

NOTICES

PROPOSED MSA CONSTITUTIONAL CHANGES

In response to many complaints from MSA Members and Fellows about the changes in membership categories enacted by ballot last year, President Yoder has appointed an Ad-Hoc Committee on Constitution and By-Laws. The charge given to this committee (S. W. Bailey *chairman*, M. Fleischer, C. Frondel, D. R. Wones, Joan R. Clark *ex officio*, and A. Van Valkenburg, *ex officio*) was to consider again the membership categories, to examine terms of Officers, to insure the tax-exempt status of the Society, and to modernize the documents.

The committee has recommended a new Constitution and By-Laws, which are published below along with the existing documents for comparison. The MSA Council has given provisional approval to the new documents, but has asked the committee to seek expressions of approval or disapproval from the membership. All MSA Members and Fellows are invited to express their views on the proposed changes by writing to S. W. Bailey, Department of Geology and Geophysics, University of Wisconsin, Madison, Wis. 53706. MSA Council will consider the new documents again at its November 1972 meeting, after which any authorized changes will be submitted in ballot form to the membership in early 1973.

Aside from minor wording changes resulting from modernization and that are therefore considered non-controversial, the major proposed changes and reasons therefor are summarized below.

PROPOSED CONSTITUTION

Article III, Section 1. *The officers of the Society . . . must have been members of the Society for five consecutive years preceding nomination.* The intent is to assure that officers have a firm interest in the Society and more-than-passing familiarity with it.

Article III, Sections 4 and 5. These sections have been moved from the present By-Laws, Article III, Sections 2 and 3, to emphasize that the Council is the governing body of the Society.

Article IV, Section 1. *Only Fellows, Members, and Student Members shall be eligible to vote.* This is a return to the situation existing prior to the amendments of 1971.

Article IV, Section 2. *Foreign scientists who are highly distinguished . . .* This minor change from Article IV, Section 4, of the present Constitution formalizes what has always been the custom.

Article IV, Section 5. *Members shall be those persons interested in mineralogy, crystallography, petrology, or related sciences, who are sponsored by two Members or Fellows in good standing, and who have paid the dues established in the By-Laws.* The previous categories of ordinary members (professional mineralogists) and subscribing members (interested non-professionals) are combined. This is a return to the situation existing prior to the amendments of 1971. It is designed to insure a democratic, broadly based membership of varied interests but having equal rights and privileges.

Article IV, Section 6. *Student Members shall be persons interested in mineralogy, crystallography, petrology, or related sciences, who are certified as bona fide students for the current year by a faculty member of their enrollment and who*

have paid the dues established in the By-Laws. They shall enjoy all privileges of membership except that they are ineligible to hold office in the Society. We wish to interest students of all ages and disciplines in the Society and its journal and not to restrict such membership to graduate students in specified fields, as in the present Constitution.

Article V. *Publications*. Placing this material in the Constitution reaffirms that publication is a major purpose of the Society.

Article V, Section 1, is the same as the present By-Laws, Article V, Section 1.

Article V, Section 2. *The Editor . . . shall not serve more than ten consecutive years*. This recommendation by the present Editor is designed both to safeguard the vitality of the position for the Society and to attract prospective future Editors who are not apt to wish a permanent liaison.

Article V, Section 3. This section places the Board of Associate Editors with the publications, rather than in the committees, as in the present By-Laws, Article III, Section 4.

Article V, Sections 4 and 5, are similar to the present By-Laws, Article V, Sections 2 and 3.

Article V, Section 6. This section is new and is designed to safeguard the legal rights of the Society.

Article VI, Section 1. *The Standing Committees of the Society shall be the Financial Advisory Committee, the Committee on Management, and the Nominating Committee for Officers*. This section specifically designates the essential Standing Committees of the Society.

Article VI, Section 2. *The Standing Committees and such other committees as may be necessary shall be appointed by the President subject to approval by a majority of the Council. Each such committee shall report annually to the Council in writing unless otherwise directed*. This section is part of the modernization process. It has been moved from its previous position as a part of Article III in the existing By-Laws.

