

Revision  
Proposed 13 April 2004  
Adopted 13 April 2005

# **INTERNATIONAL ASSOCIATION FOR CHEMICAL TESTING**

## **BYLAWS**

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### **ARTICLE I. PREAMBLE**

#### **SECTION 1 - NAME:**

The name of this organization is the ***INTERNATIONAL ASSOCIATION FOR CHEMICAL TESTING, INC.*** also referred to as "IACT" or the "Association". It is incorporated as a nonprofit corporation in the Commonwealth of Massachusetts.

#### **SECTION 2 - LOCATION AND AUTHORITY TO LOCATE:**

The corporate office of IACT is located in Marlborough, Massachusetts. IACT is permitted to conduct business at other locations as determined by the Board of Directors.

## **ARTICLE II. PURPOSE**

The purpose of IACT is to:

- advance professionalism in alcohol and drug testing related to traffic or workplace safety,
- develop as well as promote training programs for persons and organizations who perform alcohol and drug testing related to traffic or workplace safety,
- facilitate the discussion and exchange of information concerning alcohol and drug testing related to traffic or workplace safety,
- promote cooperation between agencies devoted to alcohol and drug testing related to traffic and workplace safety, and
- to plan, organize, and administer meetings and conferences, reports and other projects to promote and advance these and related purposes through the membership.

## **ARTICLE III. MEMBERSHIP**

The categories of IACT membership are; Regular, Associate and Emeritus. Membership is available only to those persons of competence, moral character and integrity who:

- agree to advance the purpose of IACT; and
- agree to be governed by the IACT Code of Ethics and Conduct; and
- satisfy the requirements for membership; and
- submit a completed application, with any processing fees; and
- is approved by a majority of eligible voting members at a IACT business meeting; and
- maintain membership status in good standing.

### **SECTION 1 - REGULAR MEMBER:**

Members must be actively employed by a governmental agency including, but not limited to, active military personnel, federal, national, state, county, parish or municipal entities which provide specialized knowledge of alcohol and/or other drug testing to traffic or work place safety.

Employment includes, but is not limited to, criminalists, toxicologists, chemists, biologists, forensic scientists, members of the judiciary, drug recognition experts/technicians, laboratory administrators and breath alcohol test equipment operators, technicians or inspectors.

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**SECTION 2 - ASSOCIATE MEMBER:**

Members qualified by training and experience, professional attainment or employment by a company or entity devoted to alcohol or drug testing related to traffic and workplace safety including, but not limited to, analytical instrumentation manufacturer representatives, chemists, biologists, forensic scientists, occupational safety professionals, jurisprudence, and forensic science consultants which provide specialized knowledge of alcohol and/or other drug testing to traffic or work place safety.

**SECTION 3 - EMERITUS MEMBER:**

Members having all rights and privileges of a Regular member, and meeting the following criteria:

- a) nomination by a Regular, Associate or Emeritus member in good standing.
- b) the Nominee is a Regular or Associate Member in good standing for a period of at least ten years,
- c) the Nominee has attained recognition for exemplary accomplishments in advancing the standards and ideals in alcohol or drug testing related to traffic or workplace safety,
- d) the Nominee has outstandingly contributed to the advancement of the purpose of IACT and has met the high ethical standards required in the Code of Ethics and Conduct,
- e) the nomination is approved by a majority of eligible voting members at a IACT business meeting.

**SECTION 4 - DUES OBLIGATIONS OF MEMBERS:**

Membership dues will be set by the Board of Directors and ratified by the membership. The annual dues period shall coincide with the IACT fiscal year. Dues are payable on the first day of January to the Treasurer. Members whose dues are not paid by the next regularly scheduled business meeting will be removed from the rolls for non-payment of dues. Members removed under this section may return their status to good standing by paying all dues in arrears prior to the end of the calendar year in which they were removed.

**SECTION 5 - MEMBER STATUS:**

The term, “member(s) in good standing” shall be used to designate a member whose dues are not in arrears and who has not been found in violation of the provisions of Article IV.

**SECTION 6 - MEMBERSHIP APPLICATION:**

Application for membership shall be made to the IACT Secretary for processing and investigation by the Membership Committee (Article 5 Section 5).

