

## **CONSTITUTION OF THE AMERICAN PHYTOPATHOLOGICAL SOCIETY**

As adopted in New Orleans, Louisiana, August 1981 and amended in Salt Lake City, Utah, August 1982; in Guelph, Ontario, Canada, August 1984; in Reno, Nevada, August 1985; by mail ballots, August 1986 and July 1987; in San Diego, California, November 1988; in Richmond, Virginia, August 1989; in Grand Rapids, Michigan, August 1990; by mail ballots, November 1993 and March 1995; in Rochester, New York, August, 1997; by mail ballots, July 13, 2001, by electronic and mail ballots, November, 2002, and by electronic and mail ballots, May 2003, May 2006, May 2008, May 2010, May 2012, May 2015, May 2018, June 2022.

### **ARTICLE I: Name and Objective**

This Society, founded in 1908, shall be named The American Phytopathological Society. Its objective is to promote the increase and diffusion of all aspects of knowledge relating to plant diseases and their control.

### **ARTICLE II: Membership**

**Section 1. Memberships:** The Society consists of Regular Members, Early Career Members, Student Members, Emeritus Members, and Sustaining Associates. A membership period shall be 12 consecutive months.

- A. *Regular Members.* Any person interested in the study and control of plant diseases is eligible for membership. Membership is activated upon receipt and acceptance of the applicant's dues.
- B. *Early Career Members.* Any person working professionally, including those in a post doctorate position, and within 5 years of graduating with a bachelors, masters or doctorate degree is eligible for this membership. Early career membership status is available for 5 years total.
- C. *Student Members.* Any person enrolled as a degree-seeking student in an accredited college or university is eligible for student membership. The student status must be certified annually by the major professor or department head. Membership is activated upon receipt of the applicant's dues.
- D. *Emeritus Members.* Any retired person who has been a member of the Society for at least 20 years is eligible for Emeritus status. The applicant must submit a request for Emeritus Membership together with facts concerning qualifications for this status to the Executive Officer.
- E. *Sustaining Associates.* Any institution or business making a contribution to the Society as prescribed in the Bylaws shall be designated a Sustaining Associate.

### **Section 2. Privileges of Members:**

- A. *Voting rights.* Only Regular, Early Career, Student, and Emeritus members of the Society shall be entitled to vote.

- B. *Eligibility for Society Offices.* Only Regular Members shall be eligible for election or appointment as Society Officers or as other members of the Council.
- C. *Floor and Committee Privileges.* All members shall have the privileges of the floor at Society meetings and are eligible to serve on Standing, Special, and Ad Hoc committees of the Society.
- D. *Publications.*
  - 1) Regular, Early Career, Student and Emeritus Members shall receive the Newsletter of the Society and be entitled to subscribe to the Society journals at the specified member rate. Members are also entitled to member prices on electronic services, separate journal articles, APS meeting registration rates, and APS Press products.
  - 2) Sustaining Associates shall receive the Newsletter and, if requested, the journals of the Society.

### **ARTICLE III: Officers, Council, and Executive Committee**

**Section 1.** The officers of the Society are the President, President Elect, Vice-President, Internal Communications Officer, Treasurer, and Executive Officer (nonvoting).

**Section 2.** Duties of the officers are those customarily pertaining to the offices, unless otherwise defined by the Council. The Treasurer may serve as Business Manager or the Council may delegate this authority.

**Section 3.** Governance of the Society and its corporate authority as defined in the Society's Articles of Incorporation are vested in a Council, members of which are the Society's contemporary officers, the Immediate Past President, three Councilors-at-Large, and two appointed positions representing Publications Board and Divisional Forum.

- A. *Control.* Control of Society funds received from dues, subscriptions to publications, gifts, bequests, endowments, and investments is vested in the Council to administer through appropriate fiscal officers and committees, and as noted in Bylaw 7.
- B. *Obligations.* The Council is authorized to enter into obligations and to pay obligations essential to proper conduct of the affairs of the Society and the editing and manufacturing of publications authorized by the Society.
- C. *Audit.* Receipts and disbursements shall be audited annually by a certified public accountant. The reports of the Treasurer and the certified public accountant shall be published annually.

