

## By-laws of the PMI Germany Chapter (PMIGC)

This is the translation of the “Vereinsordnung PMI Germany Chapter e.V.” in English.

The translation is not legally binding. It is only informative. Legally binding is the statute “Vereinsordnung PMI Germany Chapter e.V.” approved version 30.09.2020

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## **By-laws of the PMI Germany Chapter (PMIGC)**

Approved version 1.0 from 30.09.2020

### **1 Preamble**

These are the Bylaws of the PMI Germany Chapter e.V., hereafter abbreviated PMIGC. The German version always applies before any translations made.

### **2 Concretization of the purpose of the association**

The purpose of the association is to:

- promote professionalism in the field of project management (including programs and portfolios),
- promote the use of project management by and for its' members,
- provide opportunities for education and development in the field of project management for its' members,
- encouraging the appropriate application of project management for the benefit of the general public,
- encourage communication among its' members on professional and project management topics through networking events,
- provide a framework for networking and social interaction for the exchange of ideas and solutions for the application of project management for its' members,
- support academic and industry research and teaching in the field of project management,
- seek and promote international cooperation and contacts with public and private organizations related to project management and cooperation in matters of mutual interest and benefit.

The association pursues its' purpose by, among other things:

- regular meetings and events for the exchange of experience and further education in project management,
- the organization of events, such as training courses, seminars, symposia and conferences related to project management,
- the organization of networking events,
- the provision of information on developments, experiences, tools and training opportunities in the project management environment,
- providing contact, information and other forms of support to individuals, organizations and media with an interest in project management,
- providing a platform for the exchange of ideas and solutions for the application of project management for its' members,
- the implementation of projects.

### **3 Affiliation with the Project Management Institute (PMI).**

The PMIGC is an organization established by the Project Management Institute, Inc. (hereinafter referred to as "PMI") recognized entity ("Chartered Chapter") and agrees to abide by the provisions of the document "PMI Chapter Guidelines and Policy Handbook" as amended from time to time and the "Charter Agreement". Should the "PMI Chapter Guidelines and Policy Handbook" be superseded by another set of rules, this obligation shall apply accordingly.

PMI may revoke the chartered chapter status. In this case, the President shall immediately convene a special meeting of the membership to decide how to proceed.

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In case that PMIGC or its Board members violate PMI policies, procedures and rules set forth in the "PMI Chapter Guidelines and Policy Handbook" or the "Charter Agreement", PMI® shall have the right to revoke PMIGC's charter.

In case that a conflict between the regulations of the Charter Agreement between PMI and PMIGC and the PMIGC's Bylaws or Association Rules, the regulations of the Charter Agreement, including any restrictions and prohibitions, shall prevail.

## **4 Sphere of action**

The sphere of action of the PMIGC is the entire territory of the Federal Republic of Germany.

In this context, the area is divided into five regional Branches. The term "Branch" is a general term used by PMI for a sub-segmentation of a Chapter. In the PMIGC, the term "Region" is used instead of "Branch".

There are five regions in the PMIGC. These are: North, East, South, West, and Central.

The division of the regions is based on "Metropolitan Hubs". The exact assignment of "Metropolitan Hubs" to regions is determined by the PMIGC Board and described in the document "Breakdown and Assignment of Regions to ZIP Code Areas". A "Metropolitan Hub" is not an organizational unit, but only helps to better define the regions and their boundaries because no hub should be "dissected". Adjustments to the assignment of zip code areas to regions are possible by Board decision.

## **5 Finances**

### **5.1 Budgeting**

The available budget shall be prepared at least annually by the Vice President Finance in cooperation with all Board members and presented to the Board for decision. The annual budget for the following fiscal year shall be submitted as a draft no later than the last PMIGC Board meeting of the current fiscal year. The annual budget may be adjusted at any time during the year by a Board decision.

### **5.2 Expenditures and Obligations with Financial Implications.**

The PMIGC has a central business account management system through which all transactions of the association are processed. The Vice President Finance is responsible for the control of the business account management.

All Board members are responsible for adhering to their departmental budgets. Within the approved annual budget for the respective Board department, each Board member may, without additional approval by the Vice President Finance, make expenditures and enter into obligations with financial effect. In any case, expenditures and incurring obligations with financial impact must always correspond to a budget line item in the annual budget and may not exceed the departmental budget approved for a fiscal year without approval of the Vice President Finance.

