



# Scientific Working Group on Digital Evidence

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## Scientific Working Group on Digital Evidence Bylaws

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### ARTICLE I: OFFICIAL NAME

The name of the organization shall be the Scientific Working Group on Digital Evidence, and shall herein be referred to as SWGDE.

### ARTICLE II: PURPOSE AND OBJECTIVES

**2.1 Purpose** To support and promote the advancement of the application of digital and multimedia forensics through the development and dissemination of consensus based standards, guidelines, best practices, and recommendations.

The Scientific Working Group on Digital Evidence brings together organizations actively engaged in the field of digital and multimedia evidence to foster communication and cooperation as well as to ensure quality and consistency within the forensic community.

**2.2 Objectives** SWGDE shall at a minimum:

- Define the scope and practice areas of the discipline of digital and multimedia evidence
- Recommend standard practices, protocols, reports, and terminology
- Recommend standards for data interpretation and wording of conclusions
- Recommend education, training, and continuing education requirements
- Promulgate and disseminate research and development priorities to the community
- Collect and distribute discipline-specific information on scientific foundation
- Seek international recognition and harmonization of appropriate SWGDE work products



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## ARTICLE III: MEMBERSHIP

**3.1 Eligibility** Members shall have subject matter expertise relevant to the discipline of digital and multimedia evidence.

- 3.1.1** No person shall be denied membership for reason of race, color, religion, sex, national origin, age, disability, or sexual orientation.
- 3.1.2** Individuals interested in obtaining membership shall submit their names and pertinent background information to the Membership Committee. Pertinent information shall include qualifications, planned contribution, a written statement of support from the individual's employer, if applicable, and a signed and dated copy of the "Code of Ethics and Conflict of Interest Disclosure Statement" form (see Appendix A).
- 3.1.3** Any individual interested in obtaining membership or guest status must consent to a security risk assessment conducted by the Membership Committee to determine if he/she poses an undue risk to the mission of SWGDE. An individual who is unwilling or unable to successfully complete a security risk assessment shall be deemed such a risk. SWGDE reserves the right to deny membership, or a guest request, in the event that SWGDE reasonably determines the individual poses an undue risk to the mission of SWGDE. For purposes of Article 3, the mission of SWGDE includes the mission(s) of Members' organizations.
- 3.1.4** Applicants must be in attendance at the meeting at which they are to be confirmed and have attended at least one other meeting within the last year.

## **3.2 Duties and Privileges**

- 3.2.1** Members shall have voting privileges, subject to the provisions in Article 9.2.
- 3.2.2** Members shall be elected by a simple majority vote of the membership.
- 3.2.3** Members shall serve three-year terms. A Member's term shall commence with the first meeting after his or her election. When a Member's term ends between two meetings, he or she continues until the conclusion of the next meeting.
- 3.2.4** Members may apply for additional terms, subject to the provisions in Article 3.4.
- 3.2.5** Members are expected to participate in all regular meetings. Members absent more than two consecutive meetings will be referred to the Membership Committee (see Article 5.2.3.1).
- 3.2.6** Membership resides with the individual and not his or her organization or affiliation.



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**3.2.7** The funding organization is afforded a Member seat on SWGDE. This position shall be appointed by the funding organization and approved by the Executive Board (see Article 4.2.1). This position may hold the position of Treasurer.

**3.3 Composition** SWGDE shall consist of no more than one hundred (100) Members. At a minimum, 10% of the Members should be non-forensic science practitioners.

**3.3.1** Non-forensic science practitioners may include academics, researchers, statisticians, legal representatives, etc. To the extent possible, if more than one legal representative serves on SWGDE, legal representation should be balanced between prosecutors, defense counsel, civil counsel, and judges.

**3.3.2** Membership in SWGDE shall, to the extent possible, include federal, state, local, international, and private forensic practitioners as well as representatives from the geographic regions of the United States (i.e., Northeast, Southeast, Midwest, Northwest, and Southwest).

**3.3.3** SWGDE shall strive to maintain an even balance between federal and state/local law enforcement practitioners.

**3.4 Member Appointments and Elections** Member appointments and elections shall be managed by a Membership Committee (see Article 7.5).

**3.4.1** The Membership Committee shall serve as the primary liaison to any organizations regarding the appointment of representatives to SWGDE. Organizations should appoint representatives with sufficient qualifications to substantively contribute to the objectives of SWGDE.

**3.4.2** The funding organization holds one appointed Member seat on SWGDE and may appoint representatives.

**3.4.3** The Member roster shall be reviewed at least annually to prepare for anticipated membership changes and evaluate the composition of SWGDE. As vacancies occur, the need to elect Members will be determined by the Membership Committee. Elections may be limited to applicants qualifying for non-practitioner or specific representation as described in Article 3.3.

**3.4.3.1** Elections shall be held annually, or more often, as deemed necessary by the Membership Committee.

**3.1.3.4.1.** Any Member of the Membership Committee running for election shall be recused from committee duties throughout the election process.

