

BYLAWS
OF
THE YORK COMMISSION FOR TECHNICAL EDUCATION

ARTICLE I
LEGAL AUTHORITY

Section 1. These Bylaws are adopted pursuant to the authorities granted the York County Commission for Technical Education under the provisions of Act 967, General and Permanent Laws, 1962, ("An Act to Provide for the Appointment of a York County Committee for Technical Training"), Act 101, General and Permanent Laws, 1963, ("An Act to Amend Act 967 of 1962, Providing for the Appointment of the York County Committee for Technical Training, So As to Change the Name of the Agency, and to Further Define Its Powers and Functions"), Act 1097, General and Permanent Laws, 1970, ("An Act to Amend Act 967 of 1962, as Amended Relating to the York County Commission for Technical Education, So As to Increase the Members of the Commission), Act 654 of 1976 ("An Act to Amend Act 1268 of 1972 ... Establish the Powers and Duties of Area Commission ...), Act 232, General and Permanent Laws, 2006 ("An Act renaming the York County Commission for Technical Education to the York Commission for Technical Education and adding a member from Chester and Lancaster Counties").

Section 2. York Technical College Policy 1-1-1000, Legal Authority and Operating Control, clearly defines the governing board's responsibility for the institution's mission, fiscal stability, and institutional policies.

Mission.

The Commission shall periodically evaluate the institution's mission in accordance with the guidelines of the South Carolina Commission for Higher Education and the requirements of the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC).

Fiscal Stability.

The Commission shall evaluate the institution's fiscal stability through the annual review and approval of the institution's operational budget and the findings of the Independent Auditors' Report of Financial Statements and Schedules with the Unrestricted Net Assets.

Policies.

The Commission shall develop policies for local governance in compliance with all applicable State, Federal, and local laws, policies, regulations, rules, guidelines, and policies of the State Board for Technical and Comprehensive Education. The President

is responsible for seeing that the administration, staff, and faculty implement and adhere to all local and state policies.

Section 3. These Bylaws are not intended to be in conflict nor assume duties or powers not specifically designated in the above named Acts or any further Amendments thereof.

ARTICLE II

BOARD OF COMMISSIONERS

Section 1. Numbers of Members, Appointment. The Board of Commissioners shall be comprised of nine members from York County and one from each of Lancaster County and Chester County who shall be appointed by the Governor upon a recommendation of a majority of their respective Legislative Delegations.

Section 2. Terms. The term of office shall be four years and until their successor shall have been appointed and shall have qualified. Persons may be reappointed to additional terms of offices. A member may choose to resign, leaving a vacancy on the Board. In the event of a vacancy, a successor shall be appointed in the manner aforesaid to fill the unexpired term.

Section 3: Ethics Requirements. York Technical College Policy 1-1-1001, Ethics Requirements - Conflict of Interest, details the SC Code of Laws related to ethics requirements, conflict of interest, and undue influence. The South Carolina State Board for Technical and Comprehensive Education Policy Number 8-0-105 states that local Commission members shall “perform their duties and conduct themselves in an ethical and accountable manner in keeping with applicable provisions of the State Ethics, Government Accountability, and Campaign Reform Act....”

Conflict of Interest. A member shall be excused from any votes, deliberations, and other actions on an issue in which the potential conflict of interest exists in accordance with Section 8-13-700 of the South Carolina Code of Laws.

Undue Influence. A member may not receive anything of value for himself or herself or for another person in return for being influenced in the discharge of his or her official responsibilities as outlined in Section 8-13-705 of the South Carolina Code of Laws. The Commission shall remain free from undue influence from political, religious, or other external bodies. Further, the Commission shall protect the institution from such influence by operating through policy governance and acting as one body.

Section 4: Removal of Commission Member. York Technical College Policy 1-1-1002, Process for Removal of Board Member and Appeal Process, details how a member may be removed from the Commission by the Governor in accordance with Section 1-3-240 and 1-3-245 of the South Carolina Code of Laws. Examples of reasons for

dismissal include guilty of malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity. Section 1-3-250 of the SC Code of Laws outlines an appeal process for a member removed by the Governor.

