

**American Society of Criminology's Division on Women and Crime
Constitution and Bylaws Committee
2015-2016**

Chair: Deena Isom Scott
Members: Kristine Artello, Ellen Cohn, Nancy Jurik
Executive Councilor Representatives: Denise Paquette Boots, Molly Dragiewicz

Charge from the Division Chair and Executive Committee:

Continue review and advising of current constitution and bylaws and provide suggestions to the Division for revisions based on the changes suggested during the prior year.

Previous changes to consider:

1. The Executive Council has recommended that the editor of *Feminist Criminology* be formally listed as a member of the executive council in an ex-officio capacity. Does this require a vote of the membership, or simply the consent of the EB?

2. The Executive Council would like to create a new position on the Executive Council called "DWC Archivist" – the person in this position would be responsible for maintaining our archives. Chris – you have done such a great job in this position for so long and we'd love to formalize the role (with you in it, if you would like).

3. *From the business meeting:* "Need to establish committee to help Chris Rasche digitize the DWC archive. Susan Sharp and Becky Block volunteer to assist with scanning documents. Christina DeJong will help as needed with social media/web presence."

Findings of the present committee:

On June 1, 2016, the committee was advised to carefully review the present constitution and bylaws and make recommendations about the Executive Council's changes as well as any other suggestions they may have for revisions. The committee members returned their suggestions to the chair, who then compiled their concerns and recommendations in the following document.

As a committee, we suggest the following course of action:

- 1) The present committee remains intact for the next term.
- 2) The executive council takes into consideration the suggestions of the committee and will provide advisement on how to proceed with the revisions to the constitution by the close of the 2016 meetings.
- 3) Upon receipt of the new charge from the executive council, the committee will draft a new constitution and bylaws document by March 2017.
- 4) The new document will be reviewed by the executive council and put to a vote. Once the revised draft receives a 2/3 majority vote from the executive council, the revised constitution will go before the division for approval. A final document should be presented to the division by August 2017.
- 5) Approval will be done electronically and an updated constitution will be ratified prior to the 2017 membership meeting.

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Concerns and Suggestions for the Executive Council's Consideration

The committee was charged with the continued review and revision of the constitution and bylaws with a specific emphasis on addressing two issues raised by the Executive Council: 1) the creation of two new ex-officio positions on the Executive Council, Editor of *Feminist Criminology* and Archivist; 2) the creation of a new Archive committee

Upon review of the constitution, the committee raised several concerns and suggestions that need to be addressed by the Executive Council before the committee proceeds. These concerns and suggestions are outlined below.

The new positions on the board/council:

The membership of the Executive Board is explicitly stated in Section IV, A. There is no provision in the Constitution for expanding the Executive Board. Therefore, the addition of a new member (such as those proposed by the Executive Council) does require amending the Constitution, as follows:

1. Section IV needs to be amended to include the new officers
 2. Section V needs to be amended to include the new officers and their duties
 3. Section VI may need to be amended to clarify that these officers are not elected, also if their terms are different from those of elected officers and how vacancies will be filled.
- Additional concerns and suggestions about the Executive Board
 - The Constitution & Bylaws reference the Executive Board of the ASC and at other times just the Executive Board, which is assumed to be for the DWC. The board is also reviewed to as the Executive Council. Furthermore, members are referred to as "counselors" instead on "councilors." Edits are needed once it is decided how the board will be referred. I clarification of the title of the board needs to be made, and the constitution needs to be revised to reflect this clarification.
 - The role of the Division Chair as the Executive Board Chair need to be clarified as well. In addition, the duties of each member need further specification.
 - There probably should be a statement somewhere in this document to state that only the EB can make any statements in the name of the DWC, and if those must be approved by the membership first.
 - Is the Archivist role on that we will be able to maintain when Chris steps down? What happens if we end up with a vacancy on the board we cannot fill? Also, what are the duties of the Archivist? Do we need to include anything in the official bylaws about where and how the records are stored?
 - There are no regulations of how to remove officers (or members) if need be.
 - Additional concerns in context of the current constitution are outlined below

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Within the constitution in reference to the board:

Section IV – Executive Board

1. To avoid the problem of adding new officers in the future, this section could be amended to include a statement that the EB may include *ex officio* officers appointed by the Chair with the approval of the EB.
2. An overview of the board's duties should be provided prior to describing each position