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- 3.4.3.2** Solicitation for Member applications will be advertised on the SWGDE website and distributed to appropriate professional and legal organizations, as well as venues which reach other stakeholders likely to be directly impacted by the work product.
- 3.4.4** The Membership subcommittee chair will report to the Chair the composition of members and make recommendations to the Executive Board for At-Large positions.
- 3.4.5** Prior to a Member’s last meeting of his or her current term, the Membership Committee shall contact the Member to determine his or her interest in continuing membership. If interested in continuing, the Member shall submit a current application, which can contain a written statement to the Membership Committee including his or her interest, past participation, planned future contribution, and a signed and dated copy of the “Code of Ethics and Conflict of Interest Disclosure Statement” form (see Appendix A).
- 3.4.6** If a member changes employer or employment status, he/she must notify the Executive Board within 30 days and also submit an updated application along with a signed and dated copy of the “Code of Ethics and Conflict of Interest Disclosure Statement” form (see Appendix A).
- 3.4.7** The Membership Committee shall assess individual Member applications and make recommendations to the membership on potential candidates.
- 3.4.8** New Member applicants and those applying for consideration for additional terms shall be eligible for the same vacant seats, subject to the provisions in Article 3.4.3.
- 3.4.9** Elections may be held between meetings via online voting mechanism.
- 3.4.10** The Membership Committee shall bring forward their recommendations, along with accompanying information provided by all applicants. Members shall be given the opportunity to speak on any applicant’s behalf, or if applying for an additional term, their own behalf.
- 3.4.11** Election of an individual requires a simple majority vote of the membership. Positions are awarded to those candidates with the greatest number of votes. In the event of a tie for a remaining vacancy, a subsequent vote between the tied candidates will be taken. Should the second vote result in a tie, the Chair may choose to cast a single vote to break the tie (see Article 9).
- 3.4.12** Votes shall be counted by the Parliamentarian, or if the Parliamentarian is not present, then by an Executive Board member designated by the Chair. Election results shall be forwarded to the all Members and applicants no later than five (5) days after the conclusion of the election process.
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## ARTICLE IV: EXECUTIVE BOARD

**4.1 Authority** The Executive Board shall be the managing body of SWGDE.

**4.2 Makeup** The Executive Board shall consist of the Chair, Vice Chair, Secretary, Committee Chairs, Treasurer, and At-Large Members. The number of At-Large Members will be determined by the Chair.

**4.2.1** Positions on the Executive Board shall be elected with the exception of Secretary, which is appointed by the Chair, and the Treasurer, which is appointed by the funding organization.

**4.2.2** The Treasurer and Secretary positions shall not have a vote on the Executive Board.

### **4.3 Eligibility and Terms**

**4.3.1** The terms of office for Chair and Vice Chair shall be three years and may serve no more than a total of two (2) terms per office. The terms of office for the remaining board members will be two (2) years and do not have term limits.

**4.3.2** The terms of these positions shall commence at the conclusion of the meeting in which they are elected. When a Member's elected term ends between two meetings, the Member shall continue in the position until the conclusion of the next meeting.

**4.3.3** When a Member is elected to a position on the Executive Board for a fixed term which extends beyond the remaining length of the Member's membership term, the elected individual's membership term shall continue until the end of the elected position's term.

**4.3.4** Members may only hold/fill one voting board position at a time.

### **4.4 Election and Re-election**

**4.4.1** An announcement to hold an election for positions on the Executive Board shall be distributed to the Members by the Parliamentarian.

**4.4.2** Nominations shall be submitted in writing to the Parliamentarian.

**4.4.2.1** Nominations may be accepted from the floor.

**4.4.3** Election and re-election will require a simple majority vote of the membership.

**4.5 Resignation** Notice of resignation shall be in writing to the remaining Executive Board members.



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**4.6 Chair** The Chair shall manage the activities of SWGDE, preside over meetings to preserve order and decorum, and promote the objectives of SWGDE. In addition, the Chair shall establish committees as deemed necessary.

**4.6.1** If, at any time during a Chair's tenure, that person is temporarily unable to serve, the Vice Chair shall serve in his or her place. In the event of the Chair's resignation or inability to serve for more than six (6) months, a successor will be elected to serve out the remaining term following Article 4.4. If the incumbent is unavailable at the time of this election, the Vice Chair shall assume the duties of the Chair for the purpose of calling a meeting to elect a new Chair.

**4.6.2** The Chair or his or her designee may invite guests to attend a meeting(s). Funding for invited guests is at the discretion of the funding organization. Invited guests shall not be considered Members and shall not be granted voting privileges.

**4.7 Vice Chair** The Vice Chair shall assist the Chair in his or her duties as needed and fill in for the Chair, when needed.

**4.7.1** If, at any time during a Vice Chair's tenure, that person is temporarily unable to serve, the Chair shall, at his or her discretion, designate a Member to serve in the Vice Chair's place. In the event of the Vice Chair's resignation or inability to serve for more than six (6) months, a successor will be elected to serve out the remaining term, subject to the provisions in Article 4.4.

**4.8 Secretary** The Secretary shall perform such duties as may be assigned by the Chair and shall perform all administrative duties incident to the office including, but not necessarily limited to the following: preparing summary minutes of meetings and maintaining records of meetings (to include Member participation) and work products.

**4.9 At-Large Members** At-Large Members shall act as advisers to the Chair, act as a liaison with the membership, and perform all other duties as specified in these Bylaws.

