

American Library Association Constitution and Bylaws Committee

Report to Council

Annual Conference 2016—Orlando, Florida

1. Recent work by the Constitution and Bylaws Committee

- A. President Sari Feldman appointed a Task Force to review the ALA election process. Immediate Past ALA President Courtney Young chaired this group. The chair of the Constitution and Bylaws Committee was a member. At its June 27 meeting the ALA Executive Board will take up the Task Force’s recommendations for revisions to the election process for ALA-wide offices (president-elect, treasurer, at-large members of the Council). The recommendations revise the deadlines for various steps, particularly publication of slates of candidates and the venue in which those are published. The review process has brought to light discrepancies between governance documents and practices in *American Libraries*. If approved by the Executive Board, some Task Force recommendations have implications for ALA policy and ALA Bylaws.
- B. The Constitution and Bylaws Committee has communicated with the chair of the *American Libraries* Advisory Committee and the editor of *American Libraries*. Between now and the 2017 Midwinter Meeting they will provide, as appropriate, information and recommendations to the Constitution and Bylaws Committee and the Policy Monitoring Committee about how the evolving *American Libraries* (i.e., <https://americanlibrariesmagazine.org/>) can best serve election process expectations.

2. Clarifying one provision of the Bylaws

ALA Bylaws, Article III, Section 1.e currently states:

No person may be nominated for or serve on the Council unless that person is a personal member of the American Library Association; no candidate may accept nomination from more than one group.

There have been rare instances in which a member has submitted a petition to be a candidate for an at-large seat on the ALA Council and in that same year accepted nomination as a Council candidate to represent a division or a round table. In the most recent case, that member won both the at-large election and the division election and chose to represent the division. Another scenario is that a member accepts the Nominating Committee’s invitation to be a candidate for an at-large seat and also accepts nomination as a candidate for a division or round table Council seat.

The Constitution and Bylaws Committee recommends amending the second clause of Article III, Section 1.e by replacing “no candidate may accept nomination from more than one group” with “No candidate may run for more than one Council position at the same election.”

Procedural information on amending the ALA Bylaws:

ALA Constitution, Article XI. Bylaws Amendments and Editorial Changes

Section 1. All proposals for amending the Bylaws shall originate in the Council. A proposed amendment or new bylaw shall become effective when it shall have been approved by a majority of the members of the Council present and voting at a meeting of the Council, followed by ratification by the members of the Association either by a vote by mail of a majority of the members of the Association voting, or by a majority vote of the members present and voting at a membership meeting of the Association. The Council, on approving a proposed amendment, shall specify whether a vote for ratification shall be taken at a membership meeting of the Association or by mail, and if a mail vote is ordered, the Council shall fix the time for the beginning and closing of the balloting. If a vote at a membership meeting is ordered, at least one month's written notice shall be given to the Association of the text of the proposed amendment or new bylaw.

Section 2. The Council, upon recommendation of the Constitution and Bylaws Committee or the Committee on Organization, may make such editorial changes in these bylaws as do not change their substance and meaning. Those changes shall take effect upon such action and shall be referenced in the next ALA Handbook of Organization.

ACTION ITEM #1—Recommendation that Council place an amendment to the ALA Bylaws on the spring 2017 ballot

Resolved, that the following amendment to the ALA Bylaws be presented to the ALA membership on the spring 2017 ballot:

Amend Article III, Section 1.e of the ALA Bylaws to state:

No person may be nominated for or serve on the Council unless that person is a personal member of the American Library Association. No candidate may run for more than one Council position in the same election.

3. What constitutes a “subdivision” of ALA?

At the 2015 Annual Conference the Constitution and Bylaws Committee proposed an amendment to Article X of the ALA Constitution. Article X deals with affiliation of external organizations with ALA as well as with ALA or its subdivisions affiliating with an external organization.

Council referred the proposed amendment back to the Committee for further consideration. As a part of that reconsideration, the Constitution and Bylaws Committee asked the Committee on Organization to develop a definition of “subdivision” to dispel ambiguity in Article X. COO has done this and prepared an action item to Council on Monday, June 27. If approved, it will amend the ALA Policy Manual to include a clear definition of which parts of ALA are subdivisions. COO has concluded that In the ALA Policy Manual, policy A.10.3 (Definition of Affiliate), the word subdivision is clearly equated with divisions/round tables.

If Council approves COO's proposed definition, the Constitution and Bylaws Committee will propose that Council approve a resolution to amend the archaic language of Article X of the constitution. The proposed amendment will not change the sense of Article X; rather it will restate that sense in clear, contemporary language.

A background document has been posted on the Council Connect site. It recounts the findings of the research by the ALA library staff, the Committee on Organization, and the Constitution and Bylaws

Committee. The document traces this history of Article X from 1907 through 1960, when Article X took its current form.

4. Updating Archaic Language in Article X of the ALA Constitution

Article X deals with the circumstances under which organizations can become affiliates of ALA and under which subdivisions of ALA can, with Council's approval, become affiliates of national and international organizations.

Article X. Affiliated Organizations and Chapters

- **Section 1** The Council may by vote affiliate with the American Library Association or with any subdivision thereof upon its request, any national or international organization having purposes similar to those of the Association or its subdivision. The dues of affiliated organizations shall be as provided in the Bylaws.
- **Section 2.** The Council may by vote affiliate the Association, or any subdivision thereof upon its request, with any national or international organization having purposes similar to those of the Association or its subdivision; provided, however, that no subdivision of the Association may separately affiliate itself with an organization with which the Association as a whole is affiliated.
- **Section 3.** By action of the Council, and in accordance with the Bylaws of the American Library Association, any legally constituted state, provincial, regional, or territorial library association may become a chapter of the American Library Association and receive such rights and privileges as provided in the Bylaws of the Association and under such conditions as may be provided in the Bylaws.

