

# Utah Bird Records Committee

## Bylaws

*(Passed, June 2002; last amended August 2023)*

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## I. Name

**A. Name.** The official name of this committee shall be the "Utah Bird Records Committee" and is hereafter referred to as the "Committee."

## II. Purposes

- A. Evaluate and publish reports of rare or unusual bird sightings from the state of Utah.
- B. Maintain those original bird records and all Committee votes and comments for the use of any future bird students or enthusiasts.
- C. Maintain and publish official Checklist of Birds of Utah.
- D. Maintain and publish official List of Review Species (hereafter, "Review List")
- E. Establish standards of observation and reporting for improving the quality and quantity of our knowledge of Utah birds.

## III. Membership

- A. Number and Offices. The Committee shall consist of nine voting members (hereafter, "Voting Members") and one secretary, a non-voting member of the Committee and acting chairman (hereafter, "Secretary"). For purposes of these Bylaws, the term "Member" includes all nine Voting Members and the Secretary. At meetings, all Members have the same status on procedural votes and all matters before the Committee.
- B. Qualifications.

1. A Voting Member should possess expertise in identification of Utah birds, knowledge of Utah bird distribution, and familiarity with birders and localities in Utah.
2. The Secretary should be knowledgeable about the birds, birders and localities in Utah and possess clerical, organizational and computer skill necessary to perform the responsibilities listed in Section III, E, 2.
3. The Secretary must be a resident of the State of Utah.

#### C. Elections

1. Any Member of the Committee may nominate individuals to open positions
  - a. Qualified people will be nominated without determining their willingness to serve. Willingness will be determined by the Secretary after the voting is completed.
  - b. Each Member may nominate up to two more individuals than the number of positions that need to be filled in any particular category (example: Secretary, Voting Member).
  - c. If there are four or more nominees, above the number of open positions to be filled, there shall be a preliminary vote to determine the finalists reducing the number of nominees to two more than the number of open positions or more if there is a tie for the last finalist.
2. Nominees will be voted on as follows
  - a. Voting Members will rank nominees from 1 to the number of position to be filled plus two extra.
  - b. Points will be assigned in reverse rank order so that a first choice will receive the most points and the last choice will receive 1 point. (Example: In an election to fill two positions, a Voting Member would rank his or her top four choices. The first choice would receive 4 points, the second 3, the third 2 and the fourth would receive 1 point).
  - c. Votes will be compiled by the Secretary who will contact the nominees in the order of the highest point total first to determine willingness to serve. If a nominee declines to serve then the nominee with the next highest point total will be asked. The Secretary will proceed down the list in this manner until positions in question are filled.

#### D. Term of Office and Responsibilities: Voting Member.

1. The Utah Bird Records Committee shall include nine Voting Members.
  - a. Voting Members will be elected to three year terms.
  - b. Voting Members of the Committee may be nominated for a second consecutive term. After a second consecutive term there must be a one-year or longer absence from the Committee before a member is eligible for nomination again.
  - c. There shall be no limit to the number of separate six-year periods (two terms) that any one person may serve on the Committee.
  - d. Two or three Members will be up for reselection or replacement each year ( I.E. Three in year one, three in year two, and three in year three.)

## 2. Responsibilities

- a. a. Vote on all records in a timely manner. Although each Voting Member is expected to vote on each record expeditiously, there will be a final deadline for each round of the review (see section IV.C.9). If more time is needed to make a good decision, an extension will be granted upon request to the Secretary by any Voting Member.
- b. Vote in all elections and on all proposals in a timely manner or before any reasonable deadline which might be established by the Secretary
- c. Assist the Secretary in carrying out the Bylaw. For example: making Review List changes, updating the checklist, reviewing and updating the Bylaws, creating the yearly reports. etc..
- d. Propose changes to the Review List and Bylaws when a change is appropriate.
- e. Maintain internet access and an email account that can be checked often.

## E. Election, Term of Office, and Responsibilities: Secretary

### 1. Election and Term: Same as Voting Members

### 2. Responsibilities

- a. Preside as acting chairman of the Committee [See section III.A]
- b. See that the Bylaws are carried out in an appropriate and timely manner with the voluntary assistance of other members of the committee. (*Some specifics listed below:*)
  1. See that elections are carried out at the end of each year..
  2. Make sure the Review Species list is up-to-date (V.A) and is made available to the public (V.B.3).
  3. Make sure that the Bylaws are up-to-date and are changed when needed (VI.B).
  4. See that any proposals are discussed and voted on by the Committee (VI.A).
  5. See that a yearly report is published (IV.D.)
- c. Call, preside over and provide minutes for any meeting deemed appropriate for the needs of the committee.
- d. Tabulate results of all votes of the Committee, including votes on bird records, but excepting the election of the Secretary.
- e. Upon completion of a review, write a summary of the comments of the Vote Members explaining the decision of the Committee. (This will be included in the "Summary section of the "Summary Page" for each record).
- f. Appoint other officers as needed to assist in secretarial duties. (For example: A webmaster, an eBird liason, an archivist, etc.).

