

North Carolina Polygraph Association Bylaws



“Dedicated to the improvement of the qualifications of Polygraph Examiners through high standards of professional ethics, conduct, education, and achievement.”

Article I – Name

The name of the organization shall be the North Carolina Polygraph Association.

Article II – Objectives and Purpose

- A. To establish, maintain, and encourage the professional qualifications and ethical standards for polygraph examiners.
- B. To provide polygraph examiners an opportunity to exchange information relative to the polygraph profession and to encourage such exchanges among polygraph examiners.
- C. To encourage and support research, education, and training to promote a better understanding of the polygraph and its use.
- D. To promote the advancement and improvement of the polygraph profession within the State of North Carolina.
- E. To regulate the conduct of its members by encouraging the utilization of recognized and accepted standards of procedures and techniques to promote total professionalism.

Article III – Membership Qualifications and Voting Rights

- A. There are five (5) classes of membership: Member, Affiliate, Honorary, Life and Corporate.

1. MEMBER

To qualify for full privileges and standing as a MEMBER, the applicant must meet the following requirements:

- a. Must be a citizen of the United States.
- b. Must be at least twenty-one (21) years of age.
- c. Must possess at a minimum, a high school diploma or GED or equivalent.
- d. Must have completed a course of formal instruction in a school accredited by the American Polygraph Association, recognized by the American Association of Police Polygraphists, and/or approved by the North Carolina Private Protective Services Board.
- e. Must be a licensed polygraph examiner in the State of North Carolina, a licensed polygraph examiner in another state, or a police polygraph examiner in the State of North Carolina. An unlicensed Active member retiring from a North Carolina law enforcement agency (to include North Carolina field offices of federal law enforcement agencies) and no longer performing police examinations will have 180 days following his/her retirement date to initiate the licensing application process with North Carolina Private Protective Services. The member must obtain a polygraph examiner license within an additional 180 day time period. Any member not completing these steps within the designated time frame will be reclassified as an Affiliate member until such time he/she again meets the requirements for Active member status.
- f. Must not have been convicted of a felony or a misdemeanor involving moral turpitude.

- g. Must have his/her application accepted and approved by the Executive Board, along with the submission of first year's dues. The decision of the Executive Board regarding membership shall be accepted by the applicant and the membership as final.
- h. Anyone rejected for membership can not reapply for membership for a minimum of one (1) year.
- i. A member shall abide by all decisions and recommendations officially adopted by the NCPA at any regular scheduled meeting.
- j. A member shall not inquire into the sexual conduct of a person to whom a polygraph examination is being proposed or administered unless pertinent to the alleged crime specifically at issue in the examination.
- k. A member shall not include in an examination questions intended to inquire into or develop information on activities or affiliations related to union activity, religion, politics or race; except where there is specific relevancy to an investigation.
- l. To protect the privacy of each examinee, no member shall release information obtained during a polygraph examination to any unauthorized person. Authorized persons shall consist of the following:
 - 1. The examinee and persons specifically designated in writing by the examinee, or
 - 2. The person, firm, corporation, or governmental agency requesting the examination, or
 - 3. The membership or grievance committee of the NCPA, or
 - 4. Other polygraph examiners in private consultation, or
 - 5. Other as may be required by due process of law pursuant to the provisions of the **Employee Polygraph Protection Act of 1988.**

- m. A member shall not publish or cause to be published any false or misleading advertisements relating to the polygraph profession.
- n. A member shall not offer testimony concerning the charts or conclusions presented by another member unless he/she is thoroughly familiar with the techniques and procedures used by the other member. This paragraph shall not prohibit a member from testifying concerning his/her independent examination of the same examinee.

If requested by competent authority (District Attorney, etc.), a member may review the charts and/or procedures utilized by any other examiner and render an opinion to the requesting competent authority pertaining to the technique utilized, procedures followed, and/or results based upon a review of all pertinent documentation, reports and polygraph charts.

- o. A member shall not knowingly issue or permit his/her employees to issue a polygraph examination report which is misleading, biased, or falsified in any way. Each report shall be factual, impartial, and an objective account of the pertinent information. The examiner's professional conclusion shall be based on the hand scored analysis of the polygraph charts.
- p. A member shall be guilty of gross negligence if it be proven that he/she expressed verbally or in writing a test conclusion based solely upon subjective opinion or personal assumption.
- q. An active member must attend a minimum of one meeting per calendar year. Failure to attend one meeting results in loss of his/her right to vote. To regain the right to vote, the member must attend one meeting and is eligible to vote at the next regular meeting.
- r. A member must accumulate a minimum of six (6) hours of polygraph continuing education during each calendar year to maintain the status of **ACTIVE MEMBER**. Proof of training must be provided upon request.

