

# Bylaws of the North Dakota Bird Records Committee

*(last revised 21 May 2010)*

## **I. Name and affiliation**

A. Name. The official name of this organization shall be the "North Dakota Birding Society's Bird Records Committee," which may be shortened to the "North Dakota Bird Records Committee", "North Dakota Rare Birds Committee", "NDBRC" or "NDRBC", and is hereafter referred to as "the Committee."

## **II. Purposes:**

Endorse records of selected birds from the State of North Dakota including, but not limited to, all such records submitted for publication to any official journal or checklist of the North Dakota Birding Society.

Maintain permanently the original bird records and all Committee votes and comments for use by future bird students.

Publish at least minimal data on all records receiving a decision.

Provide a means by which sight records can gain universal acceptance as valuable scientific data.

Increase knowledge of North Dakota birds.

Establish standards of observation and reporting against which field observers may compare their own techniques.

Keep the official North Dakota State Bird List.

## **III. Membership**

A. Number and Definitions. The Committee shall consist of five people as follows: five "Members," one of whom is the "Secretary," and one of whom is the "Chair". The three members other than the Chair and Secretary are referred to as "Voting members". The Chair, Secretary, and Voting Members each have one vote. One or two ad hoc members, known as "Alternates" are available to temporarily fulfill the duties of the Chair, Secretary, or Voting Member until the regular member returns to duty, or a permanent replacement is elected.

B. Qualifications. Anyone is eligible to become a Member if, in the estimation of the existing Members, that person has demonstrated an expert ability in and knowledge of bird identification, bird distribution, and bird ecology.

### C. Members and Alternates

#### (1) Election and Term of Office.

(a) Members shall be elected on a staggered basis to provide continuity in Committee affairs. Voting members and alternates will serve a term of three years each. The Chair and Secretary will serve terms of five years each. Election of Chair, Secretary, and Voting Members shall be by vote of the members present in person or represented by written ballot at the Annual Meeting of the Committee; proxies shall not be used in this election, but an absent Member may vote by indicating the choices to the Chair in writing prior to the meeting. The candidate receiving the largest number of votes shall be elected. If necessary, ties shall be decided by an additional ballot(s) listing only those persons tied. Alternates will be appointed by the Chair or Secretary from a pool of past committee members.

(b) Members and alternates take office at the close of the Annual Meeting at which they were elected and serve until the close of the Annual Meeting after election of their replacements. The Members-Elect may, at the discretion of the existing Committee, be seated, without vote, during the remainder of the Annual Meeting at which they were elected.

(c) The Chair may serve only one full term, after which they must retire for at least one year before they may be considered for election to any other committee position. The Secretary may serve only one full term, but may be elected to a full term as Chair without a break in Committee service. If the Secretary is not subsequently elected as Chair, they must retire for at least one year at the expiration of their term, before they may be considered for election to any other committee position. Voting members may serve only one full term, but may be elected to a full term as Chair or Secretary without a break in Committee service. If Voting members are not subsequently elected as Chair or Secretary, they must retire for at least one year at the expiration of their term, before they may be considered for election to any other committee position. Alternates may serve unlimited terms.

(2) Nominations. Nominations of Members shall be made only by Members and only in writing to the Chair at least 5 days prior to the Annual Meeting. It is the responsibility of the nominator to obtain approval of willingness to serve from the nominees submitted. A nominator may make a maximum of one nomination per each vacancy, and may not nominate oneself. If the total number of nominees is not sufficient to fill the vacant seats, it is the responsibility of the Chair to nominate the number of persons required. The Chair shall mail the names of the nominees to all Members at least 3 days in advance of the Annual Meeting.

### D. Secretary.

(1) Duties. The main duties of the Secretary are record keeping, circulating bird records, and archiving. The duties of the Secretary and Chair overlap somewhat, and responsibilities may fluctuate over time.

(a) At least two times a year, the secretary will receive from the Chair a packet of bird records for Committee consideration. Within 10 days of receipt, the Secretary will file the bird record originals in the Committee's archive, and send photocopies of the entire packet to each committee member, along with voting forms.

