



APPROVED AS AMENDED*

by the Committee on Constitution and Bylaws, acting for the Council of the American Chemical Society, under the authority of the ACS Governing Documents.

John Lewis
Secretary of the Council

***BYLAWS OF THE
WESTERN CAROLINAS SECTION
OF THE
AMERICAN CHEMICAL SOCIETY**

**BYLAW I
Name**

This organization shall be known as the Western Carolinas Section, hereinafter referred to as the "Section", of the AMERICAN CHEMICAL SOCIETY, hereinafter referred to as the "SOCIETY."

**BYLAW II
Objects**

The objects of the Section are those of the SOCIETY, and the stimulation of the professional interest and promotion of the well-being of its members.

**BYLAW III
Territory and Headquarters**

The territory of the Section shall be that assigned to it by the SOCIETY.

**BYLAW IV
Members and Affiliates**

Section 1. The rolls of the Section shall include those MEMBERS, STUDENT MEMBERS, and Society Affiliates of the SOCIETY residing within the territory of the Section, provided that exceptions to this rule shall be made in conformity with the Constitution and Bylaws of the SOCIETY.

*Effective April 29, 2011. Approved, as amended, by the Committee on Constitution and Bylaws, acting for the Council of the AMERICAN CHEMICAL SOCIETY. (C&B: bylaws@acs.org; www.acs.org/bulletin5)

Section 2. The Section may have Local Section Affiliates as authorized in the Constitution and Bylaws of the SOCIETY.

Section 3. MEMBERS, STUDENT MEMBERS, Society Affiliates, and Local Section Affiliates shall have such rights and privileges as are accorded them by the Constitution and Bylaws of the SOCIETY. STUDENT MEMBERS may not hold elective positions or serve as Temporary Substitute Councilors. Society Affiliates and Local Section Affiliates may not vote for or hold an elective position, vote on Articles of Incorporation and bylaws, or serve as a member of the Executive Committee. Society Affiliates may be appointed as Committee Chairs.

BYLAW V Organization

Section 1. The officers of the Section shall be a Chair, Chair-Elect, Immediate Past Chair, Secretary, and Treasurer. The last two offices may be combined.

Section 2. The Section shall have Councilors and Alternate Councilors as provided in the Constitution and Bylaws of the SOCIETY.

Section 3. The Executive Committee shall consist of the officers of the Section, the Councilors, the Alternate Councilors, the chairs of the standing committees, the Editor of the Section newsletter, and the Web Master for the Section Website.

Section 4. All officers, Councilors, Alternate Councilors, and other persons elected by the members shall be chosen from the MEMBERS.

BYLAW VI Manner of Election and Terms of Office

Section 1. The Chair, Chair-Elect, and Immediate Past Chair of the Section shall serve for terms of one year each, beginning on January 1, or until their successors qualify. Upon completion of the Chair's term of office, the Chair-Elect shall succeed to the office of Chair and the Chair shall succeed to the office of Immediate Past Chair. The Secretary and Treasurer of the Section shall serve for staggered terms of three years each, beginning on January 1, or until their successors qualify. The initial term for Secretary shall be for two years. In subsequent elections, the year of election of the Secretary shall precede the year of election of the Treasurer by one year.

Section 2. Councilors and Alternate Councilors shall serve for a term of three years beginning on January 1. Terms of Councilors and Alternate Councilors will be staggered so as to provide rotation.

Section 3. In the event of a vacancy in the office of Chair, the Chair-Elect shall assume the added duties of the Chair for the unexpired term. In the event the office of Chair-Elect is filled by such interim appointment, the Section shall elect a MEMBER to fill both a Chair and a Chair-Elect at its annual election. All other vacancies shall be filled by the Executive Committee by interim

appointment for the period up to the next defined term of office. Nominations for any vacancy shall be in accordance with the bylaws pertaining to nominations for the office concerned.

Section 4. Any vacancy in the position of Councilor or Alternate Councilor shall be filled for the remainder of the unexpired term at the time of the next annual election. The vacancy may be filled until the next annual election by appointment by the Executive Committee.

Section 5. The members of the Nominations Committee, comprising no fewer than three members of the Section, will nominate one or more nominees each for the offices of Chair-Elect, and, at appropriate intervals, Secretary, Treasurer, Councilor, and Alternate Councilor.

Section 6. The names of the nominees will be presented to the membership at the September meeting, at which time additional nominations may also be made from the floor or by submission to the Secretary. To be valid, such nominations must be endorsed by at least four members. Nominations must be sent to the Secretary within two weeks following the September meeting.

Section 7. The consent of each nominee must be obtained prior to his or her name appearing on the ballot.

Section 8. The offices of Chair and Chair-Elect shall alternate between North Carolina and South Carolina, with one from each state, if possible.