**Section 4.** The Council is authorized to employ an Executive Officer to administer the business affairs and offices of the Society. The Executive Officer shall be responsible to the Treasurer of the Society in fiscal matters. The title assigned to this officer shall be preceded by the adjective "Executive."

**Section 5.** The Council will meet as needed to conduct the business of the society. The President or, in the President's absence, the President Elect presides at meetings of the Council. In the absence of both, the Vice-President presides at meetings of the Council.

**Section 6.** A majority of the voting members of the Council constitutes a quorum for transaction of business.

**Section 7.** Between regular meetings of the Society, the Council, the Executive Committee, or the officers carry out the functions necessary to implement policies of the Society; this may be facilitated by electronic balloting. The Council is authorized to conduct a mail ballot of the Society membership between Annual Meetings on matters the Council deems necessary to put before the entire membership for a vote or on matters petitioned by at least 10% of the Regular Members, provided that the ballot is accompanied by suitable explanatory information. Interim actions are reported to the membership at the Society's next Annual Meeting.

**Section 8.** An Executive Committee of Council members is authorized.

- A. The Executive Committee shall consist of the officers of the Society, the Immediate Past President, and the Senior Councilor-at-Large. The Executive Committee shall oversee the administration of policies established by the Council. It shall develop the agenda and prepare material for Council meetings. It shall meet when necessary to carry out functions delegated to it by the Council and such business that in the best interest of the Society should not be delayed until the next meeting of the Council. Action by the Executive Committee shall be reported fully to the Council, and the Council shall consider key actions for possible ratification. Four of the Executive Committee's seven voting members shall be a quorum for conducting business, and four votes are necessary to carry an issue.
- B. The Executive Committee shall meet at the call of the President. The presiding officer of the Executive Committee is the President or, in the President's absence, the President Elect.

#### **ARTICLE IV: Selection of Officers and Councilors**

**Section 1.** The Vice-President and Councilors-at-Large shall be elected by ballot. Nominations for these offices shall come from members of the Society. A call for nominations shall be sent to all members eligible to vote, with a specified return date not later than three months before the first day of the Annual Meeting of the Society.

The Nominating Committee shall select candidates from the nominees by the procedures described in the APS Manual of Operations. At least one month before the first day of the Annual Meeting, the final ballot shall be sent to all Society members eligible to vote with instructions to return marked ballots to the Executive Officer for receipt at least one week before the first day of the Annual Meeting. The Council shall declare the officers elected based on a plurality vote.

**Section 2.** The Council appoints the Internal Communications Officer and the Treasurer, ordinarily for non-concurrent terms of three years. The term or the date of assuming office may be adjusted to avoid concurrently expiring terms. The Council also appoints the Editors-in-Chief for three-year terms. These appointed individuals shall not serve more than two terms consecutively.

**Section 3.** At the close of the annual meeting following the election, the newly elected Vice-President assumes office, the current Vice-President becomes President Elect, the current President Elect becomes President, and all assume their respective duties of office. The Immediate Past President is not eligible for immediate reelection to the office of Vice-President.

**Section 4.** Each Councilor-at-Large is elected for a three-year term. One Councilor-at-Large is elected each year so that the three-year terms, designated by the year in which the term expires, do not run concurrently. The newly elected Councilor-at-Large assumes office at the close of the Annual Meeting following the election. Councilors-at-Large are not eligible for nomination for another office/position within the Society during the duration of their term.

**Section 5.** The Council fills by appointment any vacancy occurring within a prescribed term, such appointment to continue for the unexpired balance.

**Section 6.** The President may appoint an alternate for any Councilor who is unable to attend official Council meetings.

#### **ARTICLE V: Meetings**

**Section 1.** Unless prevented by a national emergency, or other overriding reasons, an Annual Meeting of the Society is to be held each year, at such place and time as the Council may direct.