Section V - Officers

1. Title - Need to clarify that this section refers to the officers of the Executive Board
2. Section A - Chair
 - a. Another duty of the chair is to fill vacancies on the EB – shouldn't this be listed here?
 - b. In #3, how does the Division decide which issues are brought and who decides whether the issues are brought to the attention of the ASC EB or an ASC committee?
 - c. In #4, define "approval of the Executive Board" – does this mean a majority vote, 2/3rd vote, unanimous vote?
3. Section B – Vice-Chair
 - a. In #2, please add "providing" before "assistance to"
4. Section C – Secretary/Treasurer
 - a. What checks are there on this officer? Given that this individual controls the DWC account, who monitors him/her?
5. Section D – Exec Counselors
 - a. Counselors needs to be changes to Councilors depending on title of board
 - b. Need more clarification re duties of executive counselors
 - c. Need to define "early stages" and "later stages" of careers
 - i. If someone has been hired for a faculty position while still ABD, are they considered early stage or current grad student?
 - ii. If someone is not in a tenure-track position, how many years after completion of PhD moves them from early to late stage?
6. There is no section discussing the Immediate Past Chair, who is also a member of the EB
 - a. What are the duties of this individual? What if the past chair does not continue his/her membership in DWC? What if the position becomes vacant?

The present constitution and bylaws:

CONSTITUTION

Section III - Membership

1. "A member in good standing is one who is...." – it is not clear if this refers to members of ASC or DWC. Basically, suggest dividing this section into three clauses, as follows:

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III. Membership:

- A. Membership in this Division will be open to all members of ASC who are current in their ASC dues.
- B. DWC members who have paid their Divisional dues will be eligible to vote at Divisional meetings, to vote at elections of Divisional officers, to hold Divisional office, and to receive any other rights of membership that may be determined by the Division, the Executive Board of the Division, or the ASC Executive Board.
- C. References to members in good standing refer to members who have paid their Divisional dues for the current year.

- 2. Are there any other rights of membership? Should these be listed here?

Section VI - Elections

1. Section A - Nominations

- a. I believe the Nominations Committee usually has more than two members. So this needs to be revised to say "consisting of a minimum of two members..." We could also specify a maximum number of members if desired.
- b. If only one person is nominated for a given office, the committee will be unable to select two names to include on the ballot and will therefore be unable to fulfill its duty.
- c. Are there any requirements for nomination, other than being a DWC member in good standing? Can members self-nominate? Can someone be nominated for more than one position?
- d. Shouldn't the Committee have to confirm with nominees that they are willing to accept the nomination?
- e. Does the Nominations Committee also receive nominations for *ex officio* officers?
- f. What is the deadline for nominations and when does the Committee have to finalize its selection and send it to ASC?

2. Section B – Qualifications

- a. What about qualifications for *ex officio* officers, as they are not elected?

3. Section C – Term of office

- a. Is there any maximum limit on the number of times someone may hold the same office?
- b. We need to specify term of office for *ex officio* officers, as they are not elected, and if they are held to the same term limits.

4. Section D - Procedure

- a. The way #2 is worded, the Chair is not required to announce election results to the membership, only to ensure they are published in the Newsletter. So this could mean that no one knows the results until the next Newsletter is published.
- b. Does the EB run the election or should we consider having an Elections Committee (since some of the EB members might be up for re-election, creating a possible conflict of interest)
- c. There is nothing in this section regarding specifics of elections. Some key issues include:
 - i. Deadline for nominations

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- ii. Deadline for submitting candidate names to ASC
- iii. When is the election held?
- iv. How much advance notice does the EB have to give DWC members regarding the election?
- v. If electronic ballots are used, how long are they open for voting?
- vi. Are we required to notify ASC of the results, and if so, how and by when?

5. Section E - Vacancies

- a. If the office of Chair becomes vacant, the Vice-Chair is empowered to conduct business in his/her place. However, Section VB does *not* state that the Vice-Chair takes over the position of Chair. Therefore, it is not clear whether in this situation the position of Vice-Chair would be considered vacant. Basically, if the Chair becomes vacant, who appoints a new Vice-Chair? It is not clear here.
- b. What about vacancies for *ex officio* positions, since they are not elected? How long are they filled for?
- c. What if the position of immediate past Chair becomes vacant?

Section VII – Amendments

1. Section A

- a. In #1, please capitalize “division” here.
 - b. In #1, we need to “written” – does this mean the petitioner has to have a hard-copy petition with written signatures or can this include email support?
 - c. In #1, if a proposed amendment has the written support, does it go straight to voting by the Division, or does it go to a Constitutional Revision Committee (CRC)?
 - d. In #2, it is not actually stated that the Exec Board must create a CRC if the 2/3rd vote is received.
 - e. There is no explanation in the Bylaws of what a CRC should consist of – minimum number of members, member qualifications (e.g., could it be made up solely of grad students or only include long-time tenured faculty or should there be a mixture of membership levels, as we have among the Executive Counselors), how long the CRC has to review a proposed amendment, what such a review consists of, how they approve an amendment, is a separate CRC required for each proposal, etc.
2. Suggest adding an additional section here between Sections A and B to define “qualified amendment more clearly
- a. If the proposed amendment comes from a petitioner who has the required written support, is that enough to make it qualified for being voted on?
 - b. Based on the current definition in Section A #2, a proposal is qualified if it receives a vote to be referred to a CRC – it does not actually have to be approved by the CRC (so what is the point of having a CRC?)
 - c. If the CRC proposes amendments, do they need approval from anyone else before being considered qualified to be brought before the Division for full vote?
3. Section B
- a. Please change “An amendment will be...” to “A qualified amendment will be...”