*(The following duties may be assigned to a webmaster and possibly an archivist with supervision of the Secretary:)*

- g. Receive and post sight records, and maintain all information relating to these records.

- h. Furnish to anyone, upon request, any accepted or rejected bird record with all evidence, including Committee comments.
- i. Publish all the appropriate reports, records and information on the Committee website.

#### F. Removals.

1. The Committee may remove, for cause, any Member who is delinquent in his/her duties.
2. Such action requires a super-majority vote of all other Members, i.e., 8-1 or 9-0 for removal.

F. Vacancies and Special Elections. If the Committee loses a Voting Member or alternate during mid-term (through death, resignation, removal, etc.) normal election procedures will be instituted and a new member elected to a term equal to (and not to exceed) the remainder of the term of the member who vacated the position.

#### H. Meetings.

1. An annual meeting of the Records Committee will be held if requested by a majority (5) members of the Committee or by the Secretary.
2. Quorum. Seven Voting Members present at the meeting, not by proxy, shall constitute a quorum for any meeting of the Committee. Any meeting of the Committee is not considered "valid" unless it has a quorum present.
3. "Meetings" may be held electronically (by conference call, email communication or internet vote or query) that will augment or replace other meetings. In the case of e-mail and internet "meetings" a quorum will be attained only by the response of all Members of the Committee.

## IV. Records and Voting

### A. Submissions

1. Submission. Records should be submitted on the Committee's Official Report Form or a reasonable facsimile thereof. Report forms may be filled out at the Utah Records Committee web site. They shall also be readily available from at [www.utahbirds.org](http://www.utahbirds.org) and from the Secretary.
2. Resubmission. A record that has received a final Committee decision, whether accepted or rejected and even though published as such, may be resubmitted by anyone if there becomes available new and substantial evidence that might reverse that decision. Furthermore, records involving taxa that have since undergone taxonomic revision by the American Ornithologists' Union may be resubmitted to determine the status of any changed taxa. Any resubmitted record shall be circulated with all previous votes, Committee comments, publication status, and all new evidence marked as such.
3. Any record, whether published or not, old or new, may be submitted by a Voting Member or other person, whether or not an observer, if he has first attempted to obtain details from the observer(s). An exception to this is a record that has received previous Committee decision (see Resubmission above).

### B. Circulation Procedures

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

- a. Determine if the record meets circulation criteria. (Is it on the Review Species Lists or would it be a new species for Utah)
- b. If it is an appropriate sighting, follow the procedures below.
- c. If it is not on the list send letter to submitter thanking for the record and explain that it will not be voted on.
- d. Give the record a unique number, consisting of the year of receipt (not the year of sighting) followed by a hyphen and the next unused number, starting with "01," for each calendar year.
- e. Create a Summary Page for each record, to keep track of the subsequent sighting of the bird(s), links to other sight records submitted and to photos, recordings and other supporting documents including expert opinions, and a final summary of the results of the committee review.
- f. The Secretary may split any record containing multiple sightings into two or more records if it appears that this will facilitate voting. The Committee may also, by the vote of a simple majority, split any record containing multiple sightings into two or more records. This action, whether instigated by the Secretary or the Committee, should take place before the end of the first round.

## 2. Distribution to Voting Members

- a. All records will be posted to the Utah Records Committee web site within one week of reception
- b. After posting, the Secretary will send an email to the Committee explaining that there is a new record for voting

## 3. Receipt by Voting Members

- a. Judge the record's validity and vote on it.
- b. Complete on-line voting form and hit submit for compilation.

## 4. Recirculation.

- a. If a non-decisive vote is obtained during the first round the Secretary shall move the record to the second round with first round votes and comments posted to the records committee web site. If a non-decisive vote is obtained during the second round the Secretary shall move the record to the third round. If after the third round, the record still has not received a decisive vote, the record will be rejected and would have to be resubmitted for further consideration.
- b. The Secretary may move a record to a second round of voting if he/she feels the Committee's comments might alter the decision.

