

BYLAWS OF THE ONTARIO BIRD RECORDS COMMITTEE

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1. Name and Affiliation

- 1.1. Name: the official name of this organization shall be the “Ontario Bird Records Committee” and is hereafter referred to as the “Committee”.
- 1.2. Affiliation: this is a committee of the Ontario Field Ornithologists, hereafter referred to as the OFO.

2. Purpose

- 2.1. Validate records of birds from the Province of Ontario and from waters half way between the mainland and Nunavut territorial islands.
- 2.2. Maintain permanently the original bird records and all of the Committee votes and comments for use by future researchers.
- 2.3. Publish data on all records receiving a decision.
- 2.4. Provide a means by which sight records can gain acceptance as valuable scientific data.
- 2.5. Increase knowledge of the status of birds in Ontario.
- 2.6. Establish standards of observation and reporting, against which field observers may compare their own technique.
- 2.7. Keep or cause to be kept the official Ontario Provincial bird list.
- 2.8. Keep or cause to be kept the review lists for the review areas of the South, Central and Lowlands review areas.

3. Membership

- 3.1. Number and Definitions: the committee shall consist of seven (7) Voting Members, including the Chair, and a non-voting Secretary. The Committee will also include the Royal Ontario Museum (ROM) Liaison, who may be either one of the 7 Voting Members or a non-voting member.
- 3.2. Qualifications: anyone is eligible to become a member if, in the estimation of existing members, that person has demonstrated an expert knowledge of field identification of birds, and is a member in good standing of the OFO.
- 3.3. Voting Members:
 - 3.3.1. Term of Office:
 - 3.3.1.1. Seven members shall be elected, each for a term of three years. Terms will be staggered such that two members are elected in each of two consecutive years, and three every third year.
 - 3.3.1.2. Members may serve one term, after which they must retire for one year before they may be considered for re-election.

3.3.2. Nominations:

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3.3.2.1. At the Annual Meeting of the Committee, each Voting Member may nominate one person for each position to be filled

3.3.2.2. Any member of the OFO may nominate one person, including self-nominations, for each position to be filled.

3.3.3. Elections:

3.3.3.1. The Voting Members present at the Annual Meeting of the Committee will discuss the nominees. Each Voting Member then will rank all nominees.

3.3.3.2. Following the Annual Meeting, the Chair will contact the candidates regarding willingness to serve, in order of ranking, until willing candidates for each vacancy have been obtained. New members will assume their duties upon receipt of the first circulation package of reports.

3.4. Secretary:

3.4.1. Qualifications. In addition to meeting the qualifications described in section 3.2, the Secretary must not at the same time be both Secretary and a Voting Member.

3.4.2. Election and Term of Office:

3.4.2.1. The Secretary shall be elected for a term of one year. Election shall be by vote of four or more Voting Members, present in person, not by proxy or ballot, at the Annual Meeting of the Committee. The candidate receiving the most votes shall be elected; if necessary, a tie shall be decided by an additional ballot(s) listing only those persons tied. The Chair shall conduct the election.

3.4.2.2. The Secretary may serve an unlimited number of terms.

3.4.3. Nominations. Nominations for Secretary shall be made only by Voting Members and only at the Annual Meeting, either in person or by letter to an attending Member. It is the responsibility of the nominator to obtain a statement of willingness to serve from the nominee. Each Voting Member may make one nomination but self-nominations are not permitted.

3.4.4. Duties:

3.4.4.1. Receive, circulate, recirculate and file all bird records and supporting data submitted to the Committee. Whenever possible, the records filed should be the originals.

3.4.4.2. Reply to all those submitting reports, to acknowledge receipt.

3.4.4.3. Vote in all elections, except that for Secretary.

3.4.4.4. When possible, procure additional data on records when deemed desirable by a Voting Member and especially when a record is to come up for discussion at a meeting of the Committee.

3.4.4.5. Prior to any meeting, furnish Members with a list of records to be discussed.

3.4.4.6. Tabulate results of all votes of the Committee except those for election of Secretary.

3.4.4.7. Furnish Members with equipment needed, including Validation Forms.

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3.4.4.8. Furnish anyone, upon request, with all evidence, including Committee comments, concerning any record that has received a final Committee decision.

