

# **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. 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 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 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.
- (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 shall hold at least one meeting each year, as duly constituted in accordance with the By-Laws. Proposed meeting locations must be approved by the Board of Directors a minimum of 12 months prior to the date of the proposed meeting.

At business meetings, the presence of 30 or more voting members in good standing shall constitute a quorum for the transaction of business.

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 members of the Association, to the Board of Directors at least sixty days prior to the business meeting. These proposed amendments shall be posted on the SWAFS website and shall be published in the SWAFS Publication (Journal or Newsletter) or separately mailed to the members at least thirty days prior to the business meeting. The By-Laws committee shall be responsible for coordinating such notification of the membership.

If there is not a quorum present at the business meeting voting will be done by mail or by a secure electronic ballot. The By-Laws committee shall be responsible for mailing out ballots or coordinating electronic balloting within twenty days of the business meeting. Members shall be allowed 30 days from date of mailing or electronic posting for return of ballots.

It shall require a majority vote of all eligible voting members in attendance, or of ballots returned in the event of a mail or electronic vote, to pass an amendment to the Constitution. It shall require a vote of a majority of all eligible voting members in attendance, or of ballots returned in the event of a mail or electronic vote to pass an amendment to the By-Laws. There shall be no proxy voting.

# BY-LAWS

## ARTICLE ONE

### Section 1. Membership

Membership in the Association shall be divided into the following five 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 five classes are as follows:

**A. Regular Member:** Regular membership shall be limited to those persons who are engaged in forensic science and involved in furthering the purposes of this organization.

To be eligible for Regular membership, a person must have at least 2 years experience as a practicing forensic scientist.

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 12 credit hours per semester for undergraduate level and a minimum of 6 credit hours per semester for graduate level) students at a college or university, who are not currently employed as a forensic scientist 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 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 Journal.

**C. Associate Member:** Those persons who are practicing forensic scientists but do not meet the 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 Journal. Except by special approval by the Board of Directors, Associate Membership will be for a maximum of five years. The Associate Member must be eligible and apply for Regular Membership during this time period 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 points in the manner described herein and who has not been censored or disciplined during his/her term of membership may apply to become advanced 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 Journal	2 Points
6. Journal Editor	3 Points
7. Officer	3 Points

\* Maximum of four points towards total of fifteen. The total fifteen points must include contributions to at least four categories. A category may be listed more than one 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 Chairman of the Board is counted once since it is one time served. "Contributions to the SWAFS Journal" may be used for each new contribution, etc.

**E. Emeritus Member:** Any Regular member or Distinguished member who has had twenty-five 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 his/her usual place of employment in the field of forensic science, may apply to become an Emeritus member.

Emeritus members may attend all meetings and shall pay no dues but will retain the right to vote in Association affairs.

**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. This membership allows an affiliation with the Association, however Partners may not vote nor 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 recommendation is from a Regular, Distinguished or Emeritus member of the Association. Or, in the case of Student application, verified faculty advisors and/or professor references will be accepted. 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 60 days of the mailing or website posting. At the earliest convenience after this 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 mail or electronic mail to the general membership. The Membership Committee will send out the appeal not more than 15 days after the business meeting. The decision of the general membership will be the final decision of the Association on the candidate's eligibility for membership.

**F.** New Membership Applications and documents will be archived for a 3-year period with the Membership Committee. After this 3-year period, those records will be destroyed. If you require permanent records be archived you will need to keep them yourself. All old applications will be purged once pertinent information is obtained and archived electronically.

### **Section 3. Termination of Membership**

**A.** A member may terminate his/her membership upon written request to the Secretary or Membership Committee Chair, who shall inform the members of the Association at the next regular business meeting.

**B.** If a member's dues, for the current year, are not paid by the date of the Board of Directors meeting at the Fall meeting for that year as defined in Article Eleven of these By-Laws, he or she will be dropped from membership by a vote of the Board of Directors no earlier than June 30<sup>th</sup> 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 dropped from membership by the Board of Directors, he or she shall continue current membership.