**Section 2.** An annual Business Meeting of the Society shall be held at each Annual Meeting of the Society. Except where specified to the contrary, a majority vote of the voting members present constitutes approval by the Society for actions requiring such approval.

#### **ARTICLE VI: The American Phytopathological Society Foundation**

**Section 1.** A Foundation of the Society is authorized.

**Section 2.** The purpose of the Foundation is to support special programs that meet Society objectives but which are outside the normal operating budget of the Society.

**Section 3.** The Foundation is administered by a Board of Directors composed of nine (9) voting members and two (2) nonvoting members.

**Section 4.** Four (4) voting members of the Board of Directors are selected by APS Council, typically from nominees submitted by the Nominations Committee and Foundation Board. Three (3) voting members of the Board are appointed by the Foundation Board. Voting Board members are appointed for three (3) year terms on a staggered basis and may serve two consecutive terms. The graduate student representative (chair of the Graduate Student Committee, serves as a voting member).

Vacancies on the Board among members appointed by the Council shall be filled by the Council. Vacancies on the Board among members appointed by the Board shall be filled by the Board. The Board shall elect the chair from among its voting members to serve a term of three years. The chair may serve two (2) consecutive terms. The chair of the Board shall present an annual report to the Council.

**Section 5.** The Treasurer of the Society and the Executive Officer of the Society or their designee from among the headquarters staff shall serve as the two (2) nonvoting members of the Board.

**Section 6.** The funds accruing to the Foundation shall be derived from gifts, grants, and bequests.

**Section 7.** The solicitation, investment, and distribution of the Foundation funds shall be a function of the Board of Directors of the Foundation. Funds shall be maintained separately from the normal operating budget of the Society.

## **ARTICLE VII: Code of Conduct**

### **I. Introduction**

The American Phytopathological Society (APS) is a professional membership organization of plant health scientists focused on the advancement of science to benefit society. This Code of Conduct rests on values important to APS and the scientific profession and sets forth director, officer, chair of volunteer groups, and member responsibilities to APS, other APS members, the public, and others. Affiliation with APS includes an obligation of self-discipline in complying with this Code of Conduct.

This Code is effective June 15, 2022 and replaces any earlier professional or other codes of conduct issued by APS (other than any separate written code of conduct or conduct standards for APS directors, officers, chairs of volunteer groups, and members which are supplementary to this Code). This Code may be modified at any time by APS as its leaders determine to be in the best interests of APS.

### **II. Scope**

This Code sets forth conduct expectations for APS directors, officers, chairs of volunteer groups, and members, (collectively, “**APS Affiliates**”). By accepting a directorship, officer or chair position or membership with APS, each Affiliate agrees to comply with this Code of Conduct in its current form or as it may be amended in the future.

### **III. Commitment to Diversity, Equity and Inclusion**

APS respects and values diversity and is committed to being a welcoming, inclusive, and equitable organization. APS welcomes into the organization and encourages membership and other affiliations with APS regardless of an individual’s legally protected or other unique characteristics or identity. APS values and seeks diversity, equity, inclusion and belonging in every aspect of its society, including but not limited to membership, leadership, committees, and staff.

### **IV. Member Principles**

APS Members are expected to adhere to the following principles.

1. Members accept the obligation to serve the public interest, honor the public trust, enhance the welfare of humanity, encourage environmental stewardship, and demonstrate a commitment to professionalism and legal and ethical compliance.

2. Members perform all professional responsibilities with the highest sense of integrity and maintain objectivity and freedom from conflicts of interest in discharging their responsibilities.
3. Members strive continually to improve their competence and the quality of their work and to discharge all professional responsibilities to the best of their ability.
4. Members treat others with civility and professionalism, refraining from harassment and discrimination and behavior that is threatening, intolerant, abusive or violent.
5. Members uphold the highest standards of truthfulness and honesty in all scientific and professional endeavors.
6. Members evaluate the work of colleagues fairly — with open-mindedness, courtesy, and respect.
7. Members recognize past and present contributors to science and do not claim undeserved credit for the accomplishments of others.
8. Members encourage and promote climates where multiple scientific and professional perspectives may be freely expressed.

