

# **BYLAWS OF THE OHIO BIRD RECORDS COMMITTEE**

## **I. NAME**

A. NAME: The official name of this organization shall be the "Ohio Bird Records Committee" (OBRC) and is hereafter referred to as the "Committee."

## **II. PURPOSES**

A. ENDORSEMENT: Review and endorse records of rare wild birds found in the state of Ohio.

B. MAINTENANCE: Maintain permanently the original bird records submitted to the Committee, as well as the Committee's votes and comments on these records, for use by current and future bird students.

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

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

E. KNOWLEDGE: To help increase our knowledge of the birds of Ohio.

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

G. STATE LIST: Keep, or cause to be kept, the official Ohio State Bird List.

## **III. MEMBERSHIP**

A. NUMBER AND DEFINITIONS: The Committee shall consist of nine people, as follows: eight "Members," plus a "Secretary," each with one vote. For the purpose of these Bylaws, the "Secretary" is not considered a "Member," but rather a "Voting Member" along with the other eight "Members." 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. A special focus on birds known to be found in Ohio and likely to be found in Ohio is expected. The Committee will attempt to maintain broad geographic representation within Ohio.

C. MEMBERS:

(1) Election and Terms of Office.

(a) The eight Members shall be elected in good faith on a staggered basis, each for a term of three years, so that three will be elected each year except for every third year, when only two will be elected. Elections shall be held in December, either online or at a meeting of the Committee. If the election is

held at a meeting, a Voting Member may vote by absentee ballot. An absentee ballot must be in writing and delivered to the Secretary prior to the meeting. Proxies may not be used. The nominees receiving the largest number of votes shall be elected to the two or three vacancies, depending on the year. In the case of a tie vote, ties shall be decided by additional ballot(s), either online or at a meeting. In the case of a stalemate, ties shall be decided at a meeting of the Committee, involving only those Voting Members present.

(b) Members take office at the beginning of the calendar year following their election and serve until the close of the calendar year three years later, except as described elsewhere.

(c) Members may serve a full term, after which they must retire for one year before they may be considered for reelection [but see III. D. (2) below].

(2) Member Nominations. Nominations of Members shall be made only by Voting Members, and only in writing, to the Secretary by 25 November of each year. It is the responsibility of the nominator to obtain a confirmation of willingness to serve from the nominee(s) submitted. A nominator may make a maximum of one nomination per 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 in a timely manner before any voting on the nominees takes place. Voting Members are encouraged to discuss the nominees with each other prior to the vote.

#### D. ALTERNATE MEMBERS:

(1) Duties. An Alternate Member shall participate in the review process when one of the elected Members is unable to do so for a brief, temporary period of time.

(2) Qualifications. In addition to the qualifications of membership above, an Alternate Member may be a past Member who is currently ineligible to serve due to retirement [see III. C. (1) (c)].

(3) Appointment and Term of Office. An Alternate Member shall be appointed as necessary by the Secretary, and shall serve until the absent Member returns to duty.

(4) Vote. An Alternate Member shall vote on recirculating records even if they had 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 eight Members.

(2) Election and Term of Office.

(a) The Secretary shall be elected for a term of one year. Elections shall be by a vote of Members. The election shall be held in December, either online or at a meeting of the Committee. If the election is held at a meeting, a Member may vote by absentee ballot. An absentee ballot must be in writing 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 additional ballot(s) either online or at a meeting. In the case of a stalemate, the tie shall be decided at a meeting of the Committee, involving only those Members present. A Member shall conduct the election.

(b) The Secretary takes office at the beginning of the calendar year after being elected and serves until the end of the same calendar year.

(c) The Secretary may serve an unlimited number of terms. However, if the Secretary retires or is not reelected, they are not eligible for election as a Voting Member until December of the subsequent calendar year.

(3) Nominations. Nominations for Secretary shall be made only by Members, and only in writing, to the Secretary by 25 November 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. Prior to 25 November, the Secretary shall notify all Members of a willingness to continue in office, or of an intention to retire. The Secretary shall transmit the names of the nominees to all Members by December 1<sup>st</sup> of each year.

