

By-laws of the
UNITED STATES NATIONAL DIVISION
OF THE AMERICAN CRYSTALLOGRAPHIC ASSOCIATION
(formation date, 2020)

ARTICLE I: Name and Office

Section 1.

The name of the organization shall be United States National Division of the American Crystallographic Association, which is referred to herein by the acronym “USND”.

Section 2.

The American Crystallographic Association, the International Union of Crystallography, and the US National Committee for Crystallography, which are each separate entities from the USND, will be respectively referred to herein as the “ACA”, the “IUCr”, and the “USNC/Cr”.

Section 3.

The principal office of the ACA shall also be the principal office of the USND. All critical communications directed to the USND shall be addressed to that principal office.

ARTICLE II: Purpose

Section 1.

Like the ACA, the USND exists to promote the study of the arrangement of atoms in matter, its causes, its nature and its consequences such as structure/function relationships, and of the tools and methods used in such studies.

ARTICLE III: Relationship to the ACA

Section 1.

The USND is a National Division of the ACA, as defined and approved in Rule IV Section 1 of the separate by-laws of the ACA, specifically the National Division representing the United States of America. Each member of the ACA whose current primary residence or employment/matriculation affiliation is in the United States of America is automatically a member of the USND. There is no other mechanism for becoming a member of the USND.

Section 2.

USND members shall receive all benefits and services associated with ACA membership. No additional dues are required for USND membership beyond those required for ACA membership.

Section 3.

No officer, member, or committee of the USND shall take action involving the ACA’s funds or prestige, nor use the ACA’s name to solicit funds, nor commit the membership or officers of the ACA to a course of action, without the prior approval of the ACA Council.

Section 4.

The USND President will represent the USND as a voting member of the ACA Council. The USND President must be among those appointed by the ACA to serve as ex-officio voting members of the USNC/Cr.

Section 5.

Concurrently with any ACA elections held during the same year, the officers of the ACA will administer the balloting process for the elections of USND officers for approving amendments to these by-laws, and for conducting any other USND business transactions that require a vote of the whole USND membership. This will be done in accordance with the separate ACA by-laws and in adherence to the ACA ballot procedures in effect at the time of the election, except that votes for USND officers shall only be solicited from USND members, and as required by Article V Section 3, Article VII Section 2, and Article IX Section 1 of these by-laws.

Section 6.

Aside from the obligations explicitly stated herein, no other obligations of the USND to the ACA or of the ACA to the USND can be assumed.

ARTICLE IV: Relationship to the IUCr and the USNC/Cr

Section 1.

At the time of formation, the USND has no defined relationship with the IUCr, and all subsequent sections of this article (below) are inactive and have no effect. If, at some future time, the IUCr shall select the USND to be the adhering body for the United States of America, the subsequent sections of this article will become effective immediately and automatically without the need for a vote by the USND membership.

Section 2.

In accordance with the statutes of the IUCr (Statute 3), the USND is an adhering body of the IUCr, specifically the adhering body of the United States of America.

Section 3.

In accordance with the statutes of the IUCr (Statute 3.3), the USND designates the USNC/Cr as its national committee. The USNC/Cr, a pre-existing and separate entity with a long history of serving past US adhering bodies to the IUCr, shall amend its bylaws to become a subsidiary organization of the USND. As required by Article III Section 4, the USND President already serves as an *ex officio* voting member of the USNC/Cr.

Section 4.

On behalf of the USND President, the USNC/Cr shall fulfill the following functions:

- a) Inform the USND membership and other crystallographers in the United States concerning the activities of the IUCr.
- b) In consonance with the objectives of the IUCr, plan and sponsor scientific meetings in the United States, and when appropriate, cooperate with other IUCr member countries in the planning of IUCr congresses and other important international meetings that promote crystallographic science.
- c) Work with the IUCr to establish the USND's adherence category, which determines the magnitude of the dues and the number of US delegates who can vote in the IUCr General Assembly in accordance with IUCr Statutes 3.6, 5.5, and 9.4. Because a change in adherence category must be approved by the IUCr General Assembly at a triennial congress, it is a three-year decision.
- d) Ensure the annual payment of IUCr dues in accordance with IUCr Statutes 3.3 and 10.2.
- e) Nominate candidates who live and work in the United States for service as officers of the IUCr, members and chairs of IUCr commissions, and editors of IUCr journals (in accordance with IUCr By-law 2.2).

- f) Select individuals who live and work in the United States as delegates to General Assemblies of the IUCr, in accordance with IUCr Statutes 5.5-5.7. The delegation is led by the USNC/Cr chair and remaining delegates are selected to match the number of votes dictated by the USND adherence category, with one or two alternate delegates also identified. The total number of nominees must be no less than the number of delegates to be selected. A call for nominations for the delegation should be distributed to the USND membership no later than March 1st in an IUCr Congress year. Additional nominations, if needed, shall come from members of the USNC/Cr. The final slate of delegates and alternates shall be determined by electronic ballot from USND members.
- g) Support the US delegation to the IUCr General Assembly by providing information and guidance, and when resources are deemed sufficient, by defraying the cost of travel and meeting registration.
- h) Perform such other duties as are required or requested of national committees of adhering countries under the statutes of the IUCr.
- i) Advocate for the benefit and advancement of the science of crystallography in the United States and throughout the world.

