



American Society of Civil Engineers (ASCE)
Region 9

**Resolution Urging a NO Vote on the Proposed Constitutional Amendments on
the May 2020 ASCE ballot**

1. Whereas the ASCE Region 9 Board of Governors is a management entity for ASCE in the State of California and is tasked with providing input to the Board of Direction on policy initiatives and also with providing leadership and direction to the Region;
2. Whereas the ASCE Region 9 Board of Governors has conducted a review of the proposed Constitutional amendments that have been placed on the May 2020 ASCE ballot for a vote by the general membership;
3. Whereas the ASCE Region 9 Board of Governors upon conducting its review understands that revisions as drafted are wide-ranging and will have significant impacts to Society operations permanently and for the foreseeable future;
4. Whereas the ASCE Region 9 Board of Governors feels there has been insufficient outreach and communication to all members during the Constitution revision process, and insufficient opportunity for the entire membership and stakeholders for education, input and comment regarding the importance and significance of the proposed changes;
5. Whereas the ASCE Region 9 Board of Governors believes that there has been insufficient participation and representation of the cross-section of ASCE member entities on the Constitutional drafting committee and task committee which may have resulted in a lack of cross-sectional input to the proposed revisions;
6. Whereas the ASCE Region 9 Board of Governors believes that any perceived urgency to make any changes to the ASCE Constitution must not be overshadowed by the need to ensure that the membership is fully informed about the nature and consequences of the revisions;

Resolved, that the ASCE Region 9 Board of Governors, on behalf of its members:

1. Urges a NO VOTE on the May 2020 Constitution ballot measure, to allow for additional time for responsible review and understanding by the membership of the full consequences of each ballot item, and allow for the measure to be brought back next year with that fully informed awareness
2. Requests the inclusion of representatives from key ASCE entities including Region boards, Sections, Branches, Younger Member Councils and students, in the Constitution redrafting process
3. Strongly suggests that a detailed communication and engagement plan be developed to outline the proposed engagement process (with minimum outreach thresholds) to provide regular monthly updates during the current process of revising the Governing Documents of the Society, so that the entire ASCE membership are apprised
4. Urges that the Society Board of Direction seek to broadcast live all Board meetings at which a review of the ASCE Governing Documents is presented and discussed, to further keep the membership informed.

The May 2020 ASCE ballot comprises changes to the ASCE Constitution that are up for a membership vote. A two-thirds affirmative vote of the participating membership is required to approve the measure. As a background, there are currently three primary governing documents that address the operations of the Society: the ASCE Constitution, the Bylaws, and the Rules of Policy and Procedure. Any amendments to the ASCE Constitution, such as those being presented in May, require a two-thirds vote of the entire Society membership. Amendments to the Bylaws and the Rules of Policy and Procedure only require a two-thirds vote of the Society Board of Directors. Membership authority and control therefore most significantly resides in the ASCE Constitution. It should be noted that an earlier version of this proposed ballot initiative advocated for eliminating the Constitution entirely.

The gist of the Constitutional changes on the May 2020 ballot is towards shifting authority from requiring a two-thirds vote of the membership, to requiring only a two-thirds vote of the Society Board of Directors. One main characteristic of these changes is in the proposed the transfer of several Constitutional clauses to the Bylaws. The proposed changes also include some measures that would alter the makeup of the Society's structural organization and leadership. These changes on the ballot are only part of a much large effort currently underway to make significant revisions to the ASCE Bylaws and the Rules of Policy and Procedure that are currently being presented to the Society Board of Directors by the ASCE Governing Documents Committee and a working task committee. The current changes being proposed are sweeping, and the transfer of authority to the Society Board of Directors is significant. The purpose of this fact sheet is to help ensure that the membership at large is fully aware and understands the implications of the proposed changes, and not regret the result after the vote. Voting members who may feel that have insufficient information to make an informed choice at the ballot should **VOTE NO**, and in the aftermath of the vote should seek to educate themselves on the proposed revisions to the ASCE Constitution, and possibly should seek to participate in the process. It is currently envisioned that most members would need more time to understand the full implications of the current ballot measure, and would therefore need to **VOTE NO**.

Below is a short opinion summary of a few takeaways from each Article being revised:

ARTICLE 1. GENERAL

There are generally only minor changes being proposed to this Article. A draft proposal presented early on, however, would have dropped the words "profession of" from the text "The objective of the Society is the advancement of the science and profession of engineering to enhance the welfare of humanity". This elimination of the word "profession" would have been a significant alteration to the Objective of the Society.

ARTICLE 2. MEMBERSHIP

The changes being proposed under this Article would essentially result in any member of the public, after paying dues to become an ASCE Affiliate Member, to be able to serve as the ASCE President. Currently that privilege is restricted to Associate Members and above in good standing. The future rights and privileges of Affiliate Members of ASCE is what is being addressed under this Article, and whether they may have voting privileges and the right to become the ASCE President. Some may feel that non-civil engineers and other individuals that cannot qualify as an ASCE Associate Members and above, should not have the right to become president of ASCE, the oldest national engineering Society in the nation.

ARTICLE 3. SEPARATIONS FROM MEMBERSHIP, DISCIPLINARY PROCEEDINGS

The changes being proposed under this Article would essentially transfer most of the authority for amending the specified language in the Article from the membership and to the Society Board of Directors, in this instance regarding the authority for changing the criteria for expulsions and disciplinary actions of members. The ability to modify these criteria would therefore in future fall under the sole purview of the Board and not the ASCE members.

ARTICLE 4. FEES AND DUES

There are only minor changes to this Article being proposed.

ARTICLE 5. MANAGEMENT

The changes being proposed under this Article would essentially transfer most of the authority for amending the specified the language from the membership to the Society Board of Directors, in this instance regarding whether an appointed Executive Director will be responsible for the detailed management of the affairs of the Society.

ARTICLE 6. OFFICERS, DIRECTORS AND GOVERNORS

The changes being proposed under this Article would essentially transfer most of the authority for amending the specified the language from the membership to the Society Board of Directors, in this instance regarding the composition of the ASCE Executive Committee

ARTICLE 7. GEOGRAPHIC REGIONS AND ELECTIONS

There are currently no changes to this Article being proposed.

ARTICLE 8. MEETINGS

There are currently only minor changes to this Article being proposed.

ARTICLE 9. COMMITTEES, INSTITUTES, ACADEMIES, GEOGRAPHIC UNITS, FOUNDATIONS, AFFILIATED AND OTHER ORGANIZATIONAL ENTITIES

ASCE as a Society is made up of ten Geographic Regions. The change being proposed under this Article in defining Geographic Regions Boards as an organizational entity rather than a management entity, would allow the Society Board of Direction to modify or eliminate the Geographic Region Boards entirely. The current language in the Article, and in Article 7, enhances the Constitutional existence of this important management body.

ARTICLE 10. ADMINISTRATIVE PROVISIONS

There are currently only minor changes to this Article being proposed.

ARTICLE 11. AMENDMENTS

The changes being made under this Article are significant and impactful and would alter the nature by which amendments to the Bylaws and the Rules would be executed. In summary, it would become much more difficult for the ASCE membership at large to submit any desired changes to the Constitution, Bylaws, and the ASCE Code of Ethics. Conversely, it would become much easier for the Society Board of Directors to make any desired changes to these documents without direct membership approval. Advance notification times to the membership of any proposed changes are also drastically reduced in the proposed Article changes, and the membership at large would be given only 14 days advance notice within which to consider and respond to any future proposed changes to the above mentioned documents.