ARTICLE I
ORGANIZATION

Section 1. NAME

The name of this corporation shall be The American Board of Orthodontics, hereinafter referred to as, "the Board" or "the ABO".

Section 2. ORGANIZATION

The American Board of Orthodontics is incorporated as a non-profit organization under the laws of the State of Missouri.

Section 3. DISSOLUTION

Should this corporation be dissolved at any time, the following directives shall apply.

1. No part of the Board's funds or property shall be distributed to or among its Directors or other Board certified orthodontists.

2. After payment of all indebtedness of this corporation, its surplus funds and property shall be used for education and research in such manner as the then governing body of The American Board of Orthodontics shall determine.

Section 4. MEMBERS

The American Board of Orthodontics shall have no members.

ARTICLE II
MISSION – RESOLUTIONS

A. MISSION STATEMENT

The mission of the American Board of Orthodontics is to elevate the quality of orthodontic care for the public by promoting excellence through certification, education and professional collaboration.
B. BOARD RESOLUTIONS

- Evaluating the knowledge and clinical skills of graduates of CODA accredited orthodontic programs by conducting examinations and conferring time-limited certificates;

- Re-evaluating a Board certified orthodontist’s knowledge and clinical skills through certification renewal throughout a Board certified orthodontist’s career;

- Collaborating with orthodontic educators, organizational leaders, and national/international orthodontists to set high standards of care and ethics;

- Supporting pre- and postdoctoral programs in orthodontics and dentofacial orthopedics, and continuing education; and

- Promoting and encouraging orthodontic board certification expertise throughout the world.

ARTICLE III
BOARD OF DIRECTORS

Section 1. DIRECTORS

A. COMPOSITION, QUALIFICATIONS, AND ELECTION

1. The Board shall consist of eight (8) Directors, each of whom represents one (1) of the constituents of the American Association of Orthodontists (AAO).

2. Directors shall be active Board certified orthodontists of The American Board of Orthodontics.

3. The Director nominee shall be submitted to the ABO's sponsoring organization, the American Association of Orthodontists (AAO), as set forth in the Rules of Operation and Article XIX of the Bylaws of the American Association of Orthodontists. Following confirmation by election of the House of Delegates of the AAO, this corporation's Board of Directors shall officially accept the nominee to a term as a Director of the ABO.

B. GENERAL POWERS AND DUTIES

All corporate powers shall be exercised by or under the authority of, and the affairs of the ABO shall be managed under the direction of, its Board of Directors.

C. FIDUCIARY OBLIGATIONS

Each Director shall have a continuing duty to discharge his or her functions in a manner that the director in good faith believes to be in the best interests of the ABO. At the annual meeting of the Board of Directors or, if a director is not present at such meeting, as soon thereafter as possible, each director shall sign the ABO’s Participation Agreement for the next fiscal year. No director may be seated or attend any Board or committee meeting or participate in any Board or committee action until such time as an executed copy of such document has been received by the President of the ABO.
D. TERM OF OFFICE

1. Each Director shall serve one term of eight (8) years.

2. The term of office of each Director shall begin at the end of the ABO Directors meeting during the American Association of Orthodontists annual convention following the official election of the new Director. Each Director shall hold office until the conclusion of the Director’s term of office and until a successor has been elected or appointed and qualified, or until such Director’s earlier death, resignation, or removal in the manner hereinafter provided.

E. RESIGNATION

A director may resign at any time by written notice delivered to the Board of Directors or to the President or Secretary. A resignation is effective when the notice is delivered unless the notice specifies a date later than the date of delivery. The resignation of a director need not be accepted in order to be effective.

F. REMOVAL

1. One or more directors may be removed for cause.

2. A director may be removed only by the affirmative vote of a majority of the directors, at a duly called meeting for which written notice stating that a purpose of the meeting is to vote upon the removal of one or more directors named in the notice is delivered to all directors.

3. Cause for removal may be found where a director fails to attend more than one out of three consecutive meetings, or is otherwise negligent in carrying out his or her obligations to the ABO.

G. VACANCIES

Any vacancy occurring on the Board of Directors shall be filled through that Director’s constituency organization. The constituency involved will appoint three alternative substitutes for the Board of Directors to choose one. Such Director shall enter the rotation as the newest Director.