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- b. Who is responsible for conducting this vote and for ensuring that the appropriate measures are taken to prevent double-voting.
 - c. Who reports the results to the Executive Board?
 - d. When are the results reported to the full membership? There is no requirement that they are ever reported!
4. Section C
- a. May want to reconsider when approved amendments go into effect. Based on this, a DWC member could collect signatures at ASC and submit the petition the following week. A vote could be held by email soon after, but if approved, the amendment would not go into effect for a full year.
 - b. What is the procedure for obtaining ASC EB approval, and why is this required?

BYLAWS

Section I – Dues

- 1. Does ratification require a majority or 2/3rd vote?
- 2. Why does ASC have to approve DWC dues?

Section II – Committees

- 1. Several sections require “the approval of the Executive Board” – how is this obtained and what does it consist of?
- 2. Section A – Standing Committees
 - a. If the Archivist becomes a member of the EB, should we add in a standing Archivist Committee, chaired by the Archivist?
 - b. The responsibilities of each committee need to be specified. Also, are the committees required to make reports to the EB and the membership? If so, how and how often?
 - c. There is no finance committee. This means that the Sec/Treas is basically autonomous when it comes to the Division finances.
- 3. Section B – Other committees
 - a. There is no information here regarding how long these committees exist. In other words, once a special or “other” committee is created, does it exist forever, or for some specific period of time. Should the committee be dissolved when a new Chair takes office?
 - b. How are these committees held accountable? Do they report to the DWC Chair or the EB or the full membership?
 - c. Suggest renaming this section “Special Committees” or “Temporary Committees”
- 4. Section C – Committee Chairs
 - a. The chair of the Newsletter Committee is not appointed by the EB Chair – according to the DWC Constitution, this committee is chaired by the DWC Vice-Chair
 - b. Are there term limits for committee chairs?
 - c. What are the responsibilities of Committee Chairs? Do they attend EB meetings to report to the EB? Are they required to make written reports to the EB?
- 5. Section D – DWC Archivist
 - a. The Archivist is not a committee, but an individual, so this section does not belong here.

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Section III – Meetings

1. Section A – Executive Board
 - a. Is there a quorum for EB meetings?
 - b. Are there any requirements for the mandatory meeting at ASC? Any items that must be dealt with (e.g., financials)? What happens if no EB members attend the ASC annual meeting? May Division members attend the annual EB meeting?
 - c. There is no information on special meetings – how are they called, who may call a meeting, is there a quorum, how much notice must be given to EB members, can it be held electronically or must EB members attend in person, should Division members be notified about EB meetings and do they have the right to attend?
2. Section B – Membership
 - a. There is no information here about what will occur at this annual meeting. What reports does the EB have to present?
3. Section D – Quorum
 - a. #1 - Who is responsible for determining the current number of Divisional members in good standing, so as to be able to determine the required quorum? When is this determination made? Many people join the DWC at ASC – if someone joins the afternoon before the DWC annual meeting, do they count as a member in good standing for quorum computation?
 - b. #2 – if a quorum is present, can an action still be challenged?
 - c. #2 - If an individual becomes a member *after* the ASC annual meeting, can they challenge an action taken at that meeting?
 - d. #2 – This states that a ratification vote will be offered to the membership either in the next newsletter or electronically by the Chair (or both). This means that the Chair could decide to offer the vote electronically only, and then delay offering the vote for weeks or months – there are no time constraints on electronic voting.

Additional general concerns:

There is nothing in this document about **finances**:

1. There are no checks or controls on the Secretary/Treasurer. This officer controls the DWC finances but does not appear to be accountable to anyone except for giving a report at the annual membership meeting. Who else monitors the finances? We may want to consider some sort of regular independent audit or create a Budget and Finance Committee (which could be chaired by the Sec/Treas) to create, examine, approve, etc. the DWC budget, approve expenditures, ensure a regular audit of finances is conducted, deal with possible investment of DWC funds, and so on.
2. There is nothing about the preparation/approval of an annual budget
3. There should be a statement somewhere about our non-profit status (if we are a non-profit!)
4. Are we allowed to make charitable or other contributions as an organization? If so, who decides to whom, how much, etc.?

There is nothing about the **dissolution of the DWC** and what happens to the money if the Division is dissolved.

The committee suggests we look at other organizations, such as the Society for the Study of Social Problems, to frame our revisions.