## V. Conduct Expectations for all APS Affiliates

APS values high-quality research, education, professional practice, and service, combined with highly professional, ethical, nondiscriminatory, and inclusive conduct. These values are fundamental to excellence and integrity within APS and the scientific and academic communities in which APS members and other APS Affiliates operate. APS directors, officers, chairs of volunteer groups, members and other APS Affiliates are expected to comply with the following conduct standards, and each APS Affiliate is responsible for the conduct of any of their guests participating in any APS event or activity:

- *Nondiscrimination and Harassment:* As part of its commitment to diversity, equity and inclusion, APS is dedicated to providing an environment free of discrimination or harassment based on race, color, ethnicity, age, sex/gender, sexual orientation, gender identity and expression, religion, physical ability, and other legally protected characteristics. We do not tolerate discrimination, harassment, and or sexual misconduct by or towards APS Affiliates.

APS expects all APS Affiliates to refrain from discriminatory or harassing behavior and from sexual misconduct. All communications and interactions should be professional, respectful and inclusive of people of diverse backgrounds, cultures, and characteristics. Sexual language and imagery and unwelcome sexual overtures or contact are forbidden.

- *Integrity, Courtesy and Respect:* APS Affiliates are expected to conduct themselves with integrity, courtesy and respect for others and maintain a high level of professionalism in all interactions whether officially sponsored by APS or not. These interactions include, but are not limited to, email or other written communication, phone communication, video interactions, in-person interactions, and APS events. APS Affiliates are expected to work and act in a strict spirit of truth and fairness, personal helpfulness and collegiality. In addition, threatening, malicious, abusive and violent conduct is prohibited.
- *Responsible Alcohol Use:* Within the conduct of APS events, APS Affiliates may share and enjoy alcoholic beverages. APS Affiliates are responsible to ensure that their consumption of alcohol does not cause them to engage in conduct inconsistent with this Code or other APS policies. Responsible consumption is expected. APS directors, officers, employees, members and others representing the organization are responsible for protecting the image of both APS and the scientific community by taking steps to assure that no APS Affiliate, to include themselves, breaks any laws in the process of purchase, sharing, or consumption of alcoholic beverages in association with APS sponsored events. Furthermore, should any APS Affiliate be observed to be so intoxicated that they are or appear to be incapable of functioning appropriately, APS asks that its other Affiliates contact APS meeting staff and/or event facility staff for intervention. In the event of emergency, calls should be made to 911.
- *Compliance with the Law and Ethics:* APS expects Affiliates to comply with laws, rules, and regulations pertaining to their profession and where APS does business and has events. APS Affiliates are expected to uphold the dignity and honor of their profession, expose illegal or unethical conduct in the profession, and comply with all applicable ethical standards. Without limiting the foregoing, local laws and ethics related to recreational drugs must also be followed and APS Affiliates should not be under the influence of recreational drugs or illegal drugs while participating in APS activities.
- *Prohibition on Scientific and Academic Misconduct:* APS members strive to increase the integrity of the profession by sharing the results of their research through APS, academic forums, commercial forums, public service, APS and other journals, and/or other means. APS members and other Affiliates shall not commit scientific, academic or other professional misconduct, such as, but not limited to, fabrication, falsification, or plagiarism. Inadvertent scientific error or incorrect interpretation of research data that may occur as part of the normal scientific process does not constitute scientific misconduct.

Without limiting the foregoing:

- Members must not allow the use of their names, reports, or other technical materials by any enterprise known to be illegal, fraudulent, of questionable character, or contrary to the welfare of the public or the environment.

