation and Recording -- VOICE STRESS ANALYSIS

38 All VOICE STRESS ANALYSIS examinations are required to be conducted with  
39 APAVSA approved instrumentation and are required to record and display, at a  
40 minimum, the micro muscle tremor activity of the voice, baseline of derived  
41 stress pattern, derived stress pattern on computer screen and / or on a printed  
42 chart / report.  
43

44 3.5.5 VSA Charts must be marked as follows: Name of examinee, Name of  
45 Examiner, Date and time of the examination, Questions, Answers, Type of Test  
46 Protocol, Number of test in series, mode or timing / number of cycles per second  
47 of each derived pattern displayed.  
48

### 49 3.6 Test Location and Conditions

1 3.6.1 Conditions under which testing occurs are required to be free from  
2 distractions that would interfere with the ability of the examinee to appropriately  
3 focus during the examination process.  
4

5 3.6.2 Examiners conducting examinations for public viewing are prohibited  
6 from rendering opinions regarding the truthfulness of the examinees on the basis  
7 of that examination. It is recommended examiners attempt to ensure that  
8 reenactments of examinations are clearly conveyed as such to viewers.  
9

### 10 3.7 Preparation

11 3.7.1 An examiner is required to, prior to the examination, dedicate sufficient  
12 time to identify the issues and any potential problems in any area of testing.  
13

### 14 3.8 Pretest Practices

15 3.8.1 The examiner is required to obtain information sufficient to identify the  
16 examinee.  
17

18 3.8.2 The examiner is required to obtain the consent of the examinee prior to  
19 testing. It is recommended the consent of the examinee be obtained after there is  
20 a reasonable understanding of the examination process, including the duration,  
21 the issues to be covered, and the instrumentation to be used.  
22

23 3.8.3 Sufficient time is required to be spent during the pretest interview to  
24 ensure that the examinee has a reasonable understanding of the examination  
25 process.  
26

27 3.8.4 Sufficient time is required to be spent to discuss the issues to be tested and  
28 to allow the examinee to fully explain his or her answers.  
29

30 3.8.5 Sufficient time is required to be spent to ensure the examinee recognizes  
31 and understands each question. Attempts by the examinee to rationalize should  
32 be neutralized by a pretest discussion in which the examinee demonstrates he or  
33 she understands the test questions to have the same meaning as does the  
34 examiner. Questions are required to be asked in a form that would prevent a  
35 reasonable person, facing a significant issue, from successfully engaging in a  
36 rationalization process.  
37

38 3.8.6 The examiner is required not to display or express bias in any manner  
39 regarding the truthfulness of the examinee prior to the completion of testing.  
40

### 41 3.9 Testing

42 3.9.1 An examiner is required to use a validated testing technique.  
43 Examinations are not permitted to materially deviate from the protocols of a  
44 validated testing technique. Where examinations deviate from the protocols of a  
45 validated testing technique it is recommended the deviations be noted and  
46 justified in writing.  
47

48 3.9.2 A stimulation test or acquaintance test is required for all evidentiary and  
49 initial PCSOT examinations. A stimulation or acquaintance test is recommended

1 for all initial examinations for any specific issue or investigative examination.  
2 A Relevant / Irrelevant protocol is an acceptable substitute test in VSA testing.

3  
4 3.9.3 For the resolution of specific issues, a validated testing technique must be  
5 used.

6  
7 3.9.4 Questions are required to be asked with clarity and distinctiveness.

8  
9 3.9.5 Questions are required to be balanced in terms of length and impact for  
10 each category of questions utilized. In POLYGRAPH testing, questions used in  
11 the assessment of truth and deception are required to be followed by time  
12 intervals of not less than 20 seconds from question onset. In VSA, a cadence of 3  
13 to 4 seconds is required between the answer and the next question.

14  
15 3.9.6 Examiners are required to collect a sufficient number of charts so as to  
16 acquire sufficient data for proper evaluation, in conformance with a validated  
17 testing technique.