(4) Duties. The Secretary shall have the following duties in addition to those duties outlined elsewhere in these Bylaws:

- (a) Receive, circulate, recirculate (as necessary), file all bird records and supporting data used by the Committee, and file all votes and comments made by the Committee in a safe location, preferably one accessible by the public.
- (b) Request from the Committee, as needed, specific votes regarding the time span of records and the number of individuals thought to be present.
- (c) Vote on bird records (see VI. F. Voting).
- (d) Procure additional data on records when deemed possible and desirable.
- (e) Tabulate all votes of the Committee.
- (f) With the approval of the Members, appoint chairs 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 if being used.
- (k) Furnish anyone, upon request, with all evidence including Committee comments, details concerning any accepted or rejected record. However, the names of Committee Members so voting or commenting shall be kept confidential.
- (l) Furnish documentation forms to anyone upon request, free of charge.
- (m) Write the quarterly Committee report when warranted, send the draft to each Member, and furnish the report to the Editor of *The Ohio Cardinal* for publication. Online publication elsewhere is also recommended.
- (n) Keep current a master copy of these Bylaws to assure they are properly applied.
- (o) Write an Annual Report of the Committee's work or designate a Member to do so.
- (p) Solicit documentation from observers on behalf of the Committee, and correspond with observers who have submitted directly to the Committee. These correspondences should include, at a minimum, an acknowledgment of their submission and a notification of a final decision when available.

#### F. VICE SECRETARY:

The Secretary shall appoint a Member, designated as Vice Secretary, to assist the Secretary in their duties. If the Secretary is inactive for a six-month period, the Vice Secretary shall automatically receive the authority of the Secretary position, while remaining a Member, until the Secretary returns to activity, or a new Secretary is chosen by the Committee. The Vice Secretary shall be copied, whenever possible, on all new records obtained by the Committee, and on material Committee business.

#### 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. The Secretary shall oversee removal procedures. If the Secretary is being considered for removal, the Vice Secretary shall oversee. Removals may be accomplished online or, preferably, at a meeting of the Committee.

#### **H. VACANCIES:**

If the Committee loses a Voting Member during mid-term (through death, resignation, removal, or otherwise), the Secretary shall immediately appoint a person to fill the remainder of the unexpired term. The appointment must be approved by a majority vote of the other Voting Members. Approval may be accomplished online or at a meeting of the Committee. If the vacancy is the Secretary, the Vice Secretary shall assume the authority of the Secretary until a new Secretary is chosen by the Committee.

#### **I. COMPENSATION:**

Neither the Secretary nor Members may receive compensation for their services, but they may be reimbursed by the Ohio Ornithological Society for expenses incurred in the performance of their duties.

### **IV. MEETINGS**

A. **ANNUAL MEETING:** An Annual Meeting of the Committee shall be held once a year at a place set by the Secretary, and at a date and time set by the Secretary, in consultation with the Members, for the purpose of transacting such business as may be brought before the Committee. The Secretary must give notice of the Annual Meeting to all Members and solicit agenda items prior to the meeting. The Secretary shall provide an agenda to all Members at least 14 days prior to the Annual Meeting. If the Committee intends to hold its annual membership vote at the Annual Meeting, the Secretary shall also provide a list of nominees to all Members at least 14 days prior to the meeting. Ideally, the Annual Meeting shall be held in person, but online video conferencing is also permitted.

B. **SPECIAL MEETINGS:** Special Meetings of the Committee may be called by the Secretary or by agreement of five or more Members. All Voting Members must be notified and provided with an agenda prior to the meeting. Online video conferencing is permitted.

C. **QUORUM:** Six Voting Members in good standing, present in person or present in a video conference online, shall constitute a quorum for any meeting of the Committee.

### **V. BYLAWS**

A. **NORMAL PROCEDURES:** Other normal operating procedures of the Committee which are not specifically addressed here 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. **AMMENDMENTS:** These Bylaws may be amended by a unanimous vote, minus one. Ideally, this vote shall occur at a meeting of the Committee where there is a quorum, but a similar vote may be conducted online if at least six Voting Members participate. Emergency powers are to be as determined by the Committee.