- s. A member shall not aid or abet a person in violation of provisions “a through r” or willingly become an accessory to such a violation before or after the fact.

2. AFFILIATE

Persons who possess a sincere interest in the polygraph field shall be eligible for this class of membership in the NCPA. Applicants may include representatives of polygraph instrument manufacturers, personnel involved in research of polygraph instrumentation, examiners residing in non-licensing states, and other persons determined by the Membership Committee as having a valid, professional interest in the polygraph field.

- a. Affiliate members shall have no voting rights in matters before the NCPA, nor are they eligible for office in the NCPA.
- b. Affiliate members shall be eligible to attend all activities of the NCPA.
- c. Affiliate members shall be subject to all dues and assessments of the membership.
- d. An affiliate member must accumulate a minimum of six (6) hours of continuing education during each calendar year to maintain the membership status. Proof of training must be provided upon request and is subject to approval by the NCPA board.

3. HONORARY

These are individuals who have made significant and outstanding contributions to the polygraph profession. Any person nominated for this membership must be approved by a majority vote of the Executive Board, and approved by majority vote of the members in attendance at the NCPA meeting. Any NCPA member in good standing may suggest a nominee for Honorary membership.

- a. Honorary members shall have no voting rights in matters before the NCPA, nor are they eligible for office in the NCPA.

- b. Honorary members shall be eligible to attend all activities of the NCPA, but shall not represent themselves as being other than Honorary members.
- c. Honorary members shall be exempt from all dues and assessments of the membership.

4. LIFE

This class of membership is for members of the NCPA who made significant and outstanding contributions to the NCPA and to the polygraph profession. Any member nominated by the Executive Board and approved by the majority of the membership shall be eligible for this membership status.

- a. A Life member shall be exempt from all dues, fees and assessments, but shall be entitled to vote in all matters before the NCPA.
- b. A Life member shall not be eligible for office in the NCPA.

5. CORPORATE

Those corporations, associations, and organizations who wish to support the NCPA in its programs and efforts to defend the polygraph profession shall be eligible for this membership status.

Article IV – Officers of the NCPA

A. The elected officers of the association shall be :

- 1. President
- 2. Vice President
- 3. Secretary/Treasurer
- 4. Board Member – Private Sector
- 5. Board Member – Law Enforcement Sector

B. Elections and Tenure of the Officers:

1. Elections of the officers shall take place every two years at the first tri-annual meeting of each even numbered year. All officers shall be chosen by the majority of the membership present at the meeting.
2. Officers shall serve a term of two years spanning the period between the first tri-annual meetings held in even numbered years.

C. Duties of the officers

1. President

The President shall be the executive officer of the Association. He shall preside at all regular meetings and special meetings, shall appoint any and all committees not otherwise provided for, enforce the Constitution and Bylaws, be a member ex officio of all committees, and perform such duties as customarily pertain to the office of President.

2. Vice President

The Vice President shall aid and assist the President, and in the absence of the President, shall pro tempore assume and perform the duties of the President.

3. Secretary/Treasurer

The Secretary/Treasurer shall keep a record of the proceedings of the Association meetings, maintain a correct record of the total membership, issue notice of meetings and agendas, and handle the correspondence of the Association as needed. Meeting minutes shall be kept by the Secretary/Treasurer but need not be published to the membership. The membership shall be informed of the meeting highlights via the NCPA Newsletter in accordance with Article IX of these Bylaws.

Additionally, the Secretary/Treasurer shall collect all dues, fees and assessments, present in writing and read to the membership a financial report at each meeting of the membership, pay bills of the Association upon presentation of proper voucher, and serve as custodian of all funds of the Association.

The Secretary/Treasurer shall be responsible for the preparation and distribution of a newsletter and any other publications as the President may direct.

- D. All elections of officers shall be by secret ballot when more than one candidate has been nominated for a specific office.
- E. Any office vacancy shall be filled for the unexpired term by appointment by the President. If the office of the President becomes vacant, it shall be filled by the Vice President.
- F. The Executive Board shall consist of the immediate past President, current President, Vice President, Secretary/Treasurer, and two At-Large members. The immediate past President shall serve as Chairman. The two At-Large Members shall be equally divided between law enforcement and private examiners elected from the membership.
 - 1. The immediate past President shall exercise his/her right to vote only in the case of a tie.
 - 2. The Executive Board shall meet at least once a year to conduct the business of the Board. Special Executive Board meetings may be called for by any Board Member.

