

Bylaws of the  
OHIO BIRD RECORDS COMMITTEE

I. NAME

- A. NAME. The official name of this organization shall be the “Ohio Bird Records Committee” and is hereafter referred to as the “Committee.”

II. PURPOSES

- A. Endorse records of birds found in the state of Ohio.
- B. Maintain permanently the original bird records and Committee votes and comments for use by future bird students. However, the name of the Committee Member so voting or commenting shall be confidential.
- C. Publish at least minimal data on all records receiving a decision.
- D. Provide a means by which sight records can gain universal acceptance as valuable scientific data.
- E. Increase knowledge of the birds of Ohio.
- F. Establish standards of observation and reporting against which field observers may compare their own techniques.
- G. Keep, or cause to be kept, the official Ohio State Bird List.

III. MEMBERSHIP

- A. NUMBER AND DEFINITIONS: The Committee shall consist of seven people, as follows: six “Members,” plus a “Secretary,” each with one vote. For the purpose of these Bylaws, the “Secretary” is not considered a “Member.” The term “Voting Member” includes six “Members” and the “Secretary.” Membership in the Committee is distinct from membership in the Ohio Ornithological Society.
- B. QUALIFICATIONS: Anyone is eligible to become a Voting Member if that person has demonstrated an expert ability in and knowledge of field identification of birds.

C. MEMBERS.

(1) Election and Terms of Office.

- (a) The six Members shall be elected in good faith on a staggered basis, each for a term of three years so that at least two will be elected each year. (Except to facilitate the amendment of these Bylaws, approved April 12, 2003, reducing the size of this Committee from ten to six Members; and approved March 11, 2006, deferring the election of any Member whose term expired in 2006 to 2007: two Members shall be elected in 2007 for three-year terms and two Members for two-year terms; in 2008, and each year thereafter, two Members shall be elected, each for a three-year term). Election shall be by a vote of Voting Members. The election shall be at the Annual Meeting of the Committee. A Voting Member may vote by absentee ballot. An absentee ballot must be in writing, signed by the Voting Member, and delivered to the Secretary prior to the meeting. Proxies may not be used. The two nominees receiving the largest number of votes shall be elected. (In 2007, the four nominees receiving the largest number of votes shall be elected, with those two receiving the largest number of votes elected to the three-year terms). In the case of a tie vote, ties shall be decided by an additional ballot(s) at the Annual Meeting, involving only those Voting Members present.
- (b) Members take office at the close of the Annual Meeting immediately following their election and serve until the close of the Annual Meeting three years later, except as described elsewhere.
- (c) Members may serve a full term, after which they must retire until the next Annual Meeting before they may be considered for reelection.

- (2) Member Nominations. Nominations of Members shall be made only by Voting Members, and only in writing, to the Secretary by January 15<sup>th</sup> of each year. It is the responsibility of the nominator to obtain a confirmation of willingness to serve from the nominees submitted. A nominator may make a maximum of one nomination per each vacancy. If the total number of nominees is not sufficient to fill the vacant seats, it is the responsibility of the Secretary to nominate the additional number of persons required. The Secretary shall transmit the names of the nominees to all Members by at least February 1<sup>st</sup> of each year. Voting Members are encouraged to discuss the nominees with each other prior to the Annual Meeting.

D. ALTERNATE MEMBERS.

- (1) Qualifications. In addition to the Qualifications of Membership above, an alternate Member may be a past Member who is currently ineligible for membership due to retirement.
- (2) Appointment and Term of Office. An alternate Member may be appointed as necessary by the Secretary.
- (3) Duties. An alternate Member shall participate in the review process when one of the elected Members is unable to do so for any certain season.
- (4) Vote. An alternate Member may vote on recirculating records even if he/she has not voted on prior circulations of those records.