18  
19 3.9.7 Nothing in these standards is intended to prevent the use of new or  
20 invalidated testing techniques for purposes of research. Nothing in these  
21 standards prohibit the use of VSA covertly for truth verification if the voice  
22 recording is obtained in a legal manner. There is no prohibition of VSA narrative  
23 analysis of legally obtained audio recordings for the purpose of truth verification.

24  
25 3.9.8 Standardized chart markings, recognized and utilized within the polygraph  
26 / VSA profession shall be employed. (For VSA see 3.5.5)

27  
28 3.9.9 An audio/video recording of the pretest and in-test phases is  
29 RECOMMENDED to be made and maintained as part of the examination file for  
30 as long as required by regulation or law, but for a minimum of one year for all  
31 evidentiary and paired-testing examinations. Audio/video recording is  
32 recommended for PCSOT examinations.

33  
34 3.9.10 An examiner is prohibited from conducting more than eight investigative,  
35 applicant screening, periodic or counterintelligence screening; or five evidentiary  
36 / specific issue examinations in one day; and no more than eight examinations of  
37 any type in one day. On rare occasion, exigent circumstances may warrant a  
38 waiver of this requirement.

### 39 40 41 3.10 Scoring

42 3.10.1 Examiners conclusions and opinions are required to be based on  
43 quantitative or numerical scoring for all evidentiary examinations and for all  
44 specific issue investigative examinations. The scoring method and decision rules  
45 shall have been validated demonstrating that they are valid and reliable, and  
46 appropriate for the type of examination. (Polygraph numerical scoring; VSA  
47 Baker Plus, minus, zero scoring technique.)

48  
49 3.10.2 Examiner notes of the examination are required to have sufficient clarity

1 and precision so that another examiner could read them.

2  
3 3.10.3 Examiners are prohibited from disclosing the results of the examination  
4 until the analysis has been completed.

5  
6 3.10.4 Examiners are required to maintain the confidentiality of their work when  
7 conducted under privilege until a release by the client is obtained.

8  
9 3.10.5 An examiner subject to a quality control evaluation of a case is required to  
10 fully disclose all relevant information regarding the case under review. Any  
11 doubts as to relevancy are required to be resolved through disclosure.

12  
13 3.11 Standards for Post-Conviction Sex Offender Testing (PCSOT)

14 3.11.1 PCSOT examiners are required to satisfy the provisions set forth in the  
15 Standards of Practice for investigative examinations as well as the following  
16 mandatory standard:

17  
18 3.11.2 Minimum Training: A minimum of 40 hours of specialized instruction  
19 through PCSOT certification training approved by the APAVSA, beyond the basic  
20 polygraph / VSA training course requirements, is required for those who practice  
21 sexual offender testing.

22  
23 3.11.3 Written Examination: Passing a final written examination, approved by  
24 the APAVSA or its designated representative is required prior to receiving a  
25 diploma for the training. The written examinations are required to be properly  
26 controlled and protected to prevent exposure of the test questions or answers to  
27 any unauthorized persons.

28  
29 3.11.4 Maintaining of Written Examinations: The instructors of the approved  
30 course are required to maintain a copy of the final written examination. Upon  
31 completion of the 40-hour PCSOT course instructors are required to administer  
32 the examination to those students who qualify for the final examination. Upon  
33 completion of the examination the instructors are required to submit the tests to  
34 the APAVSA scoring verifications.

35  
36 3.11.5 Recording Requirements: All PCSOT examinations submitted for quality  
37 control are required to be audio/visually recorded in their entirety. When  
38 required for quality control purposes these recordings will be made available. All  
39 recorded physiological data is required to be retained as part of the examination  
40 file as long as required by regulation or law, but for a minimum of one year.

41  
42 3.11.6 Conflict of Interest: PCSOT examiners who are therapists/treatment  
43 providers shall not conduct examinations on an individual that they directly or  
44 indirectly treat or supervise. Probation Officers may conduct examinations on  
45 individuals that they supervise.

46 4. Division IV: Code of Ethics

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49 4.1 Rights of Examinees.