**4.9.1** If, at any time during an At-Large Member's tenure, the person is temporarily unable to serve, the Chair shall, at his or her discretion, designate a Member to serve in the At-Large Member's place. In the event of the At-Large Member's resignation or inability to serve for more than six (6) months, a successor will be elected to serve out the remaining term, subject to the provisions in Article 4.4.

**4.9.2** At-Large positions shall be proportional to the active membership at the time of elections.

**4.9.3** No more than one representative per organization, as defined by the Membership Committee.

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## **4.10 Committee Chairs**

**4.10.1** If, at any time during a committee chair's tenure, that person is temporarily unable to serve, the committee Vice Chair shall serve in his or her place.

## **4.11 Treasurer**

**4.11.1** Shall prepare and present financial statements to the Executive Board.

**4.11.2** Shall coordinate with the funding organization all financial records and present an annual budget to the Executive Board.

**4.11.3** Shall participate in the logistical planning and coordinating of all SWGDE meetings.



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## ARTICLE V: TERMINATION OF MEMBERSHIP

**5.1 Resignation** A Member may withdraw/resign at any time with written notice to the Membership Committee and the Chair.

**5.2 Termination of Membership** A Member may be dismissed for cause. For cause reasons may include insufficient attendance/participation or misrepresentation of SWGDE responsibilities. Notice and due process must be afforded the Member prior to termination.

**5.2.1.1 Insufficient Attendance/Participation** - The Membership Committee shall maintain attendance records. In the event that a Member misses more than two (2) consecutive meetings, or a majority of telephonic / web-conferences, or attends, but consistently fails to actively contribute to work products, the Membership Committee shall notify the Executive Board in writing. A Member may be relieved from meeting attendance requirements due to circumstances outside of the Member's control, e.g., statutory / budget restrictions.

**5.1.1.2.1.** The member must notify their Committee Chair or member of the Executive Committee.

**5.1.1.2.2.** The member must participate with their committee during the meeting via tele/video conference and/or assist by other means

**5.1.1.2.3.** In the event of long-term absences, the Executive Committee will rely on the Committee Chair's recommendation regarding the member's status

**5.2.2** The Membership Committee may recommend the Member's removal in writing, with justification, to the Executive Board. If removal is affirmed by the Executive Board, the Member shall be notified of the decision and given thirty (30) days from notification to submit a written response.

**5.1.2.2.1.** If the Member responds within thirty (30) calendar days, the Executive Board will review the response. Within the following thirty (30) days, the Executive Board will determine by a two-thirds (2/3) majority vote to dismiss the Member.

Members not dismissed are expected to attend the next scheduled meeting. Failure to attend the next meeting may result in the termination of membership.

**5.1.2.2.2.** If the Member fails to file a written answer within the time prescribed in this section, such failure shall constitute a waiver of

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the right to file a response and said Member shall abide by the action and decision of the Executive Board.

**5.2.2.2** The Executive Board will notify the Member and the SWGDE membership of any decision regarding the removal of a Member. The decision of the Executive Board shall be considered the final action on the matter.

**5.2.3** Misrepresentation – Members shall not misstate and/or over represent duties and responsibilities of SWGDE work, e.g. claiming oneself as a contributing member of SWGDE without actively participating in SWGDE meetings, claiming oneself as an officer of SWGDE without serving as such, claiming sole authorship of a document, using the SWGDE logo on any promotional material and/or curriculum vitae. Any Member may submit a written complaint to the Membership Committee to terminate the membership of another Member. The complaint shall contain specific information that supports termination. The Membership Committee shall report all complaints and subsequent actions to the Chair.

**5.2.3.1** Within thirty (30) days of receipt of the complaint, the Membership Committee shall review the complaint and determine by a majority vote whether to dismiss the complaint or to conduct an inquiry. If the complaint is dismissed, the matter is resolved.

**5.2.3.2** If a member of the Membership Committee is employed by the same agency as the member undergoing a disciplinary matter, the committee member shall recuse himself from the disciplinary process. An alternate shall be named by the Chair of SWGDE with the approval of the Vice Chair of SWGDE.

**5.2.3.3** If further inquiry is warranted, the Membership Committee will provide the Member notice. The Member shall have thirty (30) days to respond in writing. Following the receipt of the Member's response, the Membership Committee will consider all pertinent information and make a recommendation to the Executive Board within thirty (30) days. If the Member fails to file a written answer within the time prescribed in this section, such failure shall constitute a waiver of the right to file a response, and said Member shall abide by the action and decision of the Executive Board, without the right to appeal to the Members.

**5.2.3.4** The Executive Board shall review and evaluate the recommendation and response and, within thirty (30) days of receiving the recommendation, sustain or overrule by a majority vote the findings of the Membership Committee, and notify the Member and the Membership Committee of its decision.

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**5.2.3.5** If the Executive Board decides to dismiss the Member, the Member may appeal to the Chair within thirty (30) days of receiving the Executive Board's decision. If the matter is appealed, the Chair will notify the Members and both the Member and the Executive Board may submit written statements to the membership within thirty (30) days of the appeal. The Members shall vote on the appeal within thirty (30) days of the submission of both written statements. The Members may vote to sustain or overrule the Executive Board's decision on the merits and/or the action. The decision of the Executive Board can be overruled by a two-thirds (2/3) majority vote.