Expenditures and entering into obligations with a financial impact exceeding € 5,000, - always require, in addition to the budget item, the approval of the Vice President Finance and, in his absence, the President or the Vice President Operations (four-eyes principle).

Contracts that lead to permanent obligations of the association may only be entered into by the Vice

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President Finance and, in his absence, by the President or Vice President Operations.

Further regulations regarding the financial management of the PMIGC are defined in the document "Central Governance of the PMI Germany Chapter".

### **5.3 Cash Audit**

The regular General Assembly elects two cash auditors each, whose task it is to ascertain the regularity of the PMIGC's financial management vis-à-vis the Board and the General Assembly.

The discharge of the Vice-President Finance, together with the discharge of the entire Board, shall take place at the next ordinary General Meeting during the following fiscal year.

## **6 Membership and Membership Fee**

Membership in the PMIGC is voluntary and open to all eligible persons (see statutes). There shall be no discrimination with regard to ethnic origin, creed, skin color, age, gender, marital status, national origin, religion or physical or mental disability.

Membership in the PMIGC requires a membership in the PMI. PMI membership term is twelve months. Membership in the PMIGC can be started during the entire period of PMI membership, but shall terminate upon termination of PMI membership and therefore must also be renewed as part of the renewal of PMI membership.

The initial membership in the PMIGC may therefore be shorter than one year, if applicable, but will still cost the same as a twelve-month membership in the PMIGC. No pro-rata refund will be given.

The annual fee for membership in the PMIGC is USD 25 per membership year. Student memberships are free of charge.

Changes in fee must be reported to PMI by the Vice President Members in a timely manner.

## **7 Membership Information and Lists**

The use of membership information and other personal data will be handled in accordance with the Privacy Regulations and PMI's guidelines. In case of contradictions, the data protection regulations apply. Membership data may not be sold, passed on or used for business purposes.

## **8 Use of name**

The Board has the right and the duty to prevent the unauthorized use of the name and/or logo of the PMIGC in connection with meetings or activities that do not serve the purpose of the PMIGC.

The same applies to the use of the PMI name and/or logo. In this case, information will be provided by the Board to PMI.

## **9 Meetings**

### **9.1 Board meetings**

In order to inform each other and to make decisions for the pursuit of the purpose of the association, Board meetings are held by the Board on a regular basis, at least quarterly.

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Board meetings may also be held virtually, e.g. as telephone or video conferences.

The Board shall constitute a quorum if

- all Board members have been invited by e-mail at least 5 days in advance,
- the agenda is stated in the invitation, and
- at least 50 percent of the Board members are present.

Board meetings are minuted and the minutes are stored electronically as non-amendable documents.

Decisions of the Board shall be taken by a simple majority of the Board members present and shall be recorded in the minutes, stating the result of the vote.

Deviations from the aforementioned regulations are permissible if all members of the Board unanimously agree to a deviating procedure.

### **9.2 Board decisions by circulation**

Decisions may also be taken by circular resolution. In this case, a resolution proposal shall be formulated and sent to all members of the Board by e-mail. This motion can be voted on asynchronously with a notice period of at least three (3) days. An amendment (rewording) of the resolution proposal is equivalent to a new resolution proposal.

The voting procedure must be transparent, traceable and secure.

Decisions of the Board by circulation process shall be adopted by a simple majority of the valid votes cast and shall be recorded in the minutes of the next regular Board meeting, stating the result of the vote. Analogous to regular Board meetings, resolutions by circular resolution also require a minimum participation of 50% of the Board members.

Deviations from the above regulations are permitted if all Board members unanimously agree to a deviating procedure.

### **9.3 Members' Meetings**

Official membership meetings are regulated in the statutes.

In addition, the PMIGC holds regular events of varying format throughout its' sphere of influence to promote the exchange of information among its' members. These events are not general membership meetings.

The respective events (place, date, time and further general conditions) are published on the website of the PMIGC.

## **10 Board and tasks of the Board members**

The Board is responsible for the realization of the purpose and objectives of the Association and has an exclusive responsibility for the planning and day-to-day operation of the PMIGC. The Board shall perform its' duties in accordance with the Statutes and applicable German law.

The duties of the Board are assigned to Board departments, for each of which a Board member

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responsible for a particular department is elected by the members of the association at the general meeting. Each Board member responsible for a specific department is responsible for planning, implementing and controlling the required tasks within his/her resort.