E. SECRETARY.

- (1) Qualifications. In addition to the Qualifications of Membership above, the Secretary must not at the same time be both Secretary and one of the six Members.
- (2) Election and Term of Office.
  - (a) The Secretary shall be elected for a term of one year. Election shall be by a vote of Members. The election shall be at the Annual Meeting of the Committee. A Member may vote by absentee ballot. An absentee ballot must be in writing, signed by the Member, and delivered to the Secretary prior to the meeting. Proxies may not be used. In the case of a tie vote, ties shall be decided by an additional ballot(s) at the Annual Meeting, involving only those Members present. A Member shall conduct the election.
  - (b) The Secretary takes office at the close of the Annual Meeting at which elected and serves until the close of the next Annual Meeting.
  - (c) The Secretary may serve an unlimited number of terms. However, if he/she retires or is not reelected, he/she is not eligible for election as a Voting Member until the next Annual Meeting.
- (3) Nominations. Nominations for Secretary shall be made only by Members, and only in writing, to the Secretary by January 15<sup>th</sup> of each year. It is the responsibility of the nominator to obtain a confirmation of willingness to serve from the nominee submitted. A nominator may make a maximum of one nomination. The Secretary shall transmit the names of the nominees to all Members by February 1<sup>st</sup> of each year. The Secretary must notify all Members by January 1<sup>st</sup> of each year of a willingness to continue in office, or of an intention to retire.

- (4) Duties. The Secretary shall have the following duties in addition to those duties outlined elsewhere in these Bylaws:
- (a) Receive, circulate, recirculate, and file all bird records and supporting data submitted to the Committee. Whenever possible, the records filed should be the originals, as copies fade with age.
  - (b) Request from the Committee specific votes on the time span over which a record was seen, and also the number of individuals seen, when circumstances warrant.
  - (c) Vote on bird records (see Voting).
  - (d) Procure additional data on records when deemed desirable and possible by a Voting Member.
  - (e) Tabulate records of all votes of the Committee, including votes on bird records.
  - (f) With the approval of the Members, appoint chairpersons of subcommittees.
  - (g) Call and preside at Committee meetings.
  - (h) Keep, or cause to be kept, minutes of the Committee's meetings.
  - (i) Keep current the Review List, and furnish it to anyone upon request.
  - (j) Furnish Members with such equipment as needed, including Validation Forms.
  - (k) Furnish anyone, upon request, with all evidence, including Committee comments, details concerning any accepted or rejected record. However, the name of the Committee Member so voting or commenting shall be confidential.
  - (l) Furnish documentation forms to anyone upon request and free of charge.
  - (m) Write the quarterly Committee report, send the draft to each Member, and furnish it to the Editor of *The Ohio Cardinal*.
  - (n) Keep current a master copy of these Bylaws to assure that they are properly applied.
  - (o) Appoint a member to write an Annual Report of the Committee's work.
  - (p) Solicit documentation from observers on behalf of the Committee.

F. VICE SECRETARY.

- (1) Qualifications. The Secretary may appoint a Member to assist the Secretary in his/her duties, as necessary.

G. REMOVALS. The Committee may remove, for cause, the Secretary or Members who are delinquent in their duties. Such action requires a majority vote of the other Voting Members. A removal must be accomplished at a meeting of the Committee; absent Voting Members may vote by absentee ballot to the Secretary. Proxies are not permitted.

- H. VACANCIES. If the Committee loses a Voting Member during mid-term (through death, resignation, removal, or otherwise), the Secretary (or the Committee, if the vacancy is the Secretary) shall immediately appoint a person to fill the remainder of the unexpired term. The appointment must be approved by a vote of at least four Voting Members. This appointment approval may be conducted by individual contact, including mail, e-mail, fax, or telephone.
- I. COMPENSATION. Neither the Secretary nor a Member may receive compensation for his/her services, but they may be reimbursed by the Ohio Ornithological Society for expenses incurred in the performance of his/her duties.

#### IV. MEETINGS

- A. ANNUAL MEETING. An Annual Meeting of the Committee shall be held once a year in March, at a place set by the Secretary, and at a time and date set by the Secretary in consultation with the Members, for the purpose of transacting such business as may be brought before the Annual Meeting. The Secretary must give to all Members notice of the Annual Meeting and solicit Meeting agenda items prior to January 15<sup>th</sup> of each year. The Secretary shall provide an agenda to the Members at least 30 days prior to the Annual Meeting. The Secretary shall also provide a list of all nominees to the Members by at least February 1<sup>st</sup> of each year.
- B. SPECIAL MEETINGS. Special meetings of the Committee may be called by the Secretary or by agreement of four or more Members. Whoever calls the meeting must notify and provide an agenda to each Voting Member prior to the meeting.
- C. QUORUM. Four Voting Members in good standing, present in person, not by proxy, or by absentee ballot, shall constitute a quorum for any meeting of the Committee.

#### V. BYLAWS

- A. FORMATION. All other procedures of the Committee are to be as determined by and only by the Committee, except that they may not be inconsistent with these Bylaws.
- B. REVIEW. These Bylaws shall be reviewed regularly, at least once every five years by the Committee.
- C. AMENDMENTS. These Bylaws may be amended by unanimous vote, minus one, at a meeting of the Committee where there is a quorum.