## VI. BIRD RECORDS

A. DEFINITIONS: For the purposes of this Committee and these Bylaws:

- (1) Records. A “record” is any form of documentation reviewed by the Committee, which is being offered as evidence of the identity of a sighted, heard, collected, banded, photographed, videoed, or audio recorded bird.
- (2) Nesting Records. 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, and/or other conclusive nesting behavior, is reviewed and Accepted by the Committee. Nesting success is not a prerequisite for Committee acceptance as a “nesting record.”
- (3) Review List. The “Review List” is that most recent list of species that will be considered for review by the Committee.

B. RECORDS TREATED:

- (1) Boundaries. Records only within the boundaries of the State of Ohio will be treated.
- (2) Review List Criteria. 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 one record per year (for the most recent ten-year period) is automatically a Review List species.
  - (c) Any species not falling within the above two categories may be added to, or kept on, the Review List after relevant discussion, if a majority of the Committee so agrees.
- (3) Review List Evaluation. The criteria for inclusion on the Review List, and the species listed, shall be reviewed at least once every five years.
- (4) Review List Availability. The Secretary shall make the Review List available to all who request it. The Review List shall also be made available online.
- (5) Specimens and Banded Birds. Records based on specimens or banding operations shall be reviewed and treated in the same manner as other records.
- (6) Submission of Reports. Any reports, whether published or not, old or new, may be submitted by a Voting Member or any other person, even if not an observer. An exception to this is a record which has received a previous Committee decision [but see Resubmission VI. D.].
- (7) Ohio Cardinal. The Editor of *The Ohio Cardinal* may submit to the Committee for review any report, whether or not on the Review List. The Secretary shall determine whether to review such reports.
- (8) Withdrawal of Reports. Non-published reports may be withdrawn by the submitter before being reviewed by the Committee.

C. SUBMISSION: Reports may be, but need not be, submitted on the Committee’s official Report Form. The Secretary shall make these forms available to all that request them, and they shall also be made available online. Submissions may also be provided in any other functional format directly to the Secretary. All publicly published online reports of Review List species are also eligible for consideration as submissions to the Committee.

D. RESUBMISSION: A record that has received a final vote by this Committee (beginning in 1991), the former Ohio Cardinal Records Committee (1987-1991), or the former Ohio (Bird) Records Committee

(1981-1990), 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 previous decision. The Secretary shall make a preliminary judgment if such evidence exists. If the Secretary finds that such evidence does exist, the record shall be resubmitted to the Committee. If the Secretary finds that such evidence does not exist, then a majority of the Committee must agree that it does exist before the record may be resubmitted.

For a record rejected because identification was not established, such evidence might include the presence of recently recognized field marks. For a record rejected because of questionable origin, such evidence might include the recent recognition of a natural pattern of occurrence.

The request for resubmission shall be made in writing and shall be delivered to the Secretary. Such a record must be resubmitted and circulated as if never before submitted, except that it should be accompanied by the complete original documentation and all previous votes and comments made by the Committee, identifying each Voting Member along with their votes and comments. The written request for resubmission, its publication status, and new evidence should be marked as such.

#### E. CIRCULATION PROCEDURES:

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

(a) Assign to each record a unique designation, consisting of the name of the species reported followed by a slash, the four digits indicating the initial year of the observation followed by a slash, and a letter of the alphabet distinguishing the record from all other records of that species during the same year. For example, the first Long-tailed Jaeger record assigned to the year 2021 would appear as "Long-tailed Jaeger/2021/A." The second Long-tailed Jaeger record assigned to that year would appear as "Long-tailed Jaeger/2021/B." The first Western Tanager record assigned to that year would appear as "Western Tanager/2021/A."

(b) Record in a safe place at least the name(s) of the reporter(s), the name of the species identified, the date and locality of the record, and the record's unique designation.

(c) Check the record for completeness and clarity and, if deemed desirable, request additional information from the reporter(s) or other observers. Details thus acquired must be clearly marked as such when distributed to the Committee for review.

(d) Vote on the record [see Voting VI. F. (4)].

(e) Distribute the complete record, typically along with other records and thus forming a batch, to each Member simultaneously, including the unique designation for each record.

(2) Receipt by Member. Upon receipt of a record, the Member should do the following:

(a) Judge its validity and vote, using a Validation Form if requested.