**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 Thirteen 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. Immediate Past President
- D. Secretary
- E. Treasurer
- F. Four Directors

### **Section 2.**

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

The Immediate Past President shall be the retiring President and shall hold office for a period of one year or until the next succeeding fall business meeting, during which time he/she shall serve as Chairman of the Board of Directors until succeeded by the next retiring President. In the event that the Past President is unable for any reason, to assume the office of Chairman of the Board of Directors, the President who retired just before him/her shall serve in his/her place, and so on in succession.

The President shall be the retiring President-Elect. In the event that the President-Elect is unable for any reason, to assume the office of President, then the Chairman of the Board of Directors shall assume the duties of President until the next Fall business meeting.

### **Section 3.**

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

#### **Section 4.**

The terms of office of the President and President-Elect shall be for a period of one year. The terms of office of the Secretary and Treasurer shall be for a period of two 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 terms of office of the four Directors will be for a period of two years. These terms shall be staggered such that each year two Directors will be elected. The Secretary and/or the Treasurer may succeed him/herself as often as they shall be re-elected. The President shall not serve two consecutive terms as President. The Directors shall not serve two consecutive terms as Directors. Upon leaving any office of this Association, for any reason, the person vacating the office shall immediately surrender and transfer all records of the Association to the individual succeeding the person in 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-five (35) regular members, and presented to the Board of Directors, not later than 120 days before the next Fall business meeting.
- B.** The Board of Directors will certify that at least 35 signatures on the petition are Regular 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 Fall business meeting that a recall election will be conducted at the meeting.
- C.** It shall require a vote of two-thirds of all Regular Members in attendance, who are entitled to vote, to recall any officer.

### **ARTICLE THREE BOARD OF DIRECTORS**

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 Immediate Past President, and four Directors. A quorum of the Board of Directors shall consist of at least five of its members. Board members shall be permitted to vote on its affairs in person or by proxy.

The Board of Directors shall meet at least once per year and may hold additional meetings upon reasonable notice as called by the Chairman of the Board. Each Board member may request a maximum of \$400.00 per annum for personal expenses incurred that is not reimbursed by his or her agency, for attendance at the Board and Business meetings. Original receipts must be submitted to qualify for reimbursement.

In addition the host laboratory will waive costs of the basic registration for attendance at the meeting. Additional costs for courses for the individual are the responsibility of the individual.

## **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 fall meeting. The Nominating Committee shall be responsible for seeking, screening, and selecting qualified candidates for offices that become vacant due to expiration of tenure; mailing ballots to all voting members or coordinating electronic balloting; supervising the election process; informing the membership and all candidates of the results of the election; and forwarding to the new officers and the Board of Directors a statement of their functions and duties. In addition, the Nominating Committee shall seek and accept all nominations for awards and forward them to the appropriate committee or Board of Directors for their selection process. 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 fall 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 60 days prior to the fall business meeting to vote. The committee shall receive completed ballots or an electronic ballot report not less than 30 days prior to the fall business meeting. The slate should consist of a minimum of two and not exceed a maximum of four qualified candidates for each office. 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, appointed by the President, and two other members. The duties of this committee shall be to solicit and encourage membership in the Association of qualified persons in the field of forensic science, and to receive, review, and accept completed applications for membership. The Committee shall also recommend acceptance or denial of a candidate's application for membership to the Admissions Committee. The Membership Committee shall also maintain the current membership list, publish the Membership Directory and receive all notices of membership changes.

### **Section 3. The Professional Conduct Committee**

The Board of Directors, as duly constituted under the By-Laws, shall appoint a six member Committee on Professional Conduct. Current members of the Board of Directors shall not be eligible to serve on the Committee on Professional Conduct. The Committee on Professional Conduct shall establish guidelines and rules, as provided in the By-Laws, to govern itself in the investigation of grievances. The committee shall only act in a fact-finding capacity in regards to 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 regular member of the Association. The Committee on Professional Conduct shall investigate any ethics matter submitted in writing to the Board of Directors. The 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 expelled 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 expelled.

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

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

#### **Section 4. The Audit Committee**

The President shall appoint an Audit Committee of at least three members of the Association. The Audit Committee shall make a detailed examination of the financial records of the Association and present a report of their 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 fall business meeting till the next fall business meeting.