## VI. BIRD RECORDS

- A. DEFINITIONS. For the purpose of this Committee and these Bylaws:
- (1) A “record” is considered to be written documentation or other evidence submitted to the Committee as proof of the identity of a sighted, heard, collected, banded, or photographed bird(s).
  - (2) A “nesting record” is an event involving a male and female of the same species, where a nest, and/or identifiable eggs, and/or young recently out of the nest and incapable of sustained flight, is documented and submitted to the Committee.
  - (3) The “Review List” is that most recent list of species that will be accepted for review by the Committee.
- B. RECORDS TREATED.
- (1) Records only within the boundaries of the State of Ohio will be treated.
  - (2) The species treated will be as determined from time to time by the Committee. The Review List criteria are as follows:
    - (a) Any species for which there is no accepted record for the State is automatically a Review List species;
    - (b) Any species for which the accepted frequency is less than two records per year (for the most recent ten year period) is automatically a Review List species;
    - (c) Any species for which there is an accepted frequency of more than three records per year (for the most recent ten year period) is automatically not considered a Review List species;
    - (d) Those species not falling within the above three categories may be added to the Review List at an Annual Meeting of the Committee, after relevant discussion, if a majority of the Committee so agrees.
  - (3) The criteria for inclusion on the Review List, and the species listed, will be reviewed at least once every five years.
  - (4) The Secretary will be sure that the Review List is duplicated, and made available to all who request it.
  - (5) Records based on specimens or banding operations will be accepted and treated in the same manner as other records.
  - (6) Any records, whether published or not, old or new, may be submitted by a Voting Member or any other person, even if not the observer of the record. An exception to this is a record which has received a previous Committee decision (see Resubmission).
  - (7) The Editor of *The Ohio Cardinal* may submit to the Committee for review any record, whether or not on the Review List.
  - (8) Non-published records may be withdrawn by the submitter before a decision vote of the Committee.
  - (9) At a minimum, the Committee shall review records of the birds on the Review List that appear in the American Birding Association’s *North American Birds* (or its predecessors) and/or are published in peer-review journals.

- C. **SUBMISSION.** Records should be, but need not be, submitted on the Committee's official Report Form. The Secretary should see that these forms are readily available at no charge to all that request them.
- D. **RESUBMISSION.** A record that has received a final vote by this Committee, any former Ohio Cardinal Records Committee, or the former Ohio (Bird) Records Committee, whether accepted or rejected, and even though published, may be resubmitted by any person, if and only if there becomes available new and substantial documentary evidence that might reverse the decision. The Secretary shall make a preliminary decision if such evidence exists. If the Secretary finds that such evidence does not exist or does not wish to make a decision, he/she shall submit the question to the Committee, and then a majority of the Committee must agree that it does exist before the record may be resubmitted to the Committee.

For a record rejected because of questionable origin, such evidence might include the recognition of a natural pattern of occurrence. The request for resubmission shall be made in writing and sent to the Secretary. Such a record must be resubmitted and circulated as if never before submitted, except that it should be accompanied by all previous votes and full comments of the Committee, identifying each member and their vote and/or comment, the written request for resubmission, its publication status, and new evidence marked as such.

E. **CIRCULATION PROCEDURES.**

- (1) Initial Receipt by Secretary. Upon receipt of a record, the Secretary should do the following:
  - (a) Affix to each documentation a unique number, consisting of the numerical two digit abbreviation for the month that it was circulated in, followed by a letter not used on any other documentation circulated in the same month and year, followed by a forward slash and the four digits indicating the year of circulation; e.g.: for the first record in a batch circulated in March 2001, the number would be 03A/2001.
  - (b) Record in a safe place at least the name of the reporter, the name of the bird species, the date and locality of the record, and the record's number.
  - (c) Check the description for completeness and clarity and, if deemed desirable, request additional information from the reporter or other observers. Details thus acquired must be clearly marked as such and kept separate from the original submission; the original submission should not be returned to the reporter except in copy form.
  - (d) Vote on the record (see Voting).