Section 5.

The USND may terminate their adherence to the IUCr by amendment to these by-laws. In such an event, the relationship with the USNC/Cr and all responsibilities and authorities granted to the USNC/Cr by these by-laws shall also be terminated effective immediately.

ARTICLE V: Election of Officers

Section 1.

The officers of the USND shall be a President and Secretary/Treasurer. These two officers shall have general charge of the affairs of the USND. The two offices cannot both be held by the same individual at the same time. A USND officer may not simultaneously serve as the President of the ACA or as an elected member of the USNC/Cr.

Section 2.

Officers shall serve three-year terms, and shall not be eligible for reelection to a second contiguous term though they are not prevented from standing for election in a later term (beyond the subsequent term). A new President shall begin their term of office on January 1st in the year following the election. A new Secretary/Treasurer shall be elected in the year prior to the election of a new President, and shall begin their term at the beginning of the USND's next financial year.

Section 3.

The balloting process for the election of USND officers will be as described in Article III Section 5 of these by-laws.

Section 4.

In the event that the Secretary/Treasurer is unable to continue to fulfill their duties, the President shall promptly appoint an interim Secretary/Treasurer from amongst the membership of the USND to complete the remainder of the unexpired term of office. In the event that the USND President is unable to continue to fulfill their duties, the governing council of the ACA shall promptly appoint an interim USND President from amongst the membership of the USND to complete the remainder of the unexpired term of office. If the Secretary/Treasurer is elected as President or appointed as interim President, the new interim President must in turn appoint an interim Secretary/Treasurer. An interim officer has all of the same responsibilities and authorities as a duly elected officer.

Section 5.

For the election of any USND officer, there must be at least two names on the ballot. Nominees shall be secured by a nominating committee, which will include the current USND officers and one other USND member whom they appoint by a unanimous decision. This nominating committee is encouraged to solicit and consider recommendations from the USNC/Cr. Additional nominations received by the nominating committee, and supported by a petition signed by at least five USND members, will also be on the ballot. In the year prior to an officer election, the USND President shall constitute the nominating committee early enough to ensure that a Call for Nominations is distributed to the USND membership at least four months prior to the ballot preparation deadline. In the year of the election, the nominating committee shall, as a courtesy, convey all nominations (both theirs and any others) to the ACA President at least one month prior to the ballot-preparation deadline.

Section 6.

Upon formation, the initial officers of the USND will be appointed by the ACA Council, and will serve until new officers can be duly elected in next election cycle administered by the ACA, which must include a Call for Nominations. These initial USND officers shall both be eligible to stand for election for either office (President or Secretary/Treasurer) in the first USND election.

ARTICLE VI: Duties of Officers

Section 1.

The President shall

- (a) have general administrative charge of the affairs of the USND.
- (b) organize and preside over all meetings of the USND.
- (c) supply information to be reported at ACA business meetings with the permission of ACA officers
- (d) be a member, ex-officio, of all USND committees.
- (e) represent the USND as a voting member of ACA Council.
- (f) represent the USND as a voting ex-officio member of the USNC/Cr.
- (g) have such other duties as are specifically enumerated in these by-laws of the USND.

Section 2.

The Secretary/Treasurer shall

- (a) keep minutes at all USND meetings; present meeting minutes to the President for review within one week of any meeting.
- (b) work with staff of the ACA to review USND membership statistics annually.
- (c) promptly attend to any critical correspondence of the USND.
- (d) maintain a working knowledge of all fiscal affairs and commitments of the USND, including timely reviews of the monthly or quarterly reports of any accounts, assets, or liabilities; share summaries of this information with the President at USND leadership meetings.
- (e) ensure that the USND complies with any applicable state and federal financial regulations.
- (f) prepare a report on USND membership and finances for the annual USND business meeting, even if the USND has no accounts, assets, or liabilities.
- (g) attend meetings of the AIP Committee of Society Treasurers as needed.

ARTICLE VII: Meetings

Section 1.

A meeting of the USND general membership for the transaction of business shall be referred to herein as a USND business meeting. A meeting of the USND officers shall be referred to herein as a USND leadership meeting.

Section 2.

All business transactions that must be referred to the whole membership, including the election of officers and any amendments to these by-laws, shall be decided by formal ballot at a meeting that is called for this purpose by an announcement and accompanying ballot-and-proxy form mailed to all USND members prior to that meeting. The balloting process for USND business transactions will be as described in Article III Section 5 of these by-laws.