Article VII. *In the event of the dissolution of the Society, the Council shall convey the assets of the Society only to another scientific organization closely allied to mineralogy, crystallography, or petrology, which shall at that time have tax-exempt status under Section 501 (c) (3) of the Internal Revenue Code of 1954, as amended*. This provision is inserted to insure both the safety of the assets of the Society and the tax-exempt status of the Society. There is no similar Article in the existing document.

Article VIII, Section 1. *Amendments to this Constitution may be formally proposed either by the Council or by any sixty or more members who are eligible to vote. If proposed by members, the amendments shall be submitted to the Secretary for transmission to the Council at least three months in advance of the annual Council meeting and shall be published and distributed to the membership at least one month before the annual Council meeting*. An increase from thirty to sixty signatures is proposed to validate amendment proposals by the membership. This increase is considered in accord with the growth of the membership of the Society to its present figure of approximately 2700 and with the intent inherent in all Constitutions to make amendments reasonably difficult. Early submission of amendments to the Secretary and subsequent publication are designed to inform the membership and obtain its views prior to the annual Council meeting. The Council, as the elected governing body of the Society, should also be able to originate amendments, subject to approval by ballot of the member-

ship. No provision for origin of amendments directly by the Council presently exists.

Article VIII, Section 2. *All proposed amendments shall be placed on a mail ballot the following year for a vote by the membership and shall be published and distributed to the membership at least two months prior to the date of balloting. The Council may authorize two persons to prepare brief statements, not exceeding one page, representing the views of proponents and opponents, to accompany the ballot.* Publication prior to balloting is designed to give the membership ample opportunity for discussion and consideration. Provision for accompanying explanatory statements by the proponents and by Council, if in opposition, is designed to insure fair play for both sides and to allow Council to exercise its judgment to protect the best interests of the Society.

Article IV. *All proceedings of the Society shall be governed by Robert's Rules of Order, Newly Revised, except where inconsistent with the Constitution or By-Laws of this Society.* This addition is part of the modernization process.

PROPOSED BY-LAWS

Article I, Section 1. This section corresponds to the present By-Laws, Article I, Section 3. The dates have been changed because under the new management announced in this issue the bills will be mailed in August instead of in January or later.

Article I, Section 2. The mechanism for making the selection of Fellows in the present By-Laws, Article I, Section 2, and Article IV, Section 2, has been removed. The present Constitution treats Fellowship as an honorary category without special privileges. To be consistent with this philosophy, the special privilege of Fellows to nominate other Fellows should be eliminated.

Article II, Section 2. *Fellows and Members who have reached the age of 70 years, or have reached the official retirement age, provided this is not less than 65 years, of the institution in which they have been serving . . .* The qualifying clause about 65 years of age has been added to the Section 3, Article II of the present By-Laws, to maintain equity, as the official retirement age of many institutions is now less than 70.

Article III, Section 1. *The President, Vice-President, Secretary, Treasurer, and Editor of the Society shall perform those duties assigned by the Council.* This change from the present By-Laws, Article III, Section 1, is intended to be more specific and to emphasize the role of Council.

Article III, Section 2. *Officers, the Editor, and employees of the Society shall be covered by a fidelity bond in an amount determined by the Council.* The safety of the assets of the Society is protected by this addition.

Article IV, Section 1. *Nominations for office shall be made by the Council after consideration of the recommendations made by the Nominating Committee for Officers. These nominations shall be published and distributed to the membership no later than five months before the annual meeting.* This rewording of Section 1 (a), Article IV of the present By-Laws, states what formerly has been the custom and safeguards the right of the members to have ample notice of the slate selected by Council, so that they may make further nominations if desired.

Article VI. *Local sections of the Society may be formed, or dissolved, by the vote of the Council. The affairs of such local sections shall be entirely in their own hands but shall at all times be in compliance with these By-Laws.* This re-

wording of Article VII in the present By-Laws is intended to protect the Society in legal matters.

Article VIII. The clause—*provided, however, that no By-Law shall become effective that is in conflict with the Constitution*—has been added to the Article IX in the present By-Laws. Under the former wording, it was possible to enact a By-Law that was not in accord with the Constitution. This clause covers that contingency.

