

**FOR ACTION**

**Petition for Removal of Officers and Councilors**

Bylaw III, Sec. 1, i  
Bylaw VII, Sec. 1, c  
Bylaw VIII, Sec. 4, d

**Petition**

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

**REVISED**

Bylaw III  
Council  
Sec. 1.

**VERSION**

**i. Councilors and Alternate Councilors may be removed from office for neglect of their duties, misconduct, official conduct that tends to injure the SOCIETY or the unit they represent, official conduct that tends to adversely affect the reputation of the SOCIETY, or official conduct that is contrary to or destructive of the SOCIETY's objects, according to procedures promulgated by the Council Policy Committee and approved by the Council. Such proceedings may be initiated by petition of five members of the unit represented, or by any five voting Councilors and shall provide for quick resolution, fairness, confidentiality, and due process, including an opportunity for the accused member to be heard.**

**FOR**

Bylaw VII  
Local Sections  
Sec. 1.

**COUNCIL**

**c. Local Sections may remove an elected official from office for neglect of duties, misconduct, or official conduct that tends to injure the Local Section or to adversely affect its reputation or that is contrary to or destructive of its objects, provided that due process is established in their bylaws. This removal excludes Councilors and Alternate Councilors, which is addressed elsewhere in these Bylaws.**

**ACTION**

Bylaw VIII  
Divisions  
Sec. 4.

**REVISED**  
**VERSION**  
**FOR**  
**COUNCIL**  
**ACTION**

**d. Divisions may remove an elected official from office for neglect of duties, misconduct, or official conduct that tends to injure the Division or to adversely affect its reputation or that is contrary to or destructive of its objects, provided that due process is established in their bylaws. This removal excludes Councilors and Alternate Councilors, which is addressed elsewhere in these Bylaws.**

These amendments shall become effective following approval by Council of the Councilor Removal procedures developed by the Council Policy Committee, and confirmation by the Board of Directors.

### **Explanation**

Currently no explicit authorization for officer removal exists in either the SOCIETY Constitution or Bylaws. The Council Committee on Constitution and Bylaws (C&B) recommends that Local Sections and Divisions include a procedure in their documents that enables them to remove officers for neglect of duties. C&B provides model language for that purpose. Up to this point, Councilors and Alternate Councilors have not been covered by the model language because Councilors and Alternate Councilors, although elected by the Local Sections and Divisions, are officials of a national body. The proposed amendments do two separate things.

The first part of these amendments (to Bylaw III) will authorize Local Sections and Divisions to petition the Council Policy Committee to remove Councilors and Alternate Councilors for neglect of duties, misconduct, or injurious conduct, thus filling the gap identified above. In addition, five members of the Council may also file such a petition. The Council Policy Committee (CPC) is developing due-process procedures to evaluate such petitions and make removal decisions. These new procedures are derived from those developed by C&B for removal of local section or division officers, and must be approved by Council before this provision takes effect. Future changes to the procedures must also be approved by Council.

The second and third parts of these amendments add provisions to the SOCIETY Bylaws that explicitly authorize the removal of an elected official of a Local Section or Division. The existing model language only applies to neglect of duties. The amendments would expand that authorization to any misconduct or conduct which tends to injure the Local Section or Division or to adversely affect its reputation or which is contrary to or destructive of its objects. Local Sections and Divisions could then expand the scope of the removal procedures if they amend their documents accordingly. Expansion of the scope is permitted, but not required.

Signed:

Dr. Harmon B. Abrahamson  
Dr. Frank Blum  
Dr. Mary K. Carroll  
Dr. Dwight W. Chasar

Dr. Alan M. Ehrlich  
Ms. Lynne Greenblatt  
Dr. Wayne E. Jones, Jr.  
Mr. James M. Landis, Jr.

Dr. Doris I. Lewis  
Dr. Diane G. Schmidt  
Ms. Andrea Twiss-Brooks  
Dr. Linette Watkins

(This petition has been referred to the \***Council Policy Committee**, Committee on Local Section Activities, Committee on Divisional Activities, Committee on Economic and Professional Affairs, Society Committee on Budget and Finance, and Committee on Constitution and Bylaws.)

**\*Committee having primary substantive responsibility**

### **FINAL STATEMENT OF FINANCIAL IMPACT**

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

### **FINAL REPORT OF THE COMMITTEE ON CONSTITUTION AND BYLAWS**

The Committee on Constitution and Bylaws and the Council Policy Committee's Subcommittee on Petitions, Constitution and Bylaws agreed with edits proposed by each. In addition, C&B, added "official" before "conduct" to make this clear, and added sentences at the end of Bylaw VII, Sec. 1 and Bylaw VIII, Sec. 4, to clarify that the removal of Councilors and Alternate Councilors is addressed elsewhere. Some ACS members have commented that five members of the unit or five voting Councilors is a low number to initiate the removal of a Councilor or Alternate Councilor. In the Society's Bylaw I, Sec. 5, b, the process to expel a member may be initiated by any member(s).

The Committee finds the revised petition to be legal and consistent with other provisions of the Society's documents.

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.

Dr. James C. Carver  
Chair