

## Councilor Report

Dr. Robert Hill and Dr. Frankie Wood-Black

It has been busy between meetings. The group working on the Safety Policy Statement has completed a draft which is now out for review. This Statement is being developed by working with the Division, the Committee on Safety, and the ACS Policy groups. We believe that the statement is 90% there, but are always welcoming input.

In addition to the policy statement, there are several members of the Division that have been actively working with members of Governance, the Board of Directors, and ACS Staff to include more safety and health values, goals, and information throughout the Society. To that end, there have been discussions with the Presidential succession, the Executive Director, Thomas Connely, and members of the Board of Directors. There will be many activities in Philadelphia and beyond regarding the topic. Activities for Philadelphia include: a meeting with the Divisional Activities Committee, programming, and circulation of the policy statement. It is hoped that after this meeting, the safety policy statement will proceed down the normal ACS channels to be formally approved by the Board of Directors. A lot of work has been done by members of the Division and the Executive Committee to get us to this point.

As of other Council News, there is the usual business of the ACS to be conducted at this meeting: elections to the Elected Committees (N&E, CPC, and ConC), a vote to continue the activities of Analytical Reagents and Chemical Abstract Services, changes in the territory associated with the Permian Basin and the Upper Peninsula Local Sections, a petition to extend the Unemployment Dues Wavier, revisions to the Bylaws associated with Probationary Divisions and Local Sections, and the chartering of a new International Local Section, the China National Capital Area or JingJinJi. The vote on the revisions to the Bylaws is primarily based on changes to the provisional Bylaws for Probationary Divisions and Local Sections to conform with changes in the society dues structure and other parliamentary changes that have occurred over the past few years.

A significant item before Council is a vote on the Chemists Code of Conduct, see the attached as it is proposed. This may be a bit premature as there are a number of efforts currently being undertaken as previously outlined. As you will note, the changes proposed may not incorporate all of the potential efforts and considerations that have been presented over the past few months. If you have comments, please send them to Bob or Frankie, so that we can get these comments before council. There will be quite a bit of work to be done prior to the vote at Council.

Another item of interest is the presentation of two proposed Bylaw changes that will be voted on in the Spring. These are a procedure for the removal of Officers or Councilors and the Rights of Affiliates. The need for these bylaw changes were highlighted by recent events within the Society. We have attached them to this report as well for your review. These changes will not be voted on at this meeting.

As always, if there are any issues or information that you would like us to forward, communicate or discuss, please let us know.

Respectfully submitted,

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](mailto:bylaws@acs.org). The deadline for written comments is April 15, 2016.

**ORIGINAL**

**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. Alan M. Ehrlich	Dr. Doris I. Lewis
Dr. Frank Blum	Ms. Lynne Greenblatt	Dr. Diane G. Schmidt
Dr. Mary K. Carroll	Dr. Wayne E. Jones, Jr.	Ms. Andrea Twiss-Brooks
Dr. Dwight W. Chasar	Mr. James M. Landis, Jr.	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](mailto:bylaws@acs.org).

Dr. James C. Carver  
Chair

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 Membership Affairs**, Committee on Local Section Activities, Committee on Division Activities, Council Policy Committee, 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](mailto:bylaws@acs.org). The deadline for written comments is April 15, 2016.

**ORIGINAL**

**FOR CONSIDERATION**

**Petition on the Rights of Affiliates**

**Bylaw II, Sec. 1, a, 2, a, 3, b, (3) and (4)**

**Petition**

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

**Bylaw II  
Affiliates and Associates**

**Sec. 1.**

a. No person who is not a member of the AMERICAN CHEMICAL SOCIETY shall become a member of any Local Section; but Local Sections may provide in their bylaws to have Local Section Affiliates, not members of the SOCIETY, who shall be entitled to all the privileges of membership in the Local Section, as provided in the Local Section bylaws, ~~save~~ **except** that of ~~voting for or~~ holding an elective position of the Local Section, **or** voting on Articles of Incorporation and bylaws for the Local Section, or serving as a **voting** member of its Executive Committee or equivalent policymaking body, **or voting for Councilor(s) or Alternate Councilor(s) from the Local Section.** **In their bylaws, Local Section may either provide or withhold the privilege of voting by Local Section Affiliates for an elective position (other than Councilor or Alternate Councilor) of the Local Section. Local Section Affiliates may be appointed as Committee Chairs, if allowed by the bylaws of the Local Section.** (~~1/1/70~~)