3.4.4.9. Assistant. The Secretary may, at their discretion; appoint an assistant to help complete any duties listed above in III D. 4) Duties, excluding record circulation and electoral voting. The Assistant to the Secretary can be a voting member, serve an unlimited number of terms and is to be appointed annually as required.

3.5. Chair.

3.5.1. Qualifications. In addition to meeting the qualifications described in Section 3.2, the Chair must be one of the Voting Members.

3.5.2. Election and Term of Office:

3.5.2.1. The Chair shall be elected for a term of one year. Election shall be by vote of a quorum present in person, not by proxy or ballot, at the Annual Meeting of the Committee. The candidate receiving the most votes shall be elected. If necessary, a tie shall be decided by an additional ballot listing only those persons tied. The Secretary, or in the Secretary's absence, a Member other than the Chair, shall conduct this election. All Voting Members, including the current Chair and all candidates may vote.

3.5.2.2. The Chair takes office at the close of the Annual Meeting at which elected and serves until the close of the next Annual Meeting, or until a successor is elected.

3.5.2.3. The Chair may serve an unlimited number of terms, subject to the limitation imposed as a Voting Member.

3.5.3. Nominations. Nominations for Chair shall be made only by Voting Members, and only at the Annual Meeting, either in person or by letter to an attending Voting Member. It is the responsibility of the nominator to obtain a statement of willingness to serve from the nominee. Each Voting Member may make one nomination, but self-nominations are not permitted.

3.5.4. Duties:

3.5.4.1. Call and preside at Committee meetings.

3.5.4.2. With the approval of the members, appoint Chairs of sub-committees.

3.5.4.3. Act as spokesperson for the Committee.

3.5.4.4. Reply in writing to all those whose submitted reports receive a final Committee decision of "Insufficient Evidence" or "Questionable Origin" with reasons for the decision, summarizing all comments made by the voting members.

3.5.4.5. Keep current, a master copy of these Guidelines and ensure that they are properly applied.

3.5.4.6. Prepare an operating budget to be submitted to the Treasurer of the OFO, and submit all expenses for the calendar year in the early spring of the following year.

3.6. Royal Ontario Museum Liaison.

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- 3.6.1. Qualifications. In addition to meeting the qualifications for membership described in section 3.2, the ROM Liaison must be on staff at the Royal Ontario Museum, and may be a non-voting member, or one of the seven Voting Members.
 - 3.6.2. Nomination, Election, Term of Office. Similar to those described for the Secretary.
 - 3.6.3. Duties:
 - 3.6.3.1. Provide access to the ROM collection for individual members or for the Committee.
 - 3.6.3.2. Provide guidance or assistance on any record when requested by the committee or individual members.
 - 3.6.3.3. The ROM liaison will be provided with summary lists of all records being reviewed, either in revolving files or at meetings, and may examine the details of any submission.
 - 3.7. Removals. The Committee may remove for cause, the Secretary or Voting Members who are delinquent in their duties. Such action requires a vote of the majority of all other Voting Members, not merely a quorum. A removal must be accomplished at a meeting of the Committee; absent Voting Members may vote by written ballot to the Committee.
 - 3.8. Vacancies and Special Election. If the Committee loses a Voting Member during mid-term (through death, resignation, removal, etc.), the Chair shall immediately conduct an election, termed a Special Election, for the purpose of filling the vacancy. A Special Election may be conducted at a meeting or by individual contact (mail, telephone, etc.), whichever is most expedient in the opinion of the Chair. The manner of nomination and election shall be similar, with appropriate exceptions, to the regular election of a Voting Member or Secretary, whichever pertains. The person elected shall serve the unexpired term of the person being replaced. The person filling the vacancy will remain eligible for a subsequent, contiguous, full term. If it is the Chair who is being replaced, then the Secretary will conduct the replacement task.
 - 3.9. Compensation. Neither the Secretary, the ROM Liaison, nor a Voting Member may receive compensation for services, but may be reimbursed by the Treasurer of the OFO for expenses reasonably incurred in the performance of their duties.
4. Meetings
- 4.1. Annual Meeting. An Annual Meeting of the Committee shall be held once a year, normally during late winter / early spring, at a time and place set by the Chair, in consultation with the Members. The purpose of this meeting shall be to reach a final decision on all records processed during the previous year, to conduct necessary elections, and for transaction of such other business as may be brought before the meeting. The Secretary must give to all Members prior notice of the Annual Meeting, together with an agenda.
 - 4.1.1. At the AGM, the Chair will produce a candidate list of the "top five" birds of the year out of the records accepted by the current year's committee. The Committee will discuss these records and add any they believe were over-looked by the chair. Each member and the Secretary will then score each record as follows: up to 30 points each for North American and Ontario rarity (higher points for increasing rarity) and up to 40 points for how widely seen the bird was (higher points for a widely seen bird). The Secretary will then tally the results and the bird of the year will be the record with the highest average total score. The bird of the year and its finder(s) will be acknowledged in the annual report.
 - 4.2. Policy Meeting. A Policy Meeting of the Committee may be held each year normally during late fall, at a time and place set by the Chair, in consultation with the Members. The purpose of this

