

Marshall University Classified Employees

Constitution

Introduction

The Marshall University Classified Employees Staff Council was established in state code (18B-6-4b) March 8, 2003 with HB2224 for the purpose of providing the classified staff employees at state institutions of higher education with a means to share information and discuss issues affecting them or the efficient and effective operations of an institution. This council was formed in recognition that all matters at Marshall University are governed by state law, by the Marshall University Institutional Board of Governors, and Marshall University policies and procedures.

The term "Classified Employees," as used herein is defined as any regular full-time or part-time employee of Marshall University who holds a position that is assigned a particular job title and pay grade in accordance with the personnel classification system established by state code (18B-9-2) or by the Higher Education Policy Commission.

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Article I – Name

The name of this organization shall be the Marshall University Classified Employees Staff Council, hereafter referred to as the Staff Council.

Article II – Authority

The Staff Council shall be a unit of Marshall University (hereafter referred to as the University), and shall continue to be so until such time as the West Virginia Legislature withdraws recognition.

Article III – Purpose

The purpose of the Staff Council is:

1. To serve as a representative body for classified employees of the University.
2. To participate in such policy decisions of the University as may directly affect the classified employees.

3. To provide a two way medium for the exchange of information between employees and employers relative to problems of mutual concern.
4. To foster a spirit of unity and cooperation among all employees of the University
5. To consider methods and means by which employment conditions may be improved and operating efficiency of the University increased.
6. To act in an advisory capacity to the President of the University.
7. To act in a manner in which the Council is accountable to both the President of the University and the classified employees in furthering the mission of the institution.
8. To not act as a grievance board on individual cases.

Article IV – Membership

The Staff Council shall consist of the Chair, the Advisory Council of Classified Employees (ACCE) representative and five classified employees from each of the five major EEO categories as defined by the U.S. Department of Labor. These categories are: Executive, Administrative & Managerial; Other Professionals; Technical & Paraprofessionals; Clerical; Skilled Crafts and Service Maintenance. In addition to the above members, two ex-officio non-voting members shall include the classified staff representative to The Marshall University Institutional Board of Governors (MUBOG) and the Chair of the Marshall Community & Technical College Classified Employees Staff Council.

Article V – Terms of Office

The term of office for a member of Staff Council shall be two (2) years and shall begin on July 1 of each odd-numbered year.

Section 1. Elections for representatives shall be conducted in the manner prescribed in By-Law VI of this Constitution.

Section 2. Should a Staff Council member transfer from one EEO category to another, an election shall be held to fill the vacancy in accordance with Bylaw VI of this Constitution.

Section 3. Staff Council vacancies shall be created by death, termination of service to the University, resignation, or four (4) absences from regularly scheduled Staff Council meetings during a fiscal year. After a member has three absences, the Staff Council Chair shall notify the member in writing and by e-mail that one additional absence shall result in their removal from the Staff Council. Vacancies shall be filled according to the Staff Council Election Procedures as outlined in Bylaw VI.

Article VI – Elections

Refer to Bylaw VI, Election Procedures.

Article VII – Officers

The officers of the Staff Council shall be: Chair, Vice Chair, and Second Vice Chair. The election of the officers of the Staff Council, with the exception of the Chair which is stipulated in 18B-6-4b, shall take place at the first regularly scheduled Staff Council meeting in July of each odd-numbered year.

Section 1. The Vice Chair shall be elected first, followed by the Second Vice Chair.

Section 2. Nominations shall come from the floor. Only elected members of Staff Council shall be nominated for office.

Section 3. Votes shall be by secret ballot unless only one person is nominated. The nominee receiving a majority of the votes shall be elected.

Section 4. In the event of a tie, a member authorized by the Staff Council shall select the officer by lot from the names of those persons tied.

Section 5. No member may vote by proxy at the election of officers.

Section 6. In the event that an officer position becomes vacant, an election by members of Staff Council shall be held in accordance with the guidelines stipulated in this section and shall take place at the first meeting after the notice of a vacancy is given. This section shall not apply to the office of the Chair of Staff Council.

Article VIII – Amendments

Section 1. Amendments to the Classified Employees Constitution may be proposed by any Staff Council member and shall be considered approved with the approval of a two-thirds vote of all classified employees voting on the amendment.

Section 2. A notice that an amendment is being proposed to the Classified Employees Constitution must be placed in the university newsletter and notice distributed to all classified employees at least twenty working days before the actual voting occurs.

Section 3. Amendments to the Classified Employees Bylaws may be proposed by any Staff Council member and shall be considered approved with the approval of a majority vote of the Classified Staff Council.

Article IX – Recommendations

Section 1. A written response to Staff Council’s recommendations must be received from the University President within fifteen (15) working days following submission by Staff Council, or such recommendations will be considered approved.