**ARTICLE IV. CODE OF ETHICS AND CONDUCT**

**SECTION 1 - ETHICS AND CONDUCT**

- a) All members of IACT shall work to advance the purpose of IACT as stated in Article II and shall not act contrary to the purpose of IACT.
- b) All members of IACT shall refrain from providing or making any material misrepresentation concerning experience, background, education, training or area of expertise.
- c) All members shall refrain from providing or making any material misrepresentation of information or facts in any written or oral report, testimony, or in public lectures upon which their opinion or conclusion is based.
- d) All members of IACT shall refrain from issuing public statements which appear to represent the position of the Association without specific authority first obtained from the Board of Directors.
- e) Misrepresentation of any criteria for membership in IACT shall constitute a violation of this section of the code and the party may be subject to sanctions.

**SECTION 2 - MEMBER LIABILITY:**

Any member of the IACT who has violated any provision of the Code of Ethics (Article IV, Section 1) is liable to censure, suspension or expulsion by action of the Board of Directors, as provided in Section 5 (g) infra.

**SECTION 3 - INVESTIGATIVE BODY:**

There shall be constituted a standing Ethics Committee (Article VI. Section 1 h)

- a) to order or conduct investigations and, as necessary, to serve as a hearing body concerning conduct of individual members which may constitute a violation of the provisions of Article IV, Section 1.
- b) to act as an advisory body, rendering opinions on the ramifications of contemplated actions by individual members in terms of the provisions of Article IV.

#### **SECTION 4 - INVESTIGATION PROCEEDINGS:**

The following are the principal forms by which the investigative proceedings may be initiated:

- a) A member of the Association may submit a formal written complaint or allegation of violation(s) concerning a member to the Secretary (see Section 5, Rules and Procedures, below) or to the Chairman of the Ethics Committee.
- b) The Ethics Committee may institute an inquiry based on any evidence brought to its attention which, in its opinion, indicates the need for further query or action under the provisions of these Bylaws. Appropriate to this form of action, the Board of Directors, upon receipt of a complaint or allegation concerning the professional or personal conduct of a member, shall refer the complaint or allegation to the Ethics Committee in writing, accompanied by a recommendation, if any, concerning the need for further investigation. Such recommendations, however, shall not be binding on the Ethics Committee.
- c) funding for investigations and hearings will be made on a case by case basis and must be approved by the Board of Directors.

#### **SECTION 5 - RULES AND PROCEDURES:**

The following procedures shall apply to any written complaint(s) or allegation(s) of unethical or wrongful conduct against a member of the Association, whether initiated by a member or resulting from an inquiry originated by the Ethics Committee:

- a) Written complaints or allegations against a member if delivered to the Secretary shall promptly be transmitted to the Chairman of the Ethics Committee.
- b) The Ethics Committee shall determine whether the complaint(s) or allegation(s) fall(s) within its jurisdiction and whether there is probable cause to believe that the complaint(s) or allegation(s) may be well founded.
- c) If the Ethics Committee, in its preliminary determination, finds that it does not have jurisdiction or that there is a lack of probable cause to believe that the complaint(s) or allegation(s) may be well founded, it shall dismiss the complaint(s) or allegation(s). It shall issue a report of such determination to the Board of Directors, setting forth the basic facts but omitting the names of the parties, and stating the reasons for its decision to dismiss. Notice of the filing of the complaint or allegation shall also be given to the accused without delay.
- d) If the Ethics Committee finds that it has jurisdiction and that there is probable cause to believe that the complaint(s) or allegations(s) may be well founded, it shall give notice of the filing of a complaint(s) or allegation(s) to the accused,

and, in accordance with Rules and Regulations formulated by the Ethics Committee and approved by the Board of Directors, assemble such written information from both the accused and the accuser(s) which will permit the Ethics Committee to determine whether the complaint(s) or allegation(s) requires further investigation.

e) If as a result of an investigation, the Ethics Committee decides to dismiss the charge(s) without a formal hearing, it may do so. It shall notify the accused and the accuser(s) of its decision and shall issue a report to the Board of Directors setting forth the basic facts but omitting the names of the parties and stating the reason(s) for its decision.