G. Committees

The President shall appoint special committees as needed to assist the Executive Board in conducting the Association's business. Examples of such special committees are:

1. Membership Committee

This committee shall review and pass on to the President and the membership, after a thorough character and background investigation, all applicants for membership. All applicants for membership must have completed all aspects of consideration before being submitted to the membership for final consideration.

2. Grievance Committee

This committee shall investigate grievance for complaints of any type presented in writing to the committee. The Grievance Committee will investigate and report the results of the investigation to the Executive Board. The Executive Board shall take appropriate action and report that action to the membership.

3. Judiciary Committee

This committee shall collect information on the following:

- a. All pro and anti-polygraph legislation on both state and federal levels,
- b. Past, current, and pending court decisions, and
- c. The uses and admissibility of the polygraph in courts.

4. Audit Committee

The President may appoint annually an Auditing Committee consisting of three (3) members who do not hold office in the NCPA, for the purpose of auditing the bookkeeping records of the Secretary/Treasurer. Any discrepancies found in the auditing process shall be made known to the Executive Board.

5. Training Coordinator

The President may appoint a training coordinator. The coordinator may be charged with matters related to instruction at the training seminars, such as the selection of instruction topics and qualified presenters.

H. Meeting Coordinator

For each NCPA meeting, a board member may appoint a representative of the hosting agency as the “meeting coordinator.” The meeting coordinator shall be charged with making the local arrangements for the meeting, including scheduling of dates, meeting rooms, refreshments, visual aids, etc.

I. Private Protective Services Board Liaison

The President may appoint a NCPA member to serve as a liaison between the Association and the PPSB.

Article V – Meetings

- A. Meetings will be scheduled for the membership on a tri-annual basis.
- B. The annual tri-state seminar will usually be held during the second tri-annual meeting each year.
- C. Special meetings for the membership may be called by the President or upon written demand of ten (10) members when needed.
- B. In any meeting of the membership, a quorum shall consist of not less than thirty percent of the membership in good standing.

Article VI – Dues, Fees, and Assessments

- A. The fiscal period of the Association shall be from January 1st to December 31st.

- B. Dues for the Association for each fiscal year shall be designated by the Executive Board. The amount of dues will be dependant upon the state of the Association's anticipated expenses for the upcoming year. Any changes in annual dues for the upcoming year must be announced at the third tri-annual meeting and is binding upon membership, only after a two-thirds approval by a quorum present at that meeting.
- C. All assessments to the membership shall be binding only after a two-thirds approval by a quorum at a membership meeting.
- D. Membership dues should be paid prior to the first tri-annual meeting each year. Members not submitting dues by July 1 will be sent a second notice. Any member not having paid dues by the end of the calendar year will be considered delinquent and may be dropped from the membership.
- E. A non-refundable \$25 application fee will be submitted to the NCPA with each prospective member's completed application.
- F. Funds are to be disbursed only upon the signature of the President or the Secretary/Treasurer.

Article VII – Amendments

- A. The Constitution and Bylaws may be amended at a scheduled meeting of the membership by a favorable vote of three quarters majority of the members present and voting. Amendments to be voted on shall have been sent to every member of the Association at least thirty (30) days prior to being voted on and/or have been presented for the consideration at a prior meeting.
- B. Amendments may be proposed by any member of the Executive Board and shall be submitted to the membership either on order of the Executive Board or on a petition signed by any ten (10) members in good standing in the Association.
- C. Amendments shall take effect immediately when approved, unless otherwise stated in the amendment.

Article VIII – Use of Association Name, Seal, Etc.

- A. The name of the North Carolina Polygraph Association and the use or reproduction of its seal shall be limited to the letterheads of members in good standing only. Any other use must be approved by a majority vote of the Executive Board.
- B. Any member in good standing may indicate on letterhead in autobiographies, biographies, or in any oral pronouncement that he/she holds membership in the North Carolina Polygraph Association.

Article IX – Newsletter

The Association will publish a newsletter and email it to each member in good standing. The newsletter will be published after each meeting and will contain highlights of all business discussed at the meeting, information pertinent to the Association and its members, as well as the date, time and place of the next scheduled meeting. The Secretary/Treasurer shall be responsible for the preparation and distribution of the newsletter and any other publications as the President may direct.

Article X – Attorney

The President of the Association may appoint an Attorney to represent the Association with the approval of the Executive Board. The attorney's duties will include advising, preparing and rendering legal opinions on all legal matters pertaining to the Association and representing the Association as requested by the President.

Article XI – Parliamentary Guidelines

Roberts Rules of Order (Revised) shall provide parliamentary guidelines for the conducting of Association meetings. Robert's Rules shall be used by the Association as a guideline as deemed appropriate by the Executive Board, and/or as clarified by the Association's Bylaws.