(b) Procure additional data on records when deemed desirable especially when a record is to come up for discussion at a meeting of the Committee. Prior to any meeting, the Secretary shall furnish Members with a list of records to be discussed.

(c) Tabulate results of all Committee votes on bird records. Summarize committee action and results in an Annual report, written jointly with the Chair, and published in The Prairie Naturalist or a suitable alternative.

(d) Furnish Members with such equipment as needed, including Voting Forms.

(e) Furnish or cause to be furnished to anyone, upon request, all appropriate evidence, including Committee comments, concerning any accepted or not accepted bird record. Such evidence may be in the form of copies of documents or photographs.

(f) Furnish Report Forms to anyone upon request and free of charge.

(g) Keep current a master copy of these Bylaws and assure that they are properly applied.

(h) Assume the duties of the Chair when the Chair is absent at committee meetings.

#### E. Chair.

(1) Duties. The main duties of the Chair are to collect bird records for Committee Action and to chair committee activities.

Call, schedule, and preside at Committee meetings.

(b) Keep, or cause to keep, minutes of Committee meetings.

(c) With the approval of the Members, appoint chairpersons of subcommittees.

(d) Furnish Members with a list of nominees for election to Member at least three days prior to the Annual Meeting.

(e) Solicit and receive new bird records for review, ensuring that sufficient information is available to allow committee consideration. The Chair also will ensure that copies of bird records are submitted in a timely basis to the North American Birds Regional Editor.

(f) Consider past bird records for committee action, and compile all available data on such records.

(g) At least twice a year, submit a packet of bird records to the Secretary for distribution to the Committee.

(h) Determine when, and for how long, alternate members will assume duties of a regular member.

(i) Prepare, along with the Secretary, an Annual Report of Committee action and results.

(j) Keep current the Review List, furnish it to anyone upon request, and make it readily available to the public.

(k) Keep current a master copy of these Bylaws and assure that they are properly applied.

(l) Assume the duties of the Secretary when the Secretary is absent at committee meetings.

#### F. All Members

##### (1) Duties.

(a) Within 45 days of receipt (or else by the date indicated by the Secretary), review and vote on bird records received from the Secretary, and submit completed voting forms to the Secretary.

(b) Attend all Committee meetings, or inform Chair of expected absence.

#### G. Alternates

(1) Duties: the purpose of having alternates is to ensure that bird records do not languish by inactivity of any member.

(a) The secretary shall inform the Chair of any votes that have not been received within 60 days of circulation. The Chair will then direct the Secretary to submit photocopies of any records needing consideration to an alternate member. Votes from the original, non-responsive member will then not be accepted on the records in question.

#### H. Removals.

The Committee may remove, for cause, any Member who is delinquent in their duties. Such action requires a vote of the majority of all other Members. A removal must be accomplished at a meeting of the Committee; absent Members may vote by written ballot to the Committee.

I. Vacancies. If the Committee loses a Member during mid-term (through death, resignation, removal, or otherwise), the Chair shall appoint an alternate to fulfill the vacancy until the next annual meeting, at which time an election will be held to permanently fulfill the vacancy.

### IV. Meetings

A. Annual Meeting. An Annual Meeting of the Committee shall be held once a year, in conjunction with the fall meeting of the North Dakota Birding Society, for the purpose of election and for transacting such other business as may be brought before the meeting. The Chair must give to all Members prior notice of the Annual Meeting. An agenda and list of nominees for Member shall be provided at least 3 days prior to the Annual Meeting.

B. Special Meetings. Special Meetings of the Committee may be called by the Chair. An agenda must be provided to each Member prior to the meeting

C. Quorum. Three Members in good standing, present in person, not by proxy, shall constitute a quorum for any meeting of the Committee.

#### V. Bylaws

A. Formation. All Bylaws and other procedures of the Committee are to be as determined by and only by the Committee, except that they may not be inconsistent with the Bylaws of the North Dakota Birding Society or be prohibited by law.

B. Review. The Bylaws shall be reviewed regularly, at least once every five years, by the Committee.

C. Amendments. These Bylaws may be amended by an affirmative vote by four or more Members at any Committee meeting.

## VI. Bird Records

A. Definitions. For the purposes of this Committee and these Bylaws, a "record" is considered to be documentation submitted to the Committee as proof of the identity of a sighted, heard, collected, banded or photographed bird. The "Review List" is the most recent list of "forms" (such as superspecies, species, subspecies or hybrid combinations) that will be accepted for review by the Committee.