**Sec. 2.**

a. No person who is not a member of the AMERICAN CHEMICAL SOCIETY shall become a member of any Division; but Divisions may provide in their bylaws to have Division Affiliates, not members of the SOCIETY, who shall be entitled to all the

privileges of membership in the Division, as provided in the Division bylaws, except that of holding an elective position of the Division, or voting on Articles of Incorporation and bylaws for the Division, or serving as a **voting** member of its Executive Committee or equivalent policymaking body, or voting for Councilor(s) or Alternate Councilor(s) from the Division. In their bylaws, Divisions may either provide or withhold the privilege of voting by Division Affiliates for an elective position (other than Councilor or Alternate Councilor) of the Division. **Division Affiliates may be appointed as Committee Chairs, if allowed by the bylaws of the Division.** (6/14/81)

**Sec. 3.**

b. Society Affiliates shall have the following privileges: (11/2/02)

...

(3) Society Affiliates shall be assigned to an appropriate Local Section in the same manner as members as provided in the Constitution and elsewhere in these Bylaws. Society Affiliates may be assessed Local Section dues in the amount specified for Society Affiliates by the bylaws of that Section. In Local Sections, Society Affiliates may be appointed as Committee Chairs, if allowed by the bylaws of the Local Section but may not ~~vote for or~~ hold an elective position of the Local Section, vote on Articles of Incorporation and bylaws of the Local Section, or serve as a voting member of its Executive Committee or equivalent policy-making body. **In their bylaws, Local Section may either provide or withhold the privilege of voting by Society Affiliates for an elective position (other than Councilor or Alternate Councilor) of the Local Section.** (4/1/09)

(4) Society Affiliates may become Society Affiliates of any Division unless specifically prohibited by the bylaws of the Division and shall be subject to such dues as are specified by the bylaws of that Division for Society Affiliates. In Divisions, Society Affiliates may be appointed as Committee Chairs, if allowed by the bylaws of the Division, but may not ~~vote for or~~ hold an elective position of the Division, vote on Articles of Incorporation and bylaws of the Division, or serve as a voting member of its Executive Committee or equivalent policy-making body. **In their bylaws, Divisions may either provide or withhold the privilege of voting by Society Affiliates for an elective position (other than Councilor or Alternate Councilor) of the Division.** (11/2/02)

**Explanation**

BYLAW II, Secs. 1 and 2 specify the rights of Local Section Affiliates and Division Affiliates; however, we think that Local Section Affiliates and Division Affiliates should be allowed to be nonvoting members of the Executive Committee (or equivalent policymaking body), and to be appointed as Committee Chairs, if allowed in the bylaws of the Local Section or Division. Society Affiliates should also have the right to vote in Local Section and Division elections, except for Councilors and Alternate Councilors, if so decided by each Local Section and Division and if included in their bylaws. These changes would align the voting and participation rights within Local Sections and Divisions for Society Affiliates of a Division, Local Section

Affiliates, and Division Affiliates. This would not change the rights of Society Affiliates as stated elsewhere in the ACS Governing Documents.

Signed:

Dr. Joe D. Allison	Dr. Tracy Hamilton	Dr. Jason Ritchie
Dr. Michael Appell	Dr. Barbara Hillery	Dr. Silvia Ronco
Dr. Roger Bartholomew	Ms. Fran Kravitz	Dr. Martin Rudd
Mr. Rodney M. Bennett	Mr. John M. Long	Dr. L. Kraig Steffen
Dr. Mitchel R.M. Bruce	Dr. Kathryn Louie	Dr. Maria Santore
Dr. Charles E. Cannon	Dr. Mary Ann Meador	Dr. Julianne Smist
Dr. Roger A. Egolf	Dr. Robert B. Moore	Dr. James M. Takacs
Dr. Mark D. Frishberg	Dr. Mary Virginia Orna	Dr. Jeanette M. Van Emon

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

**\*Committee having primary substantive responsibility**

### **PRELIMINARY STATEMENT OF FINANCIAL IMPACT**

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### **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 aligning the rights within Local Sections and Divisions for Society Affiliates of a Division or Local Section, Local Section Affiliates, and Division Affiliates, provided these are left up to the individual Divisions or Local Sections as stated in their bylaws.

Since the bylaws of Local Sections and Divisions may either provide or withhold the privilege of voting by affiliates, C&B finds that the changes are acceptable.

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 Committee on Membership Affairs, which has primary substantive responsibility for the petition. Comments and suggestions may be sent to [bylaws@acs.org](mailto:bylaws@acs.org).