For the completion of tasks, each Board member can delegate tasks to:

- association members or PMI members interested in the work of the Association who wish to take on tasks on a voluntary basis,
- service providers via the conclusion of contracts,
- employees of an office via a separate agreement.

The PMIGC Board consists of the following 11 positions:

- President (President)
- Vice President Finance (VP Finance)
- Vice President Operations (VP Operations)
- Vice President Members (VP Members)
- Vice President Communication (VP Communication)
- Vice President Organizational Relations (VP Relations)
- Vice President Region North (VP Region North)
- Vice President Region East (VP Region East)
- Vice President Region South (VP Region South)
- Vice President Region West (VP Region West)
- Vice President Region Central (VP Region Central)

The President ensures that the Board works together as a team to develop and implement a strategy to achieve the goals of the PMIGC and fulfill its' obligations in accordance with legal requirements and the regulations of the PMIGC and PMI. The President is the first representative of the PMIGC towards the general public and to PMI. His responsibilities also include representing PMIGC in the European Chapter Collaboration (ECC).

The Vice President Finance is responsible for preparing and maintaining an annual financial plan for the PMIGC and Its' regions, for managing income and expenses, and for keeping the association's books in accordance with legal requirements.

The Vice President Operations is responsible for ensuring the administrative needs of the PMIGC are met in accordance with legal requirements and the regulations of the PMIGC and PMI. His area of responsibility also includes the provision of the IT systems required for the PMIGC, such as the technical platform of the website and the platform for collaboration, the planning and implementation of centrally planned cross-regional events as well as the topics of data protection and IT security.

The Vice President Members is responsible for the support and satisfaction of the members of the PMIGC as well as for the recruitment of new members. He ensures that the "PMI Chapter Membership Services" are provided by the PMIGC. His responsibilities also include finding and mentoring volunteer members for various functions throughout the association, as well as creating special cross-association technical working groups for networking and knowledge sharing.

The Vice President of Communications is responsible for the PMIGC's marketing, public image, and outreach efforts, as well as providing information to members, PMIGC stakeholders, and the general public. Responsibilities also include the PMIGC's presence on the PMIGC website and social media.

The Vice President Organizational Relations is responsible for establishing and maintaining the PMIGC's relationships with businesses, government agencies, and educational institutions. The responsibility of

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the Vice President Organizational Relations also includes the recruitment and support of national sponsors of the PMIGC. Furthermore, the PMIGC's activities related to PMIEF (PMI Educational Foundation) are his responsibility.

The Vice Presidents of the Regions are responsible for providing the "PMI Chapter Membership Services" and all other offerings in their respective regions, as well as representing the interests of the regions on the Board. In cooperation with the other functions, they are responsible for the PMIGC's image in the regions, for the local groups and the regional community building. Furthermore, the responsibility of the Vice Presidents of the Regions includes the recruitment and support of regional sponsors of the PMIGC.

All members of the Board shall contribute annually to the report of the Board of the PMIGC at the Annual General Meeting on their activities during the past year in their respective areas of responsibility.

All Board members keep records of the status of work in their respective departments and hand them over to their position successors after the expiration of their tenure.

In the event that a member of the Board fails to properly fulfill his or her obligations, he or she may be dismissed by resolution at a General Meeting upon the request of the majority of the remaining members of the Board.

The aforementioned also applies if it becomes apparent in the course of the term of office that a member of the Board has conflicts of interest in accordance with the chapter "Taking Advantage and Conflicts of Interest".

## **11 Nomination and Election to the Association's Board**

### **11.1 Term of office**

Board members may hold the same position on the Board for a maximum of 6 years without interruption. In total, a Board member can serve on the Board for a maximum of 9 years without interruption. After an interruption of at least 1 year, a new candidacy for a Board position is possible. The possible terms of office then start counting from the beginning.

The general meeting can decide that a Board member can stay in office beyond the mentioned terms of office, if no suitable candidate stands for election for the corresponding position.

The mentioned durations and terms apply only to the PMIGC. Board positions in predecessor organizations (prior to the 2020 merger) do not count.