H. COMPENSATION

No director shall receive a salary for his or her services as a director. The reimbursement procedures for reasonable expenses incurred in connection with his or her service as a director are delineated in the ABO Rules of Operation.
Section 2. POWERS AND DUTIES OF THE BOARD OF DIRECTORS

A. MANAGEMENT

1. The Board of Directors of the ABO shall have the powers and duties ordinarily delegated to the governing body of a corporation, and such other powers as may be prescribed by law, by the Articles of Incorporation or by these Bylaws.

2. The control of all corporation property and business interests shall be the responsibility of the Board.

3. The Board shall have the power and authority to make, alter, amend or repeal Bylaws for the governing of this corporation.

4. The Board of Directors shall make all rules and regulations for its own governance. Rules of operation will be kept in a special document, the ABO Rules of Operation that details the day-to-day procedures needed to run the business of the Board in an organized and efficient manner. The Executive Director will be responsible for maintenance and implementation of the Rules of Operation. The Rules of Operation will not supplant or supersede any of the Bylaws.

5. The Board of Directors shall establish examinations, testing procedures, policy, resolutions and fees for the various operations and services.

6. The Board of Directors shall determine compensation for all employees of the corporation.

7. The Board of Directors shall reprimand, suspend or remove any member of the Board of Directors, or any employee of the Board for neglect of duty or misconduct as determined by the Board.

B. CONSULTANTS/EXAMINERS

1. The Board of Directors shall have the authority to appoint and/or hire consultants that advise the Board in any capacity for which the Board determines a need.

2. The Examiners who assist with the testing process shall:

   a. Be approved by Board action.
   
   b. Be familiar with current procedures and the operational organization of the Board.
   
   c. Be currently ABO certified.
   
   d. Be qualified in testing procedures as determined by the Board.
   
   e. Not vote on any Board actions.
C. EXECUTIVE DIRECTOR

1. The Board of Directors may, at its discretion, employ an Executive Director.
   a. The Executive Director shall not be a member of the Board of Directors.
   b. The Executive Director shall be qualified in administrative and management procedures.

2. The Board shall determine the salary and tenure of the Executive Director.

3. The duties of the Executive Director are, but not limited to:
   a. The administration of the central office of the Board.
   b. The performance of duties as assigned by the Board.
   c. The performance of those duties as may be assigned by the President, President-Elect and the Secretary/Treasurer.
   d. Assisting the Directors in their tasks as Directors of the Board and as representatives of their various constituents of the American Association of Orthodontists (the “AAO”).

D. IMMEDIATE PAST-PRESIDENT

1. The Immediate Past-President shall be considered an "ex-officio" member of the Board.

2. The Immediate Past-President shall serve in an advisory capacity to the Board.
   a. As an advisor to the President of the Board per the Presidents' specific requests and needs.
   b. As an advisor to the Board, upon request by a member of the Board at any business meeting, through the President.

3. The Immediate Past-President shall not have a vote on matters of Board business.

4. The Immediate Past-President will be excluded from Executive Board sessions unless specifically requested to attend by the President.

5. The Immediate Past-President shall be invited to attend all Board meetings, Board retreats, and Board functions.
   a. The Immediate Past-President shall serve on Board Committees.
   b. The Immediate Past-President will attend all Board functions that are not held in executive session and act in an advisory capacity with no voting privileges.
Section 3. CERTIFICATION ACTIVITIES

The Directors of The American Board of Orthodontics shall determine qualifications of orthodontists for admission to the Board certification process, render appropriate examinations, and certify those qualified orthodontists. Policies and procedures relating to all aspects of certification shall be determined by the Board of Directors and collected in the Rules of Operation.

ARTICLE IV
MEETINGS

Section 1. REGULAR MEETINGS

Regular meetings of the Board of Directors shall be held without other notice than these Bylaws as follows:

1. In conjunction with the Clinical Examination;

2. In conjunction with the annual meeting of the American Association of Orthodontists; and

3. At such time and place as may be specified by resolution of the Board without other notice than such resolution.

Section 2. SPECIAL MEETINGS

A. Special meetings of the Board of Directors may be called by or at the request of the President and shall be called at the request of a majority of the directors.