f) If the Ethics Committee has jurisdiction and probable cause and decides to formally hear the charge(s), it shall give both the accused and the accuser(s) a reasonable opportunity to be heard and to confront each other. The accused has the right to be represented by counsel at all stages of the proceeding. The Ethics Committee may request the testimony of and examine other witnesses, and request and review documents related to the complaint. It shall then make a decision and notify both parties of its decision. The Ethics Committee shall then make a written report to the Board of Directors on its decision including reasons and any recommendation for further action.

g) Following receipt of a report of the Ethics Committee, and upon a vote of three-fourths (3/4) of the members of the Board of Directors present and voting, the party accused of unethical or wrongful conduct may be censured, suspended or expelled. No member of the Board of Directors who is the subject of a pending accusation under the provisions of this Article shall sit in deliberation on any matter concerning ethics.

h) The accused has the right to appeal from the action of the Board of Directors to the membership of the Association. In effecting an appeal, the appellant must file a brief written notice of the appeal, together with any written statement they may wish to submit in their behalf, with the Secretary not less than one hundred twenty (120) days prior to the next Annual Meeting of the Association. The Secretary shall immediately advise each member of the Board of Directors of the appeal and shall forward to each a copy of the supporting papers submitted by the appellant.

i) The Board of Directors shall then prepare a written statement of the reasons for its actions and file the same with the Secretary not less than forty (40) days prior to the next Annual Meeting.

j) Within twenty (20) days thereafter, the Secretary shall notify by regular mail each eligible voting member of the Association and provide them with a copy of the appellant's notice of appeal and their supporting statement, if any, and a copy of the Board of Director's statement.

k) A vote of three-fourths (3/4) of the members present and voting at the Annual Business Meeting shall be required to overrule the action of the Board of Directors regarding censure, suspension or expulsion of a member.

l) The Ethics Committee shall formulate internal Rules and Procedures, designed to facilitate the expeditious, fair, discreet, and impartial handling of all complaints or matters brought before it. The Rules and Procedures, and any subsequent deletions, additions or amendments thereto, shall be subject to the approval of the Board of Directors.

## **SECTION 6 - SUSPENSION OF MEMBERS:**

Suspended members may apply for reinstatement once the period of suspension is completed. A suspended member will not be required to pay dues during the period of suspension. If reinstated, the required dues payment will be the annual dues.

## **ARTICLE V. OFFICERS AND BOARD OF DIRECTORS**

### **SECTION 1 - ELECTED OFFICERS:**

a) Elected officers of IACT serve a term of two years and include the President, Vice President, Secretary and Treasurer.

b) Only Regular and Emeritus members in good standing are eligible to hold elected office.

c) The officers will be elected by written ballot at a business meeting held during even numbered years.

d) The President and Vice President may be elected to no more than two consecutive terms in office. A President or Vice President completing the remainder of a term of a resigned President or Vice President will be eligible to serve two additional consecutive full terms in that office.

e) The newly elected President and Vice President shall assume office at the close of the business meeting at which they are elected, or upon the effective date of predecessor's resignation or removal from office.

f) The newly elected Secretary and Treasurer will assume office upon the completion of the business meeting at which they were elected. All files and equipment in the possession of the former Secretary and Treasurer will be delivered to the newly elected officers within 30 days of assuming office. In order to assure an orderly transition, a written summary will also be delivered to the newly elected officers on all ongoing work within 30 days of assuming office.

g) Any mid term vacancy of the President will be filled by the Vice President. The Board of Directors will elect one its current members to fill the resulting vacancy in the office of the Vice President. (see, paragraph (e), supra)

## **SECTION 2 - APPOINTED MEMBERS:**

a) BOARD OF DIRECTORS: The President shall appoint members in good standing to the Board of Directors. Both Regular and Emeritus members are eligible to serve upon such board.

b) STANDING COMMITTEE CHAIR: The President shall appoint the chairs of each of the Standing Committees with the exception of the Ethics Committee (Article VI Section 1 (h) ). Any member in good standing may serve as a chair and each shall serve at the will of the President.

## **SECTION 3 - DUTIES OF THE PRESIDENT:**

The duties of the President shall include, but are not limited to, presiding over business meetings, Board of Directors meetings, and special meetings; assigning the task(s) and directing the work of the IACT officers; calling special meetings; conducting the business and function of IACT between business meetings; and installing newly elected officers and perform other customary parliamentary duties. The President may name, in the absence of the Vice President, a presiding officer for meetings of the Association.

