

Please attend the open meetings of any of the following committees to discuss this petition, ask questions and/or hear comments. This petition has been referred to the ***Committee on Committees**, Council Policy Committee, Committee on Constitution and Bylaws, and Society Committee on Budget and Finance. (***Committee with primary substantive responsibility**)

For more information see www.acs.org/govdocs (click on petitions) or contact bylaws@acs.org. If Council does not approve this petition for urgent action, the deadline for written comments is April 24, 2020.

URGENT ACTION REQUESTED

Petition to Clarify Amendments to the Standing Rules

BYLAW XI

Petition

We, the undersigned Councilors of the American Chemical Society, hereby petition to amend the SOCIETY's Bylaws as follows (additions underlined; deletions ~~struck through~~):

REVISED

VERSION

FOR

COUNCIL

ACTION

BYLAW XI

Amendments to the Standing Rules

To be adopted, any amendment(s) to the Standing Rules must be reviewed by the committee responsible for the Governing Documents Function, to ensure consistency with the ACS Governing Documents, approved by a majority of the Councilors voting at a meeting of Council, and confirmed by the Board of Directors. Such amendment(s) may come before Council in one of the following ways:

a. The committee responsible for a the function pertaining to the amendment shall approve the proposed amendment(s) at an official meeting by at least a majority affirmative vote followed by review by the committee responsible for the Governing Documents Function, and by Council action as noted above.

b. Any committee, ten voting Councilors, or 25 members shall submit proposed amendment(s) by written petition to the committee responsible for the function, ~~by written petition, with~~ at least five weeks prior ~~notice~~ to the committee's next official meeting. ~~That~~ If the committee ~~must~~ approves the amendment(s) by ~~at least~~ a majority vote, the amendment(s) shall be sent to the committee responsible for the Governing Documents Function for review. After ~~the meeting review, the~~ that committee shall send the amendment(s) to the Council for action.

c. If the amendment(s) are not approved by the committee responsible for the function, the decision may be appealed to the committee responsible for the Council Executive Function by written petition of 25 voting Councilors at least eight weeks before ~~prior to~~ the next Council meeting.

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(1) If ~~at least~~ a majority of the committee responsible for the Council Executive Function approves **the amendment(s)** at an official meeting, then the amendment(s) shall **be sent to the committee responsible for the Governing Documents Function for review, go before being sent to the** Council for action.

(2) ~~If~~ the committee responsible for the Council Executive Function does not approve the amendment(s), **the amendments shall be sent to the committee responsible for the Governing Documents Function for review, after which** an appeal may be brought to the Council floor for action if at least three-tenths (3/10) of voting Councilors at a Council meeting agree to its consideration.

Explanation

Standing Rule V states that the Committee on Constitution and Bylaws (C&B) is responsible for the Governing Documents Function. The duties of C&B are listed in Sec. 1, b of this Standing Rule and include the following:

- a. review provisions of the Constitution, Bylaws, and Standing Rules and initiate such action as may seem appropriate; and
- b. interpret and initiate such action as may seem appropriate to eliminate conflicts in the Constitution, Bylaws, or Standing Rules.

However, the procedure in Bylaw XI for making amendments to the Standing Rules contains no provision for C&B's review before action by Council. This could lead to problems and inconsistencies within the Standing Rules.

The Standing Rules include many of the provisions that formerly were in the Bylaws. C&B's review was required for Constitution and Bylaw changes in the former version of the ACS Governing Documents and is still required for amendments to the Constitution (Article XIII, Sec. 2) and amendments to the Bylaws (Bylaw X, Sec. 2, a). To ensure consistency within all documents in the ACS Governing Documents, including the Standing Rules, it is imperative that Bylaw XI be amended and that Council approve this urgent action petition.

Signed:

Dr. Harmon B. Abrahamson	Ms. Sally B. Peters
Ms. Ella L. Davis	Dr. Carolyn Ribes
Dr. Mark D. Frishberg	Dr. Martin D. Rudd
Dr. Joseph A. Heppert	Dr. James M. Takacs
Ms. Lisa Houston	Ms. Andrea Twiss-Brooks
Dr. Will E. Lynch	Dr. Linette M. Watkins

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***Committee having primary substantive responsibility**

STATEMENT OF FINANCIAL IMPACT

The Society Committee on Budget and Finance has examined this petition and concludes that it will have no impact on the finances of the Society (\$0).

REPORT OF THE COMMITTEE ON CONSTITUTION AND BYLAWS

The Committee on Constitution and Bylaws has reviewed the petition and finds it to be legal and consistent with other provisions of the Society's documents.

The intent of the petitioners is that amendment(s) to the Standing Rules must be reviewed by the committee responsible for the Governing Documents Function to ensure consistency with the ACS Governing Documents. This was an oversight in the new ACS Governing Documents, which requires such reviews for amendments to the Constitution and Bylaws.

Comments from committees, petitioners and other interested members on the substance of the petition should be directed to the Committee on Committees, which has primary substantive responsibility for the petition. Other comments may be directed to the Council Policy Committee or the Committee on Constitution and Bylaws.

A three-fourths (3/4) vote of Council that sufficient urgency exists is required to take immediate action at this meeting. If so voted, a two-thirds (2/3) vote of Council is required for approval of amendments to the Bylaws. If approved by Council, the amendments will become effective upon confirmation by the Board of Directors. If a three-fourths vote of Council to take immediate action is not attained, the petition will be presented for consideration only. In this case, comments and suggestions from committees, petitioners, and other interested members on the substance of the petition should be directed to the Committee on Committees. Other comments and suggestions may be directed to the Council Policy Committee or the Committee on Constitution and Bylaws.

Dr. Donna G. Friedman
2020 Chair