Section 3.

A USND business meeting shall be held at least once a year in conjunction with the annual scientific meeting of the ACA. Any other USND business meetings will be limited to the business specified in the proxy that shall have been mailed to all members prior to that meeting.

Section 4.

At USND business meetings, a quorum shall consist of 20 members, present in person or represented by proxy. Though others may be present and participate in discussion, only USND members may vote on USND business.

Section 5.

Matters that do not need to be referred to the whole membership shall be decided by the officers by unanimous agreement. The officers shall convene USND leadership meetings at least once each year, either in person, or remotely, to review the state and activities of the USND. These meetings might be conducted in conjunction with an ACA Council meeting.

Article VIII: Committees

Section 1.

Standing Committees handle USND functions of a more permanent nature. At the time of its formation, the USND has no standing committees. Standing committees, and rules for their election and operation, can be created at a future time by amending these by-laws.

Section 2.

All committees whose functions are of a more time-limited nature shall be classified as Temporary Committees and shall be appointed by the President. The nominating committee for the election of an officer is an example of a temporary committee. Any such committee shall be dissolved immediately following its final report at a USND business meeting, or at the end of the calendar year in which it is appointed, whichever is sooner, unless a different term is specified at the time of the appointment.

ARTICLE IX: Amendments

Section 1.

An amendment to or an annulment of the whole or any part of these by-laws may be formally proposed by any member at a duly announced USND business meeting, at which meeting it will be discussed and voted on. If approved by a majority of those members present at the meeting, the amendment or annulment shall next be discussed by the ACA Council at one of its regular meetings, and either approved or rejected. For this reason, it would be prudent to solicit the ACA Council's feedback several months in

advance of the business meeting. If the proposal is approved by the ACA Council, it will then be presented to the whole USND membership for a vote using the balloting procedures described in Article III Section 5 of these by-laws. The amendment or annulment will be adopted if it receives affirmative votes from at least two thirds of those who cast a vote.

ARTICLE X: Incorporation

Section 1.

Upon formation, the USND is not incorporated, and has no assets or liabilities. If future need arises, the officers of the USND may legally incorporate the USND without the need of a vote by the USND membership.

ARTICLE XI: Dissolution

Section 1.

Unless otherwise required by law, in the event of dissolution of the USND, its assets shall be distributed only to a recipient that would qualify as an organization with tax exempt status as described in Section 501 (c)(3) of the United States Internal Revenue Code of 1964, or any amended or successor section thereto.

ARTICLE XII: Procedures not otherwise covered

Section 1.

The Robert's Rules of Order Revised shall govern the USND in all cases to which they are applicable, except as otherwise provided by law, the Certificate of Incorporation (if incorporated), or these by-laws.

***** Excerpts from the ACA By-laws and Rules

Article IV Section 2: “Members resident in any country or group of countries recognized by the Association and the IUCr as forming part of the Region may constitute themselves into a National Division following the procedures given in the Rules. All members resident in a country or group of countries so constituted shall be members of that National Division.”

Article V Section 1: “The officers of the Association ... and one Representative elected by each National Division, shall be members of the Council which shall have general charge of the affairs of the Association.”

Article V Section 2: “All other officers and members of the Council shall take office on January 1 following their election. Representatives of the National Divisions shall each hold office for three years and shall not be eligible for reelection in the following term.”

Article V Section 3: “Nominations for all offices except the Representatives of the National Divisions shall be made by the Nominating Committee ... Nominations for the Representatives of National Divisions may only be made by members of their respective Division ... A Call for Nominations should be placed in the Winter issue of ACA RefleXions. As a courtesy, the names of the nominees should be submitted to Council a month before the slate of candidates is required.”

Article V Section 4: After describing procedure for electing officers, the By-laws state, “The election of Representatives of National Divisions shall follow the same procedures as for the election of officers except that the ballots shall only be solicited from members of the respective National Division.”

RULE IV: National Divisions

Section 1. Areas currently authorized to organize as National Divisions are Canada, Latin America and United States of America.

Section 2. Any other country or group of countries may apply to Council for permission to organize as a National Division. After consideration of the proposal, Council will submit the proposal as an amendment to the Rules.

Section 3. An authorized area may organize as a National Division by adopting by-laws which shall take effect as soon as they are approved by the Council of the Association. In any question of interpretation, the By-laws of the Association shall take precedence over those of the National Division.

Section 4. Each National Division is responsible for nominating and electing a National Division Representative to the Council of the Assn. In addition its activities may include, but are not limited to, organizing meetings of its members.

Section 5. Elections for the officers of a National Division shall occur at the same time as the election of the Association’s officers.

Section 6. No officer or member of a National Division shall take action involving the Association’s funds or prestige, nor use the Association’s name to solicit funds, nor commit the membership or officers of the Assn. to a course of action without the prior approval of the Council.