B. Notice of any special meeting of the Board of Directors shall be given in accordance with these Bylaws at least seven days in advance thereof by written or electronic (email) notice to each director at the ABO address of record.

C. Notice of any special meeting of the Board of Directors may be waived in a writing signed by the person or persons entitled to such notice either before or after the time of the meeting. Attendance of a director at any meeting shall constitute a waiver of notice of such meeting except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

D. The business to be transacted at a special meeting of the Board of Directors shall be specified in the notice of such meeting.

Section 3. QUORUM

Five (5) directors shall constitute a quorum for the transaction of business at any meeting; provided that, if less than five (5) directors are present, a majority of the directors then present may adjourn the meeting to another time without further notice. Withdrawal of directors from meeting shall not cause failure of a duly constituted quorum at that meeting.
Section 4.  

**ACTION AT A MEETING**

Each director shall be entitled to one vote on each matter. The act of the majority of the directors present at a duly called meeting at which a quorum is present shall be the act of the Board of Directors, unless the act of a greater number is required by law, by the Articles of Incorporation, or by these Bylaws. The presiding officer may vote and, in the case of a tie vote, the position taken by the presiding officer shall determine the action of the Board of Directors.

Section 5.  

**PROXY PROHIBITED; PRESUMPTION OF ASSENT**

A. No director may act by proxy on any matter; provided that, directors may act without a meeting pursuant to the procedures set forth in Section #7 of these Bylaws.

B. A director who is present at a meeting at which action on any corporate matter is taken by the Board of Directors is conclusively presumed to have assented to the action taken unless (1) the director objects, at the beginning of the meeting or promptly upon his or her arrival, to holding the meeting or transacting specified affairs at the meeting; or (2) the director votes against or abstains from the action taken.

Section 6.  

**ATTENDANCE BY TELEPHONE**

Directors may participate in and act at any meeting through the use of a conference telephone or other communications equipment by means of which all persons participating in the meeting can communicate with each other; provided that (a) each director in the Continental United States has received notice of the meeting, and (b) five (5) voting members shall constitute a quorum for such telephone meeting. Participation in such meeting shall constitute attendance and presence in person at the meeting.

Section 7.  

**ACTION BY UNANIMOUS WRITTEN CONSENT WITHOUT A MEETING**

Any action required or permitted by law to be taken at a meeting of the Board of Directors may be taken without a meeting if a consent in writing setting forth the action so taken shall be signed by all voting directors. The consent shall be evidenced by one or more written approvals, each of which sets forth the action taken and bears the signature of one or more directors. All the approvals evidencing the consent shall be delivered to the Secretary-Treasurer to be filed in the records of the ABO. The action taken shall be effective when all the directors have approved the consent unless the consent specifies a different effective date. Any such consent shall have the same force and effect as a unanimous meeting vote.

Section 8.  

**DIRECTOR CONFLICTS OF INTEREST**

A. All ABO directors shall abide by the conflict of interest provisions of the ABO Participation Agreement.

B. Directors who are recused from voting on the matter, or recused from participating in deliberations on such matter shall not be counted in determining the presence of a quorum at a meeting at which such matter is considered.
Section 9. BOARD RETREATS

The American Board of Orthodontics may have Board Retreats as designated by the President and/or a Board vote to discuss topics of interest. No Board actions may be taken by the Board at Board Retreats unless proper Bylaws procedures for Special Meetings have been followed.

ARTICLE V
OFFICERS

Section 1. OFFICERS OF THE BOARD

The Officers of the Board shall be the President, the President-Elect, the Secretary–Treasurer.

Section 2. ELECTION

A. All Officers of the Board shall be elected annually by the Directors of the Board. The nominees will automatically be the most senior Director to accede to the President position, the second most senior Director to the President-Elect position, the third most senior Director is the Secretary-Treasurer position. Additional nominations for any position may be put forth by a Board member.

B. The term of election shall be for one (1) year or until the elected successor has been duly elected and installed.

C. Installation to office shall take place at the conclusion of the annual meeting of the American Association of Orthodontists.