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meeting shall be to transact business related to procedures and policies, as may be brought before the meeting. The Secretary must give to all Members prior notice of the Policy Meeting, together with an agenda.

- 4.3. Special Meetings. Special meetings of the Committee may be called by the Chair or by agreement of four or more Voting Members, or in the Chair's absence, by the Secretary. Whoever calls the meeting must notify and provide an agenda to each Voting Member prior to the meeting.
- 4.4. Quorum. Five Voting Members in good standing, present in person, not by proxy, shall constitute a quorum for any meeting of the Committee.

5. Guidelines

- 5.1. Formation. All Guidelines and other procedures of the Committee are to be determined only by the Committee, except that they may not be inconsistent with the Bylaws of the Ontario Field Ornithologists or with rules adopted by its Board of Directors.
- 5.2. Review. The Committee shall review the Guidelines regularly, at least once every five years.
- 5.3. Changes. These Guidelines may be changed by a majority vote of a quorum at any Committee meeting, or by a unanimous vote on proposed changes during a circulation.

6. Bird Records

- 6.1. Definitions. For the purpose of this Committee and these Guidelines, a "record" is considered to be a bird report supported by material evidence. This evidence may be written documentation submitted to the Committee as proof of the identity of a sighted, heard, collected, or banded bird. Audio-taped or photographed birds are also considered records when accompanied by appropriate notations as to location, date, and names of observers, etc.
- 6.2. Records Treated.
 - 6.2.1. Only records from Ontario (as defined in 2.1) will be treated.
 - 6.2.2. Records based on specimens or banding will be treated in the same manner as other records.
 - 6.2.3. 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 an attempt has first been made to obtain details from the observer(s). An exception to this is a record that has received a previous Committee decision (see 6.5. Resubmission).
 - 6.2.4. Only records of species on the Southern, Central or Lowlands Review Lists or species new to the province or subspecies on the Subspecies review list.
 - 6.2.4.1. South Review List – As a guideline, species on the South Review List are recorded less than 20 times per five year period on average. For irruptive species that exceed this total in a single year, they must be recorded in at least three of the five years in the period. Any species that clearly exceeds this number in a five year period but lacks proper documentation for the records, may be deleted from the list at the discretion of the committee.
 - 6.2.4.2. Central Review List – The committee decides by consensus, and at their discretion can rely on the opinion of local experts, using a guideline of ten records in a five year period, taking into account the variability of appropriate observer effort.