#### **Section 5. The Meeting Advisory Committee**

The Meeting Advisory Committee members will be appointed by the President. This committee will serve to advise host meeting committees in planning their meetings. Other duties of the committee include collecting specific information about the annual training conference and archiving the information in an easily accessible area, such as on the website. Some of the items to be archived include: Hotel room night usage, courses abstracts, technical presentation abstracts, sponsoring vendors, etc.

#### **Section 6. The Scholarship Committee**

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

The amount of the scholarship fund will be set by the board of directors. The scholarship will be available only as funds permit.

### **Section 7. The Admissions Committee**

The Admissions Committee shall consist of five (5) members. The President shall appoint the Chairman. The President-Elect and the two (2) most newly elected Board Directors shall also serve as members on the Committee. The Chairman of the committee shall appoint the fifth member 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. This member status vote shall be conducted at least twice per year, and the written decisions of the Committee made available to the Board of Directors and to the Membership Committee Chairman.

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 Thirteen 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 one hundred and eighty (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 Chairman, and shall be made part of the applicant's file.

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 a Chair, appointed by the President, and other members as deemed necessary. The Website Committee shall be responsible for maintaining and updating the SWAFS website, specifically including the following pages: Annual Meeting, Employment, Home, Membership, Training and Events. Remaining pages may be added, deleted or changed as necessary by the committee and/or Board of Directors. The committee shall strive to maintain a fluid and dynamic site, as opposed to a static collection of web pages. The Committee shall also coordinate electronic balloting. As long as committee members do not have master level privileges, they may run for office while simultaneously having administrative access to the website.

## **Section 9. 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.

## **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. The President-Elect shall coordinate the activities of the Membership Committee by maintaining contact with the Committee Chairman.

### **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 fall business meeting.

### **Section 3.**

In the event that 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 Chairman of the Board or other designated person appointed by the President.

#### **Section 5.**

The President-Elect shall serve on the Admissions Committee.

### **ARTICLE SEVEN DUTIES OF IMMEDIATE PAST PRESIDENT**

#### **Section 1.**

The office of Immediate Past President shall be held by the retiring President for a period of one year or until the next fall business meeting, during which time he/she shall serve as Chairman of the Board of Directors until succeeded by the next retiring President of the Association.

### **ARTICLE EIGHT DUTIES OF THE SECRETARY**

**A.** 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.

**B.** 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, a copy of the Bylaws and a Membership Directory. Members who have been voted to Partner, Student, Associate, Regular, Distinguished or Emeritus status will receive a certificate.

**C.** The Secretary shall maintain the computer hardware and software used in maintaining Association records. The Secretary will also provide copies of Association software and operating manuals to Committee Chair and appropriate Board Members to ensure all Association records are maintained under a common format.

**D.** The Secretary shall serve as a member of the Board of Directors.

**ARTICLE NINE**  
**DUTIES OF THE TREASURER**

**A.** The Treasurer shall draw all warrants and checks for the expenses of the Association, which shall be signed by him/her, the President of the Association, or the Immediate Past President. 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.

**B.** The Treasurer shall receive all monies due the Association. All monies shall be deposited in an account or accounts for the benefit of the Association. Each account or financial institution shall be approved by the Board of Directors. Warrants or checks for expenditures or disbursements of up to \$200 in each account shall be issued only after being authorized by the President. Expenditures of over \$200 shall require prior approval of the Board of Directors.

**C.** The Treasurer shall keep a just and accurate financial account of the Association and shall give a financial report at each business meeting. 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 period of time from the last audit to the current date. These statements will be made available to the Board of Directors as required. In the event that 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 that the report may be presented to the membership and the Board of Directors. The office of the Treasurer shall maintain the original of all financial reports, bank records, and monthly bank statements for the past five years. Records older than five years can be archived through microfilm, computer diskettes or RW-CDROM.

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

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

**ARTICLE TEN**  
**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 mail ballot system or a secure electronic balloting system. Only Regular, Distinguished, or Emeritus members of the Association may hold the office of Immediate Past President, 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 days of the fall business meeting.