The President shall propose an annual budget submitted in writing to the Board of Director for their approval.

## **SECTION 4 - DUTIES OF THE VICE PRESIDENT:**

The duties of the Vice President shall include, but are not limited to, conducting duties assigned by the President; assisting the President; presiding over business meetings, Board of Directors meetings and special meetings in the absence of the President; and perform other customary parliamentary duties.

## **SECTION 5 - DUTIES OF THE SECRETARY:**

The duties of the Secretary shall include, but are not limited to, keeping minutes of business meetings, Board of Director meetings or special meetings; preparing and mailing correspondence at the direction of the President or Board of Directors; maintaining IACT membership records; preparing and distributing a current yearly Membership Directory; forwarding all money collected to the Treasurer; notifying IACT members in writing whose dues are in arrears; conducting an annual inventory with a report to the Board of Directors IACT property entrusted to members; archiving IACT

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correspondence and records; and shall supervise the duties and tasks of the standing committees.

#### **SECTION 6 - DUTIES OF THE TREASURER:**

The duties of the Treasurer shall include, but are not limited to, maintaining financial records of IACT; issuing dues notices; safeguarding the funds of the Association in accordance with accepted accounting methods and principles; presenting financial reports at meetings; filing all state and federal tax returns; apprise the Secretary of dues in arrears; and archiving the financial records of IACT.

#### **SECTION 7 - BOARD OF DIRECTORS:**

a) **MEMBERSHIP:** The Board of Directors shall be comprised of the President, Vice President, Secretary, Treasurer, along with five Regular or Emeritus members appointed by the President for a total of nine (9) members.

b) **ANNUAL MEETING:** The Board of Directors shall meet at a time and place determined by the President.

c) **DUTIES:** The duties of the Board shall include, but are not limited to, convening at least once each calendar year to assist the President in conducting the business of IACT; ratifying or rejecting applicants presented by the Membership committee; calling business or special meetings; ratifying or rejecting findings and recommendations presented by the Ethics committee; determining IACT record retention and destruction; and considering any petition to change or dissolve IACT.

The Board of Directors may elect to call a special meeting to address an unfilled and unexpired term of office. Subject to the approval of the Board of Directors, the President may appoint a Regular member in good standing to the unfilled or unexpired term of Secretary or Treasurer.

d) **OMNIBUS PROVISION:** The Board of Directors will decide the proper course of action for issues not specifically addressed in the bylaws.

#### **SECTION 8 – REMUNERATION:**

No elected officer of IACT, Board of Directors member, or committee member shall directly or indirectly receive any salary or compensation for their services.

#### **SECTION 9 – RESIGNATION OR REMOVAL OF OFFICERS AND BOARD OF DIRECTORS MEMBER**

a) **RESIGNATION:** An IACT officer or member of the Board of Directors may resign at any time by giving written notice to the President or Secretary. If the President and

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Secretary simultaneously resign, then written notice may be tendered to any member of the Board of Directors.

b) REMOVAL: Any officer or member of the Board of Directors may be removed from office, after due process, by a 3/4 vote of the Board of Directors. (also see, Article IV. Section 5 (g) )

## **ARTICLE VI. COMMITTEES**

### **SECTION 1 - STANDING COMMITTEES:**

In addition to the Board of Directors, IACT shall have standing committees. These committees will assist the President and the Board of Directors in advancing the purpose of IACT.

The membership of the Standing committees will consist of IACT members and may include non IACT members unless otherwise specified in these bylaws. The Committee chair shall appoint the members of the committee and all members will serve at the will of the appointed committee chairs. All interested members should make known to the committee chairs their desire to sit on a standing committee. Voting privileges on committee matters are granted only to IACT members in good standing.