Dr. James C. Carver  
Chair

# The Chemical Professional's Code of Conduct

The American Chemical Society expects its members to adhere to the highest ethical and safety standards. Indeed, the Federal Charter of the Society (1937) explicitly lists among its objectives **"the improvement of the qualifications and usefulness of chemists through high standards of professional ethics, education and attainments..."** The chemical professional has obligations to the public, to colleagues, and to science.

"The Chemist's Creed," was approved by the ACS Council in 1965. The principles of The Chemist's Code of Conduct were prepared by the Council Committee on Professional Relations, approved by the Council (March 16, 1994), and replaced "The Chemist's Creed". They were adopted by the Board of Directors (June 3, 1994) for the guidance of Society members in various professional dealings, especially those involving conflicts of interest. The Chemist's Code of Conduct was updated and replaced by The Chemical Professional's Code of Conduct to better reflect the changing times and current trends of the Society in 2007. This revision incorporates minor changes and was approved by Council on March 28, 2012 and adopted by the Board of Directors on June 1, 2012.

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## Chemical Professionals Acknowledge Their Responsibilities

### To the Public

Chemical professionals should actively be concerned with the health and safety of co-workers, consumers and the community. ~~have a responsibility to serve the public interest and safety and to further advance the knowledge of science.~~ They have a responsibility to serve the public interest and safety and to further advance the knowledge of science. ~~should actively be concerned with the health and safety of co-workers, consumers and the community.~~ Public comments on scientific matters should be made with care and accuracy, without unsubstantiated, exaggerated, or premature statements.

### To the Science of Chemistry

Chemical professionals should seek to advance chemical science, understand the limitations of their knowledge, and respect the truth. They should ensure that their scientific contributions, and those of their collaborators, are thorough, accurate, and unbiased in design, implementation, and presentation.

### To the Profession



33 Chemical professionals should strive to remain current with developments in their field, share  
34 ideas and information, keep accurate and complete laboratory records, maintain integrity in all  
35 conduct and publications, and give due credit to the contributions of others. Conflicts of interest  
36 and scientific misconduct, such as fabrication, falsification, and plagiarism, are incompatible  
37 with this Code.

### 38 **To Their Employer**

39 Chemical professionals should promote and protect the legitimate interests of their employers,  
40 perform work honestly, competently, comply with safety policies and procedures, fulfill  
41 obligations, and safeguard proprietary and confidential business information.

### 42 **To Their Employees or Subordinates**

43 Chemical professionals, as employers and managers, should respect the professionalism of their  
44 subordinates, and have concern for their well-being, without bias. Employers should provide  
45 them with a safe, congenial working environment, fair compensation, opportunities for  
46 advancement, and properly acknowledge their scientific contributions.

### 47 **To Students**

48 Chemical professionals should regard the tutelage of students as a trust conferred by society. ~~For~~  
49 ~~the promotion of the~~ They should promote students' learning, professional development,  
50 learning, and safety, ~~and treat each~~ Each student should be treated fairly, respectfully, and  
51 without exploitation.

### 52 **To Colleagues**

53 Chemical professionals should treat *colleagues* with respect, encourage them, learn with them,  
54 share ideas honestly, and give credit for their contributions. Chemical professionals should  
55 carefully avoid any bias based on race, gender, age, religion, ethnicity, nationality, sexual  
56 orientation, gender expression, gender identity, presence of disabilities, educational background,  
57 or other personal attributes. They should show consistent respect to colleagues, regardless of the  
58 level of their formal education and whether they are from industry, government or academia, or  
59 other scientific and engineering disciplines.

### 60 **To Their Clients**

61 Chemical professionals should serve clients faithfully and incorruptibly, respect confidentiality,  
62 advise honestly, and charge fairly.

### 63 **To the Environment**

64 Chemical professionals should strive to do their work in ways that are safe for ~~both~~ the  
65 environment. ~~and for the health of all who may be affected.~~ They have a responsibility to  
66 understand the total health, safety and environmental impacts of their work, to recognize the

67 constraints of limited resources, and to develop sustainable products and processes that protect  
68 the health, safety, and prosperity of future generations.

69 **To Temporary Employees**

70 Chemical professionals should establish clear job descriptions, scope of work, terms of contract,  
71 and appropriate compensation prior to start of work by contractors, interns, or consultants. They  
72 are also responsible for communicating safety concerns and providing necessary training  
73 associated with expected work.

74 For more information about the Department of Career and Professional Advancement Services,  
75 Please please see our Contacts List.