CONSTITUTION AND BY-LAWS OF THE MINERALOGICAL SOCIETY OF AMERICA

November 1971

Article I. Name

This Society shall be known as the *Mineralogical Society of America*.

Article II. Object

The object of this Society shall be the advancement of mineralogy, crystallography and petrology, and the promotion of their use in other sciences and in industry.

Article III. Officers

Section 1. The Officers of the Society shall be a president, a vice-president, a secretary and a treasurer. These four officers, the retiring president, and six ordinary members or fellows at large shall constitute the council. The president and the vice-president shall each be elected annually for a term of one year. The secretary and the treasurer shall be elected biennially, in alternate years, for terms of two years. The six ordinary members or fellows at large shall be elected two each year for terms of three years each. The secretary and treasurer shall be eligible for election to no more than two terms in either office. The president, the vice-president and the elected councilors shall be limited to one term each.

A vacancy occurring in any office between annual election periods may be filled until the next regularly scheduled election and installation for that office by a past incumbent or by any other ordinary member or fellow, appointed by a two-thirds vote of the Council.

Section 2. The editor shall be appointed by the president annually subject to approval by a two-thirds vote of the entire Council.

Section 3. Ordinary members and fellows are eligible for office.

Section 4. The Council shall be empowered to choose from time to time as honorary officers of the Society persons of eminence in the field of mineralogy who shall serve for life.

Article IV. Membership

Section 1. Membership in one of three classes shall be open to anyone interested in mineralogy, crystallography or petrology, as follows:

- (a) The ordinary membership of the Society shall consist of professional mineralogists.
- (b) Students matriculated for and engaged in obtaining an advanced degree in mineralogy, crystallography, petrology or geochemistry shall be eligible for student membership.

- (c) Interested non-professionals are eligible for subscribing membership. Persons eligible for ordinary membership may also, at their option, elect to be subscribing members.

The general membership shall consist of ordinary members, fellows, honorary fellows and patrons.

Section 2. Persons who are members or fellows as of the date on which this article becomes effective, and ordinary members who may subsequently be further honored, shall retain and enjoy all the rights and privileges of ordinary members.

Section 3. Ordinary members who have contributed significantly to the advancement of mineralogy, crystallography, or petrology, or whose scientific contribution utilized mineralogical studies or data may be designated as fellows on proper accreditation to and election by the Council.

Section 4. Persons who are distinguished for their attainments in mineralogy, crystallography, petrology or allied sciences, may be designated Honorary Fellows by the Council.

Section 5. Persons who have bestowed important favors upon the Society may be designated patrons by the Council.

Section 6. Ordinary members and fellows shall be entitled to vote in the transactions of the regular business of the Society.

Article V. Amendments

Section 1. Amendments to the Constitution may be proposed by thirty (30) or more of the general membership. Proposed amendments shall be submitted to the Council at least two months before the annual meeting.

Section 2. Such amendments shall be placed on the ballot the following year for a vote by the membership.

Section 3. An amendment shall go into effect when favored by two-thirds of the membership voting upon it.

BY-LAWS

Article I. Memberships

Section 1. Membership. Any interested person may make application for membership to the Secretary of the Society on a form obtainable from the business office of the Society. All such forms shall be forwarded by the Secretary to the Membership Committee, which shall determine the category of membership appropriate for each applicant. Applicants or members seeking change of status may appeal successively, via the Secretary of the Society, to the Membership Committee and the Council.

Section 2. Election of Fellows. Nominations for fellowship shall be made by three fellows according to a form to be provided by the secretary. Two of these fellows must be personally acquainted with the nominee and his qualifications. The Council shall submit the nominations received, if approved, to a vote of the fellows in the manner provided by the by-laws. The results shall be announced at the next Council meeting, and those elected shall be notified by the secretary.

Section 3. Termination and Reinstatement of Membership. A fellow or member may withdraw without prejudice on submitting a resignation in writing to

either the Secretary or Treasurer on or before February 1st of the year with which the resignation will be effective provided that he is not in arrears for any previous year(s). A fellow or member who does not indicate his intention to resign by February 1st shall be held liable for dues for the year and subject to removal from the mailing list after April 1st. Membership will terminate at the end of the year.

