

**ADVISORY COUNCIL OF CLASSIFIED EMPLOYEES**  
**TO THE**  
**WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION**  
**AND TO THE**  
**WEST VIRGINIA COUNCIL FOR COMMUNITY AND TECHNICAL COLLEGE**  
**EDUCATION**

The Advisory Council of Classified Employees (hereinafter referred to as the ACCE) to the West Virginia Higher Education Policy Commission (hereinafter referred to as the COMMISSION) and to the West Virginia Council for Community and Technical College Education (hereinafter referred to as the COUNCIL) was created to provide classified employees a means of conveying their concerns and recommendations on employee-employer relations to the COMMISSION, COUNCIL and to members of the legislative and executive branches of state government. The term classified employees shall mean those employees designated in Series 53 (Legislative rule) as classified and does not include faculty or non-classified personnel. Recognizing that all matters within this Legislative rule are governed by West Virginia Code (hereinafter referred to as WV Code), these By-Laws are formed.

**BY-LAWS**

**ARTICLE I. AUTHORITY**

The name of this organization shall be the Advisory Council of Classified Employees (ACCE). Authority of and for the ACCE is granted in accordance with WV Code 18B-6-5.

**ARTICLE II. PARLIAMENTARY PROCESS**

ACCE shall at all times conduct its affairs as defined by the prevailing law, consistent with the most current edition of Robert's Rules of Order, Newly Revised.

**ARTICLE III. PURPOSE**

The purpose of the ACCE is:

- a. to serve as a representative body for all classified employees under the authority of the COMMISSION and of the COUNCIL in accordance with WV Code 18B-6-1a(i),
- b. to participate in policy matters of the COMMISSION, COUNCIL, legislative and executive branches of state government that affect classified employees,
- c. to provide an avenue of information exchange concerning problems of

- mutual concern to the classified employees and to the COMMISSION, COUNCIL, legislative and executive branches of state government,
- d. to foster a spirit of unity and cooperation among all classified employees under the authority of the COMMISSION and of the COUNCIL in accordance with WV Code 18B-6-1a(i),
  - e. to consider methods and means by which employment conditions may be improved and the operating efficiency of the COMMISSION and of the COUNCIL may be increased, and
  - f. to act in an advisory capacity to the COMMISSION, COUNCIL, legislative and executive branches of state government.

#### **ARTICLE IV. ELECTIONS OF ACCE MEMBERS**

Elections of the ACCE members shall be conducted in April of each odd-numbered year in accordance with WV Code 18B-6-5(b)(1).

##### **Section 1. TERM OF OFFICE**

The term of office for ACCE members shall be two years, beginning on the first day of July of each odd-numbered year in accordance with WV Code 18B-6-5(b)(2). Members of the ACCE shall be eligible to succeed themselves without term limits.

##### **Section 2. MEMBERSHIP**

- a. The ACCE shall consist of one member from each state institution of higher education under the authority of the COMMISSION and of the COUNCIL in accordance with WV Code 18B-6-1a(i). Members of the ACCE shall serve without compensation, but shall be entitled to reimbursement for actual and necessary expenses, including travel expenses, incurred in the performance of their official duties from funds allocated to state institutions of higher education from which members serve in accordance with WV Code 18B-6-5(f).
- b. Any ACCE member can nominate a retiring or retired member for emeritus status. Members can nominate themselves. Emeritus members cannot vote but can participate in meetings, share their expertise, and represent the ACCE in accordance with the restrictions identified in Article X.

A member must submit a nomination letter to the Chairperson up to six months in advance of retirement or within one year of the nominee's retirement detailing the nominee's contributions to the ACCE which would qualify them for emeritus status; the letter should include if the nominee is interested in remaining active with ACCE after retirement and in what capacity. The ACCE can approve the nominee's emeritus status through a 2/3 majority vote with an established quorum at a regularly scheduled meeting.

### Section 3. NON-CLASSIFIED EXCEPTION

An institution having no classified employees may elect a non-classified employee to the ACCE. Voting shall be done by non-classified employees. The President/Chief Executive and executive cabinet are not eligible to vote for, serve on, or be represented by the ACCE.

If an institution has no classified staff members willing to accept a nomination to the ACCE, that institution may accept nominations of non-classified staff members. Institutions should establish their own protocols regarding which non-classified employees are eligible to accept a nomination; however, the President/Chief Executive and executive cabinet must be excluded.