Each committee chair shall provide the President with a list of committee members and will make known to the President any changes in membership of the committee.

a) MEMBERSHIP: The Membership Committee shall review membership applications and investigate, if necessary, the applicant's qualifications. The Membership Committee will designate the category of membership, forward the completed application with advisory recommendations for ratification to the Board of Directors. Ratified applicants will be presented to the Association members for a vote as per Article III. The membership committee is responsible to the IACT Secretary and serves in an advisory capacity to the Board of Directors.

b) TRAINING: The duties of the Training Committee shall include, but not be limited to, developing training programs for persons and organizations that perform alcohol and drug testing related to traffic and work place safety, as well as setting standards for training programs, related to traffic and work place safety. Training programs will be submitted to the Board of Directors for ratification by simple majority. Ratified training programs will be presented to the membership at the next business meeting for adoption and implementation.

c) CONFERENCE SITE AND PROGRAM: The duties of the Conference Site and Program Committee shall include, but not be limited to, preparing for and conducting the annual conference including workshops, seminars and presentation at the programs, meetings and conferences. With the guidance of the Board of Directors, the committee

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shall develop a program to advance the purpose of IACT in a fiscally sound manner and with fiscal approval of the Treasurer.

d) **LEGAL RESEARCH:** The duties of the Legal Research Committee shall include, but not be limited to, reviewing relevant national and international legislation regarding alcohol and drug testing related to traffic or work place safety. The committee will make nonbinding recommendations concerning IACT's position on such legislation for ratification by the Board of Directors and subsequent presentation to the membership for vote.

e) **MANUFACTURERS:** The duties of the Manufacturers Committee shall include, but not be limited to, representing IACT as a liaison to the manufacturers of alcohol and drug testing instruments and related equipment; representing such manufacturers to the President and the Board of Directors and assisting the Conference Site and Program Committee, and shall keep IACT informed of recent developments in the field of alcohol and drug testing with respect to testing instruments and related equipment.

f) **PUBLICATIONS:** The duties of the Publication Committee shall include, but not be limited to, the planning, editing, publishing and distribution of the IACT newsletter. The IACT newsletter is an official publication of IACT, and represents IACT to the public. The newsletter should include the minutes of meetings, officer and committee reports, conference programs and presentations, scientific or technical articles, and other items of interest to the membership.

g) **NOMINATING:** The Nominating Committee shall nominate candidates for elected office. (see, Article V. Section 1 (a) )

h) **ETHICS:** The Ethics Committee shall consist of three (3) Regular members in good standing. Each member will serve a term of three (3) years. The terms will be staggered such that each year one member will be elected by the Board of Directors. The Ethics Committee shall annually elect a chairman from among its members. See Article IV Section 3

## **SECTION 2 - OTHER COMMITTEES:**

The President shall appoint such Ad Hoc committees, from time to time, as may be necessary. Each committee's purpose, scope, and duration shall be clearly set forth by the President. The President shall appoint the committee chair and other members. The Committee will forward all of its findings in a written report to the President.

## **ARTICLE VII. MEETINGS**

### **SECTION 1 – PARLIAMENTARY RULES**

“Robert's Rules of Order, Newly Revised” (Current Edition) shall determine parliamentary practice and procedure in all cases to which they apply except where

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inconsistent with these Bylaws or the laws of the State of incorporation. The presiding officer of a meeting may appoint a parliamentarian when deemed appropriate.

## **SECTION 2 - QUORUMS AND VOTING:**

- a) Only Regular and Emeritus members in good standing are eligible to vote at business meetings, Board of Directors meetings, or special meetings of the Association.
- b) Unless otherwise specified in this Article, a quorum of twenty-five (25) eligible voting members is necessary to conduct business.
- c) Unless otherwise specified in these Bylaws, a simple majority vote of those present, either by voice, show of hands, standing, or in writing, is needed to ratify any proposals brought forward.
- d) Members cannot vote on matters concerning their own promotion nor can any accused parties vote on matters concerning their ethical conduct.
- e) All members are entitled to only one vote. Proxy voting is not allowed unless specifically provided for in these Bylaws.

## **SECTION 3 - BUSINESS MEETING:**

The business meeting will be open to all IACT members in good standing and will be scheduled by the President, or by the Board of Directors, at the annual conference and will conduct such business as necessary. Members will be notified by electronic or mail correspondence to the last known address of record to IACT at least 60 days prior to the scheduled business meeting.

## **SECTION 4 - BOARD OF DIRECTORS MEETINGS:**

A Board of Directors meeting may be scheduled by the President or by the Board of Directors in advance of the annual meeting. A quorum of five (5) voting members is necessary to conduct IACT business at a Board of Directors meeting. Business between Board of Directors members may be conducted in person or by telephonic conferencing.

