



BY-LAWS

As amended by the Board on 5/10/18

Rule I MEETINGS OF THE BOARD OF DIRECTORS

SECTION 1. Time: Meetings of the Board of Directors shall be held in accordance with Article IV Section 4 of the Constitution. No expense for travel of members will be paid for meetings held in conjunction with the annual and semi-annual meetings of the Association (hereinafter the "Association" or the "MACP").

SECTION 2. Notice of Meetings: Notice to the Board of Directors of meetings, except during the annual or semi-annual meeting of the Association, shall be communicated to the members of the Board. Such notice shall be sent to each member of the Board by the President or the Secretary-Treasurer.

SECTION 3. Order of Business:

- I. Call to Order
- II. Approval of Previous Board Minutes
- III. Report of the President
- IV. Report of the Secretary-Treasurer
- V. Report of the Executive Director
- VI. Reports of Committees
- VII. New Business
- VIII. Old Business
- IX. X-Items
- X. Adjournment

SECTION 4. Agenda: The President shall approve and have distributed, prior to each meeting of the Board of Directors, an agenda covering the matters to be discussed at the meeting, organized in accordance with the Order of Business.

SECTION 5. Reports of Meetings: Following meetings of the Board of Directors, the Executive Director, or designee, shall within 14 days distribute to all members of the Board a written record of the minutes thereof. A copy of such minutes shall also be kept by the Executive Director as a permanent record of the Association.

SECTION 6. Publications: The results of meetings, or actions taken by the Board of Directors may be made known to the members of the Association by appropriate means. The President and/or Executive Director may release to the news media such articles or materials representing policies or official positions as are authorized by the Board of Directors.

SECTION 7. Resolutions: The Board of Directors shall take all necessary actions to put into effect the resolutions adopted by the Association at its annual, semi-annual, or special meetings.

Rule II EXECUTIVE DIRECTOR

SECTION 1. Appointment: In accordance with the authority granted in Article IV, Section 3 of the Constitution, the Board of Directors may appoint an Executive Director to carry out such duties as the Board may prescribe.

SECTION 2. Authority of Executive Director: The Executive Director may incur expenses payable out of the funds of the Association as authorized by the Board of Directors and may solicit funds and receive monies on behalf of the Association as authorized by the Association or the Board of Directors.

SECTION 3. Executive Director: The Executive Director of the MACP shall be under the direction and control of the Board of Directors and will perform said services as may be required by said Board of Directors in the administration and organization of the Association as follows: make recommendations to the Board regarding operations, procedures, and new programs; make recommendations concerning the present state laws where, if legislative action is taken, the delivery of law enforcement service to the state may be improved upon; make recommendations to the Board believed suitable to assist in carrying out the duties of the Executive Director; give due notice of all meetings of the Association and its Board of Directors and keep the official minutes thereof; perform such other duties as may be designated by the Board of Directors; shall be held responsible for the custody of all funds and securities belonging to the Association and may determine the manner of depositing and safeguarding such funds and securities; receive all monies from dues and other sources belonging to the Association; disburse funds only in accordance with the provisions of the Constitution and the rules established by the Board of Directors; make a full financial report to the Association at its annual meeting, submitting such report for audit and approval to the Board of Directors before action by the Association; and promptly deliver all

monies, securities, books, papers and other properties of the Association to the successor in office or to whomsoever the Board of Directors may designate to receive the same.

Rule III

MEMBERSHIP PROCEDURE

SECTION 1. Records: The Executive Director shall keep a complete roster of all members of the Association showing all pertinent data covering their length of membership, official positions, committees served on, and status of dues payments.