If a fellow or member has previously resigned without prejudice, he may be reinstated in any subsequent year on payment of dues for the year in which reinstatement is requested. If a fellow or member has had his membership terminated, he may be reinstated on payment of dues for the year in which reinstatement is requested and any outstanding arrearage.

Issues of the *Journal* will be supplied for the year in which a fellow or member is reinstated. Issues for prior years may be purchased at current back issue rates, and payment of outstanding dues may be counted toward the cost of back issues for any one year.

Article II. Dues

Section 1. The annual dues of members and fellows shall be fixed by Council action.

Section 2. No person shall be accepted as a fellow of the Mineralogical Society of America unless he pays dues for the year within three months after notification of his election.

Section 3. Fellows and members who have reached the age of 70 years, or have reached the official retirement age of the institution in which they have been serving, and have paid annual dues for 30 years, shall be exempt from further payment of dues but retain all rights and privileges.

Section 4. A single prepayment of an amount equaling twenty times the annual dues of a fellow of the Society shall be accepted as commutation for life for either fellows or members.

Article III. Duties of Officers

Section 1. Officers. The duties of the president, vice-president, treasurer, secretary, and editor of the Society shall be the usual ones performed by such officers. The treasurer, the secretary, and the editor shall make formal reports to the Society at least once a year. These reports shall be published in the *Journal* of the Society.

Section 2. The Council shall direct all affairs and activities of the Society not otherwise provided for by the Constitution as well as perform those duties specifically assigned to it.

Section 3. The president, secretary, and treasurer shall constitute an executive committee.

Section 4. The president shall appoint, with the approval of the Council, such committees as may further the objects of the Society, including a board of associate editors.

Article IV. Election of Officers and Fellows

Section 1. (a) Nominations for office shall be made by the Council. For councillors there shall be at least twice as many nominees as there are open positions. Any ten (10) fellows or members may forward to the secretary other

nominations for any or all offices. (b) All nominations reaching the secretary not later than three months prior to the annual meeting shall be printed on the ballots to be mailed to the general membership. The results shall be announced at the regular meeting and the new officers shall enter upon duty at the adjournment of the meeting.

Section 2. (a) Nominations for Fellowship will be reviewed by a Fellowship nominating committee of five, one of whom is a member of the Council. It will become the duty of the Fellowship nominating committee to document its reasons for recommending that a nominee be deferred and this information will be available to the Council at the meeting at which the nominee is considered. Each nominee who has received a defer vote will be considered individually by the Council. (b). The list of nominations for fellowship in the Society shall be sent to the fellows at the same times as the nominations for officers. If ten per cent of the fellows voting on a given candidate cast opposing votes, the candidate shall be considered ineligible for fellowship.

Article V. Publications

Section 1. The Society shall publish a journal devoted to the advancement of mineralogy, crystallography, petrology and allied sciences.

Section 2. The general membership of the Society shall receive the *Journal*.

Section 3. Corporations, libraries and institutions may subscribe to the *Journal* at an annual rate to be determined by the Council .

Article VI. Affiliation with Other Scientific Organizations

The Council shall have the authority to arrange for affiliation with other scientific organizations, and, as the occasion may arise, to appoint fellows to represent the Society on the Councils of such organizations.

Article VII. Local Sections

Local sections of the Society may be formed in any locality, with the advice and consent of the Council, for the purpose of holding meetings and promoting cooperation. The affairs of such local sections shall be entirely in their own hands.

Article VIII. Meetings

There shall be an annual meeting of the Society and such other meetings as may be called by the Council. The annual meeting shall be held, whenever practicable, at the same time and place as that of the Geological Society of America.

Article IX. Revision of the By-Laws

Revision of the by-laws shall be by the procedure established for amendments under Article V of the Constitution except that revision of the by-laws shall be enacted by a simple majority of those voting.

PROPOSED CONSTITUTION

Article I. Name

This Society shall be known as the Mineralogical Society of America.