Section 3. DUTIES

A. PRESIDENT

1. The President shall be the chief executive officer of the corporation.

2. The President shall be the most senior Director of the Board.

3. The President shall be responsible for the general management and control of the business of the corporation.

4. The President shall sign all instruments of writing that requires the seal of the corporation and/or contracts of encumbrance financial and legal.

5. The President shall make an annual report to the Directors of The American Board of Orthodontics.

6. The President shall make an annual report to the Board of Trustees of the American Association of Orthodontists.

7. The President shall also assume those duties and assignments specified by the Board.
B. PRESIDENT-ELECT

1. The President-Elect shall be the second most senior member of the Board.

2. In the absence of the President, the President-Elect shall serve as chief executive officer.

3. The President-Elect shall assist the President in duties of office as directed.

4. The President-Elect shall indoctrinate the newly elected Director(s) of the Board on their duties and obligations to The American Board of Orthodontics.

5. The President-Elect shall appoint an Ad Hoc Committee to receive and consider the President's annual report and bring all such considerations and recommendations to the Board for possible action.

C. SECRETARY-TREASURER

1. The Secretary-Treasurer shall be the third most senior Director of the Board.

2. The Secretary-Treasurer shall be responsible for keeping an accurate record of the proceedings of all meetings of the corporation and the Board of Directors.

3. The Secretary-Treasurer shall make all necessary statements and reports as concerns the business of the corporation and Board.

4. The Secretary-Treasurer shall oversee the receipt and processing of applications from prospective examinees and inform them of the Board's actions on their behalf.

5. The Secretary-Treasurer shall prepare the meeting agenda for the meetings of the Board and make necessary arrangements for such meetings.

6. The Secretary-Treasurer shall prepare and send to each new Director a certificate signed by the retiring President and the then Secretary of The American Board of Orthodontics.

7. The Secretary-Treasurer shall be the custodian of the funds of the corporation and the Board.

8. The Secretary-Treasurer shall maintain appropriate records of the financial activities of the Board and make reports to the Directors as directed.

9. The Secretary-Treasurer shall maintain accurate accounts of all monies received and dispersed by the corporation.

10. The Secretary-Treasurer shall make deposits to a bank acceptable to the Board.

11. The Secretary-Treasurer shall issue checks against such accounts signed by themselves, other authorized officers, the Executive Director and/or the Board of Directors.

12. The Secretary-Treasurer may delegate to the Executive Director such duties as may be determined and approved by the Board.
ARTICLE VI
COMMITTEES

Section 1. COMMITTEE APPOINTMENTS

A. CREATION AND APPOINTMENT

The Board of Directors may create one or more committees of the Board and appoint members to serve on them. Each committee shall have two (2) or more directors, who serve at the pleasure of the Board. The President will annually appoint all Committees except the Executive Committee and the President’s Report Committee. Any dispute regarding a committee assignment may be resolved by a majority vote of the Board of Directors.

B. TERMS OF COMMITTEE APPOINTMENTS

1. All committee terms unless otherwise specified under their committee description, shall be for one year.

2. Committee assignments should be structured with the intent for encouragement of long-term tenure for committee members which benefits the Board by increased experience gained from continuous committee service.

C. ACTIONS OF COMMITTEES OF THE BOARD OF DIRECTORS

1. A majority of a committee of the Board of Directors shall constitute a quorum. The act of a majority of committee members present and voting at a committee meeting at which a quorum is present shall be the act of the committee. No member of such committee of the Board of Directors may act by proxy and, to the extent provided in these Bylaws for presumption of assent of directors, assent is presumed for committee members. A committee member may participate in and act at any meeting through the use of a conference telephone or other similar communications equipment, and the committee may act by unanimous consent in writing without a meeting, in the manner provided by these Bylaws for the Board of Directors. Subject to these Bylaws and to action by the Board of Directors, a majority of the members of a committee of the Board of Directors shall determine the time and place of committee meetings and the notice required for such meetings.

2. A committee shall not:

   a. Take any action that is inconsistent with these Bylaws or that revokes or amends any previous action by the Board of Directors which is still in effect.

   b. Approve or recommend to members actions required by law to be approved by members of the full Board;

   c. Fill vacancies on the Board or any committee of the Board; or

   d. Adopt, amend or repeal Bylaws.
D. ADVISORS

The Board of Directors may by resolution appoint one or more individuals who are not directors of the ABO to serve, at the discretion of the Board, as advisor(s) to a committee of the Board of Directors. Advisors may, at the discretion of the chairperson of the committee, be present at committee meetings or parts thereof but may not vote.