### **11.2 Rolling system**

According to the bylaws, the term of office of individual Board members is three years. The goal is to have approximately one-third of the Board positions up for election each year. In order to achieve the time lag between terms of service, Board members will be elected for the first time after the 2020 merger as follows:

One-year term:

- Vice President Communications
- Vice President Region North
- Vice President Organizational Relations
- Vice President Operations

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Two-year term:

- Vice President Region East
- Vice President Region Central
- Vice President Finance
- Vice President Members

Three-year term:

- Vice President Region South
- Vice President Region West
- President

Following these terms, Board members shall each be elected for a term of three years. The shortened terms shall not be counted toward the maximum number of years in any one office.

### **11.3 Election of the Board and Nomination of Candidates**

New elections of the Board or individual Board members shall be announced with at least four weeks' notice so that each PMIGC member has an opportunity to consider a candidacy. This period begins two days after the announcement by email or on the PMIGC website. The period for candidacy for a Board position is at least two weeks.

A Nominating Committee, consisting of a minimum of three and a maximum of five current PMIGC members or, for the first election after the 2020 merger, members of the predecessor organizations, shall be formed to prepare for and conduct the election. The Nominating Committee shall be responsible for the lawful conduct and supervision of the election and for the announcement of the results. The Board, upon the proposal of the incumbent President, decides the composition of the Nominating Committee. The members themselves determine the head of the Nominating Committee.

Members of the Nominating Committee are required to perform their duties fairly and impartially toward all candidates. They shall have no conflicts of interest and shall themselves be excluded from running for or being elected to the Board while serving on the Nominating Committee.

The overall composition of the Board shall strive to ensure that all regions of the PMIGC are represented.

The Nominating Committee shall define criteria for the selection of candidates, which should include the following:

- minimum membership of 6 months in the PMIGC or, for the first election after the 2020 merger, one of the predecessor organizations in the period prior to the election,
- participation to the extent of at least six months as a volunteer ("Volunteer") in the PMIGC or one of the predecessor organizations within the two years preceding the application (Volunteers in this sense are members of the Board, members of a Congressional Team or other working group of the PMIGC or one of the predecessor organizations),
- willingness to permanently devote the time required to serve as a Board member to ongoing duties during the term of office,
- willingness to be available for Board meetings at least four full days per year, including weekends in some circumstances, in addition to time for ongoing duties,
- demonstrated professional knowledge, skills and suitability for the position,
- demonstrated ability to lead teams and, specifically for the position of President, to lead an organization appropriate to the PMIGC,



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- no conflicts of interest in accordance with the section on Benefit and Conflict of Interest of these bylaws,
- personal skills, in particular the proven ability to produce results independently and/or in regionally distributed teams.

The listed criteria are considered to be guidelines. Especially for the first two criteria mentioned (minimum membership and engagement as a volunteer) exceptions can be made in justified cases. These are to be coordinated between the Nomination Committee and the current Board.

Discrimination in the election and nomination process based on ethnicity, color, creed, gender, age, marital status, national origin, religion, physical or mental disability is prohibited.

To avoid conflicts of interest, members of PMI R.E.P or ATP organizations and training providers that derive significant portions of their revenue from PMI training, as well as self-employed PMI trainers, should not apply for positions on the PMIGC Board.

The Nominating Committee is free in its' decision-making and makes each decision by simple majority. In the event of a stalemate, the head of the committee shall have a second vote. All decisions of the committee are confidential, and the committee is committed to secrecy. At the conclusion of the nomination process, the committee has prepared a listing of candidates for election for each position up for election.

The Nominating Committee's list of candidates shall be announced by name to all candidates after it has been made known to the Board, but before it is made public to the members. Candidates shall have a one-time opportunity within three days to withdraw from proposed Board positions or to apply for other Board positions. The Nominating Committee will then re-evaluate the suitability of the candidates for each position.

If at the end of the selection of candidates by the Nominating Committee the situation arises that there are no qualified nominations for individual Board positions, the Board may decide to repeat the complete process of nomination and election. A repetition shall be announced to the members by e-mail or by announcement on the website. The period for conducting the entire election process shall then start again.

In the event that, at the end of the candidate selection process by the Nominating Committee, there are no nominations for individual Board positions, the existing Board may, however, decide to hold the election anyway and either reopen for election only those positions for which there are no qualified nominations or fill those positions for which there are no qualified nominations by Board resolution after the election has been held. If Board positions are put up for election again, the four-week period between announcement and holding of the election shall also apply to this. An Board position filled by Board decision shall be re-advertised at the next regular election process.

Profiles of candidates for Board office shall be made available to the membership by the Nominating Committee via announcement on the PMIGC website at least one week prior to the election.