## **ARTICLE V. ELECTION OF ACCE OFFICERS**

The officers of the ACCE shall be a Chairperson, Vice-Chairperson and Secretary. These officers will comprise the ACCE Executive Committee. Election of officers shall be conducted per the following procedure at the regular meeting of the ACCE members to be held in July. The Chairperson shall be elected first, followed by the Vice-Chairperson in accordance with WV Code 18B-6-5(c) and then the Secretary.

Section 1. The Chairperson shall appoint an ACCE member from the COMMISSION members and an ACCE member from the COUNCIL members to serve as tellers. Tellers shall distribute, collect, count the ballots and report the voting results to the ACCE members. Tellers shall be ineligible to run for office but shall be eligible to vote. The teller from the Commission will handle the election process and open nominations from the floor. The teller from the Council shall handle the process whenever a tie vote occurs and shall draw by lot from the names of the individuals who tied.

Section 2. Nominations shall come from the floor. Only elected members of the ACCE shall be eligible to nominate ACCE members for office.

Section 3. Officers shall serve a term of one year. The Chairperson shall serve no more than two consecutive one year terms as chair in accordance with WV Code 18B-6-5(c).

Section 4. Voting shall be by secret ballot from the ACCE members present at the meeting unless only one candidate is nominated for an office. No absentee or proxy voting shall be permitted. The nominee receiving a majority of votes for each office shall be elected.

### Section 5. VACANCY

- a. Death, permanent incapacitation, termination of service to the institution, resignation, or recall pursuant to Article V Section 6 shall cause vacancies.
- b. Vacancy of Chairperson shall be filled at a scheduled meeting of ACCE members initiated by the highest ranking

officer to be held within thirty (30) days from the announcement of the vacancy. Nominations for the position shall be solicited and a slate of candidates presented to the ACCE members. A secret ballot shall be conducted during the meeting. The nominee shall serve the balance of the unexpired term.

- c. Vacancy of Vice-Chairperson and/or Secretary shall be filled through appointment by the Chairperson and shall serve until an election can be conducted.
- d. The Chairperson shall communicate an ACCE vacancy to the Chairperson of the local Staff Council and to the President of the institution.

#### Section 6. MEMBER RECALL

- a. Upon an ACCE member's third consecutive unexcused absence, the ACCE Chairperson shall contact the ACCE member to determine the reason for the absences and to develop a plan for meaningful participation moving forward.
- b. Upon an ACCE member's fourth consecutive unexcused absence, the ACCE Chairperson shall contact the Chairperson of the ACCE member's institutional Staff Council. The institutional Staff Council will be charged with determining if the ACCE member is negligent in his or her duties and take appropriate action according to their bylaws.
- c. The Executive Committee is responsible for determining whether a member's absence is excused or unexcused.

### **ARTICLE VI. DUTIES OF OFFICERS**

#### Section 1. The Chairperson shall:

- a. preside at regular and special meetings of the ACCE and enforce the regulations, policies, and By-Laws of the ACCE,
- b. attend meetings of the COMMISSION and of the COUNCIL as well as meetings of the legislative and executive branches of state government as deemed necessary,
- c. serve as the official spokesperson for the ACCE,
- d. prepare and distribute to members an agenda prior to a regularly scheduled meeting,
- e. appoint members to, and initiate committees and sub-committees when necessity dictates,
- f. initiate the annual meeting with the COMMISSION and with the COUNCIL in accordance with WV Code 18B-6-5(e), and
- g. initiate an annual meeting with the legislative and executive branches of state government.

Section 2. The Vice-Chairperson shall:

- a. preside at regular and special meetings of the ACCE and enforce the regulations, policies and By-Laws of the ACCE in the absence of or as directed by the Chairperson,
- b. attend meetings of the COMMISSION and of the COUNCIL as well as meetings of the legislative and executive branches of state government as deemed necessary in the absence of or as directed by the Chairperson,
- c. serve as the official spokesperson for the ACCE in the absence of or as directed by the Chairperson,
- d. assist in the coordination of legislative activities,
- e. assist with the preparation of the agenda for regular and special meetings, and
- f. schedule a meeting of the ACCE members whenever a vacancy occurs in the office of Chairperson for the purpose of holding an election. The meeting shall take place within thirty (30) days of the announcement of the vacancy.