- Members must neither seek employment, grants, or personal gain, nor attempt to injure the reputation or opportunities for employment of other scientists by false or undocumented claims or accusations, or by offers of gifts or favors.
- Members must be accurate in reporting observations made by themselves and others and recognize contributions of others whenever appropriate.
- *Conflicts:* APS Affiliates are expected to endeavor to recognize and avoid conflicts of interest and to avoid the abuse of privileged positions or circumstances, including, but not limited to, in connection with the following:
  - review and evaluation of manuscripts and grant applications;
  - establishment of program directions and responsibilities;
  - evaluation of candidates for employment or promotion;
  - service in APS or other leadership positions;
  - service in consulting activities;
  - student guidance;
  - simultaneous service in profit-making and not-for-profit organizations; and/or
  - use of any position or resources to compete unethically or unfairly with colleagues.
- *Mentoring:* APS members recognize responsibilities to postdocs, students, interns, technicians, and other associates working under their supervision to treat them with dignity, respect, and consideration, provide them with mentoring and training, and by direction and example teach them to adhere to professional, legal and ethical standards.
- *Concern for the Environment:* APS Affiliates are expected to act in such a manner as to protect the resources of the natural and agricultural environments in which they work and strive to avoid direct or indirect adverse effects on people or the environment that might result from their presence, activities, or equipment.
- *Non-Retaliation:* APS Affiliates must not retaliate against any person(s) who raises a conduct concern under this Code or any other APS policy or who participates in APS processes to address such concerns.

## V. Reporting Concerns

If you observe behavior that you believe is inconsistent with this Code and you feel it is safe to intervene and feel comfortable doing so, you might intervene by pointing out, respectfully, the conduct that is concerning and should stop. This is not required, but safe bystander intervention can sometimes safely bring problematic behavior to an end. Whether or not bystander intervention occurs, APS encourages that reports of conduct that may violate this Code be made to APS as set forth below.

APS strongly encourages anyone who suspects or knows of conduct in violation of this Code to come forward at the earliest possible point. APS does not want individuals to wait until a problem becomes overwhelming, extreme, severe, or pervasive. We are committed to stopping misconduct even if the conduct has not risen to the level of a violation of law. Anyone who has a concern that this Code has been violated is encouraged to notify



APS by reporting their concerns through the Lighthouses Services system online or through their mobile app, or to APS CEO, or APS VP of Operations. Additionally, you can call toll-free at (877) 222-3011\* or download the free app in the Apple or Google app store. When you download the app, you will need to enter the keyword "scisoc"

If the suspected violation occurs at an APS or APS Division meeting, including in-person and virtual meetings, the volunteer leaders at the meeting (APS Council members or Division officers) and/or APS staff in charge of the meeting should be notified. In addition, the online reporting system and toll-free number may also be used.

Some individuals associated with APS have heightened reporting responsibilities. The following individuals are expected to promptly report any known or potential violations of this policy to APS CEO, and member of APS's Board of Directors, APS officers, and APS management level employees.

## **VI. APS's Response to Possible Code Violations**

Upon receipt of a report of a potential Code violation, APS will investigate the concerns to determine if a violation occurred and to determine what responsive action is appropriate to take. The process is summarized in APS' *'Summary of Response Process for Possible Code of Conduct Violations'*.

The APS Council will typically appoint an ad hoc team of three or more APS members, including one member of the presidential lineage, to investigate a potential violation of the Code, weigh the evidence gathered in the investigation, and make recommendations to the APS Council as to whether or not to find a conduct violation and, in the case of a recommended finding of a violation, on proposed sanctions. The APS Council also may decide, rather than appointing an ad hoc team, to engage one or more outside investigator(s) when it feels appropriate to carry out the tasks that would otherwise normally be done by an ad hoc team. APS will ensure that any appointed investigator(s) are conflict-free. The APS Council will have the investigator(s) prepare written report to document the investigation process, key evidence, and recommended findings and, if applicable, sanctions. This report will be submitted to a closed session of the APS Council for review and for determination, by majority vote, as to whether or not to accept recommended findings and, if applicable, sanctions.

While APS is engaged in its response process, it may take a variety of interim measures to preserve the status quo, protect the integrity of its response process, and ensure a professional, nondiscriminatory and harassment-free environment. Such measures might include, but are not limited to, the following measures for APS directors, members and/or others: loss of APS membership; loss of APS awards or honorifics and removal of member from APS websites; restricting access to APS property and/or events; temporary suspension or restriction of member, director, or other roles.