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## ARTICLE VI: MEETINGS

**6.1 Regular Meetings** There should be a minimum of two (2) regular meetings per year.

**6.1.1** Guests may be invited to participate in a meeting. Invitations will be extended by the Chair or his or her designee. Funding for invited guests is at the discretion of the funding organization.

**6.2 Special Meetings** Special meetings may be called by the Chair. Consideration will be given to the funding organization for funding approval.

**6.3 Notice of Meetings** To the extent possible, notice of the regular meetings will be communicated to Members, Advisors (see Article 7.4), and invited guests at least sixty (60) days in advance of the meeting date. Meeting dates shall be posted on the SWGDE website.

**6.4 Travel Reimbursement** Members and guests who work in the criminal justice system within the discipline of digital and multimedia forensics may be eligible for travel reimbursement to attend meetings. All travel reimbursement approvals are made by the Chair and Treasurer in accordance with the funding agency's requirements.

**6.4.1** State and local government employees

**6.4.1.1** Travel reimbursement preference will be provided to members and member applicants.

**6.4.1.1.1** Full-time employees of their respective state and local government organizations will be given preference.

**6.4.1.1.2** Additional funding preference will be provided to state or local members serving on the Executive Committee.

**6.4.1.1.3** Non-Executive Committee members will receive preference based on membership seniority, discipline expertise, and contribution.

**6.4.1.1.4** Part-time, volunteer or reservist status members or member applicants will be considered

**6.4.1.2** Typically, no more than one member per agency shall be funded.

**6.4.1.2.1** At the discretion of the Treasurer and Chair, travel reimbursements may be provided to additional same agency members, provided they serve on different committees.



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## 6.4.2 Private / academic representatives

6.4.2.1 Travel reimbursement may be available for private/academic members and guests within the same requirements as article 6.4.1.

## 6.4.3 Executive Committee Members

6.4.3.1 At the discretion of the Treasurer and Chair, travel reimbursement for Executive Committee Members may be provided regardless of membership type

6.5 **Conduct of Meetings/Parliamentary Rules** The simplest mechanism governing meetings will be used, and all Members shall follow good business practices during meetings. When a dispute arises or when deemed necessary by the Chair, the most current version of *Robert's Rules of Order* shall be followed.



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## ARTICLE VII: COMMITTEES

**7.1 Establishment** Committees and their membership shall be established by the Chair when deemed appropriate.

**7.2 Committee Chair** The Committee Chair shall be a Member elected from within the committee and serves a two year term. If no Committee Chair is elected by the committee members, the Chair will appoint one.

**7.2.1** The Committee Chair shall manage the activities of his or her committee. These duties include, but are not limited to, nominating members for appointment to the Committee, preparing committee meeting agendas, maintaining minutes and records of committee meetings, acting as a spokesperson for the committee, and presenting draft documents and other work products to the SWGDE membership.

**7.2.2** All meeting work products and committee minutes shall be forwarded to the Secretary, as needed.

**7.3 Voting** All individuals assigned to a committee may vote on issues addressed within the committee. Each Member shall have one vote. The use of proxies is not permitted.

**7.3.1** Committee votes shall require a simple majority of the attending committee membership for approval.

**7.4 Advisors** When deemed necessary by the Chair to support a specific task, individuals who are not Members may be appointed for an appropriate time frame to assist with these activities. These individuals, referred to as “Advisors,” shall not have voting privileges outside the committee, and shall not typically be funded nor expected to attend meetings.

**7.5 Membership Committee** The Membership Committee shall manage Member appointments and elections, complaints against Members, and Conflict of Interest Disclosures.

**7.6 Bylaws Committee** The Bylaws Committee shall review and make recommendations to maintain and update the Bylaws, submit all proposed amendments approved by the membership to the funding organization for review and approval, monitor that SWGDE is operating within the parameters of the Bylaws, and keep the official copy of the Bylaws.

**7.6.1** Proposed amendments to the Bylaws shall be submitted to the Chair for review and approval by the membership.

**7.6.2** Notice shall be provided to the Chair of any infractions to the Bylaws.

**7.6.3** The Chair of the Bylaws committee shall act as Parliamentarian.

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## ARTICLE VIII: PRODUCT DEVELOPMENT

**8.1 Documents** The Members shall review and evaluate recommendations by committees regarding the adoption of standards, guidelines, best practices, studies, and other recommendations and/or findings. A vote by the Members shall be considered the final action on any committee recommendation.

**8.1.1** When approved by a majority committee vote, the Committee Chair(s) shall present the draft product(s) to the membership for review and evaluation.

**8.1.1.1** If working between meetings, to the extent possible, the Committee Chair(s) shall notify the Chair to request placement on the next scheduled meeting agenda at least thirty (30) days prior to the meeting.

**8.1.2** After review and evaluation, the Members shall vote on the product. If approved, the product shall be published. Those products which will be open for public comments shall be posted as a “Draft for Comment.” If not approved, the product shall be sent back to committee.