## **C. Voting and Acceptance Criteria**

1. Voting Form: The vote of each member together with his/her comments, if any, must be submitted to the Secretary on the official voting form.
  - a. The official form is available on the web
  - b. Hard copies of the form may be requested from the Secretary

2. This form must include spaces for at least the (a) record number, (b) name of the species or group of related species, (c) name of the voting Committee member, (d) date of the vote, (e) member's vote, and (f) comments.
3. Voting Categories:
  - a. Accept
  - b. Reject, specific identification not established.
  - c. Reject, natural occurrence questionable
  - d. Reject, establishment of introduced population questionable.
  - e. To Second (To2nd), send to a second round for discussion. (For first round vote only) .
4. Disqualification and Abstentions. Committee members must vote on all submissions, including their own.
5. Comments. On the first circulation, "reject/no" and "To 2nd" votes must be supported by appropriate comments. 'Appropriate' is defined as the specific concerns that justified not accepting the record or caused the voting member to want to discuss it without choosing a position in the first round. Comments must be supplied for a re-circulation for either a "reject/no" or "accept/yes" vote.
6. Consultations.
  - a. Between Members: On the first circulation, a member shall not discuss a record with another member until both have voted. Pre-vote consultations are encouraged among members for a recirculation
  - b. Expert Opinions. A Committee Member may solicit the opinion of a recognized expert if it is thought that opinion might provide a meaningful addition to the record's evaluation. The original record, supporting photographs, and additional documentation may be shared with the expert, although the comments of individual Committee Members shall remain proprietary and not be shared. Any Committee Member may contact a recognized expert at their discretion after notifying the Secretary of their intent in writing. Upon receiving the expert's opinion the Committee Member shall share this information with the Committee in a timely manner and it shall become a part of the comments for that record.
7. Voting Criteria. The criteria used by a member for acceptance or rejection of a record are based on that member's knowledge and experience and will not be specifically addressed in these rules. However, members are encouraged to accept or reject records on the basis of more-or-less objective criteria such as the adequacy of the field marks reported or the conditions under which the observations were made (e.g., lighting, weather, optical equipment, etc.) The veracity of the observer should not normally be questioned without good cause.
8. Voting Members should accept or reject the sighting as a whole as opposed to accepting or rejecting an individual sight record. This means that all photographs, sight records, additional materials, expert opinions, and testimonials of Records Committee members or others, should be taken into account when deciding how to vote.

9. Tabulation. There shall be a one-month deadline for members to vote on any given record in each round. If after the deadline at least seven members have voted yes or no, the record will be dealt with as in section IV.C.10 below. If an extension is needed it can easily be requested as in section III.D.2.a.
10. Decisive and Non-decisive Votes.
  - a. First Round votes must have at least 7 unanimous votes to be decisive (whether affirmative or negative), otherwise the record will go to a second round.
  - b. For Second Round votes to be decisive and to stop the record from going to a third round, the record would require at least 6 votes to accept or 6 votes to reject. Voting on a second-round record ends as soon as 6 votes to accept or 6 votes to reject have been cast. If, after the deadline the required 6 votes to either accept or reject have not been met, the record will go to a third round.
  - c. For a Third Round record to be accepted, a simply majority of the votes will be required, provided that all members have voted or that at least 7 members have voted and the deadline has passed.
11. First State Records. It is preferable that a first state record have some form of physical documentation. Acceptable evidence could consist of photographs, sound recordings, specimens, verified band numbers, etc. However, a first state record may be accepted without physical documentation with these considerations in mind:
  - (1) The species is obvious and easy to identify and cannot be confused with a similar species.
  - (2) The observer is familiar with the species.
  - (3) The observer is known by the committee members as a careful competent observer with experience in documenting rare birds.
  - (4) There are multiple competent observers that submit separate, careful documentation.

Accepted records will be listed as either "verified with physical evidence" or "accepted but not verified with physical evidence." First state record submissions that involve only a single observer, may be accepted as "hypothetical" and added to the UOS Checklist of Birds of Utah as such. Species shall remain on the hypothetical list until a record meeting the above criteria is accepted by the committee.

12. Upon completion of review and voting on a particular record the Secretary will notify the individual(s) submitting the record the results of the review. The notification will state if the record was accepted or not accepted and give a summary of the reasons for acceptance or non acceptance.

#### **D. Publication**

1. All records will be published upon completion on the Records Committee web site.
2. The decisions of the Committee shall be published annually, under the supervision of the Secretary in the form of an Annual Report.
3. The published data for all records should include at least the name of the species (or, in the case of records that are submitted at the species level, the finest taxonomic resolution supported by the observation, as described in IV.D.4.), date(s) of observation, locality, and reporting observers, except as excluded in IV.D.4. Other data may be added at the discretion of the Committee. In publications, the term 'not accepted' should be used instead of 'rejected.'

4. Names of the observers for all records should be included in all records for publication in journals and on the internet unless a request for anonymity was made by the observer. In cases of requested anonymity, the published record should say, "Name of observer withheld at observers request." For publication in journals, initials can be used in the record summaries and defined at the end of the report.
5. The observer can check a box on the online Rare Bird Report submission form if the observer wishes to have their name (and/or initials) withheld. If the observer does not check this box, then their name (and/or initials) will be published whether online or in a journal.