Section 2. COMMITTEES OF THE BOARD

A. STANDING COMMITTEES

1. Executive Committee
   a. Composed of the officers: The President, the President-Elect, the Secretary-Treasurer
   b. Duties:
      (1) This committee shall be assigned to those duties not specifically covered in these Bylaws and those duties assigned by the Board.
      (2) This committee shall report to the Board at large on all activities, actions and decisions in a timely manner.
      (3) This committee shall have latitude to conduct the usual and routine business of the Board, with the exception of:
         (a) Financial decisions having a value greater than the currently Board delineated amount for the Executive Committee and does appear in the Rules of Operation.
         (b) Litigious affairs.
         (c) Establishment or change of Board policy.
         (d) Establishment of new rules and regulations.
      (4) This committee shall examine and verify the academic credentials of all applicants for certification, and approve or disapprove all applications. This duty may be delegated to the Executive Director upon approval of the entire Board.
      (5) This committee shall lead the board to review nominations and choose award recipients for all ABO awards.
      (6) This committee will monitor the continuance of interviewing the Past-President by the new replacement Director.
      (7) This committee will monitor all budgetary concerns and financial reports.
c. Quorum: Three (3) directors shall constitute a quorum for the transaction of any business by the Executive Committee. Action shall be by majority vote.

2. The President’s Report Committee
   a. Composed of two (2) Directors appointed by the President-Elect following the annual President’s Report at the February Clinical Examination meeting. The Committee is dissolved following the presentation of the Response to the Annual President’s Report at the Board’s meeting during the Annual Session.
   b. The duty of this committee shall be to study the President’s annual report and present a response to the report on appropriate topics for Board consideration.

3. Other Committees of the Board
   a. Other committees of the Board shall include:
      (1) Written Examination Committee
      (2) Clinical Examination Committee
      (3) Policy Committee (IT/Website, Legal, Standards of Care)
      (4) Certification Committee (Marketing/Public Relations, Growth/Advocacy)
      (5) Liaison Committees
   b. The composition and duties of these committees shall be established by the Board and set forth in the ABO Rules of Operation.

B. SPECIAL COMMITTEES (Ad Hoc)
   1. These committees shall be created by the President and/or Board for specific projects and/or needs.
   2. These committees shall be given specific assignments with designated time limits and the Director’s tenure on the committee is dependent upon the completion of the project.
   3. These committees shall be dissolved without Board action or presidential edict upon the completion of their assignment, or otherwise may be dissolved by a majority vote of the Board of Directors.

ARTICLE VII
FINANCES

Section 1. EXPENSE REIMBURSEMENT

A. The expenses of the Board of Directors, Consultants, Examiners and the Executive Secretary of the Board shall be reimbursed by the Board for:
   1. Attendance at official sessions of the Board.
2. Attendance at examination sessions for the certification of Board examinees.

3. When on special assignment by Board directive.

B. Reimbursement of expenses shall be in accordance with the standing rules and/or policy of the Board that appears in the *Rules of Operation*.

**Section 2. FIDELITY BONDING**

A. The following Officers of the Board shall be bonded:

1. The President
2. The President-Elect
3. The Secretary-Treasurer
4. The Executive Director
5. Central Office Employees

B. The bonding amount shall be determined by the Board.

C. The annual cost of bonding will be a Board expense.

**ARTICLE VIII**

**AUTHORITY AND INDEMNIFICATION**

**Section 1. SPONSORING ORGANIZATION**

The American Association of Orthodontists is the sponsoring organization of The American Board of Orthodontics in accordance with rules established by the American Dental Association.

**Section 2. CERTIFICATION AUTHORITY**

A. The American Dental Association recognizes the authority of The American Board of Orthodontics as a specialty-certifying agency. The American Dental Association recognized the Board on October 27, 1950. The Board’s policies and procedures are consistent with the American Dental Association Requirements for Recognition of Dental Specialties and National Certifying Boards for Dental Specialists.

B. The American Board of Orthodontics receives applications, determines eligibility and grants Board certification in accordance with rules established by the American Dental Association.