**8.1.3** Draft documents for comment shall carry titles that describe their content. Each draft document should also clearly indicate whether it is to be considered as a standard, guideline, best practice, study, or other recommendation and/or finding.

**8.1.4** “Draft for Comment” or other work products shall be published on the SWGDE website and in other appropriate media. Drafts must be available for public comment for a minimum of sixty (60) days. Notices announcing the open comment period, an explanation of the need for the work product, and references to the SWGDE website shall be distributed to appropriate professional and legal organizations, as well as venues which reach other stakeholders likely to be directly impacted by the work product.

**8.1.4.1** Each “Draft for Comment” or other work product will include the following instructions for submitting comments: “SWGDE encourages stakeholder participation in the preparation of documents. Suggestions for modifications are welcome and may be forwarded to the Secretary in writing. The following information is required as a part of the response:

- a) Submitter’s name
- b) Affiliation (agency/organization)
- c) Address
- d) Telephone number and email address
- e) Document title and version number
- f) Change from (note document section number)

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- g) Change to (provide suggested text where appropriate; comments not including suggested text will not be considered)
- h) Basis for change

**8.1.5** All public comments received shall be documented and forwarded to the appropriate committee for review and evaluation. An effort will be made to resolve all expressed objections related to the work product under consideration.

**8.1.5.1** The decision of the committee, with justification, shall be communicated in writing to the submitter by the committee chair or his or her designee within thirty (30) days of that decision. In addition, the submitter will be notified of the appeals process as outlined in Article 8.6.

**8.1.5.1.1.** Documentation of all received comments shall be maintained for a period of one (1) year.

**8.1.6** Upon committee completion of the product, to include revisions resulting from the public comment period, the Committee Chair(s) shall present the final product(s) to the membership for review and evaluation.

**8.1.6.1** If a “Draft for Comment” undergoes a substantive modification after public comment, the product shall be considered a “Revised Draft for Comment” and shall repeat steps 8.1.1 through 8.1.6.

**8.1.7** After review and evaluation, the Members shall vote on the product. If two-thirds (2/3) majority membership vote in favor of the final product, the product shall become an “Approved Document.” The document will carry the date of approval and appropriate title under which it was circulated as a draft for comment. Approved documents shall be posted on the SWGDE website. Additionally, distribution of applicable products may be achieved through the use of Standards Development Organizations (SDOs).

**8.2 Creation of Other Documents** Other documents or communication created on behalf of SWGDE (e.g. position papers, letters, etc.) may be drafted by the Chair or his/her designee with Executive Board consultation and distributed as appropriate. The Executive Board shall decide whether the document requires approval by the Membership. Notification of such documents will be made to the Membership immediately via email.

**8.3 Five Year Review of Approved Products** When five years have elapsed from the date of adoption or modification of a product, Members shall consider whether changes are required. During the consideration process, the document shall be referred to by its original title as a “Document for Five-Year Review – Draft for Comment.” The review process shall follow the



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steps outlined in Article 8.1 “Documents.” If an SDO-distributed product undergoes substantial changes during the review process, the updated document shall be forwarded to the SDO for their consideration.

**8.4 Sun-Setting of Products** When a standard, guideline, best practice, or other work product is determined to be obsolete, a sunset date will be established and published to allow those laboratories using the work product to comply.

**8.5 Amendments** Proposed amendments to “Approved Documents” may be made by the membership or the public at any time.

**8.5.1** Proposed changes to existing products shall be submitted in writing to the Secretary and contain the following information:

- a) Submitter’s name
- b) Affiliation (agency/organization)
- c) Address
- d) Telephone number and email address
- e) Document title and version number
- f) Change from (note document section number)
- g) Change to (provide suggested text where appropriate; comments not including suggested text will not be considered)
- h) Basis for change

**8.5.2** All proposed amendments received shall be documented and forwarded to the appropriate committee for review and evaluation. An effort will be made to resolve all expressed objections related to the work product under consideration.

**8.5.2.1** If the appropriate committee no longer exists, the Chair will appoint a new committee to review and evaluate the proposed amendments.

**8.5.3** When approved by a majority committee vote, the Committee Chair(s) shall present the proposed amendments to the membership for review and evaluation.

**8.5.3.1** If working between meetings, to the extent possible, the Committee Chair(s) shall notify the Chair to request placement on the next scheduled meeting agenda at least thirty (30) days prior to the meeting.

**8.5.4** Modifications to an “Approved Document” require a two-thirds (2/3) majority vote of the Members and shall become a “Revised Document for Comment” and shall follow Articles 8.1.4 through 8.1.7.



# Scientific Working Group on Digital Evidence

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**8.5.5** The decision of the committee and/or membership, with justification, shall be communicated to the requestor in writing by the Chair or his or her designee within thirty (30) days of the decision.

**8.5.5.1** Documentation of all received comments shall be maintained for a period of one (1) year.

**8.6 Appeal process** If, after notification of the outcome of a submitted comment(s), the submitter feels that SWGDE did not give the comment(s) due consideration, the submitter has the right to appeal the decision. This appeal shall provide for impartial handling regarding the action or inaction taken by SWGDE.