APS is committed to handling reports of potential violations of this policy as quickly and as discretely as possible, subject to its need to look into and respond to concerns and subject to applicable law.

In addition, APS prohibits retaliation based on a good faith report or participation in APS's response process or any legal proceeding. If an individual protected by this Code believes that they or another person has experienced retaliation, they should report their concerns as set forth above in the reporting section of this Code. Mandatory reporters listed above must promptly report any knowledge or other notice of potential retaliation. Members and Affiliates are expected to be truthful in any investigations conducted by APS. Failure to be truthful can also be considered a violation of the Code.

## **VII. Consequences for Code Violations**

Affiliation with APS requires acknowledgement of and compliance with this Code of Conduct. Violations of this Code or other APS policy will lead to consequences as determined to be appropriate by APS. Such consequences may include but are not limited to removal of an individual from attendance or other participation in an event without prior warning or refund; revocation of, or removal of APS awards and award statements from APS websites; future attendance or participation limits, restrictions or conditions, and/or suspension or expulsion from membership or other participation in APS. Any course of action decided upon by APS is final.

## **ARTICLE VIII: Sexual Harassment Policy**

It is the policy of the APS to comply strictly with all laws applicable to APS activities. United States Federal, and most State, laws strictly prohibit sexual harassment. APS policy specifically prohibits sexual harassment by or against any employee, member, officer, or other volunteer, vendor, or customer.

The policy covers sexual harassment complaints that fall within the scope of official APS activities, such as but not limited to, day-to-day operations, meetings, educational programs, committee activities, etc. The Society believes that mutually respectful, pleasant, non-coercive interactions between individuals will best serve the well-being of each individual employee as well as that of the Society. Sexual harassment of anyone will not be tolerated.

Sexual harassment is defined as follows:

Any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
2. Submissions to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual (Some examples of employment decisions are hiring, promotions, performance ratings, salary increases, or preferred work assignments.)
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. (Physical or verbal advances, remarks, jokes, teasing or posting of sexually explicit pictures are a few examples.)

Sexual harassment may occur in situations where one person has power over another, but it can also occur between equals. Both men and women can be sexually harassed, though women are most often victimized. Sexual harassment need not involve physical conduct. Spoken words and non-favorable gestures of a sexual nature may constitute sexual harassment.

If you believe that you have been sexually harassed, or have witnessed any type of sexual harassment or inappropriate behavior you should:

- a) Advise the person causing the sexual harassment that such behavior is inappropriate and that you would like it to stop.
- b) If you prefer not to discuss the matter with that person, or that person fails to respect your request, you should promptly report such sexual harassment and inappropriate behavior to your supervisor or department head.
- c) If your supervisor or department head cannot resolve the complaint or is the subject of your complaint, you should report such conduct to the Human Resource Department or senior management. You may also contact an officer of APS (current officers are listed on the letterhead).

Upon such report, APS will investigate your complaint and attempt to resolve it, giving careful consideration to protecting the rights and dignity of all people involved to the extent that circumstances will permit.

No adverse or retaliatory action whatever will be taken against an employee for filing a sexual harassment complaint with APS.

Any employee found to have engaged in sexual harassment or retaliation will be subject to appropriate disciplinary action depending on the individual circumstances, including change of work assignment, suspension with or without pay and possible termination of employment. Any member or volunteer found to have engaged in sexual harassment will be subject to suspension and/or termination of membership. Any vendor or customer found to have engaged in sexual harassment shall temporarily or permanently be suspended from doing business with APS.

## **ARTICLE IX: Amendments**

**Section 1.** This Constitution may be amended at any Annual Meeting of the Society or by mail and/or electronic ballot with the following provisions: any proposed amendment must be approved by the Council or be petitioned by at least 10% of the Regular Members; must be communicated in writing to all members eligible to vote at least one month before the Annual Meeting or one month before the date for tallying the ballots; and must receive the affirmative votes of three-fourths of the members voting for approval.