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

#### 4.2 Standards for Rendering Credibility Assessment 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 POLYGRAPH examinee, recordings with insufficient responsivity, or recordings / VSA charts with 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 charts. 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. Outcome decisions shall be restricted to only those based on instrumentation data and “global impression.”

#### 4.5 Restrictions on Examinations.

4.5.1 A member shall not conduct an 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 Credibility Assessment services which is contingent upon the findings or results of such services, nor shall any member change his or her fee as a direct

1 result of his or her opinion or decision subsequent to a polygraph examination.

2  
3 4.7 Standards of Reporting.

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5 4.7.1 A member shall not knowingly submit, or permit employees to submit, a  
6 misleading or false Credibility Assessment examination report. Each report shall  
7 be a factual, impartial, and objective account of information developed during the  
8 examination, and the examiner's professional conclusion based on analysis of the  
9 polygraph or VSA data.

10  
11 4.8 Advertisements.

12  
13 4.8.1 A member shall not knowingly make, publish, or cause to be published any  
14 false or misleading statements or advertisements relating to the Association or  
15 the polygraph or VSA profession. No member shall make any false  
16 representation as to category of membership in the Association. All  
17 advertisements making reference to membership in the Association shall also list  
18 the category of membership.

19  
20 4.9 Release of Non-relevant Information.

21  
22 4.9.1 A member shall not disclose to any person any irrelevant personal  
23 information gained during the course of an examination which has no connection  
24 to the relevant issue, and which may embarrass or tend to embarrass the  
25 examinee, except where such disclosure is required by law.

26  
27 4.10 Restrictions on Examination Issues.

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29 4.10.1 A member shall not include in any examination, questions intended to  
30 inquire into or develop information on activities, affiliation, or beliefs on religion,  
31 politics, or race except where there is relevancy to a specific investigation.

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33 4.11 APAVSA Oversight Authority.

34  
35 4.11.1 A member who administers or attempts to administer any Credibility  
36 Assessment examination in violation of the Code of Ethics or the Standards of  
37 Practice may be subject to investigation, censure, suspension or expulsion from  
38 the Association.

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40 5. Division V: Membership

41  
42 5.1 Full Member.

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44 5.1.1 Full members of this Association are those persons who have:

45  
46 5.1.1.1 Graduated from an APAVSA approved course.

47  
48 5.1.1.4 Full Members shall:



- 1 5.1.1.4.1 Have the right to vote in all matters before the General Membership.  
2  
3 5.1.1.4.2 Be eligible to hold any elective office in the Association.  
4  
5 5.1.1.4.3 Be eligible to hold any appointed position in the Association.  
6  
7 5.1.1.4.4 Shall be permitted to cast votes in any election conducted by the  
8 Association.  
9  
10 5.1.1.4.5 Shall pay all dues to the Association in a timely manner.  
11  
12 5.2 Associate Member.  
13  
14 5.2.1 Associate Members of this Association are:  
15  
16 5.2.1.1 Persons who are not practicing polygraph or VSA examiners and who  
17 wish to be a member for the purpose of fellowship with members, or;  
18  
19 5.2.1.2.3 Have not graduated from an approved APAVSA course but; presented  
20 the work product (pretest worksheet, question list, charts and report) from a  
21 minimum of ten (10) completed polygraph or VSA examinations to the  
22 Membership Committee to confirm whether an acceptable level of technical  
23 competence has been achieved. If the Membership Committee deems it  
24 necessary, any person applying for membership agrees to allow a representative  
25 of the Membership Committee to observe a live test administered by the  
26 applicant. Any such observation shall be conducted in accordance with existing  
27 laws and regulations applicable to that examiner.  
28  
29 5.2.2 Associate members shall be eligible to be upgraded to Full Member  
30 status, provided that the following conditions have been satisfied:  
31  
32 5.2.2.1 They have satisfactorily completed a qualifying examination attesting  
33 to their knowledge of and competence in the administration of Credibility  
34 Assessment procedures. This examination shall consist of an oral and written  
35 assessment of both academic and practical knowledge of detection of deception  
36 procedures and shall be administered by a representative of the APAVSA  
37 Membership Committee.  
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39 5.2.2.2 BLANK  
40  
41 5.2.2.3 Within the 36 months preceding upgrading, they have successfully  
42 completed either:  
43  
44 5.2.2.3.1 BLANK  
45  
46 5.2.2.3.2 They have completed an APAVSA approved re-certification course  
47 administered by a training school approved by the APAVSA.  
48  
49 5.2.2.4 They are in attendance at an APAVSA seminar at the time of

1 consideration of their request for upgrading to Full Member.