Article II. Object

The object of the Society shall be the advancement of mineralogy, crystallography, and petrology, and the promotion of their use in other sciences and in industry.

Article III. Officers and Council

Section 1. The officers of the Society shall be a President, a Vice-President, a Secretary, and a Treasurer, all of whom must have been members of the Society for five consecutive years preceding nomination. These four officers, the immediate past President, and six Councillors shall constitute the Council. The President and the Vice-President shall each be elected annually for terms of one year. The Secretary and the Treasurer shall be elected biennially, in alternate years, for terms of two years. The six Councillors shall be Fellows or Members elected two each year for terms of three years each. The President, the Vice-President, and the elected Councillors shall be limited to one term in each office. The Secretary and the Treasurer shall be eligible for election to no more than two terms in either office.

Section 2. A vacancy occurring in any office between annual election periods may be filled until the next regularly scheduled election and installation for that office by any eligible member of the Society, appointed by a two-thirds vote of the Council.

Section 3. Fellows and Members shall be eligible for office.

Section 4. The Council shall direct all affairs and activities of the Society.

Section 5. The President, the Secretary, and the Treasurer shall constitute an Executive Committee and shall exercise the powers of the Council during intervals between its meetings, except as limited by the Council.

Section 6. The Council shall be empowered to choose from time to time as honorary officers of the Society persons of eminence in the field of mineralogy who shall serve for life.

Article IV. Membership

Section 1. The general membership of the Society shall consist of Honorary Fellows, Patrons, Fellows, Members, and Student Members. Only Fellows, Members, and Student Members shall be eligible to vote.

Section 2. Foreign scientists who are highly distinguished for their attainments in mineralogy, crystallography, petrology, or allied sciences may be designated Honorary Fellows by the Council.

Section 3. Persons who have bestowed important favors upon the Society may be designated Patrons by the Council.

Section 4. Members who have contributed significantly to the advancement of mineralogy, crystallography, or petrology, or whose scientific contribution utilized mineralogical studies or data, may be designated as Fellows on proper accreditation to and election by the Council.

Section 5. Members shall be those persons interested in mineralogy, crystallography, petrology, or related sciences, who are sponsored by two Members or Fellows in good standing, and who have paid the dues established in the By-Laws.

Section 6. Student Members shall be persons interested in mineralogy, crystallography, petrology, or related sciences, who are certified as bona fide students for the current year by a faculty member of the school of their enrollment and who have paid the dues established in the By-Laws. They shall enjoy all privileges of membership except that they are ineligible to hold office in the Society.

Article V. Publications

Section 1. The Society shall publish a journal, known as The American Mineralogist, devoted to the advancement of mineralogy, crystallography, petrology, and allied sciences.

Section 2. The Editor of the journal shall be appointed by the President annually, subject to approval by a two-thirds vote of the entire Council, but shall not serve more than ten consecutive years.

Section 3. The President shall appoint, with the approval of a majority of the Council, a Board of Associate Editors to consist of at least three Fellows or Members of the Society.

Section 4. The general membership of the Society shall receive the journal without additional charge.

Section 5. Organizations or individuals who wish to receive the journal may subscribe at a rate set by the Council.

Section 6. The Society shall own the copyright for the original and any renewal term for any writing that is published by the Society. The author of any such writing shall have the right to make a nonprofit or noncommercial use of the work provided that he affixes to each copy the copyright notice used by the Society when the writing was first published. The author shall have the right to make or authorize for profit or commercial use of any such writing only after first obtaining the written consent of the Society.

Article VI. Committees

Section 1. The Standing Committees of the Society shall be the Financial Advisory Committee, the Committee on Management, and the Nominating Committee for Officers.

Section 2. The Standing Committees and such other committees as may be necessary shall be appointed by the President subject to approval by a majority of the Council. Each such committee shall report annually to the Council in writing unless otherwise directed.

Article VII. Dissolution

In the event of the dissolution of the Society, the Council shall convey the assets of the Society only to another scientific organization closely allied to mineralogy, crystallography, or petrology, which shall at that time have tax exempt status under Section 501 (c)(3) of the Internal Revenue Code of 1954, as amended.