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- 6.2.4.3. Lowlands Review List – The committee decides by consensus, and at their discretion can rely on the opinion of local experts, using a guideline of ten records in a five year period, taking into account the variability of appropriate observer effort.
- 6.2.4.4. Subspecies Review List – As a guideline, subspecies on the Review List are recorded less than 20 times per five year period on average. For irruptive species that exceed this total in a single year, they must be recorded in at least three of the five years in the period. Any subspecies that clearly exceeds this number in a five year period but lacks proper documentation for the records may be deleted from the list at the discretion of the committee
- 6.2.4.5. Modifications to review lists – Any OFO member in good standing can bring forward suggestions for changes to any of the review lists; this person would be expected to provide supporting evidence that the species meets the established criteria. The committee shall review these suggestions at the annual meeting and pass changes, effective January 1 of that year, with a majority vote.
- 6.2.4.6. Special provision for irruptive species – Occurrences of irruptive species (as decided by the current OBRC) in Ontario, should be dealt with annually, as required on a case-by-case basis. In the event of an irruption/incursion, a species may be removed from the review list by consensus of the committee for a calendar year during which period the requirement for documentation would be waived. Until such time as the species is formally removed from the province’s review list(s), however, it should be assumed that observations of the species require documentation. During invasion years, arbitrarily defined as when 10 or more occurrences are observed in the province, the OBRC will not require documentation for the species and will notify the Ontario birding community via the OntBirds Listserv.

6.3. Circulation Procedure:

- 6.3.1. Initial Receipt by the Secretary. Upon receipt of a record, the Secretary will do the following:
 - 6.3.1.1. Affix to it a unique number, consisting of the year of the receipt (not the year of the sighting) followed by a hyphen and the next available unused number, starting with “1” for that year.
 - 6.3.1.2. Record in a safe place, the name of the reporter, the name of the species, the date and locality of the record, and the record’s number.
 - 6.3.1.3. Check the description for completeness and clarity and, if deemed desirable, request additional information from the reporter or other observers.
 - 6.3.1.4. Send the record (along with other records, if desired) to the Members as a revolving file, ensuring that no substantive changes to the documentation are made. For the first circulation, the Secretary will not include any material deemed “outside influence” unless it is a part of a Rare Bird Report submitted by an observer of the bird.
- 6.3.2. Receipt by Member. Upon receipt of a record, the Member will do the following:
 - 6.3.2.1. Judge its validity, vote and comment.
 - 6.3.2.2. Send the completed Validation Form to the Secretary as promptly as possible, and preferably within one week.

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6.3.2.3. For any hard-copy packages, send the record(s) to the next Member listed as promptly as possible, and preferably within one week of its (their) receipt, using Express Post.

6.3.3. Recirculation:

6.3.3.1. A record shall be recirculated automatically, together with the votes and comments of every Member from previous circulations, until it has received a decision vote or until two circulations (one recirculation) have been completed, whichever comes first.

6.3.3.2. If, after the second circulation, the record still has not received a decision vote, the Secretary will keep it until it can be discussed and voted upon at a meeting of the Committee.

6.3.3.3. Prior to each meeting, the Secretary should inform Members of any post-second-circulation records scheduled for discussion.

6.3.3.4. Regardless of whether or not a “final” decision is reached during the two circulations, any Member may bring up a controversial record for discussion at a meeting of the Committee. Re-voting should take place only when new evidence has been supplied.

6.3.3.5. If a final decision is reached during the first circulation, a record may still be recirculated if the Secretary feels that a dissenting Member’s opinion might alter the decision.

6.3.3.6. All decisions are final unless a record is to be resubmitted.

6.3.3.7. Any record held over beyond one year is to be treated as a resubmission.

6.4. Voting:

6.4.1. Validation Forms. The vote of each Voting Member, together with comments, if any, must be submitted on an official Validation Form. This form must include spaces for at least the following:

6.4.1.1. Record number

6.4.1.2. Name of species

6.4.1.3. Name of Voting Member

6.4.1.4. Date of review

6.4.1.5. Number of the circulation

6.4.1.6. Voting Member’s decision

6.4.1.7. Comments

6.4.2. Voting Categories:

6.4.2.1. Accept

6.4.2.2. Not Accept, insufficient evidence

6.4.2.3. Not Accept, identification acceptable, origin uncertain

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- 6.4.3. Abstentions. Voting Members may not abstain from voting.
- 6.4.4. Comments. On the first circulation, all votes should be supported by comments, and “Not Accept” votes must be supported by appropriate comments. On subsequent circulations, ALL votes must be supported by comments. When formulating comments, Members should bear in mind that for “Not Accepted” records, copies of their comments will be forwarded to the observers.
- 6.4.5. Consultations. On first circulation, a Voting Member must not discuss a record with another Voting Member prior to both having voted. On subsequent circulations, pre-vote discussions with other Voting Members are acceptable. On any circulation, a Voting Member may consult non-voting members or anyone outside the Committee before voting.
- 6.4.6. Voting Criteria. The criteria used by a Voting Member to determine his/her vote on any record are an individual matter and should not be treated by these Bylaws. Such criteria might include observer experience, or records not identified to the satisfaction of the Member.
- 6.4.7. Change in Members. A circulation in progress at the time a new Member is elected should be completed by the retired Member (except that a removed Member does not qualify); subsequent circulations and hence, in some cases final voting, should be completed by the new Member.
- 6.4.8. Tabulation. The Secretary tabulates the voting results after votes from all Voting Members have been received.
- 6.4.9. Decision from Circulation. On any circulation round, with all Members voting
- 6.4.9.1. A report is considered "Accepted" if it receives no more than one “Not Accept” vote.
- 6.4.9.2. A report is considered “Not Accepted” if it receives no more than one “Accept” vote.
- 6.4.9.3. A report is to be recirculated, or after two circulations, is to be presented at a meeting, if it receives two to five “Not Accept” votes.
- 6.4.9.4. A report may be placed into a “Deferred” category when identification has been accepted but wild status is uncertain or debatable.
- 6.4.10. Decision at Meeting. A record will be “Accepted” if, at a legal meeting of the Committee, it receives no more than one “Not Accept” vote from those Members present. Proxies shall not be allowed as votes. Records not “Accepted” as above are “Not Accepted”. Any Voting Member may nominate a report for “Deferred” status, subject to a vote of the Voting Members at the Annual Meeting. Prior to each Annual Meeting, the list of “Deferred” reports will be circulated for consideration.
- 6.4.11. Not Accepted Records. Any “Not Accepted” record that receives two or more “Not Accept, identification uncertain” votes will be placed in the category “Not Accepted, identification uncertain”. All other records that are “Not Accepted” will be classed as “Not Accepted, origin uncertain”
- 6.4.12. Voting on Resubmitted Records. Any record that has been resubmitted in accordance with section 6.5 will be considered, reviewed, and decided upon in the same manner as recirculated records. To overturn a previously accepted record, a majority vote of four or more “Not Accepted” votes is required. Resubmissions to reverse a previous “Not Accepted” decision will require at least six “Accept” votes.

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6.4.13. Voting on Re-reviewed Records. Any record that has been circulated for re-review in accordance with section 6.6 will be considered, reviewed, and decided upon in the same manner as recirculated records. To overturn a previously accepted record, a majority vote of at least four “Not Accepted” votes is required.

6.5. Resubmission:

6.5.1. A record that has received a final Committee decision may be resubmitted only if there becomes available new and substantial evidence that might reverse the decision. For a record not accepted because of questionable origin, such evidence might include recognition of a natural pattern of occurrence. Such a record must be resubmitted and circulated as if never before submitted, undergoing three circulations if necessary, except that it should be accompanied by all previous votes and comments of the Committee, its publication status, and all new evidence marked as such.

6.5.2. Anyone may resubmit a record, subject to clause 6.5.1.

6.5.3. Any reports deferred at an annual meeting or reports on which the sitting committee was unable to reach a decision will be considered, reviewed and decided upon by the incoming committee.

6.5.4. Resubmitted reports will be considered, reviewed and decided upon by the sitting committee.

6.6. Re-review:

6.6.1. A record that has received a final Committee decision to “Accept” or “Not Accept” may be re-reviewed if a single dissenting sitting member of the Committee can make a case for legitimate concerns about a written report or photograph that may have been overlooked by members previously.

6.6.2. Requests for re-review by the dissenting member will be submitted for consideration at the Annual Meeting. The voting members will then discuss the case. A majority vote must be taken to allow the re-review.

6.6.3. The incoming Committee will conduct the re-review. The dissenting member, whether retiring from the Committee or not, will be required to prepare a synopsis of concerns regarding the record in question. This synopsis will be included in the re-review package. If deemed necessary, the Secretary may obtain expert opinion from outside of the Committee. The re-review package will include the original report(s), members’ votes and comments from the previous decision, the dissenting member’s synopsis, and any outside expert opinions received. Reports undergoing re-review will be subjected to the regular circulation process, undergoing three circulations if necessary.