2  
3 5.2.2.5 They submit proof of having completed not less than 200 satisfactory  
4 examinations.

5  
6 5.2.2.6 BLANK

7  
8 5.2.2.7 They have satisfied all financial obligations to the APAVSA.

9  
10 5.3.3 Associate Members shall:

11  
12 5.3.3.1 NOT have the right to vote in all matters before the General  
13 Membership or hold any elective office in the Association.

14  
15  
16 5.3.3.2 BLANK

17  
18 5.3.3.3 Shall not represent themselves as other than Associate Member of the  
19 APAVSA.

20  
21 5.4 Life Member / Fellow

22  
23 5.4.1 A Fellow /Life Member is any member of the Association:

24  
25 5.4.1.1 Who has been nominated by another Member of Fellow / Life  
26 Membership, and;

27  
28 5.4.1.2 Whose nomination has been approved by a two-thirds (2/3) majority  
29 vote of the Board, or

30  
31 5.4.1.3 Who has received a designation of FELLOW / LIVE MEMBER or  
32 CERTIFIED ANALYST from the INTERNATIONAL SOCIETY of STRESS  
33 ANALYSTS (ISSA).

34  
35 5.4.2 Life Members / FELLOW shall:

36  
37 5.4.2.1 Have the right to vote in all matters before the General Membership.

38  
39 5.4.2.2 Be eligible to hold any elective office in the Association.

40  
41 5.4.2.3 Be eligible to hold any appointed position in the Association and Chair  
42 any Standing or Ad-Hoc Committee.

43  
44 5.4.2.4 Be eligible to serve on any Standing or Ad-Hoc Committee.

45  
46 5.4.2.5 Be exempt form annual membership dues to the Association.

47  
48 5.5 Science and Technology Membership.

49

- 1 5.5.1 Science and Technology members are those persons, organizations or  
2 corporations who have a professional or scientific interest in the Credibility  
3 Assessment profession through research or instrumentation.  
4
- 5 5.5.2 Science and Technology members shall:  
6
- 7 5.5.2.1 Not have the right to vote in matters before the General Membership.  
8
- 9 5.5.2.2 Not be eligible to hold any elective office in the Association.  
10
- 11 5.5.2.3 Not be eligible to hold any appointed position in the Association.  
12
- 13 5.5.2.4 Be eligible to serve on any Standing or Ad-Hoc Committee.  
14
- 15 5.5.2.5 Meet all financial obligations to the Association.  
16
- 17 5.6 Honorary Member.  
18
- 19 5.6.1 Honorary Members are those persons who:  
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- 21 5.6.1.1 Have made an outstanding contribution to the Association and the  
22 polygraph or VSA profession, and;  
23
- 24 5.6.1.2 Have been nominated by any Member for Honorary Membership, and;  
25
- 26 5.6.1.3 Whose nomination has been approved by a two-thirds (2/3) majority  
27 vote of the Board.  
28
- 29 5.6.1.4 BLANK  
30
- 31 5.6.2 Honorary Members shall:  
32
- 33 5.6.2.1 Not have the right to vote in matters before the General Membership.  
34
- 35 5.6.2.2 Have the right to speak on any issue before the General Membership or  
36 the Board of Directors.  
37
- 38 5.6.2.3 Not be eligible to hold any elective office in the Association.  
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- 40 5.6.2.4 Not be eligible to Chair any Standing or Ad-Hoc Committee.  
41
- 42 5.6.2.5 Be exempt from annual membership dues to the Association.  
43
- 44 5.7 Retired Members.  
45
- 46 5.7.1 Retired members are those persons who:  
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- 48 5.7.1.1 Are at least 65 years of age.  
49