**Marshall University
Classified Employees**

By-Laws

ByLaws

Bylaw I	Duties of Officers and Staff Support Position
Bylaw II	Standing Committees
Bylaw III	Executive Committee

Bylaw IV	Meetings
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Bylaw I – Duties of Officers and Staff Support Position

Section 1. The Chair shall:

- A. Preside at all regular and special meetings and enforce all regulations and policies of the Staff Council.
- B. Preside over the Executive Committee.
- C. Be responsible for the Staff Council budget.
- D. Call special meetings of Staff Council and/or all classified employees when it is deemed necessary.
- E. Prepare an agenda, in consultation with the Executive Committee, for distribution by the person filling the Staff Council’s office support position, seven working days prior to the next scheduled Staff Council meeting.
- F. Vote only in the event of a tie.
- G. Participate in interviews with the Executive Committee for the purpose of filling the Staff Council’s office support position.
- H. Appoint standing committee chairs, members, and ex-officio members.
- I. Appoint ad-hoc committees, as necessary.
- J. Appoint classified employees to serve on University committees.
- K. Appoint a Parliamentarian in accordance with the most recent edition of *Roberts Rules of Order Newly Revised*, currently the 10th edition.
- L. Appoint classified employees to serve on Faculty Senate committees as requested.

Section 2. The Vice-Chair shall:

- A. Preside in the absence of the Chair.

Section 3. The Second Vice Chair shall:

- A. Preside in absence of both the chair and vice-chair.
- B. Take and transcribe meeting minutes in the absence of the staff support position.

Section 4. The Staff Support Position shall:

- A. See that Staff Council and Executive Committee meeting minutes are recorded and signed.
- B. Provide a draft copy of the Staff Council minutes to Staff Council members via e-mail along with the Staff Council monthly meeting agenda.

Section 5. Restrictions

- A. No agreement made by the officers or members of the Staff Council shall be considered to be the Staff Council’s position until it has been approved by Staff Council.

Bylaw II – Standing Committees

Section 1. Standing committees shall now be known as:

- A. Legislative Affairs
- B. Personnel/Finance
- C. Staff Development/Service
- D. Physical Environment
- E. Elections/Communication

Section 2. No position or agreement made by any Standing Committee shall be considered to be the Staff Council's position until it has been approved by Staff Council.

Section 3. Committee members shall be excused from their regular duties to attend committee meetings and conduct committee business up to six (6) hours per month.

Section 4. The staff support position shall provide clerical support for each standing committee.

Section 5. Committee charges are:

- A. Legislative Affairs
 1. The Committee shall review, research, and inform Staff Council on pending legislative action that may affect classified employees.
 2. The Committee shall develop an annual legislative agenda, for Staff Council's approval, prior to January of each year.
 3. The Committee shall maintain and provide a list of key members of the Executive and Legislative branches of state government for distribution to Staff Council.
- B. Personnel/Finance
 1. The Committee shall evaluate all existing and/or proposed personnel policies and procedures affecting hiring, promotion, salary, employee classification, annual, sick, and catastrophic leave as well as all other personnel matters pertaining to classified employees.
 2. The Committee shall propose revisions, deletions or additions to current institutional policies affecting classified employees to the President of Marshall University.
 3. The Committee shall investigate reported infractions and/or violations of institutional personnel policies.
 4. The Committee shall consider policy matters which determine the University budget and its expenditure and may recommend budget items for consideration in the budget.
- C. Staff Development/Service
 1. The Committee shall be concerned with the promotion and coordination of classified employee development.
 2. The Committee shall make recommendations concerning Training and Development programs for Staff Council's approval.
 3. The Committee may aid appropriate administrators in the search for continuing education funds.
 4. The Committee shall coordinate the awarding of tuition waivers available for classified staff employees.
 5. The Committee shall address all service related issues including, but not limited to, discounts, cards and special projects from the President of the University, when appropriate.

D. Physical Environment

1. The Committee shall consider policies relating to the maintenance, utilization, and improvement of existing facilities.
2. The Committee shall develop recommendations to promote and enforce workforce safety.

E. Elections/Communications

1. The Committee shall coordinate elections for the positions of Staff Council members, the Chair of Staff Council, the Institutional Board of Governors (MUBOG) classified employee representative, the Advisory Council of Classified Employees (ACCE) classified employee representative, and shall also be responsible for coordinating public relations efforts on behalf of Staff Council.
2. Recommend necessary election procedure changes to Staff Council.
3. Election changes must be approved by Staff Council before becoming official.

Bylaw III – Executive Committee**Section 1. Membership**

- A. Chair
- B. Vice Chair
- C. Second Vice Chair
- D. Advisory Council of Classified Employees (ACCE) representative
- E. Institutional Board of Governors (MUBOG) representative
- F. Immediate Past Chair shall become an ex-officio non-voting member.