From <http://www.ala.org/aboutala/governance/constitution/constitution#affiliated>

To paraphrase/simplify the meaning of Section 1: Council can approve a national or international organization's request to become an affiliate of ALA or of a subdivision of ALA.

To paraphrase/simplify the meaning of Section 2: Council can approve a request by an ALA subdivision to become an affiliated organization with a national or international organization. Furthermore, Council on behalf of the entire Association can approve ALA as a whole to become an affiliated organization with a national or international organization. However if ALA is already an affiliate with a national or international organization, a subdivision cannot become an affiliate of that organization.

Procedural information on amending the ALA Constitution:

Amending the Constitution requires approval through the process described in Article XII of the ALA Constitution. It states:

All proposals for amending the Constitution shall originate in the Council. A proposed amendment shall become effective when it shall have been approved by a majority of the members of the Council present and voting at two consecutive meetings held not less than two months apart, followed by ratification by the members of the Association either by a vote by mail of a majority of the members of the Association voting, or by a majority vote of the members present and voting at a membership meeting of the Association. The Council, on approving a proposed amendment for the second time, shall specify whether a vote on ratification shall be taken at a membership meeting of the Association or by mail, and if a mail vote is ordered, the Council shall fix the time for the

beginning and closing of the balloting. If a vote at a membership meeting is ordered, at least one month's written notice shall be given to the Association of the text of the proposed amendment.

5. ACTION ITEM #2—Recommendation that Council approve an amendment to the ALA Constitution as a first step towards placing the amendment on the spring 2016 ballot for a vote by the ALA membership:

Resolved, that the following amendment to the ALA Constitution be approved so that at the 2017 Midwinter Meeting Council can consider placing the amendment on the spring 2017 ballot for the ALA membership's vote:

Amend Article X of the ALA Constitution to state:

Section 1. National or international organizations having purposes similar to those of the Association or to one or more of the Association's subdivisions may request to become an affiliate of the Association. Requests for affiliation are subject to Council's approval.

Section 2. The Association or any subdivision thereof may request to become an affiliate with national or international organizations having purposes similar to those of the Association or to one or more of the Association's subdivisions. However no subdivision of the Association may separately affiliate itself with an organization with which the Association is affiliated. Requests for affiliation are subject to Council's approval.

Article X, section 3 of the ALA Constitution is not affected by this amendment.

Nor does this affect the ability of divisions such as the Association for Library Collections and Technical Services (ALCTS) or the American Association of School Librarians (AASL) to confer affiliate status on state library associations, etc.; these are not national or international organizations.

The ALA Executive Board has adopted procedures for reviewing applications for affiliation with ALA. See appendix.

Respectfully submitted,

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Appendix: Roles of the ALA Executive Board and the ALA Constitution and Bylaws Committee

On October 8, 1982 the ALA Executive Board approved criteria and a set of recommended procedures for reviewing applications for affiliation with ALA. This document was amended in 2010. Source: <http://www.ala.org/groups/affiliates/affiliates/criteria>

The ALA Executive Board approves the following criteria and procedures for affiliation:

1. The organization should be national or international in scope;
2. The organization should be nonprofit;
3. The organization should have interests consistent with those of ALA;
4. The organization can affiliate only at one level, either with the Association or with a subdivision of the Association;
5. It has a sufficiently large membership (usually 100) and has been in existence for a sufficient time (usually 4 years) to give the promise of worthwhile activity and continued support;
6. The organization's constitution and bylaws do not conflict with ALA's;
7. The organization does not discriminate in its membership on the basis of race, creed, color, sex, sexual orientation, gender identity or expression, age, disabilities, or national origin.

Concerning procedures, it is recommended that:

1. Applications for affiliation should be supported by:
 - a) A statement including the year of founding; the total number of members; a list of journals and other publications, if any; or other evidence of interest in libraries and librarianship or information science
 - b) A brief history of the organization, including its aims.
 - c) A copy of its current constitution and bylaws.
 - d) The names and addresses of current officers.
 - e) A statement of ways in which the applicant visualizes cooperation with ALA.
 - f) A statement that the organization does not discriminate in its membership on the basis of race, creed, color, sex, sexual orientation, gender identity or expression, age, disabilities, or national origin.
2. The ALA Constitution and Bylaws Committee will examine the applicant's constitution and bylaws to see that no conflict exists between the ALA constitution and bylaws and the applicant's.
3. The Executive Director will evaluate the other documents mentioned above in point 1 to make a preliminary determination concerning the applicant's meeting ALA criteria and will so report to the Executive Board
4. The Executive Board will act on the Executive Director's report and forward recommended application to the Council for its action.

ALA Affiliate dues are \$150.00 per year. Dues are payable upon acceptance by ALA of your Affiliate application as discussed above. Your Affiliate anniversary will be one year from the month you begin paying dues and your status will automatically renew upon payment of dues in subsequent years.

You may end your Affiliates status by formal notice to ALA's Executive Director or by non-payment of dues. ALA reserves the right to withdraw your Affiliate status for reasons as described in the ALA Constitution and Bylaws for any member. Affiliate dues are currently tied to the dues level for 'Other Non-Profit Organizations' and may be changed upon a vote of the membership.