- 1 5.7.1.2 Are no longer engaged in profit-making Credibility Assessment  
2 employment.  
3
- 4 5.7.1.3 Have at least 20 years of membership in the APAVSA or ISSA.  
5
- 6 5.7.1.4 Have attended a minimum of five (5) APAVSA or ISSA Seminars.  
7
- 8 5.7.1.5 Whose nomination has been approved by a two-third (2/3) majority  
9 vote of the Board.  
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- 11 5.7.1.6 BLANK  
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- 13 5.7.2 Retired Members shall:  
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- 15 5.7.2.1 Have the right to vote in all matters before the General Membership.  
16
- 17 5.7.2.2 Be eligible to hold any elective office in the Association.  
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- 19 5.7.2.3 Be eligible to hold any appointed position in the Association and Chair  
20 any Standing or Ad-Hoc Committee.  
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- 22 5.7.2.4 Be eligible to serve on any Standing or Ad-Hoc Committee.  
23
- 24 5.7.2.5 Be exempt from annual membership dues to the Association.  
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- 26 5.8 INTERNATIONAL ORGANIZATION Members.  
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- 28 5.8.1 International Organization Members are those Credibility Assessment  
29 organizations or associations who desire a professional relationship with the  
30 A[AVSA and whose members agree to abide by the Code of Ethics and the  
31 Standards of Practice of the Association. An applicant for INTERNATIONAL  
32 ORGANIZATION Membership shall:  
33
- 34 5.8.1.1 File a copy of its Constitution or By-laws with the Board and, if granted  
35 membership, notify the Board of any changes in said documents.  
36
- 37 5.8.1.2 Be granted INTERNATIONAL Membership upon a two-thirds (2/3)  
38 majority vote of the Board.  
39
- 40 5.8.2 INTERNATIONAL ORGANIZATION Members shall:  
41
- 42 5.8.2.1 Be autonomous in all matters, but must be in compliance with the Code  
43 of Ethics and Standards of Practice of this Association.  
44
- 45 5.8.2.2 Not represent themselves as other than LOCAL CHAPTER -  
46 INTERNATIONAL ORGANIZATION Members of this Association nor represent  
47 that by virtue of their Membership some or all of the members therein are  
48 members of the APAVSA. This shall not preclude members of the APAVSA from  
49 belonging to an INTERNATIONAL CHAPTER and representing themselves to be

1 members of the Association.

2  
3 5.8.2.3 Maintain separate financial accounts and records from the APAVSA  
4 and not bind the Association to any financial commitment or responsibility.

5  
6 5.8.2.4 The Board of Directors may upon a two-thirds (2/3) majority vote,  
7 revoke the International Organization Membership of any such member who:

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9 5.8.2.4.1 Fails to subscribe to or enforce upon its members the APAVSA Code of  
10 Ethics and Standards of Practice.

11  
12  
13 5.8.2.4.2 Fails to hold a meeting of its General Membership within a twelve (12)  
14 month period.

15  
16 5.9 General Provisions.

17  
18 5.9.1 Subject to the terms and conditions of this Article, membership in the  
19 Association shall be terminated upon the conviction of any member, other than  
20 An International Organization Member, of any felony crime or any crime of  
21 moral turpitude. Conviction, for the purpose of this section, shall mean the  
22 judgment of any court of competent jurisdiction, local, state or federal and shall  
23 include a plea of "no contest" to a crime amounting to a felony or when included  
24 as a lesser offense or when included as a condition of probation. Such  
25 termination of membership shall be automatic and without action by the Board.

26  
27 5.9.2 Any Member who has been formally charged in any court of competent  
28 jurisdiction on a charge amounting to a felony crime or any crime of moral  
29 turpitude shall, within thirty (30) days of such arraignment, notify the Board of  
30 such arraignment. Notification shall be in writing and shall include the nature of  
31 the charge, the name and address of the court where the member was arraigned,  
32 the date of the arraignment and the case or docket number assigned by the court.