SECTION 2. Applications and Nominations for Membership: The method of submission and approval of applications and nominations for all classes of membership shall be as follows:

- a. Applications for membership shall be submitted to the Executive Director on forms provided by the Association, which forms shall provide for the name, title, police agency and mailing address of the applicant, and also shall provide for the different classification of membership, in accordance with the Constitution. Such applications shall carry the endorsement of any member of the Association who has personal knowledge of the qualifications of the applicant and such other information as is necessary to determine qualifications and classification of membership. The Executive Director shall submit all applications to the Board of Directors at the first meeting following receipt for consideration. Upon approval by a majority of the Board, the applicant shall become a member of the Association to that classification membership as determined by the Board and provided that dues are paid within 30 days of Board approval.
- b. Nominations for Life Membership: The Board of Directors shall receive and consider applications for Life membership. Such Active-Voting, Active, or Associate members as determined by the Board to be eligible under Article II, Section 1 of the Constitution and deserving of Life membership shall be nominated for Life membership by the Board at the next annual meeting of the Association.
- c. Any Active-Voting, Active, or Associate member in good standing, who has retired from law enforcement employment, who is not qualified for Life membership or has applied for Life membership, shall automatically become a Retired member. Retired members may not vote, hold an officer or board position, but may be appointed to serve on Committees. Retired member dues will continue at a reduced rate, which will be one-half of the current Active member dues as determined by the Board.

SECTION 3. Membership Notifications: Upon election to membership in the Association, each member shall be sent a membership certificate and card, appropriate for the class of membership, by the Executive Director. In order to provide for systematic handling of memberships, members are considered to be in good standing for one year following the date they are accepted.

Rule IV

COLLECTION AND DISBURSEMENT OF FUNDS

SECTION 1. Responsibility for Collection and Disbursement: The Executive Director shall be responsible for the collection of all monies or properties due the Association and for the payment of such monies owed by the Association as authorized by the Board of Directors and establish a uniform system of handling accounts of all such receipts and disbursements. Ordinary business obligations may be discharged by the Executive Director as they become due. A financial update will be provided to the Board of Directors, including current financial, investment, and profit/loss statements, for review and approval at the next scheduled Board meeting.

SECTION 2. Deposit of Monies: Funds received by the Executive Director on behalf of the Association shall be deposited without unreasonable delay in an account of the Association at such bank as is approved by the Board of Directors.

SECTION 3. Expense Accounts: All expenses of Association members or committees, for which reimbursement is to be made by the Association, shall be submitted to the Executive Director, subject to review by the Board of Directors. Records of all expense transactions shall be kept by the Executive Director for the official files and make available for audit, if requested.

SECTION 4. Audit: An annual audit shall be made of the financial transactions of the Association by a committee of the Secretary-Treasurer and two Active-Voting members appointed for the purpose by the President at the Annual Conference. The Executive Director shall provide the audit committee with such records and accounts as are necessary for its audit. The committee shall report its findings during the Annual Conference. The Board of Directors may, in addition, authorize employment of auditors or accountants for purposes of tax returns and for audit purposes.

Rule V

USE OF THE OFFICIAL SEALS

SECTION 1. Seals: The official seals of the Association shall be maintained at the office of the Executive Director and shall be used only in connection with certification of official documents in accordance with standard practice. Permission may be granted to Supporting Members and Accredited Agencies for use of the MACP or Accredited Agency logos with a fully executed License Agreement for the Use of the Service Mark/Logo of the Michigan Association of Chiefs of Police in accordance with the terms of use and guidelines set forth in the Agreement.

Rule VI COMMITTEES

SECTION 1. Designation of Committees: During the first meeting of the Board of Directors following the annual business meeting, the President shall create those committees deemed necessary to fulfill the purpose of the Association and may create additional committees as necessary during their tenure. The objectives and general duties of such committees shall be designated, and the members of such committees, when appointed by the President, shall be notified of their responsibilities.

SECTION 2. Committee Work: The President of the Association, with the assistance of the Executive Director, shall keep in continuous contact with the committees of the Association and shall assist them in the preparation of their reports. The President may assign individual Board members to serve as liaison between the Board of Directors and specific committees.

SECTION 3. Authority of Committees: Neither the chairperson, nor members of the committees, may incur indebtedness payable out of the funds of the Association unless specifically authorized by the Executive Director subject to review by the Board of Directors, nor shall any such committee, its chairperson, or members, solicit funds or receive monies on behalf of the Association of such committees except as authorized by the Association or the Board of Directors. Such committees may take all necessary steps for the efficient pursuit of their committee work, but may take no action which is finally binding on the Association without approval of the Board of Directors, or the Association, at its annual business meeting.