### B. Records Treated.

(1) Only records from the State of North Dakota will be treated. Records from all sources will be accepted, regardless of whether or not the submitter is a member of the North Dakota Birding Society.

(2) The forms treated will be as determined from time to time by the Committee. In general, the Review List will consist of species that have occurred less than 15 times within North Dakota or that have occurred an average of four or fewer times per year during the ten-year period immediately preceding revision of the Review List. By majority vote of a quorum at a meeting, the Committee may, as it sees fit, add other species forms (such as those whose identification is difficult) to the Review List. The Committee may delete species that exceed the four or less records per year criterion, but in general will not delete species that have less than 15 acceptable records. The Committee may, however, delete species that are deemed to have become a regularly occurring part of the state's avifauna, such as range expansion of a resident species, before the 15 acceptable records threshold is reached. A species that reaches the 15 acceptable records threshold shall be discussed, but deletion from the Review List is discretionary and should take into account the other criteria set out in this paragraph. To add or delete a form to/from the Review List shall require all or all but one, affirmative votes. Records of species not on the Review List, but for which there is no accepted record for North Dakota, will be treated.

(3) The criteria for inclusion on the Review List, and the forms listed, will be reviewed at least once every five years.

(4) Records based on specimens or bandings will be treated in the same manner as other records.

(5) Any record, whether published or not, old or new, may be submitted by a Member or other person, whether or not an observer, if one has first attempted to obtain details from the observer(s). An exception to this is a record that has received a previous Committee decision (see Resubmission).

(6) The Committee also will review records of breeding populations of species not currently documented as having nested in the state more than 2 times. For an introduced population to be judged viable:

(i) a population must have bred in the state for fifteen (15) consecutive years,

(ii) in general, the population is increasing or stabilized after an initial period of increase,

(iii) judged to have occupied all geographically contiguous suitable habitat to such a degree as to sustain the population and thought unlikely to significantly diminish, and

(iv) occupy an environment judged similar enough in ecological factors (e.g., climate, vegetation, food, shelter, competitors, predators) to the species' natural habitat, or to other successful introductions, that permanent establishment seems likely. A population maintained primarily by recurrent releases, either intentional or accidental, or requiring intense management for survival, shall not be considered viable.

(7) A "record" will consist of a sighting of a lone bird or a group of birds (flock or nesting colony), as determined by the Chair. A bird or group of birds appearing in the same location in different years will be treated as separate records unless the first bird's residency can be reasonably assumed or the bird in both observations have identical and unique features (such as a neck band, aberrant plumage, etc.).

C. Submission. Records may be submitted in any form, including on the Committee's official Report Form. Submissions are to be made to the Chair. Use of the official form is strongly encouraged, to maintain consistency and quality of supporting details.

D. Resubmission.

(1) A record that has received a final Committee decision, even though published in a Committee Annual Report, may be resubmitted by any person. For previously accepted records, any member may bring the record to an annual meeting and request that it be re-reviewed. A simple majority vote is then required to re-review the record. Previously not accepted records continue to require new and substantial documentary evidence that might affect the decision, as judged by a majority of those voting at an annual meeting. For a record not accepted because of questionable natural occurrence, such evidence might include the recognition of a natural pattern of occurrence. Such a record must be resubmitted and circulated as if never before submitted, except that it should be accompanied by all previous votes and comments of the Committee, its publication status, and all new evidence marked as such.

E. Retraction. A record submitted to the Committee by the observer(s) involved may not be retracted after circulation has begun. The observer(s) may submit opinions or additional data that totally or partially negate the record. Such new information shall be treated as "new and substantial documentary evidence" and the record shall have its first submission terminated at the end of the then current circulation and be resubmitted under the same record number, except that if the record has already received a final "not accepted" vote, no further circulation need take place.