33  
34 5.9.2.1 The membership of any Member who fails to comply with the  
35 provisions of this sub-section shall be suspended without action by the Board.  
36 Said suspension shall be effective on the thirty-first (31st) day after being  
37 formally charged and shall continue until the member complies with the  
38 requirements of this sub-section.

39  
40 5.9.3 The membership of any Member who resigns from this Association  
41 shall be reinstated upon approval of the Board; provided, the member:

42  
43 5.9.3.1 Qualifies for the class of membership to which he or she qualified at  
44 the time of resignation.

45  
46 5.9.3.2 Meets all financial obligations to the Association for the year in which  
47 the reinstatement is sought.

48  
49 5.9.3.3 Was not the subject of investigation by the Board or failed to meet his

1 or her financial obligations to the Association at the time of his or her  
2 resignation.

3  
4 5.9.4 Any applicant pending Board approval of membership or Associate  
5 Member who is in the process of upgrading to Full Member will not be eligible for  
6 further membership processing unless their current grievance investigation is  
7 deemed unfounded and closed.

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11 6. Division VI: Directors

12  
13 6.1 Directors of the Association shall perform such duties as assigned by the  
14 President or Board of Directors.

15  
16 7. Division VII: Officers

17  
18 7.1 The President shall:

19  
20 7.1.1 Preside over all meetings of the General Membership.

21  
22 7.1.2 Preside over all meetings of the Board of Directors.

23  
24 7.1.3 Have general supervision over the affairs and administration of the  
25 Association and of the duties of those appointed to office.

26  
27 7.1.4 Perform such duties as the Board may assign and represent this  
28 Association at all official functions.

29  
30 7.1.5 Appoint the general Chairpersons of all Standing or Ad-Hoc Committees.

31  
32 7.1.6 Perform other duties as assigned by the Board.

33  
34 7.2 The Vice-Presidents shall:

35  
36 7.2.1 Represent the interest of all APAVSA members, especially focusing on the  
37 segment of their representation, Government, Private, Law Enforcement.

38  
39 7.2.2 Perform other duties as assigned by the Board.

40  
41 7.3 The Secretary shall:

42  
43 7.3.1 Be responsible for recording and retaining the official minutes,  
44 resolutions, and proceedings of the Association derived from business meetings  
45 of the general membership, the Board of Directors, or other meetings as may be  
46 required for the effective and orderly transaction of the Association's business.

47  
48 7.3.2 Distribute official notices, correspondence and other materials and record  
49 policy and procedures established during Board of Directors Meetings.

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

7.4 The Treasurer shall:

7.4.1 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 when appointed.

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

7.4.3 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.

7.4.4 BLANK

7.4.5 BLANK

7.4.6 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.

7.4.7 BLANK

7.4.8 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.

7.4.9 BLANK

7.4.10 Perform other duties as assigned by the Board.

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

8.1 The Executive Director shall:

8.1.1 Be appointed, as needed.

8.1.2 Represent the interests of the Association to the public.

8.1.3 Be the Executive Officer in charge of APAVSA affairs under direction of the President.

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8.1.4 Be the Chief Executive Officer of all Divisions of the Association.

8.1.5 Be responsible for authoritative statements of APAVSA policy in cooperation with the Board and any Committees.

8.1.6 Perform other duties as assigned by the President.

8.2 The General Counsel shall, when appointed:

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

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

8.2.3 Perform other duties as assigned by the President.

8.3 The APAVSA Journal Editor shall:

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

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

8.3.3 Shall 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.

8.3.4 Perform other duties as assigned by the President.

8.4 The National Office Manager (when appointed) shall:

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

8.4.2 Be the primary custodian of all records, of whatever nature, which are the property of the Association.

8.4.3 Perform other duties as assigned by the President and the Board of Directors.

9. Division IX: Standing Committees

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



1 9.1.1 The Ethics Committee

2 Ethics Committee shall be comprised of the Association President (as  
3 Chairman), Vice President, Secretary and one FELLOW or Life Member of the  
4 Association appointed by the Chairman.  
5