## **SECTION 5 - SPECIAL MEETINGS:**

Special Business meetings will be scheduled by the President or by the Board of Directors and will conduct such business as necessary. Members will be notified by electronic or mail correspondence to the last known address of record to IACT at least 60 days prior to the scheduled special meeting.

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## **SECTION 6 - STANDING COMMITTEE MEETINGS:**

A standing committee meeting may be scheduled by the committee chair at a time and place agreeable to the committee members. Committee chairs other than the Ethics Committee, may use written proxy voting of committee members when deemed appropriate by the chair to conduct the affairs of the committee. A majority vote of those present, and by proxy if applicable, is needed to ratify any proposals brought forward, unless otherwise noted in these bylaws.

## **ARTICLE VIII. FUNDS AND EXPENDITURES**

### **SECTION 1 - INCOME AND EXPENDITURES:**

Funds for meeting the expenses of IACT shall be raised through dues, gifts, registration fees, fund raiser functions, and interest income based upon sound fiscal procedures and investments. No financial obligations of IACT may be incurred by any member unless prior written approval has been received from the Board of Directors. All disbursements will be made by the Treasurer in a timely and reasonable manner.

### **SECTION 2 - FINANCIAL RECORDS:**

Under the direction of the Treasurer, yearly financial records of IACT shall be reviewed and audited by a licensed Certified Public Accountant. The CPA review will be delivered to the President and made available to the Board of Directors. A certified financial audit may be ordered by the Board of Directors if deemed appropriate. Copies of all reviews and/or audits will be made available to all IACT members in good standing 30 days prior to the next regularly scheduled business or special meeting.

### **SECTION 3 - FISCAL YEAR:**

The fiscal year for IACT shall commence on the first day of January and end on the thirty first day of December.

### **SECTION 4 - INDEMNIFICATION:**

IACT may, by resolution of the Board of Directors, provide for indemnification by IACT of any and all of its officers, Board of Directors members, and committee members for reasonable and verifiable expenses incurred by them in connection with the defense of any action, suit or proceeding, in which they or any of them are made a party or parties, by reason of having been an officer, Board of Directors member or committee member. If the officer, Board of Directors member, or committee member is found liable for negligence or misconduct, or criminal conviction, indemnification by IACT will not be provided.

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## **SECTION 5 - DISSOLUTION:**

IACT shall use its funds only to accomplish the purpose specified in these bylaws. Upon dissolution of IACT, after paying or making provisions for payment of all corporate liabilities, all remaining assets may be distributed upon discretion by the Board of Directors to the National Safety Council Committee on Alcohol and Other Drugs, or other educational or scientific organization, with a similar purpose which qualifies as an exempt organization under Section 501 (c) (3) of the Internal Revenue Code as amended.

## **ARTICLE IX. AMENDMENTS**

### **SECTION 1 - REPEAL OR AMENDMENT OF PREVIOUS CONSTITUTION AND BYLAWS:**

These bylaws shall become effective per Section 2 (f) of this Article. The previous Bylaws as well as any resolutions, rules and regulations which are in conflict with these provisions are hereby repealed.

### **SECTION 2 - AMENDMENT PROCEDURE:**

If any member desires to amend these bylaws, the following procedure shall be followed:

- a) The proposed amendment shall be entitled "Petition Requesting an Amendment to the Bylaws." The petition must be signed by a total of at least twenty five (25) Regular or Emeritus members of IACT in good standing.
- b) The petition shall contain the following information:
  - i) proposed amendment to these bylaws or intent of the amendment with proposed language;
  - ii) reason(s) amendment is being requested;
  - iii) name of a Regular or Emeritus member for the Board of Directors to correspond with on any action involving the petition.
- c) The proposed amendment will be sent to the Secretary. The Secretary will record the date the petition is received and forward a copy to all members of the Board of Directors. IACT must receive the proposed written amendment 45 days prior to the next scheduled annual business meeting.
- d) The proposed amendment to these bylaws will be made available by means of electronic and/or mail correspondence to all voting members in good standing as soon as possible but at least 30 days prior to the annual business meeting.

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e) Voting to amend the bylaws will be by written ballot. A 2/3 majority of the eligible voting members in good standing present is necessary to ratify the amendment.

f) An amendment ratified by vote of eligible members will become effective at the close of the annual meeting at which action is taken.