## **V. Official Checklist and Review Species List**

### **A. Official Checklist**

1. The official checklist shall be reviewed at least every three years to see if a general revision is needed.
  - a. If a general revision is deemed necessary, a subcommittee shall be formed to accomplish the task.
  - b. The subcommittee will consist of the Secretary and at least two other Members of the Committee
  - c. The subcommittee will propose changes to species, abundance and status codes, which shall be voted on by the Committee and accepted by majority vote
2. Changes to the checklist may be proposed by any Member of the Committee
  - a. Proposed changes will be voted on by the Voting Members and accepted by majority vote
  - b. Members may propose a change in status, abundance code, regional code (ie #)
  - c. Any changes will be made immediately on the records committee web site
  - d. Changes will be published in the following revision of the checklist
3. First state records accepted by the Committee will be added immediately to the records committee web site and to the following publication of the official checklist
4. The official checklist will include the following
  - a. Species common name
  - b. Abundance code
  - c. Status code
  - d. Review species indicator (#)
  - e. Washington County Specialty indicator (\*)
5. Species pairs, genera, and other taxonomic groups that include species may be added to the official checklist when a member of that group is determined to have occurred in the state, but the species cannot be determined from the available evidence

## B. Review List

1. The Review List will be updated from time to time by the Committee.
  - a. In general, the Review List will consist of species that have occurred within Utah on average two or fewer times per year in each of the ten years immediately preceding revision of the Review List.
  - b. The Committee may, as it sees fit, add species to the Review List, such as those whose identification is difficult. Such additions will be added by majority vote. Any species for which there are no accepted record for Utah, are considered review species.
    - i. If a species is rare but annual in small numbers, but exact status obscured by being easily misidentified by a similar species, review may be warranted. As In Rusty Blackbird: Expected in winter but immature male Brewer's often misidentified for Rusty.
  - c. The Committee may, as it sees fit, delete species from the Review List. Such deletions will be made by majority vote.
  - d. Any species for which there are no accepted records in Utah, are considered review species.
  - e. The code (\*) will be used on the Review List to indicate a species that is on the Provisional List of the Auxiliary Checklist and the code (#) will be used on the Review List to indicate that sight records for this species will not be rejected because of the lack of established provenance.
2. Special rule for changing status and/or observer coverage.
  - a. Notwithstanding the criterion above, any committee member may petition the Committee to remove a species from the Review List if the species can be demonstrated or comfortably presumed to be more abundant than the number of accepted records presently indicates. Such cases will generally fall into two categories:
    - i. Increasing Abundance. A species which, because of actual increasing abundance shows a clear upward trend in numbers of accepted records (per year) presumed by the Committee not to be part of a short-term cyclical trend and which is anticipated to continue to exceed the criterion for retention on the List (i.e., more than four records per year).
    - ii. Under-Reported Species. A species historically and regularly occurring in Utah in small to moderate numbers but which for reasons of limited observer coverage, access, and/or limited reporting, has not exceeded the criterion for retention on the List. A significant upward trend in numbers of accepted records (per year) must be demonstrated. (An implicit assumption is that at full coverage or optimal reporting levels, the species would well exceed the criterion for retention on the List.).
  - b. The petitioning member must submit written documentation to substantiate the purported patterns of historical abundance, and/or recent trends in abundance and/or access, coverage, or reporting.
  - c. Any such petition to remove a species by this special rule shall be voted on and accepted with a vote of 6-3 or greater.
3. The Secretary will make sure that the Review List is available on the Utah Records Committee web site and by request.

4. Review species shall be designated with a pound (#) on the Checklist of Birds of Utah. Furthermore, any species not listed on the Checklist shall require documentation. In addition, any species occurring on the Checklist but seen at an unusual time of year (e.g., Western Tanager in December) or at an unusual location (e.g., Inca Dove outside the southwestern corner of the state) shall require documentation.
5. Records concerning species that are only locally or temporally rare in Utah will be treated at the discretion of the Committee. In general, the Committee will only treat species that are included in the Review List, however, because of the size and habitat diversity of Utah, a record of great rarity in a specific region of Utah may be accepted for review at the request of any Committee Member.
6. Forms or subspecies will not be treated unless listed as such on the Review List.
7. Species pairs, genera, and other taxonomic groups that include species may be added to the review list when a member of that group is determined to have occurred in the state, but the species cannot be determined.

## **VI. Bylaws**

- A. **FORMATION.** All Bylaws and other procedures of the Committee are to be determined by and only by the Committee.
- B. **REVIEW & CHANGES.** Although the bylaws can be amended at any time when a proposal is made by any member of the Committee, a general review of the Bylaws can be done when deemed necessary. To accomplish this, the Secretary can form a smaller sub-committee to discuss and revise the bylaws, and then review proposed changes with the full committee. To pass, any proposal must receive a majority vote of the Committee.