Procedure for Removal of a Councilor or Alternate Councilor

Section 1. Any Local Section or Division Councilor or Alternate Councilor, of the American Chemical Society (hereinafter referred to as “Councilor” and the “SOCIETY”, respectively), may be removed from office for neglect of duties, misconduct, or conduct that tends to injure the Local Section or Division that they represent, or the SOCIETY or to adversely affect its reputation or that is contrary to or destructive of its objects.

Section 2. The procedure to remove a Councilor shall be initiated when a petition detailing the specific charges and reasonable substantiating evidence is submitted in writing to the Secretary of the SOCIETY. Such petition must be signed by at least five members of the unit that the Councilor represents, or by at least five voting Councilors.

Section 3. The Secretary shall, without delay, forward the documented charges to the Vice-Chair of the Council Policy Committee (CPC), who shall determine that the members submitting the charges are aware of the gravity of their actions and the procedures to be followed. Within thirty days of receipt, the Vice-Chair shall create a Hearing Subcommittee, with membership subject to ratification by the President of the SOCIETY. The Vice-Chair of CPC shall chair the Hearing Subcommittee, which shall include five additional disinterested members of CPC with the longest tenure on CPC. If the Vice-Chair of CPC is not a disinterested party, the President of the SOCIETY shall appoint a member of CPC to chair the Hearing Subcommittee.

a. The Hearing Subcommittee shall communicate to the accused Councilor the fact that a removal petition has been filed and the details of the charges that have been raised. Upon notification, the accused Councilor shall have thirty days to make a written response to the allegations. After reviewing the Councilor’s response, the Hearing Subcommittee may remove the Councilor with a two-thirds (2/3) vote of its members. The Vice-Chair shall inform the Councilor and those who brought the charges of the decision of the Hearing Subcommittee.

b. If the Hearing Subcommittee votes to remove the Councilor, the accused Councilor shall choose one of the following options:

(1) The accused Councilor may resign from his/her seat in the Council of the SOCIETY.

(2) The accused Councilor may request a hearing by the Hearing Subcommittee. A representative of the petitioners shall also be afforded the opportunity to speak at the hearing. After hearing the oral arguments, a two-thirds (2/3) vote of the members of the Hearing Subcommittee shall be required to affirm the removal of the accused Councilor.

(3) The accused Councilor may choose not to respond and thus forfeit his/her seat in the Council of the SOCIETY.

c. Every reasonable effort shall be made to contact the accused Councilor throughout this procedure. That effort shall include a certified letter to the last known address on the official SOCIETY membership rolls. If no contact with the accused Councilor can be made after a
reasonable effort, the Hearing Subcommittee may remove the Councilor in question with a two-thirds (2/3) vote of its members.

d. The accused Councilor may be assisted by one advisor who may act on behalf of the Councilor. The advisor may be an attorney if written notice of the name and office address of the attorney is given to the Chair of the Hearing Subcommittee at least ten working days before the date of any hearing. An attorney for the SOCIETY may be selected by the SOCIETY’s General Counsel to be present at the hearing(s).

e. Until final resolution of the case, all allegations, evidence, correspondence, findings, and recommendations pertaining to the case shall be deemed confidential, with all proceedings and hearings closed to the public.

Section 4. The accused Councilor may appeal an adverse decision of the Hearing Subcommittee to the Council Committee on Nominations and Elections, which shall consider the appeal at its next regularly scheduled meeting, or at an earlier meeting specially called for the purpose of considering the appeal. The Committee on Nominations and Elections shall establish procedures for handling the appeal, but the requirements of Sections 3, d and 3, e above shall apply to whatever procedure is established. Decisions of the Committee on Nominations and Elections are final.

Section 5. Any vacancy that arises from the removal of a Councilor shall be filled by procedures given in the Bylaws of the SOCIETY (currently Bylaw V, Section 8, e).

Effective TBD. Contact secretary@acs.org for any questions