F. Circulation Procedures.

(1) Initial Receipt by Secretary. Upon receipt of a record, the Secretary should do the following:

(a) Affix to it a unique number, consisting of the year of receipt (not the year of sighting) separated by a hyphen and from the next available unused number, (starting with "1", for that year). If a record is represented by descriptions from more than one person, each description shall receive the same number.

(2) Recirculation.

(a) An unresolved record shall be recirculated automatically after its first circulation, together with the votes and comments of every Member from the original circulation.

(b) If after recirculation the record 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) A record that has not received a final decision after recirculation shall be discussed at a meeting of

the Committee. A third vote shall be made at the meeting. If the third vote does not resolve the issue, the record will be circulated a fourth, and last time. (Records unresolved after the fourth circulation are considered rejected).

(d) A record that has received a "final" decision during its first two circulations shall nevertheless be brought to a Committee meeting by request of any Member and shall be discussed. The Committee shall then decide by vote whether (1) to uphold the original decision or (2) recirculate the record. A simple majority affirmative vote shall be needed to cause recirculation. A lesser vote shall result in the original decision being finalized.

(e) Except as noted above, all decisions are final unless a record is resubmitted.

#### G. Voting.

(1) Voting Forms. The vote of each Member, together with comments, if any, must be submitted on an official Voting Form or reasonable facsimile thereof. This form must include spaces for at least the (a) record number, (b) name of the species, (c) name of the Committee Member, (d) date of review, (e) number of the circulation, (f) Member's decision, and (g) comments.

(2) Voting Categories.

(a) Accept.

(b) Not accept,

(i) identification not established

(ii) natural occurrence questionable (identification established)

(iii) establishment of introduced population questionable (identification established).

(3) Abstentions. Members may not abstain from voting.

(4) Comments. Votes should be supported by appropriate comments.

(5) Consultations. On the first circulation, a Member should not discuss a record, with intent to persuade or lobby for a particular outcome, with any other Member prior to both having voted. Discussions about the validity of a sighting between observers, commentators or Field Notes editors (for example, to determine if such a sighting should be published), is acceptable. On subsequent circulations, pre-vote discussions with other Members are acceptable and encouraged. During any circulation, a Member may consult anyone outside the Committee before voting.

(6) Voting Criteria. The criteria used by a Member for acceptance/non-acceptance of a record are an individual matter. It is stressed, however, that the purpose of Member votes is to determine whether or not the evidence submitted to document a sighting is sufficient to include that sighting in the scientific record.

(7) Decisions.

A record will be:

-Accepted if it receives four or more "accept" votes.

-Not accepted if it receives four or more "not accept" votes.

-A record is considered unresolved if it does not meet criteria under 7a or 7b. Any record unresolved after a maximum of four circulations is considered not accepted.

(8) Not Accepted Records. Any not accepted record that receives two or more "not accept, identification not established" votes will be published as "not accepted, identification not established." All other not accepted records will be published as "not accepted, natural occurrence questionable" or as "not accepted, establishment of introduced population questionable," whichever receives the most votes; ties between these categories shall be decided by the Chair. Records not accepted because of "occurrence questionable" or "establishment of population questionable" denotes that identification was accepted.

H. Acceptance or non-acceptance of records. The Committee may use additional methods of dealing with published records of review-listed species for which documentation is not available (an example might be records which were supported by specimen and published in an authoritative source, but for which the specimen is no longer extant). Such records may be accepted or not accepted for use in the compilation of North Dakota records without circulating through the Committee. Records without details may be formally not accepted by majority vote. Any record accepted in this category must receive all, or but one, of the votes of the Members present at such meeting. Any use or publication of such accepted records by the Committee shall be accompanied by a clear indication that the record was not accepted under normal procedures.

#### I. Publication.

(1) The decisions of the Committee shall be published periodically, under authorship of the Chair and Secretary. A section of that document shall be devoted to bringing the North Dakota State List up to date.

(2) The published data for accepted records should include at least the name of the bird, date(s) of observation, locality, and reporting observers. Other data may be added at the discretion of the author(s).

(3) Not accepted records also should be published, with a minimum of the above data, except that the observers' name(s) should not be included with the record.

(4) Periodically the Committee shall publish, or cause to be published, the official North Dakota State Bird List.