6 9.1.1.1 The Ethics Committee receives and expeditiously, fairly, and  
7 impartially investigates all allegations of misconduct against members of the  
8 Association. An ethics or grievance investigation shall be initiated by filing a  
9 complaint. All complaints shall be in writing, signed by the complainant, and  
10 submitted to the APAVSA National Office. The Committee shall not consider,  
11 investigate, nor act upon any allegation that does not meet these criteria.  
12

13 9.1.1.2 Upon receipt of the complaint, the General Chair of the Committee  
14 shall determine whether the complaint sets out an allegation of an ethical  
15 violation. If the General Chair determines that the complaint sets out an  
16 allegation of an ethical violation, the General Chair shall forward the complaint to  
17 the accused member requesting a written response to the complaint along with a  
18 request for any other documentation deemed necessary for investigation of the  
19 complaint. The accused member shall have thirty (30) days, or such longer time  
20 as granted by the General Chair, from the receipt of the complaint to respond, in  
21 writing, to the General Chair. Failure to provide requested information to the  
22 Ethics Committee shall be grounds for the Ethics Committee General Chair to  
23 seek suspension of the accused member by the Board of Directors. Continued  
24 failure to provide the requested information shall be grounds for additional  
25 sanctions, up to and including termination of membership. Upon receipt of the  
26 written response, the General Chair shall, along with any investigation deemed  
27 necessary, determine if the complaint is without merit and should be dismissed  
28 or whether disciplinary proceedings should be initiated.  
29

30 The General Chair shall notify, in writing, the complainant and the accused  
31 member of the decision of whether to initiate a disciplinary proceeding.  
32

33 9.1.1.3 If a disciplinary proceeding is initiated, the accused member shall have  
34 thirty (30) days from the date of notification by the General Chair to request a  
35 hearing. Such request shall be in writing and addressed to the General Chair.  
36 The hearing is to provide the accused member of an opportunity to present any  
37 additional evidence or argument in response to the grievance complaint. The  
38 General Chair shall, after receipt of the accused member's request for a hearing,  
39 appoint a hearing officer from a list of hearing officers, which have been  
40 nominated and approved by the Board of Directors, to conduct the hearing in the  
41 state, province, or country of the accused member. This hearing may be  
42 accomplished by telephone, videoconference or in person. The investigating  
43 Committee member shall provide at least ten (10) days written notice to the  
44 accused member of the time, place, and date of the hearing. The accused  
45 member shall have the right to legal counsel or other advocate and may call  
46 witnesses to provide evidence on his or her behalf. The appointed hearing officer  
47 may examine witnesses called by the accused member and may call other  
48 witnesses as deemed necessary.  
49

1 9.1.1.4 Upon consideration of the evidence and testimony, within ten (10)  
2 days, or such longer time as granted by the General Chair, the hearing officer  
3 shall submit his or her findings to the Ethics Committee who will make a  
4 determination of whether the grievance is founded or unfounded. The General  
5 Chair shall be governed by a majority vote of the Committee and shall notify the  
6 accused member, in writing, of its findings and recommendations.  
7

8 9.1.1.5 If disciplinary action is recommended, the General Chair or the  
9 appointed hearing officer shall present the evidence, findings, and  
10 recommendations to the Board of Directors. The accused member may appear or  
11 submit in writing to the Board of Directors, on such conditions as determined by  
12 the Board of Directors, only mitigating or extenuating matters that may effect the  
13 Board of Directors decision concerning types of disciplinary actions to be  
14 imposed. The Board of Directors shall by majority vote determine whether, and  
15 the nature of, disciplinary action to be taken against the member. The Board of  
16 Directors may publicly or privately censure, suspend, or terminate membership  
17 in the Association or take such other actions as deemed appropriate. The General  
18 Chair shall notify the accused member, in writing, of the Board's determination.  
19 The General Chair shall advise the complainant of whether disciplinary action  
20 was taken.  
21