**8.6.1** All appeals shall be submitted in writing to the Chair and contain the following information:

- a) Submitter's name
- b) Affiliation (agency/organization)
- c) Address
- d) Telephone number and email address
- e) Document title and version number
- f) Copy of the previously submitted comment(s)
- g) Basis for appeal/concerns

**8.6.2** The Executive Board shall review and evaluate all appeals within thirty (30) days of receipt. Evaluation shall include input from the committee dealing with the original comments.

**8.6.3** When approved by a majority vote, the decision of the Board, with justification, shall be communicated in writing to the submitter within five (5) days of the decision.

**8.6.3.1** If the decision of the Executive Board is to uphold the submitted appeal, the comments shall be resubmitted to the original committee for inclusion in the work product. The work product will be considered a "Revised Document for Comment" and those changes made to the document will be sent out for comment following Articles 8.1.4 through 8.1.7.



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## ARTICLE IX: VOTING

**9.1 Quorum** Participation by a majority of the SWGDE Members, including the Chair and/or Vice Chair, is required to constitute a quorum. A quorum is required in order to vote on any matter.

**9.1.1** It is at the Chair's discretion as to whether telephonic/electronic attendance is an acceptable form of participation. If permitted, any Member who has been participating in the discussion may cast a vote via phone or electronically to the Secretary.

**9.2 Votes** Each Member shall have one vote, provided only one vote per organization. The Membership Committee shall decide what constitutes an organization.

**9.2.1** Proxies are permitted and must be submitted in writing to the Parliamentarian.

**9.3 Materials** Except in the case of Member elections, all materials to be considered for voting between meetings (electronic voting) shall be distributed at least three (3) business days prior to the voting.

**9.4 Elections** Election ballots shall list all candidates eligible for the position(s); members will be instructed to vote for no more than the number of open positions. To be voted in, a candidate must receive a majority. If open positions remain, run-off election(s) will occur.



# Scientific Working Group on Digital Evidence

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## ARTICLE X: COMMUNICATION

**10.1 Official Communications** Official external communications shall be conveyed by the Chair or his or her designee.

**10.1.1** Exceptions include communication as outlined in these Bylaws by the Membership Committee regarding membership applications and complaints, the Bylaws Committee when forwarding proposed amendments and updated Bylaws to the funding organization, and routine business conducted by the Secretary.

**10.2 Posting of Products** The SWGDE website shall be considered the normal vehicle for posting of all non-proprietary work products.

**10.2.1** SWGDE related products, including documents, pictures, presentations, recordings, and other items created or generated with the intent for public display, must be approved by the Chair of SWGDE or acting Chair prior to posting on a non-SWGDE website. Members may post data regarding their participation on social media sites as long the posting is not in contradiction to the Ethics or Bylaws of SWGDE. Since the identity of some individuals within SWGDE can be classified as sensitive information, care and consideration should be taken prior to posting of photographs containing the images of other members. Posting of images is prohibited unless permission from the individuals in the photographs and the Chair has been obtained.



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## ARTICLE XI: BYLAWS AND AMENDMENTS TO BYLAWS

**11.1 Official Copy** The Bylaws Committee shall keep the official copy of the Bylaws. Any time an amendment is made, the Bylaws shall be updated, posted on the website, and a copy sent to the funding organization.

**11.2 Notification and Adoption of Amendments** To the extent possible, members will submit proposed amendments to the Bylaws to the Secretary at least thirty (30) days prior to the next scheduled meeting.

**11.2.1** Members shall receive a compiled copy of all proposed amendment(s) and notification that they will be presented for vote at the next scheduled meeting no later than twenty (20) days prior to that meeting.

**11.2.2** A two-thirds (2/3) majority vote is required to forward a proposed amendment to the funding organization. Grammatical and formatting changes to the Bylaws do not need to be approved by a vote nor forwarded to the funding organization for approval.

**11.3 Approval by Funding Organization** All proposed amendments to the Bylaws shall be submitted by the Bylaws Committee to the SWGDE funding organization for review. The organization may approve, reject, or return proposed amendments for changes. Notification of the decision shall be forwarded to the Bylaws Committee.

**11.3.1** Amendments approved without change by the organization will become effective immediately unless otherwise stated.

**11.3.2** If the organization does not take any action within sixty (60) days after receipt, the submitted amendment or amendments are automatically approved without any further action by the organization.

**11.3.3** Proposed amendments returned for change will be reviewed and evaluated and the Members may vote to:

- Adopt the amendment as proposed and it will become effective immediately unless otherwise stated.
- Modify the original proposal and re-submit for approval.
- Discontinue the amendment process.

**11.3.3.1** If SWGDE votes to adopt the amendment as proposed or discontinue the amendment process, the funding organization shall be notified of the decision.