### **Section 3.**

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

## **ARTICLE ELEVEN DUES AND ASSESSMENTS**

**Section 1.** Dues and assessments shall be set by the Board of Directors and approved by the membership at the fall 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. Student membership status must be certified each year with the signature of a faculty adviser on the dues statement.

### **Section 3.**

Dues shall be due and payable on January 1st of each year. If not paid by the Board of Directors meeting at the fall meeting for that year, the member will be considered to be in ARREARS. Members in arrears shall have their names printed in the annual publication. Members shall retain all privileges until dropped from membership by the Board of Directors.

## **ARTICLE TWELVE PUBLICATIONS**

### **Section 1.**

The Constitution, the Bylaws, and the Membership Directory of this Association shall be periodically published and be available to all members of the Association. The SWAFS Journal / Newsletter will be published twice per year. The Journal Editor may request a maximum of \$300.00 per annum for personal expenses incurred that is not reimbursed by his or her agency, for the attendance at the Business meeting. Original receipts must be submitted to qualify for reimbursement.

## **ARTICLE THIRTEEN**

### **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 Conduct (Article Thirteen) shall be liable to probation, censure, suspension, or expulsion by action of the Board of Directors as provided in Section 6 below. Any person seeking membership shall be denied membership if any violation(s) of the provisions of this code of 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. Ron Smith states “It is certainly possible for you to tell the complete truth

about your knowledge of the case but to have done it in such a fashion as to make it unbelievable to anyone that hears it.”

The obligations of forensic testimony are almost infinite. The SWAFS Code 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 is considered proper for a forensic scientist to evaluate evidence previously examined by another. Any discrepancies noted should be discussed prior to the case going to court. The ultimate goal should be an objective assessment of the evidence.
- B.** A reasonable fee may be charged for private examination and analyses. This is to be based on the amount of work performed, not the results obtained or on a contingency fee basis.
- C.** 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.
- D.** 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, possession/use of drugs or possession of marijuana 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 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. Only methodology currently accepted in the field shall be used. New techniques shall be thoroughly validated 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. Conclusions must be based on the information gained from the evidence, not on extraneous information from other sources. Opinions stated in a scientific report must have a similar basis.
- 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 analyst 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. Rules and Procedures**

In order to be aware of the ethical standards expected by SWAFS and possible violations of the Code of Conduct, every member will receive a copy of 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. The Committee on Professional Conduct shall investigate any ethical matters submitted in writing to the Board of Directors. The Committee shall present a written report to the Board of Directors upon completion of the investigation.
- B.** 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 determine the course of action to be taken: expulsion, suspension, censure, or probation.
  - a.** Expulsion: The member will be notified of expulsion and given the right to meet with the board 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 Board and a majority vote will prevail. Any subsequent information that is provided to the BOD or Committee will be used in considering reactivation of membership but is at the discretion of the BOD.
  - b.** Suspension: The member will be notified of suspension and given the right to meet with the board 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 Board and a majority vote will prevail. Any subsequent information that is provided to the BOD or 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.
  - c.** Censure: The member will be notified of censure and given the right to meet with the board 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 Board and a majority vote will prevail. Any subsequent information that is provided to the BOD or 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 in order to have the censure removed.

- d.** Probation: The member will be notified of probation and given the right to meet with the board 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 Board and a majority vote will prevail. Any subsequent information that is provided to the BOD or Committee will be used in considering removing the probation. The BOD may also recommend a course of action that the member must undergo in order to have the probation lifted. The probation should last no longer than one year from the time the final decision is rendered by the BOD.

- C.** The individual should be notified of the committee's and Board 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 by-laws and code of conduct). Those initial correspondences should be between the BOD and the accused based on the documented research of the committee.
- D.** Any member who has been suspended from membership may apply for reinstatement once the period of suspension is completed.
- E.** Any member expelled 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 expelled.
- F.** If, based upon the investigation of the Committee of Professional Conduct, the Board of Directors determines that some other action is appropriate, the same protocol will be followed.
- G.** If, based upon the investigation of the Committee on Professional Conduct, the Board of Directors determines that no action is necessary, the matter shall be closed. The person who filed the original grievance will be notified in writing of the Board of Directors' decision.