22 9.1.1.6 If the accused member fails to request a hearing or fails to appear at a  
23 hearing subsequent to a request for such, the General Chair shall appoint a  
24 member of the Committee to proceed with an investigation as he or she deems  
25 necessary to make findings and recommendations. The appointed Committee  
26 member shall submit his or her findings and recommendations to the General  
27 Chair for submission to the full Committee for review and comment. The  
28 Committee shall determine whether to accept, reject or modify the findings and  
29 recommendations. The General Chair or his appointed representative shall  
30 notify the accused member, in writing of its findings and recommendations. If  
31 disciplinary action is recommended, the General Chair or his or her appointed  
32 Committee representative shall present the matter to the Board of Directors as  
33 set out in 9.1.5 above.  
34

35 9.1.1.7 Except as otherwise contemplated by the Constitution and By-laws,  
36 information obtained by the Ethics Committee is considered confidential and  
37 should not be released outside the Committee or Board of Directors.  
38

39 9.1.1.8 If an ethics or grievance complaint is filed by or against a member of  
40 the Ethics Committee or a member of the Board of Directors, that member shall  
41 recuse himself or herself from investigation or consideration of the complaint.  
42

43 9.1.1.9 The Ethics Committee performs other duties as assigned by the  
44 President of the Board of Directors.  
45

46 9.1.2 The Legislative Committee:  
47

48 9.1.2.1 Represents the interests of the Association in all matters relating to  
49 legislation, proposed or enacted, at the federal, state or local level, which affect or

1 may affect the Association or the members thereof.

2  
3 9.1.2.2 When appropriate, recommends to the Board any changes in the  
4 Standards and Principles of Practice necessitated by changes in law or the effects  
5 of law.

6  
7 9.1.2.3 Performs other duties as assigned by the President and the Board of  
8 Directors.

9  
10 9.1.3 The Membership Committee:  
11 Comprised of the Association Secretary as Chairman and 2 appointed  
12 members.

13  
14 9.1.3.1 Examines the qualifications of applicants for membership, publishes  
15 the names of all applicants for membership at least thirty (30) days prior to the  
16 submission of their names to the Board and sends to the Board the names of all  
17 those whom the Committee finds meet the qualifications for the class of  
18 membership requested.

19  
20 9.1.3.2 Performs other duties as assigned by the President and the Board of  
21 Directors.

22  
23 9.1.4 The Seminar Committee:  
24 Comprised of the President as Chairman, Vice President and two Members  
25 appointed by the Chairman.

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

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

32  
33 9.1.5 Research and Development Committee:

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

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

42  
43 9.1.6 Educational Accreditation Committee:  
44 Comprised of the Vice President as Chairman and 2 appointed members.

45  
46 9.1.6.1 Has the authority and responsibility to establish and promulgate  
47 criteria for evaluation and accreditation of programs and institutions engaged in  
48 any course of study within any private, public, or federal educational or training  
49 institution which purports to offer instruction in, or the teaching of, the theory or

1 practice of detecting deception or verifying truth of statements through the use of  
2 any polygraph or VSA instrumentation. The criteria are under continuing review  
3 and changes are made as appropriate and as required.  
4

5 9.1.6.2 Uses the accreditation process to enhance the instruction and learning  
6 experience of those seeking to be Credibility Assessment professionals.  
7

8 9.1.6.3 Performs other duties as assigned by the President and the Board of  
9 Directors.  
10

11 9.1.7 Public Relations, Information and APAVSA Journal Committee:  
12 Chaired by the Editor of the APAVSA Journal and 2 appointed members of the  
13 Association.  
14

15 9.1.7.1 Develops written, visual and auditory materials for dissemination of  
16 positive and educational information about the profession.  
17

18 9.1.7.2 Establishes public relations programs to promote the best interest of  
19 the profession profession.  
20

21 9.1.7.3 Answers media inquiries regarding Credibility Assessment matters.  
22

23 9.1.7.4 Performs other duties as assigned by the President and Board of  
24 Directors.  
25

26 9.1.8 BLANK  
27

28 10 Division X: Ratification  
29

30 10.1 These By-Laws shall take effect on January 1, 2004 and shall  
31 supersede all other By-Laws then in effect.