Rule VII GRANTS AND CONTRIBUTIONS

SECTION 1. Application for Funds: The President of the Association, or any designee, when authorized by the Board of Directors, may take application to philanthropic organizations, corporations or persons for grants or contributions of funds, or property, for carrying out the general or special purpose of the Association. No application shall be made to, or contribution received from, any person or agency except after a determination by the Board of Directors that a grant or contribution to the Association would be motivated by the desire to further the purposes of the Association and not to derive personal benefit or privilege to the donor.

SECTION 2. Acceptance of Grant: Any member who receives an offer of a grant or contribution for the Association shall immediately notify the President, but no grant or contribution shall be received or finally accepted by the Association except upon the approval of the Board of Directors. The terms of such grant or contribution, upon acceptance, shall be set forth in writing and signed by either the President or Executive Director, on behalf of the Association, and the donor.

SECTION 3. Administration of Funds: Any grant or contribution to the Association shall be credited to its general fund, unless under the terms thereof a special fund is prescribed. The budgeting, receipt, custody and disbursement of any such grant or contribution shall follow the procedure defined in these rules for general funds of the Association, unless provided otherwise in the terms of the grant or contribution.

Rule VIII PUBLICATIONS

SECTION 1. Official Publication: The official publication of the Association shall be designated by the Board of Directors and furnished without additional charge, to all members in good standing. No other magazine, journal, or other publication shall be published in the name of the Association, except with the express approval of the Board of Directors.

SECTION 2. Special Publications: Special bulletins, reports and other publications dealing with the findings of the committees of the Association, or with other subjects of general interest to the members, may be prepared and published when authorized by the Board of Directors. The Board of Directors shall also specify the manner, and to whom, such publications shall be distributed.

Rule IX ANNUAL AND SPECIAL MEETINGS

SECTION 1. Place, Time, and Headquarters of Meeting: In accordance with the provisions of the Constitution, the Board of Directors shall determine the time and place of the annual, semi-annual and special meetings of the Association. The headquarters shall be designated by the Board of Directors or by a special committee appointed to handle the affairs of such meeting in conjunction with representative of the host city. Notice of the time and place of the meeting shall be served on each Active-Voting, Active, Associate, Retired, and Life member at least 15 days before the meeting.

SECTION 2. Local Arrangements: The President of the Association, when authorized by the Board of Directors, may appoint a Conference Committee, and may also arrange with the Chief of Police of the host city in which the conference is being held to aid the Board of Directors in preparing the program, entertainment, and other work of the conference.

SECTION 3. Exhibits: The Executive Director, in arranging for hotel headquarters, may make provisions for adequate space to be used by the Association for exhibit purposes. The Executive Director is authorized to arrange for contracts for exhibits of police

equipment, supplies, or any other appropriate service or product in accordance with a predetermined schedule of charges. All revenues from the sale of exhibit space shall accrue to the general fund of the Association.

SECTION 4. Business: The program for each annual meeting shall provide for reports by the President, Secretary-Treasurer, and all such other officers and committees as may be appropriate. An opportunity shall be given for any member present to speak to the members at the business session of the annual, semi-annual, or special meeting on any matter which they may deem desirable for the good of the Association. The meeting shall be called to order by the President, after which there will be an opening prayer. A report shall be made as to the election of District Representatives. The election of Officers shall take place in accordance with Article III of the MACP Constitution.

Rule X ELECTION PROCEDURES

SECTION 1. District Election Chairperson: Each District shall appoint a district election chairperson who shall be responsible for selecting a time and place wherein the district election would be held. Such time and place shall be reasonable and selected in order to facilitate maximum attendance in any district.

SECTION 2. Notice of Said Election: Notice of said election shall be communicated by the MACP Headquarters to each Active-Voting and Active member of the Association in the district at least 15 days prior to the election.

