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 **\*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 with primary substantive responsibility**)

For more information see [www.acs.org/bulletin5](http://www.acs.org/bulletin5) (click on petitions) or contact bylaws@acs.org. The deadline for written comments is April 15, 2016.

**O R I G I N A L**

FOR CONSIDERATION

# 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~~):

**Bylaw III**

**Council**

**Sec. 1.**

 **i.** **Councilors and Alternate Councilors may be removed from office for neglect of their duties, misconduct, or conduct that tends to injure the SOCIETY or the unit they represent, or to adversely affect the reputation of the SOCIETY, or that is contrary to or destructive of its 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 five members of Council, and shall provide for quick resolution, fairness, confidentiality, and due process, including an opportunity for the accused member to be heard.**

**Bylaw VII**

**Local Sections**

**Sec. 1.**

 **c. Local Sections may remove an elected official from office for neglect of duties, misconduct, or 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 or procedures documents.**

**Bylaw VIII**

**Divisions**

**Sec. 4.**

 **d. Divisions may remove an elected official from office for neglect of duties, misconduct, or conduct which tends to injure the Division or to adversely affect its reputation or which is contrary to or destructive of its objects, provided that due process is established in their bylaws or procedures documents.**

These amendments shall become effective following approval by Council of the Councilor Removal procedures developed by the Council Policy Committee.

**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**

**PRELIMINARY STATEMENT OF FINANCIAL IMPACT**

The financial implications of this petition are still being assessed. The Final Statement of Financial Impact will be available per Article XVIII, Sec. 2, d, which states in part, “The Chair of the Society Committee on Budget and Finance shall prepare a financial impact statement which also shall appear in the Council agenda when action is to be taken on the petition.”

**PRELIMINARY 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 not inconsistent with the Constitution of the SOCIETY. The proposed Bylaw amendment accomplishes the petitioners’ goal of including in the Bylaws that Councilors, Alternate Councilors, and elected officials of Divisions and Local Sections may be removed from office for neglect of duties, misconduct, or injurious conduct, with due process.

C&B has some concerns that the phrase about conduct that may “adversely affect the [“Society’s” or “its”] reputation”, which appears in several places, is subjective. Duties of Councilors are in the *Councilor Handbook* and may be in the bylaws of Divisions and Local Sections. C&B suggests that attendance at Council meetings and reporting back should be in the *Councilor Handbook,* the SOCIETY's Bylaws, or in the procedures so that neglect of duties is better understood.

If the intent of the petitioners is to limit the five members of Council to voting members of Council, then C&B recommends that the word “voting” be added before “members of Council” because the Constitution and Bylaws provide for nonvoting Councilors.

C&B suggests that “or procedures documents” be removed at the end of Bylaw VII, Sec. 1 and Bylaw VIII, Sec. 4, because if wording is prepared by a single officer or small group, due process might not be met. Many unit bylaws already contain recall language in their bylaws, which cover the issue of neglect of duties.

Within thirty days after the Council meeting at which this petition is considered, comments and suggestions on the substance of the petition from opponents, committees, petitioners, and other interested members should be directed to the Chair of the Council Policy Committee, which has primary substantive responsibility for the petition. Comments and suggestions may be sent to bylaws@acs.org.

Dr. James C. Carver

Chair