- (e) Send the record (along with other records, if desired) to each Member simultaneously along with a cover sheet, which must list the number of the record(s).
- (2) Receipt by Member. Upon receipt of a record, the Member should do the following:
- (a) Judge its validity and vote.
  - (b) Send the completed Validation Form to the Secretary.
  - (c) Proposed lengthy absences from a Member's mailing address should be reported to the Secretary.
- (3) Recirculation.
- (a) A record shall be recirculated automatically together with the votes and full comments of every Member, identifying each Member and their vote and/or comment, from previous circulations until it has received a decision vote or until three circulations (two recirculations) have been completed, whichever comes first.
  - (b) If, after the third circulation, the record still has not received a decision vote, it will be kept by the Secretary until it can be discussed at a meeting of the Committee.
  - (c) Prior to each meeting, the Secretary should inform Members of any post third circulation records scheduled for discussion.
  - (d) A record that has not received a decision vote after three circulations shall be discussed at a meeting of the Committee. No final decision shall be made at the meeting. Instead, the record shall receive a final vote after the meeting (by those Voting Members on the Committee at the start of said meeting). Votes and comments must be submitted to the Secretary within seven days after the meeting.
  - (e) Regardless of whether or not a decision vote is reached during the first circulation (but not during a second or third circulation or immediately after a meeting), any person may cause a record to be recirculated one time. Regardless of whether or not a decision vote is reached during the second recirculation (but not during a third circulation or immediately after a meeting) any two Committee Members may cause a record to be recirculated for a third time. Requests must be made in writing no later than thirty days after the mailing of *The Ohio Cardinal* issue within which the decision vote is published.
  - (f) A record which has received a decision vote may be published even if recirculation has been requested. However, the Editor of *The Ohio Cardinal* should note that the record is being recirculated if he/she knows.
  - (g) All decision votes are final but subject to Resubmission (VI.D.).

F. VOTING

- (1) Validation forms. The vote of each Voting Member, together with his/her comments, if any, must be submitted on an official Validation Form. This Form must include spaces for at least the (a) record number, (b) name of the species, (c) name of the Committee Voting Member, (d) date of review, (e) number of circulation, (f) Voting Member's decision, and (g) comments.
- (2) Voting Categories.
  - (a) Accept, identification.
  - (b) Accept, nesting record.
  - (c) Reject, identification not established.
  - (d) Reject, natural occurrence questionable.
- (3) Abstentions. Voting Members may not abstain from voting.
- (4) Secretary Vote. The Secretary must vote. On the first circulation, he/she must vote prior to sending the record to Members (thus without seeing Members' comments).
- (5) Comments. On the first circulation, a Reject vote should be supported by appropriate comments. On a recirculation, either a Reject or Accept vote should be supported by comments.
- (6) Consultations. On the first circulation, a Voting Member should not discuss a record with another Voting Member in any way (other than via a formal documentation), with intent to persuade or lobby for a particular outcome, prior to both having voted. On subsequent circulations, pre-vote discussions with other Voting Members are acceptable. On any circulation, a Voting Member may consult anyone outside the Committee before voting.
- (7) Voting Criteria. The criteria used by a Voting Member for acceptance or rejection of a record are an individual matter and should not be treated by these Bylaws. However, the goal is: Does the submitted record verify the sighting?
- (8) Change in Voting Members. A circulation in progress at the time a new Voting Member is elected or appointed should be completed by the retiring Voting Member before the end of his/her term (except that removed Voting Members do not qualify). Subsequent circulations, and hence in some cases final voting, should be completed by the new Voting Member, except as noted in VI.E.(3)(d).
- (9) Tabulation. The voting results are tabulated by the Secretary after all Voting Members have voted.
- (10) Decision from Circulation. On any circulation round, with all Voting Members voting:
  - (a) A record is considered accepted if it receives six Accept votes.
  - (b) A record is considered rejected if it received a majority of Reject votes or fails to achieve six Accept votes after discussion at a Committee meeting.

G. TIME.

- (1) Time is of the essence in maintaining the publication schedule of *The Ohio Cardinal*.
- (2) Each Member shall endeavor to return to the Secretary the initial vote within two weeks of the receipt of the record. All votes on recirculation shall be returned within four weeks unless outstanding evidence from other experts is being awaited.

H. PUBLICATION.

- (1) The decisions of the Committee shall be published quarterly, under the authority of the Secretary, and others if desired, in *The Ohio Cardinal*.
- (2) The published data for accepted records should include at least the name of the species, date(s) of observation, locality, and reporting observers.
- (3) Rejected records should also be published, with a minimum of the above data, except that the observers' names should not be included. In publications, the term "unaccepted" should be used instead of "rejected."

As revised by the Ohio Bird Records Committee at its Special Meeting, Oct. 8, 2006.