SECTION 3. District Election: The designated district election chairperson or designated representative shall call the meeting to order and shall solicit nominations from MACP Active-Voting and Active members for the office of district representative to the MACP Board of Directors. A second to the nomination by an Active-Voting or Active member of the Association is required to put the person before the district membership as a candidate. The nominee need not be present to be nominated or elected. If the district election chairperson is nominated as a candidate, they shall relinquish the chairpersonship of the meeting to another Active-Voting member of the Association in attendance who has not been nominated for an office.

SECTION 4. Residency: A district representative must reside in the district from which elected. Residency shall be interpreted to mean the location of the headquarters of the police installation rather than the personal domicile of the Active-Voting member.

SECTION 5. Credentials: Each candidate for district representative shall be given an opportunity to present credentials and comment on their candidacy and answer questions from the district members present.

SECTION 6. Voting: If there is more than one candidate for district representative, the election shall be by secret ballot. The district representative shall be elected by the majority of the Active-Voting and Active members present. If a majority is not achieved during the first election, the top two nominees in number of votes shall enter a run-off election.

SECTION 7. Alternate: The district shall also elect an alternate to serve on the MACP Board of Directors if the regularly elected district representative shall not be able to fill the duties of the office.

SECTION 8. Districts 13 and 14: Districts 13 and 14 may appoint an alternate representative who must be an Active-Voting or Active member. Said alternate representative shall fill the duties of the district representative in their absence.

SECTION 9. Election Results: The election results shall be forwarded to the MACP headquarters without unreasonable delay.

Rule XI CODE OF ETHICS

The members of the Michigan Association of Chiefs of Police collectively adhere to the principle that a standard of professional conduct for its membership is desirable and that through vigilant enforcement of these standards, the professionalism and performance of police executives statewide will be enhanced.

BASIC TENETS

SECTION 1. The membership of the MACP is dedicated to the principles of effective and democratic government through the appointment of police executives by appropriately constituted elected or appointed officials. Members will maintain a constructive and practical approach to their duties within the parameters of the policies set by the governing body and appropriate statutes and ordinances.

SECTION 2. MACP members shall be dedicated to the highest ideals of honor and integrity to maintain the respect and confidence of their governmental officials, subordinates, the public and their fellow police executives.

- a. Members should conduct themselves so as to maintain public confidence in their profession, their department, and in their performance of the public trust.
- b. Members should conduct their official and personal affairs in such a manner so as to give the clear impression they cannot be improperly influenced in the performance of their official duties.

SECTION 3. MACP members shall adhere to the highest standards in application and maintenance of employment.

- a. At all times, members shall completely and accurately represent their credentials, including prior employment, education, certifications and personal history.
- b. Members seeking a police executive position should demonstrate professional respect for incumbents and those seeking the same position. Professional respect does not preclude honest differences of opinion. It does preclude attacking a person's motives or integrity in order to be appointed to a position. Members should not seek employment in a community having an incumbent chief law enforcement administrator who has not resigned, retired, or been officially notified of termination.
- c. Members who officially accept an appointment as chief law enforcement administrator shall not fail to report to that position. This does not preclude the possibility of a member considering several offers or seeking several positions at the same time; but when a bona fide offer has been accepted, that commitment should be honored.
- d. Members shall commit to at least two years of service in any position, barring any unforeseen actions by the governing body or severe personal problems. This minimum period permits implementation of programs and opportunity for their effectiveness to be realized.
- e. At no time shall any MACP member or employee of the MACP endorse, through the use of their position or membership in said organization, any political candidate and/or appointed position unless and/or except with expressed official permission from the Board of Directors. This shall not prevent any individual MACP member from supporting political aspirants and/or others seeking law enforcement employment either personally and/or under the banner of their governmental entity.

SECTION 4. The members of the MACP represent that the primary function of the police executive is to serve the best interest of their respective community and the law enforcement profession.