# Scientific Working Group on Digital Evidence

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## ARTICLE XII: CODE OF ETHICS AND CONFLICT OF INTEREST DISCLOSURE PROCESS

**12.1 Code of Ethics** The Scientific Working Group Digital Evidence is comprised of professionals assembled in a collaborative effort to identify, develop, and disseminate consensus-based standards, guidelines, best practices, and recommendations for the benefit of the national and international forensic community and society in general. To protect the integrity of SWGDE as deliberative bodies, Members and Advisors agree to abide by the following principles:

- Comply with the bylaws of SWGDE.
- Afford all SWGDE work products and ongoing discussions specific to those work products appropriate confidentiality until such products are released.
- Avoid even the appearance of any personal and professional conduct which places or could be construed to place SWGDE in the position of endorsing products or services for an individual's own financial or personal gain or for the financial or other gain of the individual's employer.
- Disclose to the Membership Committee any potential conflicts of interest, or the appearance of same, that may arise with respect to SWGDE business.
- Provide public statements representing SWGDE policies or positions only upon approval of the Chair, and if approved, represent SWGDE policies or positions accurately.
- Report complete and accurate data in connection with SWGDE related research.
- Provide a complete and accurate representation of their education, training, experience, and area of expertise.
- Accurately represent qualifications.

Not misstate and/or over represent duties and responsibilities of SWGDE work, e.g. claiming oneself as a contributing member of SWGDE without actively participating in SWGDE meetings, claiming oneself as an officer of SWGDE without serving as such, claiming sole authorship of a document, use the SWGDE logo on any promotional material and/or curriculum vitae. Act in a professional manner while in attendance at SWGDE meetings and other events representing SWGDE.

**12.2 Conflict of Interest Disclosure** It is in the best interest of SWGDE to be aware of and properly manage all actual, potential, and perceived conflicts of interest amongst those serving as Members and Advisors.

- Members shall submit to the Membership Committee a Conflict of Interest Disclosure Statement as part of the membership appointment process.

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### SWGDE Bylaws

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# Scientific Working Group on Digital Evidence

- Advisors shall submit to the Membership Committee a Conflict of Interest Disclosure Statement as part of the committee appointment process and thereafter on a yearly basis while serving as committee members.
- Conflict of Interest Disclosure Statements shall be retained by the Secretary indefinitely.

**12.3 Monitoring of Code of Ethics and Conflict of Interest Disclosures** the Membership Committee shall be responsible for monitoring the Code of Ethics and conflict of interest disclosure process. All issues related to the Code shall be reported to the Membership Committee.

**12.3.1** Violations of Code of Ethics - Any Member may submit a written complaint to the Membership Committee regarding a potential violation of the Code of Ethics by another member. The complaint shall contain specific information that supports the violation. The Membership Committee shall report all complaints and subsequent actions to the Chair.

**12.3.1.1** Within thirty (30) days of receipt of the complaint, the Membership Committee shall review the complaint and determine by a majority vote whether to dismiss the complaint or to conduct an inquiry. If the complaint is dismissed, the matter is resolved.

**12.3.1.2** If further inquiry is warranted, the Membership Committee will provide the Member notice. The Member shall have thirty (30) days to respond in writing. Following the receipt of the Member's response or the expiration of the 30-day period with no written response, the Membership Committee will consider all pertinent information and make a recommendation to the Executive Board within thirty (30) days. If the Member fails to file a written answer within the time prescribed in this section, such failure shall constitute a waiver of the right to file a response, and said Member shall abide by the action and decision of the Executive Board, without the right to appeal to the Members.

**12.3.1.3** The Executive Board shall review and evaluate the recommendation and response and, within thirty (30) days of receiving the recommendation, sustain or overrule by a majority vote the findings of the Membership Committee, and notify the Member and the Membership Committee of its decision.

**12.3.1.4** If the Executive Board decides to penalize the Member, the Member may appeal to the Chair within thirty (30) days of receiving the Executive Board's decision. If the matter is appealed, both the Member and the

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## SWGDE Bylaws

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# Scientific Working Group on Digital Evidence

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Executive Board may submit written statements to the Chair within thirty (30) days of notice of the appeal. The Chair will inform the membership of the appeal. The Members shall vote on the appeal within thirty (30) days of the submission of both written statements. The Members may vote to sustain or overrule the Executive Board's decision on the merits and/or the action. The decision of the Executive Board can be overruled by a two-thirds (2/3) majority vote.

**12.3.1.5** The Executive Board shall forward substantiated complaints to the Chair for evaluation and appropriate action, which may include termination from SWGDE.

**12.3.1.6** In the event an individual is not a member of SWGDE and claims to be, The Membership Committee will send a letter to the individual's employer notifying them of the inaccurate representation with a request to remedy the situation.

**12.3.2** Violations of Conflict of Interest - In instances of possible conflicts of interest:

- The Membership Committee shall consider all reported possible conflicts of interest and determine if the individual may be allowed membership in SWGDE.
- Participating Members or Advisors shall recuse themselves from any process where they believe they may have a conflict of interest.
- The Membership Committee may request that a Member or Advisor recuse himself or herself if the Committee Chair recognizes a potential conflict and believes it appropriate to do so.
- If a conflict of interest arises after someone has been accepted to membership, the Membership Committee shall review the matter and, if deemed appropriate, notify the Member in writing and request that he or she resign. If the Member refuses to resign, the Committee may recommend the Member's removal to the Executive Board. The Member shall be notified of the recommendation and given the opportunity to submit a written response. After review and evaluation of the Member's response, the Executive Board shall then decide by a two-thirds (2/3) majority vote whether to dismiss the Member.

