

# *By-Laws of the Electronic Materials and Photonics Division of the American Vacuum Society*

## **ARTICLE I: Name**

Section 1. The organization shall be known as the Electronic Materials and Photonics Division (EMPD) of the American Vacuum Society, hereinafter designated as AVS.

## **ARTICLE II: Objectives**

Section 1. The objectives of the Division shall be: (1) to provide a continuing forum accessible to its members as well as to other persons active or interested in the fields of electronic and photonic materials and processing for the purpose of fostering an improved understanding of all phenomena related to these fields, (2) to promote the dissemination of that understanding by the organization of conferences, symposia and workshops, by publication of original works and surveys in proceedings, technical journals and books, and by creation of web-site(s) related to these fields, and (3) to participate actively in all phases of the AVS programs as presented in the AVS Constitution.

## **ARTICLE III: Membership**

Section 1. Divisional members are defined as members of all categories of the AVS in good standing who have applied for membership in the Division and have paid Divisional dues (if any are assessed).

Section 2. The Executive Committee of the Division may extend the courtesy of notification, Divisional publications and attendance at Divisional meetings to non-members by individual identification. None of the other rights and privileges of Divisional membership will be implied or accorded under any circumstances by this action.

Section 3. All categories of Members of AVS who are members of this Division shall be entitled to attend business meetings and vote. Student members of the AVS shall be entitled to the rights and privileges of all other AVS members but shall not have the right to hold office.

## **ARTICLE IV: Officers**

Section 1. The officers of the Division shall be:

Past Chair  
Chair  
Program Chair  
Program Vice-Chair  
Secretary  
Treasurer

In addition, there shall be a group elected as members of the Executive Committee who, together with the above Officers shall constitute the voting Executive Committee of the Division.

Section 2. The officers of the Division shall hold office for the following terms:

Past Chair	1 year
Chair	1 year
Program Chair	1 year
Program Vice-Chair	1 year
Secretary	1 year
Treasurer	1 year

The Program Vice-Chair shall automatically assume the position of Program Chair at the end of his/her term. If the Program Chair is unable to fulfill his/her duties and obligations at any time in his/her term, then the Program Vice-Chair shall immediately assume the position of Program Chair jointly with his/her position as Program Vice-Chair. The Program Chair shall automatically assume the position of Chair at the end of his/her

term. If the Chair is unable to fulfill his/her duties and obligations at any time in his/her term, then the Program Chair shall immediately assume the position of Chair jointly with his/her position as Program Chair. The Chair shall automatically assume the position of Past Chair at the end of his/her term. In the event that any officer is unavailable and the above sequence of succession can not be employed, then the duties of that office will be conducted by the Chair or, if unavailable, the Program Chair or, if unavailable, the Program Vice-chair, or if unavailable, the Past-chair. In the event that any officer is unable to complete the above sequence of offices, then replacement officers will be elected at the next regularly-scheduled election of the division as necessary following the procedure described below in Section 3.

Section 2. The Program Vice-Chair, Secretary, and Treasurer will normally be elected by Divisional members voting by ballot (e.g. mail, facsimile or electronic mail). In the absence of such a vote, these officers may be elected at an annual meeting of the Division. The results of this ballot shall be announced at the Annual Business Meeting of the Division.

Section 3. In the event an annual meeting is not held and no balloting has occurred, the President of the AVS shall appoint a Chair or other officers of the Division considering the recommendations of the past Executive Committee.

Section 4. In the event that the Chair of the Division has been appointed by the President of the AVS, it is the responsibility of the Chair to appoint members of the Executive Committee, as necessary, subject to the approval of the President of the AVS, considering the recommendations of the past Executive Committee.

Section 5. The term of office for the officers of the Division shall begin on January 1 in the year immediately following their election. In the event of their appointment, their term shall begin on the date specified in the appointment.

## **ARTICLE V: Management**

Section 1. The management of the Division will be the responsibility of the Executive Committee of the Division. The Executive Committee shall consist of:

1. The Officers of the Division as specified in Article IV, Section 1 of the Bylaws.
2. Eight duly elected members of the Division, to be called Members of the Executive Committee, will be elected for two-year terms. The terms shall be staggered (4 New members each year). The term of office for the elected members of the Executive Committee shall begin on January 1 in the year immediately following their election.