Article VIII. Amendments

Section 1. Amendments to this Constitution may be formally proposed either by the Council or by any sixty or more members who are eligible to vote. If proposed by members, the amendments shall be submitted to the Secretary for trans-

mission to the Council at least three months in advance of the annual Council meeting and shall be published and distributed to the membership at least one month before the annual Council meeting.

Section 2. All proposed amendments shall be placed on a mail ballot the following year for a vote by the membership and shall be published and distributed to the membership at least two months prior to the date of balloting. The Council may authorize two persons to prepare brief statements, not exceeding one page, representing the views of proponents and opponents, to accompany the ballot.

Section 3. An amendment shall go into effect when approved by two-thirds or more of the membership voting upon it.

Article IX. Rules of Order

All proceedings of the Society shall be governed by Robert's Rules of Order, Newly Revised, except where inconsistent with the Constitution or By-Laws of this Society.

BY-LAWS

Article I. Membership

Section 1. Any member may withdraw without prejudice on submitting a resignation in writing to either the Secretary or the Treasurer on or before January 1 of the year within which the resignation will be effective, provided that the member is not in arrears for any previous year(s). A member who does not indicate his intention to resign by January 1 shall be held liable for dues for the year. Membership may be terminated for nonpayment of dues. If a member has previously resigned without prejudice, he may be reinstated in any subsequent year on payment of dues for the year in which reinstatement is requested. If a member has had his membership terminated, he may be reinstated on payment of dues for the year in which reinstatement is requested plus any outstanding arrearage.

Section 2. Nominations for Fellowship may be made by three members according to a form to be provided by the Secretary. Two of these members must be personally acquainted with the nominee and his qualifications. Completed nominations should be sent to the Secretary.

Article II. Dues

Section 1. The annual dues shall be fixed by Council action.

Section 2. Fellows and Members who have reached the age of seventy years, or have reached the official retirement age, provided this is not less than sixty-five years, of the institution in which they have been serving, and who have paid annual dues for thirty years shall be exempt from further payment of dues but shall retain all rights and privileges of membership.

Section 3. A single prepayment of an amount equaling twenty times the annual dues of a Member of the Society shall be accepted as commutation for life.

Article III. Duties

Section 1. The President, Vice-President, Secretary, Treasurer, and Editor of the Society shall perform those duties assigned by the Council. The Secretary,

the Treasurer, and the Editor shall make formal reports to the Society at least once a year. These reports shall be published and distributed to the members of the Society.

Section 2. Officers, the Editor, and employees of the Society shall be covered by a fidelity bond in an amount determined by the Council.

Article IV. Election of Officers

Section 1. Nominations for office shall be made by the Council after consideration of the recommendations made by the Nominating Committee for Officers. These nominations shall be published and distributed to the membership no later than five months before the annual meeting. For Councillors there shall be at least twice as many nominees as there are open positions. Any ten voting members may forward to the Secretary other nominations for any elective office.

Section 2. All nominations reaching the Secretary not later than three months prior to the annual meeting shall be printed on the ballots to be mailed to the voting membership. The results shall be announced at that meeting, and the new officers shall enter upon duty at the adjournment of the meeting.

Article V. Affiliation with Other Scientific Organizations

The Council shall have the authority to arrange for affiliation with other scientific organizations, and, as the occasion may arise, to appoint members to represent the Society on the Councils of such organizations.

Article VI. Local Sections

Local sections of the Society may be formed, or dissolved, by the vote of the Council. The affairs of such local sections shall be entirely in their own hands but shall at all times be in compliance with these By-Laws.

Article VII. Meetings

There shall be an annual meeting of the Society, and such other meetings as may be called by the Council. The annual meeting shall be held, whenever practicable, at the same time and place as that of the Geological Society of America.

Article VIII. Amendments

Amendments of the By-Laws shall be by the procedure established for amendments under Article VIII of the Constitution, except that amendments of the By-Laws shall be enacted by a simple majority of those voting; provided, however, that no By-Law shall become effective that is in conflict with the Constitution.