## APPENDIX A

### Code of Ethics and Conflict of Interest Disclosure Statement for Scientific Working Group on Digital Evidence Members and Advisors

The Scientific Working Group on Digital Evidence (SWGDE) is comprised of professionals assembled in a collaborative effort to identify, develop, and disseminate consensus-based standards, guidelines, best practices, and recommendations for the benefit of the national and international forensic community and society in general. To protect the integrity of SWGDE as a deliberative body, Members and Advisors agree to abide by the following principles:

- A. Comply with the bylaws of SWGDE.
- B. Afford all SWGDE work products and ongoing discussions specific to those work products appropriate confidentiality until such products are released.
- C. Avoid even the appearance of any personal and professional conduct which places or could be construed to place SWGDE in the position of endorsing products or services for an individual's own financial or personal gain or for the financial or other gain of the individual's employer.
- D. Disclose to the SWGDE Membership Committee any potential conflicts of interest, or the appearance of same, that may arise with respect to SWGDE business.
- E. Provide public statements representing SWGDE policies or positions only upon approval of the Chair, and if approved, represent SWGDE policies or positions accurately.
- F. Report complete and accurate data in connection with SWGDE related research.
- G. Provide a complete and accurate representation of their education, training, experience, and area of expertise.
- H. Accurately represent qualifications.
- I. Not misstate and/or over represent duties and responsibilities of SWGDE work, e.g. claiming oneself as a contributing member of SWGDE without actively participating in SWGDE meetings; claiming oneself as an officer of SWGDE without serving as such; claiming sole authorship of a document; use the SWGDE logo on any promotional material and/or curriculum vitae.
- J. Act in a professional manner while in attendance at SWGDE meetings and other events representing the group.

Additionally, it is in the best interest of SWGDE to be aware of and properly manage all actual, potential, and perceived conflicts of interest amongst those serving as Members and Advisors.

Circumstances may create potential conflicts of interest when a Member or Advisor has an opportunity to non-objectively affect SWGDE guidelines, best practices, and other products based on a financial or personal interest in an entity or product. A potential conflict of interest occurs when there is a divergence between a Member or Advisor's personal interests and his/her obligations to SWGDE such that an independent observer might reasonably question whether the individual's actions or decisions are determined by considerations of personal gain, financial or otherwise. An actual conflict of interest depends on the actions and not on the character of the individual; therefore, having an affiliation with a commercial interest does not in-and-of itself imply a wrong or improper relationship. For purposes of this disclosure, a conflict of interest may exist when financial or personal interests directly and significantly affect the development or reporting of SWGDE products. For the purpose of this Conflict of Interest Disclosure Statement, SWGDE considers the relevant financial relationships of the SWGDE Member or Advisor to include financial relationships of a spouse or partner.

In the following table, list the names of potentially relevant entities with which you or your spouse/partner have, or have had, a relevant financial or personal relationship with in the past 12 months. Describe what you or your spouse/partner received (e.g. salary, honorarium, etc.). It is not necessary to disclose the amount received. Finally, describe your role or that of your spouse/partner.

<input type="checkbox"/> I, _____ <b>do not have</b> any financial or personal interests or arrangements with any entities that may be pertinent to the development of SWGDE products.	
<input type="checkbox"/> I, _____ <b>have</b> or have had financial or personal interest(s)/arrangement(s), within the past 12 months, with one or more entities that may be pertinent to the development of SWGDE products. These I have disclosed below:	
<b>Entity</b>	<b>Nature of the Relationship</b>

**Nature of the Relationship:** Salary, royalty, intellectual property rights, consulting fee, honoraria, ownership interest (e.g., stocks, stock options or other ownership interest, excluding diversified mutual funds), or other financial benefit), or personal interest

**Role(s):** Employment, management position, independent contractor (including contracted research), consulting, speaking and teaching, membership on advisory committees or review panels, board membership, and/or other activities from which remuneration is received or expected

I have received, read and understand fully the Code of Ethics and Conflict of Interest Disclosure Statement and will comply with the code by bringing any potential conflict of interest situations to the SWGDE Membership Committee for consideration.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Members or Advisors in violation of this code of ethics or conflict of interest statement shall be reported to the SWGDE Membership Committee.

### Terms and Definitions

**Commercial Interest:** Commercial Interests are any proprietary entity producing goods and/or services, with the exemption of non-profit or government organizations.

**Financial Relationships:** Financial relationships are those relationships in which the individual benefits by receiving a salary (with the exception of local, state, or federal employees), royalty, intellectual property right, consulting fee, honoraria, ownership interest (e.g., stocks, stock options or other ownership interest, excluding diversified mutual funds), or other financial benefit. Financial benefits are usually associated with roles such as employment, management position, independent contractor (including contracted research), consulting, speaking and teaching, membership on advisory committees or review panels, board membership, and other activities from which remuneration is received, or expected. SWGDE considers relationships of the SWGDE Member or Advisor to include financial relationships of a spouse of partner.

**Personal Interest:** Personal gain with no direct financial effect that may compromise objectivity.

**Conflict of Interest:** Circumstances create a conflict of interest when financial or personal interest directly and significantly affects the development or reporting of SWGDE products.