Section 2. Vacancies filled by appointment by the Chair shall be approved by majority vote of the Executive Committee. The incoming member filling a vacancy shall serve until the normal term of his or her predecessor has expired.

## **ARTICLE VI: Nominations and Elections**

Section 1. A Nominations Committee shall be formed as soon as practical following the beginning of the term of office for the officers. The Chair of the Nominations Committee shall be the Immediate-Past Chair of the Division. The Chair of the Division may appoint at least two additional members of the Division to the Nominations Committee for the purpose of nominating Division members for the positions of Program Vice-Chair, Secretary, Treasurer, and the members of the Executive Committee required to fill the vacancies resulting from the completion of terms and resignations.

Section 2. The Nominations Committee shall recommend at least one candidate for each office. The nominations shall be submitted to the Secretary at least TWELVE (12) WEEKS prior to the Annual Business Meeting of the Division. The Secretary shall announce the nominations and date of the Annual Business Meeting to the Division at least TEN (10) WEEKS prior to the Annual Business Meeting. The Nominations

Committee shall assure that the nominees are voting members in good standing of the Division and are willing to serve.

Section 3. Additional nominations by petition shall be submitted at least TWELVE (12) WEEKS prior to the Annual Business Meeting. Valid petitions must be signed by at least 10 members in good standing of the Division.

The slate of candidates presented to the Divisional Membership shall include names submitted by the Nominations Committee as well as those submitted by qualified petitions.

Section 4. The Secretary shall direct distribution of ballots to the membership at least SIX (6) WEEKS prior to the Annual Business Meeting. The ballots shall close at least TWO (2) WEEKS prior to the Annual Business Meeting. The Division Chair shall appoint a committee to count the ballots and report the results. The Chair may delegate these duties to the Administrative Director of the AVS.

The candidate receiving the largest number of votes for a given office shall be elected to that office.

If more than one position in the Executive Committee is to be filled, the candidates shall be elected in the order of the number of votes received. If a tie vote occurs for the last position, the outgoing Chair will decide the tied election by chance.

If a tie vote occurs for the Program Vice-Chair, Secretary, or Treasurer, the outgoing Chair will decide the tied election by chance.

## **ARTICLE VII: Duties of the Officers and Executive Committee Members**

Section 1. Chair - To preside at all business meetings of the Division; at his/her discretion to serve as a member of any committee of the Division; to submit to the Board of Directors of the AVS an annual report concerning the activities of the Division; to appoint chairs of all necessary Standing Committees; to appoint Special Committees; to authorize expenditures as provided in the budget; and to perform such other functions necessary by a Chair of an organization. He/she shall make sure that the date on which the Annual Business Meeting of the Division will be held is determined before August 1st of each year.

Section 2. Program-Chair - To manage the development of the technical program of the Division at the AVS International Symposium and other meetings as appropriate. In particular, the Program Chair shall serve as Chair of the Divisional Program Committee and shall appoint members of that committee as appropriate to assist in the development of a conference program.

Section 2. Program Vice-Chair - To carry on all duties of the Program Chair in the event of the Program Chair's absence, illness, resignation, or incapacity; to carry out such other duties as may be assigned by the Chair.

Section 3. Secretary - The Secretary shall maintain a list of all members in good standing as provided by the AVS. The Secretary shall be responsible for the minutes of all Divisional Executive Committee and Annual Business Meetings. The Secretary shall direct mailing and receipt of all literature pertaining to the operation of the Division at the discretion of the Chair.

Section 4. Treasurer - The Treasurer shall keep a strict accounting of all income and expenditures. The Treasurer may pay out such funds as authorized by the Chair or Executive Committee to meet all obligations of the Division. The Treasurer shall issue a report of the financial standing of the Division at the Annual Business Meeting or whenever requested by the Chair. The Treasurer may be bonded at the expense of the Division. The Treasurer will submit an annual Divisional Financial Report with the AVS Treasurer on or before the date and in the format established by the AVS Treasurer.

Section 5. Members of the Executive Committee shall act as representatives of the division membership in matters pertaining to the objectives of the Division, meetings, dues, organization, policy, and such other matters that preserve the integrity of the Division and make it responsive to the needs and wishes of its membership.