**Section 3. CORPORATE INDEMNIFICATION**

The American Board of Orthodontics exists as a corporate entity under the corporation law of the State of Missouri and conforms to the rules and regulations thereof.
Section 4. DIRECTOR AND EMPLOYEE INDEMNIFICATION

The Board shall indemnify Officers, Directors, Employees, Consultants and Examiners to the full extent authorized by law by reason of any action, threat, suit or proceeding whether civil, criminal, administrative, or investigatory in nature.

ARTICLE IX
NONDISCRIMINATION

Section 1. EQUAL OPPORTUNITY

Nothing contained within the Bylaws of The American Board of Orthodontics shall be construed so as to operate against the eligibility of any qualified candidate for Board certification on the grounds of age, sex, race, religion, national origin or disability.

Section 2. AMERICANS WITH DISABILITIES ACT - SECTION 309

A. STATEMENT OF CONTENT

Section 309 of the referenced act provides:

"Any person that offers examinations or courses related to applications, licensing, certification or credentialing for secondary or post-secondary education, professional or trade purposes shall offer examinations or courses in a place and manner accessible to persons with disabilities or offer alternative accessible arrangements for such individuals."

B. STATEMENT OF BOARD POLICY

The American Board of Orthodontics will strive to assure that those persons with disabilities will have full physical access to the testing facilities used by the Board.

C. BOARD COMPLIANCE

The Board shall provide reasonable accommodations for those persons with disabilities applying for and taking ABO certification examinations. The following procedures shall apply:

1. The American Board of Orthodontics application forms shall provide space for indicating disability.

2. Persons with disabilities who are requesting special accommodation during testing must submit a letter with appropriate professional documentation of their disability and requested accommodation, and must attach it to the application form.

3. Examinees with questions concerning the availability of reasonable accommodations in connection with the examinations given by the ABO are encouraged to contact the Executive Secretary of the Board.
ARTICLE X
PARLIAMENTARY AUTHORITY

Sturgis’ Standard Code of Parliamentary Procedure governs this corporation in all parliamentary situations that are not specifically provided for within the law, in the organizational charter, the Bylaws, the attending standing rules, or regulations and policies of The American Board of Orthodontics.

ARTICLE XI
AMENDMENTS

Section 1. BYLAWS AMENDMENTS
The Bylaws of the ABO may be amended at any meeting of the Board of Directors.

Section 2. PROCEDURE
The Bylaws of the ABO may be amended as follows:

a. By a two-thirds (2/3) vote, provided that notice of such proposed amendment(s) be provided to each Director of The American Board of Orthodontics not less than thirty (30) days in advance of the meeting.

b. By a unanimous vote, provided the amendment has been read at a previous meeting of the Board at the same session.

c. A two-thirds vote shall consist of:

1. Eight (8) = five (5)
2. Seven (7) = five (5)
3. Six (6) = four (4)
4. Five (5) = four (4)

ARTICLE XII
SEAL OF
THE AMERICAN BOARD OF ORTHODONTICS

The corporate seal of The American Board of Orthodontics shall have inscribed thereon the name of the corporation:

THE AMERICAN BOARD OF ORTHODONTICS
CORPORATE SEAL THE STATE OF MISSOURI
CHANGES IN THE ABO BYLAWS

1994 - Major revisions of Articles: IV, VI, VIII, IX, X, XI, XII, XIV, XV, XVI & XVII

1996 - Amended Article XI, Section 2.

1998 - Amended Articles: II, V & XII

2000 - Amended Article VI

2002 - Amended Article III, B, e

2004 - Major revisions of Articles: II, III, IV, VI, VII & XI

2004 - Article VI. Section 2, A.3.c.(1)&(2).

2005 - Article II. Section 1. C.; Article XII. Section 1. A.

2006 - Complete revision of the entire Bylaws

2007 - Article III. Section 1, A. 3.

2008 - Article VI. Section 2, A 2a and A 3a (5) and (8).

2010 - Article III. Section 2, D.

2015 - Article II, A. and B. Article III. Section 2. d. 5. a. Article VI, Section 2 & 3. All terminology of “Diplomate” has changed to “Board certified orthodontists”

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