6.7. Unreviewable Records:

6.7.1. The OBRC will include in the database a category entitled “Unreviewable Reports”. The purpose of this is in keeping with the role of the OBRC as the repository of all available information on rare birds in Ontario.

6.7.2. The database will be comprised of a list of Review List Species from any source.

6.7.3. Database information will include:

6.7.3.1. Species

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6.7.3.2. date(s)

6.7.3.3. number

6.7.3.4. location

6.7.3.5. observer(s)

6.7.3.6. source(s)

6.7.3.7. comments – e.g., of local “expert”

6.8. Publication:

6.8.1. The decisions of the Committee shall be published annually, under the authorship of the Secretary in office during the reporting year, in the form of an Annual Report. A section of this Annual Report shall be devoted to bringing the Ontario Provincial List up to date.

6.8.2. The published data for accepted records should include the name of the species, plumage (if known), date(s) of observation, locality, reporting observer(s), and finder(s) if known. Other data may be added at the discretion of the Secretary and Voting Members. Any debate over the proper listing of records or accompanying information shall be settled by a majority vote of the members.

6.8.2.1. Plumage terminology uses the modified Humphrey and Parkes (1959) following Howell (2010).

6.8.2.2. Locality will come from the Geographical Names Board of Canada. The name of the locality will be the nearest named settlement. In the event no such named settlement exists within five kilometres of the observation, the nearest gazetted feature will be used. Exceptions will be made when there is a non-gazetted name that is widely used/recognized within the birding community. For example, “Long Point (Tip)”.

6.8.2.3. A finder(s) is defined as the first person(s) who first discovered the individual bird. In the event a bird is found by one person/people but only subsequently identified by someone else, the identifier(s) will also be recognized in the report.

6.8.2.4. In the event a bird is first found outside of Ontario and later is documented in Ontario, the finder(s) will be listed as the person(s) who first found the bird outside of Ontario since they are the true finders of this particular record. The dates of occurrence will be listed as the total dates the bird(s) was known to be in the area, with the dates the bird(s) was known to be in Ontario also listed.

6.8.3. Records deemed to be uncertain origin shall be published under their own account after fully accepted records.

6.8.4. Records deemed as not accepted should also be published, with a minimum of the above data, except that observers’ names should not be included. In publications, the term “Insufficient Evidence” should be used.

6.8.5. “Pending” records should not be published.

6.8.6. Media submissions shall not be published or altered in any way without consent of the first owner of the copyright therein.

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7. Ontario Checklist:

- 7.1. Maintenance: After each AGM, the Secretary will update the Ontario Checklist and all review lists and provide a copy of the updated file to the OFO webmaster.
- 7.2. Printed edition. The Chair will work with OFO on all updates to the print version of the checklist. They may appoint other committee members to help as needed.
- 7.3. Content:
 - 7.3.1. Overall list: only species which are either not on any of the review lists or which have at least one OBRC-accepted record will be included on the list.
 - 7.3.2. Review list: the printed list will include indications of which species are on which review lists.
 - 7.3.3. Breeding species: the list will include a list of which species have bred in the province. Only species which have at least a single documented breeding record will be included. A breeding record for the province shall be constituted if breeding is confirmed by a nest containing eggs and/or young (including identifiable egg shell fragments and/or nestling remains) is found or recently fledged, largely dependent young incapable of sustained flight. Nests under construction, adult birds carrying nesting material or constructing nests which are later abandoned, or adults observed simply carrying food will not constitute confirmed breeding records.
 - 7.3.4. Exotic and re-introduced species: Exotic and reintroduced species will be added using the criteria established by the American Birding Association.
- 7.4. Nomenclature:
 - 7.4.1. Species names and order: Species names will follow the latest checklist and supplement from the American Ornithological Society.
 - 7.4.2. Families: Common names of families will be listed to separate the species. Family names will come from the same source as species, if available. If the latest AOU list does not have family common names, those on the latest Clements checklist will be used.