## **ARTICLE VIII: Duties of the Executive Committee**

Section 1. The annual Divisional budget and all motions must be approved by a majority of the Executive Committee.

Section 2. The minutes of all meetings and financial reports of the Executive Committee shall be filed promptly with the Clerk of the AVS. All budgets and financial reports required by the AVS Board of Directors shall be submitted in a timely manner. The Division shall be authorized to incur only such expenses as approved by a majority of the Executive Committee.

## **ARTICLE IX: Committees**

Section 1. Standing Committees - There shall be two Standing Committees as follows: Program Committee and Nominations Committee.

The Program Chair will chair the Program Committee. The members of the Program Committee will be appointed by the Program Chair from the current members of the Executive Committee plus as many additional members as selected by the Program Chair from the AVS as a whole. The purpose of the Program Committee is to coordinate and organize the EMPD sessions and jointly sponsored sessions at the annual AVS symposium, and any other sessions or symposia as authorized by the Executive Committee.

The Nominations Committee will be governed as described in Article VI, Section 1 of the Bylaws.

Section 2. Special Committees - The Chair will appoint special committees as the need arises.

Section 3. General - Each committee chair shall select as many members of his/her committee as needed with the concurrence of the Division Chair except as noted in Section 1, with said members of each committee serving for a term of one year.

Before the Annual Business Meeting, each committee is to file with the Executive Committee a report of its activities during the past year as requested by the Chair. It shall be the duty of each of the committees to recommend to the Executive Committee any action with respect to the subjects or matters in their charge, which the committee deems advisable. A tentative budget shall be submitted by the committee chair to the Executive Committee for approval. Expenses incurred by the committee shall be limited to the budgeted amount, or as approved by the chair.

## **ARTICLE X: Finances**

Section 1. Dues may be established by the Executive Committee with the approval of the Board of Directors of the AVS. Changes in the membership dues shall be recommended by the Executive Committee and approved by a majority of the voting members of the Division by a ballot. Special symposia registration fees may be set by the Executive Committee as needed.

Section 2. The Divisional financial records or ledger books may be reviewed by an auditor at any time if requested by the Executive Committee.

Section 3. All funds received by the Division shall be deposited in a bank approved by the Executive Committee and the Treasurer. The name, address, and account number at this bank shall be reported to the Treasurer of the AVS. The signature of the EMPD Treasurer or the Chair or written approval by any of these for expenses associated with specific activities shall be required for all withdrawals from this account.

Section 4. The financial year of the Division will coincide with the financial year of the AVS.

## **Article XI: Awards of the Division**

Section 1: Student Awards - The Division may grant Student Awards to financially assist students to attend the AVS Symposia and other conferences, symposia, and workshops sponsored by the Division. The monetary amount of each award

and the selection criteria for the awards will be determined by the Executive Committee and in accordance with the limits established by the AVS Board of Directors.

## Section 2: Technical Recognition Awards

### 2.1. Purpose

The Division may make Technical Recognition Awards to recognize and encourage outstanding scientific and technical contributions in areas of research, development, and discovery having special interest to the Division. This includes sustained contributions to the research interests of the Division or singular contributions in terms of an achievement or outstanding paper contributed/published in an AVS meeting. This is an AVS award, specifically conferred by an AVS Division.

### 2.2. Eligibility

The nominee must be recognized for scientific and technical contributions that are fostered and encouraged by the Division. These areas are those evidenced in the program of the Symposia of the Society, topical conferences sponsored by the Division, and those areas defined in the Division's By-Laws. The contribution may be in the nature of sustained or single (e.g., outstanding achievement or publication) significant contributions to theory or experiment, discovery, understanding, inventions, measurements, technique development, or management. Nominations should be made by colleagues or others who are well acquainted with the nominee. Self nominations are not acceptable. Division officers and Members of the Division Award Selection Committee are not eligible for the award during their terms.

### 2.3. Nature of the Award:

The award consists of a certificate (or other appropriate symbol) identifying the award and a monetary cash prize, which shall not exceed the limit established by the Board of Directors in the Division Technical Recognition Awards Protocol, established by the AVS Board of Directors. The award may be made at any time during the year.