- a. The members of the MACP are committed to fair and impartial enforcement of laws and ordinances.
- b. The members of the MACP are dedicated to innovative and participative management, at all times seeking to improve their departments, increase productivity and remain responsive to the needs of their community.
- c. Members of the MACP shall continually strive to improve their personal knowledge and abilities and that of their fellow chiefs through independent study, courses, meetings, seminars and conferences. This responsibility extends to the members of their department.
- d. The members of the MACP believe that all supervision and management should be fair and equitable for all levels of employees and that all statutes, contractual obligations and personnel regulations should be honored. All actions relating to selection, retention, promotion, and transfers should be based on ability and equal opportunity.
- e. All policies, procedures, and rules regulating conduct of officers should be in writing and available to all personnel. This includes disciplinary and grievance policies and operating procedures of the Department.
- f. Members of the MACP shall encourage friendly and courteous service and strive to improve communications with all members of the community, at all times seeking improvement in the quality and image of public service.
- g. Members of the MACP shall be committed to advancing the principles of respect for individual dignity and respect for constitutional rights of all persons with whom members of their departments come in contact.
- h. Members of the MACP recognize that they shall refrain from participation in the election of the employing governing body. This standard is not to be construed to prevent any member from voting or expressing his/her personal opinion where appropriate.
- i. The members of the MACP recognize that their position requires them to provide leadership by example, including adherence to all governmental and department written directives as applicable.
- j. The members of the MACP represent that their function is to administer their agencies within the framework of the policies articulated by their governing body and state and national law. Any sections directed toward change in those policies, including lobbying, shall be conducted in an open and constructive manner, with the knowledge of their employers.

SECTION 5. The members of the MACP believe that professional standards include the regulation of personal and financial conduct.

- a. Members shall not seek favor or personal gain through misuse of confidential information or their public time or facilities.
- b. Members shall not directly or indirectly solicit any gift, or accept or receive any gift, whether in the form of money, services, loans, travel, entertainment, hospitality, promises, or in any other form, under circumstances in which it could reasonable be inferred the gift was intended to influence them, or could reasonably be expected to influence them, in the performance of their duties or was intended as a reward for any official action on their part. However, this section will not preclude acceptance of an award or similar form of recognition for achievements.
- c. Members shall not invest or hold any investment, directly or indirectly, in any business, commercial or other private transaction which creates a conflict with their official duties.
- d. Members shall not disclose to unauthorized persons, or use to further the personal interest of themselves or others, confidential information acquired by them in the course of their official duties.
- e. Members shall not engage in, solicit, negotiate for, or promise to accept private employment or render services for private interests or conduct a private business when such employment, service or business creates a conflict with or impairs the proper discharge of their official duties.
- f. Members shall not, acting in their official capacity, endorse commercial products by agreeing to the use of their picture, endorsement or quotation in paid advertisements, for gain or personal compensation. Members further should not permit any endorsement of commercial products by department employees acting in their official capacity, whether for gain or personal compensation.

ENFORCEMENT

The following procedures will be adhered to in all actions arising under this Code of Ethics.

SECTION 6. The President of the MACP will appoint an Ethics Committee of at least three members of the Board of Directors to hear alleged Code violations. The President shall name one of the three board members to be Chairperson of the Committee.

SECTION 7.

- a. The Chairperson of the Ethics Committee will be designated to receive all complaints. Complaints regarding the MACP member's conduct can be brought by any member of the MACP or by any responsible individual or organization outside of the membership. The Chairperson will review all complaints and conduct whatever investigation and inquiry he deems necessary to determine whether sufficient cause exists to conduct a hearing into the allegation. If there is an apparent or possible violation of the code of conduct, the Chairperson will make a written recommendation to the Board of Directors that a hearing be conducted. The Board of Directors will approve or disapprove the Chairperson's recommendation.
- b. Complaints of frivolous or an unfounded nature may be dismissed by the Ethics Committee, with the written concurrence of the President. All dismissals of frivolous or unfounded nature shall be in writing and supported by the results and conclusions of the Chairperson's investigation. Consistent or repeated frivolous complaints by an MACP member against other members may subject that member to disciplinary action by the MACP upon motion by the Committee, with the written concurrence of the Board of Directors.