Section 2. Duties

- A. Shall serve as a channel through which classified employees may introduce matters for consideration by the Staff Council.
- B. Act for the Staff Council on an emergency basis between meetings of the Staff Council. Such actions are to be reported for confirmation at the next regularly scheduled Staff Council meeting.
- C. Assist in enforcing the rules, regulations and interpretation of the Classified Employees Constitution and By-Laws.

Bylaw IV – Meetings

Section 1. Regular meetings of the Staff Council shall be held once a month. This meeting shall be held on a day and during a week of the month to be determined by the Staff Council at its July meeting.

Section 2. The Staff Council shall meet with the President of the University at least quarterly to discuss matters affecting classified employees.

Section 3. A quorum at a regularly scheduled meeting shall be a majority of the total voting membership.

Section 4. All meetings shall be open to the public except as provided for in Executive Session by state law. Non-members of Staff Council may participate in discussions upon recognition by the Chair of Staff Council.

Section 5. Staff Council members will be excused from their regular duties to attend Staff Council meetings and conduct Staff Council business.

Section 6. Staff Council members will receive equal compensatory time for attending meetings scheduled outside their regular working shift, not to exceed four (4) hours per month. Compensatory time will be taken in compliance with University policies and procedures.

Bylaw V – Ad Hoc Committees & Other Appointments

The Staff Council Chair shall create ad-hoc committees as necessary. The Staff Council Chair shall appoint all ad-hoc committee members and designate a chair for each committee. Ad-Hoc Committee appointments shall end June 30th of each fiscal year. No agreement made by any Ad-Hoc Committee shall be considered to be the Staff Council's position until it has been approved by the Staff Council.

The Staff Council Chair shall appoint a Parliamentarian in accordance with the most recent edition of *Robert's Rules of Order Newly Revised*, currently the 10th edition.

Bylaw VI – Election Procedures

Section 1. Position and Terms

- A. The Chair of Staff Council shall serve a two-year term beginning on July 1 of each odd-numbered year and ending on June 30. For term limits refer to WV State Code §18B-6-6-(d).
- B. The Advisory Council of Classified Employees (ACCE) representative shall serve a two-year term beginning on July 1 of each odd-numbered year and ending on June 30. For term limits refer to WV State Code §18B-6-5-(b)-(2).
- C. The Institutional Board of Governors (MUBOG) representative shall serve a two-year term beginning on July 1 of each odd-numbered year and ending on June 30. For term limits refer to WV State Code §18B-2A-1-d3.
- D. Staff Council representatives shall serve a two-year term beginning on July 1 of each odd-numbered year and ending on June 30.

Section 2. Election/Communications Committee

- A. The Election/Communications Committee shall be appointed by the Staff Council Chair.
- B. Membership of the Election/Communications Committee shall consist of five classified employees representing each of the five EE0 categories as defined in WV State Code §18B-6-6-(b)-(7).
- C. The Staff Council staff support position shall be available to provide clerical support to the Election/Communications Committee as needed.
- D. The Election/Communications Committee shall keep a file of all notes, correspondence, recommendations, forms used, press releases, meeting minutes, etc. This file shall be retained by the Staff Council staff support position at the end of the committee's service and shall be forwarded as a guideline for the next appointed committee.

Section 3. Election Authorization

- A. WV State Code Sections §18B-6-5, §18B-6-6 and §18B-2A-1 provides authority for the election of the Staff Council, including the Chair, as well as the Advisory Council of Classified Employees (ACCE) representative and the classified employee representative to the Marshall University Institutional Board of Governors (MUBOG).
- B. The Advisory Council of Classified Employees election procedures was established March 13, 2004 by Legislative Law, §18B-6-5.
- C. The Institutional Board of Governors Classified Staff member election procedures was established March 13, 2004 by Legislative Law 18B-2A-1.

Section 4. Eligibility

The term "Classified Staff Employee" as used herein shall mean any regular full-time or part-time employee of Marshall University who holds a position that is assigned a particular job title and pay grade in accordance with the personnel classification system as established by WV State Code 18B-9-2(a) and who has completed his/her initial employment probationary period before the election date. This does not include faculty or non-classified personnel (West Virginia Code 18-26-9c).