Section 9. The Secretary shall distribute a ballot bearing the names of all those duly nominated for each office, and this ballot shall appear in the Section's Newsletter. Members shall receive this ballot at least three weeks prior to the November meeting. In the event that the incumbent Secretary is standing for re-election, all ballots shall be mailed or handed to the Treasurer. In accordance with the SOCIETY's Bylaws, balloting procedures should ensure fair balloting that is open to all eligible members, protection against fraudulent balloting, and the timely reporting and archiving of balloting results.

Section 10. At least three members shall be appointed by the Chair to serve as Tellers.

Section 11. The Secretary or, in his or her absence, a Councilor shall have the responsibility of checking all ballots cast against a roll of eligible voters. In the event that the incumbent Secretary is standing for re-election, voter eligibility shall be verified by the Treasurer, or in his or her absence, a Councilor who is not standing for re-election.

Section 12. Officers, Councilors, and Alternate Councilors shall be elected by a plurality of the votes cast for each office.

Section 13. In case of a tie vote for any officer, Councilor, or Alternate Councilor, the Executive Committee shall make the final selection.

BYLAW VII
Duties of Officers and Executive Committee

Section 1. The duties of the officers shall be those customarily performed by such officers, together with those responsibilities prescribed by the Constitution and Bylaws of the SOCIETY and by these bylaws and such other duties as may be assigned from time to time by the Executive Committee.

Section 2. The Chair of the Section shall serve as Chair of the Executive Committee and, except as provided elsewhere in these bylaws, shall appoint all committees and committee chairs authorized in these bylaws or by the Executive Committee. The Chair shall also appoint members to special short-term task forces established by the Executive Committee.

Section 3. The Executive Committee shall be the governing body of the Section, and as such, shall have full power to conduct, manage, and direct the business and affairs of the Section in accordance with the Constitution and Bylaws of the SOCIETY and these bylaws.

Section 4. The Chair-Elect of the Section shall appoint a committee of no fewer than three members of the Section whose duty shall be to examine the financial transactions of the Section for the fiscal year immediately preceding the date at which the Chair-Elect shall assume the office of Chair. The report of this committee shall be presented to the membership for approval at the first regular meeting following the end of the fiscal period.

Section 5. The Secretary shall keep a record of the proceedings of the Section and of the Executive Committee, and maintain a list of members, Society Affiliates, and Local Section Affiliates of the Section. The Secretary shall serve as Chair of the Operations Manual Committee and oversee the production and biannual update of the Section's Operations Manual. The Secretary shall carry out the duties of that position as outlined in the Constitution and Bylaws of the SOCIETY and elsewhere in these bylaws.

Section 6. The Treasurer shall have charge of the funds of the Section, keep an accurate record of all receipts and disbursements, receive dues, and pay all reasonable and customary expenses based on an approved Section budget or given approval by the Executive Committee. The Treasurer shall serve as Chair of the Finance Committee, render an account of all transactions and of the financial condition of the Section to the Executive Committee at times set by the Committee, and shall submit such reports as are required by the Constitution and Bylaws of the SOCIETY. The Treasurer shall furnish to the Section such bond as may be required by the Executive Committee to guarantee the faithful performance of the above duties, the expense of the bond to be borne by the Section.

BYLAW VIII

Recall of Elected Officials

Section 1. The elected officials of the Section (officers or elected Executive Committee members) are subject to recall for neglect of duties or conduct injurious to the SOCIETY. Recall procedures are not applicable to Councilors and Alternate Councilors elected by Local Sections.

Section 2. The recall of an official shall be initiated when a signed petition indicating in writing the specific charges and reasonable substantiating evidence, is submitted to the Chair from at

least 15 voting members of the Section. In the event the Chair is the official in question, the Chair-Elect shall receive the petition and shall assume the duties of the office of Chair with respect to this issue until the issue is resolved.

Section 3. The Chair shall without delay determine that the petitioners are aware of the gravity of their actions and the procedures to be followed. The Chair shall seek an alternate resolution to the problem and a withdrawal of the petition at this time. In the absence of a resolution to the problem, the Chair shall present the issue to the Executive Committee as a new business item at the next Executive Committee meeting.

- a. The Executive Committee shall promptly continue the recall process or dismiss the petition as ill-founded or find an alternative solution to the problem. The Chair shall promptly inform the petitioners and the official of the decision of the Executive Committee.
- b. If the proceedings continue, the Chair shall assign the duties of the official to another qualified member of the Section until the issue is resolved.
- c. If the proceedings continue, the official shall be offered an opportunity to answer the allegations in the petition before the Executive Committee. Every reasonable effort shall be made to contact the official throughout this procedure. That effort shall include a certified letter to the last known address on the official SOCIETY membership rolls. Upon notification, the official shall have thirty days to make a written response to the allegations. The Executive Committee shall decide whether to proceed after studying the official's response. The Chair shall inform the official and the petitioners of the decision of the Executive Committee. If no contact with the official can be made after a reasonable effort, the Executive Committee may remove the official in question with a two-thirds (2/3) vote of the remaining members of the Executive Committee.
- d. If proceedings continue, the official shall choose one of the following options.
 - (1) The official may resign.
 - (2) The official may request a recall vote in the same manner as the original election, which must be consistent with the Section bylaws. The voting membership shall be informed, through brief written statements prepared by the Executive Committee and official, of the issues involved with the recall vote. Both statements shall be given to the voting membership before the vote is taken.
 - (3) The official may request a hearing and a recall vote by the remaining members of the Executive Committee. A two-thirds (2/3) vote of the remaining members of the Executive Committee shall be required to recall the official.
 - (4) The official may choose not to respond and thus forfeit the position.