In accordance with PMI policies, practices, procedures, rules, and instructions, no funds or resources of PMI or the PMIGC may be used to support the election of any candidate or group of candidates for PMI, the PMIGC, or for any public office. Also, any other type of organized campaigning, communication, fundraising, or any form of organized activity in favor of a candidate is prohibited. The Nominating Committee, as well as any entity appointed by the PMIGC, shall be the only distributors of election materials for the positions up for election.

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The Nominating Committee shall conduct the election at a meeting of the membership, which may also be conducted by electronic ballot, and shall announce the results after the votes have been counted. The maximum duration of the electronic election is two weeks.

## **12 Data protection**

Data protection is regulated in the document "Data Protection Regulations of the PMIGC Association". The Board decides about this by resolution.

The Board of the PMIGC appoints a data protection officer for the development, maintenance and implementation of the data protection regulation as well as a direct contact person for members and other concerned persons for questions concerning data protection. This position will be organizationally directly subordinate to the President.

## **13 Advisory Board**

The PMIGC Board may be advised by an Advisory Board to assist it in developing and successfully delivering an attractive offering to members, non-members and other stakeholders.

The Advisory Board shall represent the broadest possible voice of PMIGC stakeholders. The Advisory Board has no decision-making or supervisory function.

The requirements for potential Advisory Board members, as well as the exact scope of the Advisory Board's responsibilities and operating model, are defined in the document "Guidelines for the PMIGC Advisory Board."

The appointment of an Advisory Board must be preceded by the preparation and adoption of the Guidelines document by the Board. Adoption shall be by Board decision.

The members of the Advisory Board shall be appointed by the Board by decision.

## **14 Office**

The PMIGC may outsource tasks to an Business Office.

The Business Office shall be commissioned, supervised and managed by the Board, represented by the VP Operations.

The exact scope of tasks and the operating model of the Business Office shall be defined in the document "Guidelines for the PMIGC Business Office".

The establishment of an office must be preceded by the preparation and adoption of the Guidelines Document by the Board of Directors. Adoption shall be by Board decision.

## **15 Taking Advantage and Conflicts of Interest**

Members of the Board or other authorized persons acting on behalf of the PMIGC shall not receive any compensation for expenses or any other material or financial benefit for serving on the PMIGC. However, the Board may authorize the (partial) payment of expenses actually incurred, such as travel expenses.

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All members of the Board and authorized persons of the PMIGC act independently and freely in accordance with the regulations of the PMIGC and, if applicable, applicable laws, regardless of other connections, memberships or positions that may exist individually.

All PMIGC Board members and authorized officers shall disclose to the Board their interests in or affiliations with any organization or individual with which PMIGC has or intends to enter into any contract, agreement or other business transaction, and shall refrain from voting on or influencing any vote on any matter related thereto.

All contracts or transactions between PMIGC and PMIGC members, elected officers or Board members and any corporation, partnership, association or other organization in which one or more PMIGC Board members or Board-appointed authorized PMGC officers have an interest or a financial interest in the other organization must be disclosed to the Board.

## **16 Indemnification Obligation**

Members of the Board or authorized representatives, who act for the PMIGC free of charge, are liable towards the PMIGC for any damage caused during the performance of their duties only in case of intent or gross negligence. This also applies to the liability towards the members of the association.

If members of the Board or authorized representatives are obliged to compensate another person for damage caused by them in the performance of their duties for the PMIGC, they may request the PMIGC to release them from the liability if the damage was not caused intentionally or by gross negligence.

The PMIGC can take out a liability insurance for the members of the Board or authorized representatives.

## **17 Changes of the statutes of the association**

In addition to § 10 in the statutes the following is agreed:

Amendments can be proposed by the Board itself and by petition by at least 5% of the members to the Board. Amendments proposed by petition with the required quorum of 5% of the members will be evaluated by the Board and presented at a general meeting independently of the Board's proposal.

All proposed amendments must comply with PMI's regulations as described in the PMI Chapter Guidelines and Policy Handbook document.

Any amendment to the Association Bylaws must be approved by PMI prior to adoption of a decision.

After a decision is made by the General Assembly, implemented changes to the Association Rules will be immediately communicated to PMI by the Vice President Operations.

## **18 List of Amendments**

This chapter documents the amendments to the By-Laws after the By-Laws have been put into effect for the first time.