Section 5. Nominations

- A. Sample nomination forms, the election procedures, and the election time line shall be published in the university's newsletter in March and distributed to all classified employees eligible to participate in the election process. Additional copies shall be distributed upon request from the Staff Council Office.
- B. Any classified employee may nominate *with the approval of the nominee one eligible staff member to run for each of the following positions:*
 - 1. Staff Council Chair
 - 2. Advisory Council of Classified Employees (ACCE) representative
 - 3. Marshall University Institutional Board of Governors (MUBOG) representative
- C. For Staff Council vacancies, classified employees may nominate up to five (5) qualified classified employees within their respective EE0 category up to the number of positions to be elected and with the approval(s) of the nominee(s).
- D. Nomination forms must be received in the Classified Staff Council office before 4:30 pm. on the date determined by the election committee in order to be considered eligible.
- E. Names of the nominees shall be verified against the Master List of eligible employees made available by Human Resource Services.
 - 1. Upon verification of the candidates, any EE0 category left open shall be conveyed to the Staff Council Chair. The Election Committee is then authorized to place a call for nominations within that EE0 category for a period of one week. Should the special call result in no nominations, the position shall be considered vacant until such time that regular Staff Council elections occur or the next special election, whichever may occur first.
- F. A nominee shall be considered a candidate if the following conditions are met:
 - 1. He/she is an eligible Classified Employee as defined in the Staff Council Election Procedures, Bylaw IV – Section 4, Eligibility
 - 2. He/she consents to serve, when elected.

Section 6. Election Procedures

- A. Both preliminary and final election results shall be distributed as follows:

1. Both letters and e-mails shall be sent to all candidates notifying them of the results.
 2. Reported in writing to the University President.
 3. Classified employees, in general, shall be notified within 24 hours of the certification of the results:
 - a) By mass e-mail
 - b) By posting of the results on the Classified Staff Council office door.
 4. By having the results published in the university employee newsletter.
 5. Results reported to the Classified Staff Council at its next scheduled meeting.
- B. A re-count based on preliminary results may be requested in writing to the Election Committee by any candidate within five working days from posting. This re-count must be completed by the Election Committee within ten working days from the date of the receipt of the written request. The candidate may only request a re-count for voters involved in his or her occupational classification or position. If no request for re-count is made within five days, the preliminary results become the final results. Unless otherwise determined by the Election Committee, there shall only be one re-count per candidate. Each candidate may designate one person, other than themselves, who is an eligible voter to serve as an observer during the re-count process.
- C. The Election Committee shall resolve, by a majority vote of the committee, all election related questions, disputes, and challenges. Clarification of non-addressed procedures shall be taken to the Staff Council Executive Committee, excluding any Executive Committee member who is an active candidate.
- D. Once a re-count has been completed, any election tie shall be determined by a “Luck of the Draw” method. A flip of a coin shall be used when possible. The candidate or his or her designee may be present for the draw.
- E. The Election Committee shall submit a written end-of-year report during the June Staff Council meeting regarding the elections. The report should include any suggested future changes for identified difficulties during the elections.
- F. The vote count shall appear in the minutes of the June Staff Council meeting.
- G. All election related materials shall be retained in the Staff Council office for three years after final results are reported, after which they shall be destroyed.

Section 7. Vacancies

- A. A vacancy in the position of Chair of Staff Council shall be filled by following the same election procedures as outlined in this section of the Classified Employees Constitution and By-Laws.
- B. A vacancy in the Advisory Council of Classified Employees (ACCE) position shall be filled by following the same election procedures as outlined in this section of the Classified Employees Constitution and By-Laws.
- C. A vacancy in the classified employee representative to the Marshall University Institutional Board of Governors (MUBOG) shall be filled by following the same election procedures as outlined in this section of the Classified Employees Constitution and By-Laws.
- D. Vacancies on the Classified Staff Council shall be filled by following the same election procedures as outlined in this section of the Classified Employees Constitution and By-Laws.

- E. The election process of any vacant position shall be published in the university employee newsletter immediately prior to the beginning of such a process.

Section 8. Campaigning

- A. Campaigning will be permitted by guidelines as established by the Election Committee in accordance with university policy and approved by the Classified Staff Council. Guidelines will be publicized with the call for nominations. Campaign procedures shall be e-mailed to all candidates, where practicable, with all others to receive a copy by campus mail.
- B. The Election Committee will be responsible for investigating and resolving any reported violations of the campaigning guidelines. Results of any investigation and resolution will be reported to the Executive Committee.

Bylaw VII – Parliamentary Authority

The most recent edition of *Robert's Rules of Order, Newly Revised*, currently the 10th edition, shall govern the business proceedings of Staff Council.

The Parliamentarian, appointed by the Chair, shall advise the Chair of parliamentary procedures in accordance with the most recent edition of *Robert's Rules of Order, Newly Revised*, currently the 10th edition.

Bylaw VIII – Ex Officio Members

Section 1. The Institutional Board of Advisors classified employee representative shall serve as an ex-officio, non-voting member of the Staff Council.

Bylaw IX – Amendments

These By-Laws may be amended in the same manner as prescribed in Article VIII of the Marshall University Classified Staff Council Constitution.

Approved by Staff Council, September 15th, 2011.