Section 4. The vacancy provisions of these bylaws shall be used to fill a vacancy caused by a recall process. The membership of the Section and the Executive Director of the SOCIETY shall be informed of the results of the recall process and the replacement of the official.

BYLAW IX Committees

Section 1. Standing committees may include, but are not limited to, Awards, Bylaws, Career Planning, Education and Safety, Government Relations, High School, Long Range Planning, Membership and Member Activities, Minority Affairs, National Chemistry Olympiad, National Chemistry Week, Nominations, Program and Arrangements, Operations Manual, Public Relations, and Finance. The officers of the Section shall review the list and membership of standing committees in September of each year. Recommended changes in committee structure and composition shall be placed on the agenda for the October Executive Committee meeting.

Section 2. The Nominations Committee shall be chaired by the Immediate Past Chair, the Program and Arrangements Committee by the Chair-Elect, the Operations Manual Committee by the Secretary, and the Finance Committee by the Treasurer.

Section 3. Other committees may be formed at any time by the Executive Committee, with members appointed by the Chair of the Section. Standing committee status must await review in the following September and approval in October by the Executive Committee. Chairs of newly formed committees shall not become members of the Executive Committee until the committee has been approved as a standing committee. Task forces with specific charges and time limits may also be appointed as deemed desirable by the Chair of the Section. Chairs of task forces do not become members of the Executive Committee.

BYLAW X Meetings

Section 1. The Section shall have at least seven meetings of the Section each year, to include a meeting each November, designated as the Annual Meeting of the Section.

Section 2. The Section may hold special meetings at the call of the Executive Committee. Notice of a special meeting must be distributed to all members of the Section and state the exact nature of the business to be transacted, and no other business shall transpire.

Section 3. Each member and affiliate of the Section shall be sent notice of all meetings of the Section at least two weeks prior to the meeting. There shall be no required number of members present to constitute a quorum for transaction of business.

Section 4. The rules of order in the conduct of the Section meetings shall follow *Robert's Rules of Order Newly Revised*. The Immediate Past Chair is responsible for serving as parliamentarian.

Section 5. The Executive Committee shall meet upon notice by the Chair upon request of a majority of the members of the Executive Committee. Such notice by either the Chair or a majority of the members of the Executive Committee must be given at least two weeks prior to the time of the called meeting. In the absence of a quorum, which shall be five elected members of the Executive Committee, called meetings of the Executive Committee shall adjourn to a specified future date.

BYLAW XI **Finances**

The annual dues of Local Section Affiliates shall be set by the Executive Committee but shall not be less than the minimum amount provided in the Bylaws of the SOCIETY.

BYLAW XII **Amendments**

Section 1. Proposed amendment(s) shall be submitted to the Executive Committee by at least five members, or shall be raised by the Executive Committee. Once proposed changes to the bylaws have been fully discussed and given initial approval by a majority of the Executive Committee, a preliminary review by the SOCIETY's Council Committee on Constitution and Bylaws shall be requested. When that review is completed, approval of the members of the Section is required. The Secretary, together with the Section's Newsletter Editor and the Section Web Master, shall ensure that all members of the Section have access to copies of the current bylaws and proposed changes, together with the rationale for proposed changes.

After at least three weeks has elapsed between notification of the proposed changes and the next regularly scheduled meeting, members will have the opportunity to vote at that meeting of the Section. Members will also have opportunity to vote at the next regularly scheduled meeting. Ballots must be submitted in the manner described in these bylaws for election of officers. Counting of the ballots shall also follow the procedure as described for the election of officers. The amendment will be adopted by approval of the majority of the votes cast.

Section 2. Amendments shall become effective upon approval of the Committee on Constitution and Bylaws, acting for the Council of the SOCIETY, unless a later date is specified.

BYLAW XIII **Dissolution**

Upon the dissolution of the Section, any assets of the Section remaining thereafter shall be conveyed to such organization then existent, within or without the territory of the Local Section, as is dedicated to the perpetuation of objects similar to those of the AMERICAN CHEMICAL SOCIETY, or to the AMERICAN CHEMICAL SOCIETY, so long as whichever organization is selected by the governing body of the Section at the time of dissolution shall be exempt under Section 501(c)(3) of the Internal Revenue Code of 1954 as amended or under such successor provision of the Code as may be in effect at the time of the Section's dissolution.