### 2.4. Establishment and Support:

This award is established by the Division, after application and approval through the Scholarship and Awards Committee, which presents the award details to the Board of Directors. The name of the award must be approved by the Scholarship and Awards Committee. If the award is "named" (i.e., honoring individual(s)) or if there are other funds used to establish it, the Scholarship and Awards Committee will consult with the AVS Board of Directors for guidance. The award funds must be clearly identified in the annual Division budget request. Acceptance of external funds for the award can be implemented only after consultation with and approval by the AVS Treasurer, ensuring conformity with the rules that govern 501(c)(3) organizations.

### 2.5: Procedures:

The Division will establish an independent award committee to handle the logistics and selection of the award. This committee and its Chair will have the responsibility to:

- (1) announce the award with a formal call for nominations,
- (2) accept the nominations,
- (3) evaluate the nominations,
- (4) make the recommendation for the award winner,
- (5) confer with the Division Chair and Officers on the choice,
- (6) forward the selection to the Chair of the Scholarship and Awards Committee for the concurrence of the Trustees (which should be expected within 2 weeks of the request), and,
- (7) notify the awardee.

The Committee should provide to the Scholarship and Awards Committee a short report on the procedures and selection process. After notification from the Scholarship and Awards Committee, the Division Committee can implement the processes (notification, scheduling, etc.) of making the award. The Division Chair should work with the Chair of the Scholarship and Awards Committee in advance to ensure no delay in consideration by the Scholarship and Awards Committee. This consideration by the Scholarship and Awards Committee can take place at any time during the year to best meet the Division schedule for award selection and presentation.

The nomination process should include an appropriate nomination form. Other required procedures (letters of support, backup material, etc.) should be identified by the Division Award Committee, and clearly identified in the call for nominations.

The approved procedures for the award should be clearly established and announced by the Division (e.g., via the AVS Newsletter, posted on Division web sites, etc.). These should include:

1. Statement of the award and its purpose(s)

The nature of the award (monetary amounts, certificates, etc.)

The nomination deadline, exact instructions for making the nomination, the nomination form (or instructions how to obtain it), any other pertinent information needed to provide a complete nomination, and a contact for further information (e.g., Award Committee Chair)

4. The award announcement date

5. The award presentation date/location and any additional procedures (e.g., required talks).

## **Article XII: Business Meetings**

Section 1. The Division shall hold at least one regular business meeting each year. This Annual Business Meeting, which may be held during the annual AVS symposium, shall be announced by correspondence to all Members of the Division at least six (6) weeks prior to the meeting, and it will also be announced in the program for the annual AVS symposium. The Executive Committee shall determine the time and location of all meetings.

Section 2. The number of members present to constitute a quorum at business meetings of the Division calling for the transaction of regular business and requiring a vote to be taken shall be not less than 1% of the Division membership or ten (10) members, whichever is smaller.

## **ARTICLE XIII: Termination of Membership**

Section 1. All interest of any member in the Division or in its property or funds shall terminate and vest in the Division upon his or her ceasing to be a member whether by death, resignation, or otherwise.

## **ARTICLE XIV: Dissolution of the Division**

Section 1. At any time when the Division shall become inactive, not holding at least one meeting annually, it shall be deemed to have ceased to exist unless such non-holding of meetings has been due to national emergency, actions of federal or state government, or other factors beyond the control of the Division. Upon such a condition arising, all funds remaining in the treasury of the Division shall revert to the general funds of the AVS.

## **ARTICLE XV: Amendments**

Section 1. These By-laws may be amended by a majority vote of ballots cast by members in good standing, provided the proposed amendments shall have been first approved by the Executive Committee. The Secretary shall distribute ballots to the membership at least five (5) weeks prior to the Annual Business Meeting, at which time the Chair shall appoint a committee to count the ballots and report the results.

The Board of Directors of the AVS must approve amendments before they take effect.

## **ARTICLE XVI: Parliamentary Law and Procedure**

Any matter of parliamentary law or procedure not specifically provided for in these By-Laws shall be governed by Robert's Rules of Order as published in the last revised edition.

### **Approvals:**

*EMPD Executive Committee: June 2021*

*AVS Governance Committee: June 2021*

*AVS Board of Directors: June 2021*

*AVS EMPD Membership: October 2021*