(b) Submit vote and commentary to the Secretary. Each voting submission shall include, at a minimum, the name of the Member, name of the species, date of the vote, voting decision, and comments as required. To assure that other Voting Members will see their comments, any Voting Member may elect to call for a recirculation during the first round of voting. This should be used sparingly and only under special circumstances. Any Voting Member using this procedure must also vote during this round.

(c) Proposed lengthy absences likely to interfere with completion of duties should be reported to the Secretary.

(3) Recirculation.

(a) A record shall be recirculated automatically together with the votes and comments of each Voting Member, identifying each Voting Member and their votes and comments, from previous circulations until it has received a decision vote, or until three circulations (two recirculations) have been completed,

whichever comes first. A “decision vote” is defined in VI. F. (10) below. Alternatively, in order to speed up processing, and with the Committee’s approval, the Secretary may choose to schedule a recirculating record for discussion at a meeting of the Committee, even if the automatic recirculation procedures listed above have not been fully implemented.

(b) If, after the third circulation, the record still has not received a decision vote, it shall be kept by the Secretary until it can be discussed at a meeting of the Committee.

(c) Prior to each meeting, the Secretary shall inform Members of any recirculating records scheduled for discussion.

(d) No final decisions on recirculating records shall be made at a meeting. Instead, the record(s) shall receive a final vote after the meeting by those Voting Members on the Committee at the time of the meeting. Votes and comments shall be made to the Secretary within seven days after the meeting.

(e) Regardless of whether 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 request a record to be recirculated one time. Regardless of whether a decision vote is reached during the second circulation (but not during a third circulation or immediately after a meeting), any two Voting Members may cause a record to be circulated for a third time. Requests must be made to the Secretary, in writing, within 30 days of the publication of the decision vote.

(f) A record which has received a decision vote may be published even if a recirculation has been requested.

(g) All decision votes are final but subject to (e) above and to Resubmission [VI. D.].

#### F. VOTING:

(1) Validation Forms. If used, Validation Forms shall include the name of the Voting Member, species name, unique designation number if available, voting date, round of circulation, voting decision, and comments.

(2) Voting Categories:

(a) **Accept identification.**

(b) **Accept as a nesting record** [see VI. A. (2)].

(c) **Reject, identification not established.**

(d) **Reject, natural occurrence questionable.**

(e) At the Secretary’s discretion, a fifth category may be used, allowing for the acceptance of a record at a higher taxonomic level than species.

(3) Abstentions. Voting Members may not abstain from voting and shall vote on their own observations.

(4) Secretary Vote. The Secretary must vote. On the first circulation, the Secretary shall vote prior to distributing the record to other Voting Members.

(5) Comments. On the first circulation, a Reject vote shall be supported by appropriate and constructive comments. On a recirculation vote, both Accept and Reject votes shall be supported by comments.

(6) Consultations. On the first circulation, a Voting Member shall 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 and encouraged. 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 are not treated by these Bylaws. However, **the goal is: Does the submitted record verify the identification?**

(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 their 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. Voting results shall be 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 eight or nine Accept votes. This is a decision vote.**

(b) **A record is considered Rejected if it receives four or fewer Accept votes, or fails to achieve at least eight Accept votes after discussion at a meeting. This is a decision vote.**

(c) **A record is automatically recirculated as described in [VI. E. (3)] above. A tabulation of five, six, or seven Accept votes is not considered a decision vote.**

G. TIME: Each Voting Member shall endeavor to return their votes to the Secretary within two weeks of receipt of the record, unless instructed otherwise by the Secretary.

H. PUBLICATION:

(1) Decisions. The decisions of the Committee shall be published quarterly, whenever available, under the authority of the Secretary, in *The Ohio Cardinal* and elsewhere if desired.

(2) Content. The published data for Accepted records shall acknowledge at least the name of the species reported, date(s) of the observation, locality, and if submitted directly to the Committee, the name(s) of the observer(s).

(3) Non-accepted Records. Rejected records shall also be published, including the above data, except that the names of the observers should not be included. In publications, the term "Unaccepted" should be used instead of "Rejected."

## VII. ALLOWANCES

A. COMMUNICATIONS: Throughout these Bylaws, the phrase "in writing" is construed to allow electronic communications.

Current as of 14 September 2022

Robert Harlan