

Brookhaven Council Bylaws

Amended, February 2021

Introduction

The BNL Council (Council) is a body elected by the scientific staff that advises and makes recommendations to the Director about Laboratory policies affecting the scientific staff. The Council is particularly concerned with the maintenance of an atmosphere conducive to excellence in scientific research at BNL. The Council reports to the Director.

Membership

The Council consists of 17 members elected from the tenured scientific staff and apportioned by directorate groupings that maintain close to proportional representation of the scientific staff at BNL. Additional non-tenured members of scientific staff, one from each directorate grouping, will also be elected to serve.

The term of membership is three years. A retiring member who has served a full term cannot be reelected at the time of retirement. New members normally begin service at the March meeting of the Council.

Adjustments in Representation

The Council shall from time to time review the representation of the several Departments and Divisions based on the number of scientific staff in various categories and may vote to adjust the number of members from each organization unit accordingly.

Increase in the Representation of a Department/Division

In the event that The Council increases the representation of a Department/Division, said increase shall become effective at the beginning of the next Council year (March Meeting). The new member shall have a regular term of three years.

The election of the new member shall be supervised by the member or members of the Council from the corresponding department under the same rules as apply for the regular election of Council Members.

Decrease in the Representation of a Department/Division

In the event that The Council decreases the representation of a Department/Division, said decrease shall become effective with the first departure from the Council of a member representing said Department/Division. Said departure can be either by completion of the regular term of a member or by resignation, but resignation of a member is not required by a decrease in representation.

Roles and Responsibilities

The Council:

1. Provides advice and makes recommendations to the Director on scientific staff policies.
2. Conducts reviews and makes recommendations to the Director concerning candidates that have been put forward for tenure by the Departments and Divisions of the Laboratory.
3. Conducts hearings and provides recommendations to the Director prior to any involuntary termination of a tenured appointment. The Council will vote on the recommendation and record the vote.
4. Shall be represented on a committee appointed by the Director prior to any termination of a continuing or term appointment for cause.
5. Shall be consulted prior to any termination of a continuing appointment for reasons of financial exigency or major program change.
6. Shall be consulted prior to any termination of a term appointment for reasons of financial exigency.
7. Shall be represented by the Council Chair or his/her designee, on any Committee that is established to conduct a formal investigation into allegations of misconduct in research or scholarship.
8. Provides an avenue for additional issues to be examined at the request of the Laboratory Director, or individual Council members who act as a conduit for the scientific staff of their respective departments.

Regular Elections

Rules for regular elections are as follows:

1. Nominations and elections for each Department/Division shall be conducted and supervised by the retiring member of the Department/Division or, if the retiring member is not available, a substitute designated by the Chair of the Council.
2. A period of at least two weeks shall be allowed between the call for nominations, and elections.
3. Membership on the Council is limited to the tenured staff and eligible non-tenured staff, including joint appointees who have been granted tenure by their home institution, but normally not Assistant or Associate Department Chairs. Department Chairs or Deputy Department Chairs or higher at BNL may not sit on the Council, unless granted exception by the Council Chair. For non-tenured staff, the eligibility is for S5's, and S4's with at least 5 years of service at S4.
4. Members shall be elected by a majority of votes cast in a secret ballot by the scientific staff (Assistant Scientist and above) of the represented group. In the event of a tie, the tie shall be broken by the Department Chair or in the absence of the Department Chair, by the Acting Chair.
5. The retiring member or substitute shall certify the results to the Chair of the Council prior to the March meeting of the Council.

Special Elections

A requirement of Council membership is regular participation in the monthly meetings of the Council. A Council member who is to be absent for a continuous period of longer than six months shall resign. A Council member who has been absent from more than six of the previous twelve monthly meetings shall forfeit membership in the Council. Exceptions to the forfeiture of membership may be approved by the majority vote of the Council members upon a written request by the Council Chair. A special election shall be held within one month to replace any departing member for the balance of the unexpired term. If the unexpired term is six months or less, the newly elected member shall automatically succeed to the next three-year term. If the unexpired term is more than six months the member may be reelected for a full term. Rules for regular elections shall apply to special elections.

Officers

The Council shall have two officers, a Chair and a Secretary. Candidates for the office of Chair may be proposed by any member of the Council in writing to the Secretary during the interval between the December and January meetings. The Secretary prepares a slate of such candidates for submission at the January meeting. The Chair is elected at the February meeting by secret ballot. Election requires a majority of votes of the members present. The Chair is responsible for the conduct of the meetings, the preparation of the Agenda, the calling of special meetings, the appointment of subcommittees, and the transmittal of formal reports and recommendations.

The Secretary is a member of the Council and is appointed by the newly elected Chair to serve for the same period as the Chair. The Secretary replaces the Chair when absent and appoints a Secretary pro tempore. The Secretary is responsible for records of Council membership, for minutes of meetings, and for notices of meetings which must be in writing. The minutes of each Council meeting will be sent also to the Director, and the Office of Scientific Personnel, the permanent repository of Council records.

Replacement of Council Chair

If during the course of the Council year, the position of Chair becomes vacant by to the resignation or incapacity of the incumbent, the Secretary shall serve as Interim Chair pending election of a new Chair.

An election for a new Chair shall be held at the first regular meeting of the Council that takes place after the position of Chair becomes vacant. Nominations for the Chair shall be solicited from all members of the Council by the interim Chair, and, if practical, all members shall be informed of the list of nominees before the meeting at which the new Chair is to be elected. A person thus elected shall serve until the end of the Council year, but may stand for reelection.

Advisors

Advisors may participate in Council deliberations and be appointed to Council committees by invitation of the Chair. The names of advisors will, when possible, be listed on the Agenda of the meeting.

Regular Meetings

Regular meetings of the Council shall be held at 10:00 a.m. on the second Monday of each month of the year, except that they may be changed to another Monday of the same month by a majority vote of members at the immediately preceding meeting.

A majority of the Council constitutes a quorum at a regular meeting.

A majority vote of the members present is required to carry a motion. Proxy and absentee ballots shall not be accepted in voting upon recommendations on tenure cases. Council members who participate in a meeting through a teleconference and take part in the discussions are considered to be present for quorum and voting purposes. Any of the procedures contained in these By-Laws may be suspended for a regular meeting by an affirmative vote of two-thirds of the membership of the Council, whether present or voting by proxy or absentee ballot.

Special Meetings

Special meetings may be called by the Chair or upon written petition to the Secretary by three members of the Council. A majority of the Council constitutes a quorum at a special meeting. At special meetings, affirmative votes of a majority of the Council membership, whether present or voting by proxy or absentee ballot, are required to carry a motion. Proxy and absentee ballots shall not be accepted in voting upon recommendation on tenure cases. Council members who participate in a meeting through a teleconference and take part in the discussions are considered to be present for quorum and voting purposes. Any of the procedures contained in these By-Laws may be suspended for a special meeting by an affirmative vote of two-thirds of the membership of the Council, whether present or voting by proxy or absentee ballot.

Amendments to By-Laws

These By-Laws may be changed by meeting the following requirements:

1. Each Council member must receive a written notice of the proposed change at or before the regular meeting immediately preceding the regular meeting at which the proposed changes are to be voted upon.
2. The proposed change as it appears in the minutes of a previous meeting must be approved by affirmative votes of two-thirds of the membership of the Council, whether present or voting by proxy or absentee ballot.