Section 3. The Secretary shall:

- a. prepare and keep in permanent form the approved minutes of all meetings of the ACCE in accordance with WV Code 18B-6-5(g). The approved minutes should reflect all resolutions, motions and formal requests presented,
- b. preside at regular and special meetings of the ACCE and enforce the regulations, policies, and By-Laws of the ACCE in the absence of or as directed by the Chairperson or Vice-Chairperson,
- c. have the authority to appoint another ACCE member to record the minutes of the meeting should the Secretary have to preside in the absence of the Chairperson and the Vice-Chairperson, or as directed by either officer,
- d. distribute to ACCE members copies of the approved minutes of all meetings of the ACCE prior to the next regularly scheduled meeting, and
- e. make approved minutes of all meetings of the ACCE available, upon request, to any classified employee of a state institution of higher education represented on the ACCE in accordance with WV Code 18B-6-5(g).

**ARTICLE VII. DUTIES AND RESPONSIBILITIES OF ACCE MEMBER**

The ACCE member shall:

- a. regularly attend and/or appoint an alternate with a signed proxy to attend meetings of the ACCE,
- b. regularly communicate constituent concerns to the ACCE,
- c. regularly report to local Staff Council on the issues discussed and the action taken by the ACCE,

- d. communicate the vision, goals and successes of the ACCE through individual contacts at the institution, local and state level,
- e. establish working relationships with other institutional advisory groups as well as with institutional governing boards.
- f. encourage members of local Staff Councils to attend meetings of their institutional governing boards and the ACCE when feasible,
- g. and make available for classified employees the approved minutes of ACCE meetings.

## **ARTICLE VIII. MEETINGS AND PROCEDURES**

Section 1. The ACCE shall meet at least once each quarter with additional meetings to be called by the Chairperson as deemed necessary. One of the quarterly meetings shall be held during the month of July, at which meeting the ACCE officers shall be elected.

Section 2. A quorum at a meeting of the ACCE shall be a majority of the elected members (more than one-half) of the ACCE.

Section 3. All meetings shall be open to the public except when the ACCE votes to meet in private session.

Section 4. Non-members attending ACCE meetings may participate in discussions when recognized by the Chairperson.

Section 5. Non-member representatives who attend meetings of the ACCE with a signed proxy shall be afforded all member privileges except for voting in elections for ACCE officers.

Section 6. Any vote required outside of a regularly scheduled meeting can be submitted by mail, fax or email.

Section 7. The ACCE shall meet annually, between the months of October and December, with the COMMISSION and with the COUNCIL to discuss matters of higher education in which the classified employees or the commission or the COUNCIL have an interest in accordance with WV Code 18B-6-5(e).

## **ARTICLE IX. COMMITTEES**

The Executive Committee shall appoint committees at the regularly scheduled meeting to be held during the month of July. This section in no way limits the recognition of any standing committees, subcommittees or ad hoc committees deemed necessary and appointed by the Chairperson or by the Executive Committee. Each Chairperson of established committees, subcommittees, or ad hoc committees shall advise the ACCE Chairperson in advance of a regularly scheduled ACCE meeting if a committee report will be presented.

## **ARTICLE X. RESTRICTIONS**

In so far as practical, no position taken by the officers, committees, or individual members shall be considered the official position of the ACCE until such position has been approved by a majority of an established quorum of the ACCE members present at a meeting where the issue has been presented. ACCE members, by a majority vote of an established quorum, may delegate specific issues to the Chairperson or Executive Committee if special circumstances exist.

## **ARTICLE XI. REVISIONS AND AMENDMENTS**

Section 1. Amendments to the By-Laws must be approved by a two-thirds vote of the elected members of the ACCE, providing all members are given an opportunity to vote by mail, fax, email, or in person by the deadline established by the Chairperson.

Section 2. A notice of a proposed revision/amendment must be given to all ACCE members at least one regularly scheduled meeting prior to the regularly scheduled meeting at which the revision/amendment will be presented for a vote. This notice shall contain the revision/proposed amendment in context and the general nature of the matter.

Section 3. Revisions/amendments to the By-Laws are effective upon passage.

On behalf of a majority of the Advisory Council of Classified Employees to the West Virginia Higher Education Policy Commission and to the Council for Community and Technical College Education, the ACCE Executive Committee has attested to approval of these By-Laws by the signatures below:

Lindsay Morgan, Chairperson  
Advisory Council of Classified Employees

Jenna Derrico, Secretary  
Advisory Council of Classified Employees

(Approved Revision 5/19/2023)

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