SECTION 8.

- a. MACP members will be held to the standards of behavior set forth in Rule XI, Basic Tenets of this Code, and specifically, but not exclusively, to the standards set forth in Rule XI, Sections 2, 3, 4, and 5. Members will also be subject to disciplinary action for behavior other than that specified in the aforementioned provisions that bring disrepute upon their department, their profession, and/or the MACP. This includes adherence to the laws they are sworn to uphold.
- b. Members of the MACP Board of Officers or Board of Directors, in recognition of their highly visible elective office representing others in the profession, shall remain cognizant that any untoward circumstance or situation which may confront them in the exercise of their professional responsibilities or in their personal life, that may reflect unfavorably upon the Michigan Association of Chiefs of Police will require that they take the initiative to separate themselves from their MACP official duties until the matter has been resolved.

SECTION 9. Upon receiving the Board of Directors' approval to initiate disciplinary action, the Chairperson will schedule a hearing before the Ethics Committee.

SECTION 10. The alleged violator will be notified by registered letter by the Chairperson at least two weeks before the hearing. The alleged violator may request a continuance for a specified duration upon written motion to the Chairperson of the Ethics Committee. No MACP member shall be granted more than two such continuances. If the alleged violator does not request a continuance, the hearing may be conducted in his or her absence.

SECTION 11. The date, time, and site of the hearing shall be determined by written order of the MACP President.

SECTION 12. The hearings shall be conducted as follows:

- a. The Chairperson shall conduct the hearing.
- b. The hearing will be conducted in a formal manner approximating a governmental administrative proceeding. The degree of formality will be determined by the Board of Directors depending on the nature of the allegations. Attendance at the hearing will be restricted to the alleged violator, his or her representative, members of the Board of Directors, and members of the Ethics Committee. Witnesses will not be permitted in the hearing room except when offering testimony.
- c. The alleged violator may present witnesses on their behalf. The party alleging the violations may testify or present witnesses on their behalf, or may offer testimony by means of affidavits submitted to the Chairperson of the Ethics Committee prior to the date of the hearing.
- d. Either party may examine and cross-examine witnesses. In addition, members of the hearing panel and the Board of Directors members may ask questions directly of the witnesses.
- e. All hearings shall be recorded or transcribed verbatim.

SECTION 13.

- a. The Ethics Committee, after hearing all information, shall recommend one of four potential courses of action. Any action taken requires an affirmative two-thirds vote. Decisions will be based on a standard of the preponderance of the evidence.
- b. The four possible courses of actions are:
 1. UNFOUNDED: The alleged violation did not occur. An Unfounded determination will be considered a dismissal of all charges with prejudice.
 2. EXONERATED: The incident occurred but was not a violation of the standards set forth in this Code.
 3. SUSTAINED: The preponderance of the evidence presented to the hearing board supports the allegation and the violation is a breach of the standards set forth in the Code.
 4. DEFERRAL: The hearing has been deferred due to the unforeseen unavailability of information or witnesses.

SECTION 14. In the event of a Sustained classification, the Board of Directors shall levy one of three sanctions, based on the nature and severity of the violation and the recommendations and findings of the hearing panel contained in the Chairperson's written report to the Board of Directors. The Board of Directors may levy one of the following three penalties under Article II, Section 6 of the MACP Constitution or Rule:

1. CENSURE: A letter to the violator citing the section of Rule violated and the Associations' disapproval.
2. SUSPENSION: A letter to the violator, citing the section violated, and advising the violator that he is suspended from membership and privileges for a period of time determined by the Board of Directors, after which he may apply to the Board of Directors for re-admission to the MACP. No public notification will be made by the MACP except with the express approval of the Board of Directors.
3. EXPULSION: A letter to the violator, citing the section violated, and advising the violator that he is expelled permanently from MACP membership and privileges.

SECTION 15. APPEAL: An appeal of imposition of penalties may be filed in accordance with the process delineated in Article II, Section 6 of the MACP Constitution.