ARTICLE III

ELECTION OF OFFICERS

Section 1. Officers of the York Commission for Technical Education, hereinafter called the Commission, shall consist of a Chair, a Vice-Chair, a Secretary, and a Treasurer. The offices of Chair, Vice-Chair, and Treasurer shall be filled from among the duly qualified membership of the Commission. The office of Treasurer shall be held by the Chair of the Commission's Finance Committee. The President of the College or his or her designee shall serve as Ex-Officio Secretary of the Commission. All elected officers shall serve for a period of two years, and any officer may succeed himself or herself.

Section 2. The Chair shall appoint a Special Committee known as the Nominating Committee to consist of no less than three nor more than five Commissioners, including the Chair and Vice Chair. At the first regular meeting of the Commission, in September of each odd numbered year (or when vacancies occur), the Nominating Committee shall propose nominee(s) for the offices of Chair and Vice Chair, to serve for a period of two years. Nominations may also be accepted from the floor.

Section 3. Election of the Chair and Vice-Chair shall occur with a simple majority being required for election to office. This election shall be held at the first regular meeting of the Commission, in September, of each odd numbered year.

ARTICLE IV

DUTIES OF OFFICERS

Section 1. The Chair of the Commission shall preside over all regular meetings or special meetings and perform other duties as ordinarily pertain to his or her office.

Section 2. The Vice-Chair shall preside in the absence of the Chair over regular meetings or special meetings and perform regular duties as ordinarily pertain to the office and shall assume all other duties of the Chair in his or her absence.

Section 3. The Chair, the Vice-Chair, and the immediate Past Chair, if available or if not available the Treasurer, shall serve as the Executive Committee of the York Commission for Technical Education. This Committee shall advise the President on all policy matters or interpretations thereof in lieu of a special meeting. This Committee

shall in no way usurp the powers of the Commission but further strengthen it by representing it during the intervals between meetings.

ARTICLE V

MEETINGS

Section 1. Regular meetings of the Commission shall be scheduled on the second Tuesday of each calendar month.

Section 2. In case of extreme emergency or necessity, a special meeting may be called at the discretion of the Chair, or his or her duly constituted representative, or by a majority of the qualified Commission members.

Section 3. In order to transact business, a quorum of one half of the appointed membership must be present and voting at any meeting of the Commission both regular and special. In the event that a position is vacant, the position shall not be considered in the quorum calculation. If a member abstains from voting due to any conflict of interest or otherwise, he/she shall not be counted toward a quorum for the question at hand.

Section 4. All qualified members of the Commission shall be notified in writing one week in advance of any regular meeting and as soon as possible in advance of any special meeting. A copy of the agenda will be sent with this notice.

Section 5. The order of the meeting shall be conducted according to the prepared agenda and other matters of business that may be brought to the attention of the Commission. Robert's Rules of Order shall be used as the sole guide in parliamentary procedure.

ARTICLE VI

STANDING COMMITTEES

Section 1. There shall be two standing committees consisting of not less than three members each. Members of the standing committee and committee chair shall be appointed by the Chair of the Commission at the second regular meeting in October of each new year. All Committee members shall serve until reassigned by the Commission Chair or vacate office. A list of committee members will be provided to the Commission following appointment.

Listed below are the standing committees with a brief description of their functions:

A. Finance Committee:

1. Annually review the College's budget and present to the full Commission Board with recommendations. Present annually a Commission approved budget to the York County Council and York County Legislative Delegation.

2. Review College financial policies and present policies to the full Commission Board with recommendations.

B. Academic and Student Affairs Committee:

1. Review instructional programs, including credit and non-credit, the development of new programs, and the revision of current programs, and present programs to the full Commission Board with recommendations.

2. Review College policies for both staff and students, and present policies to the full Commission Board with recommendations.

ARTICLE VII

COMMISSION POWERS

The Commission shall have the powers detailed in the South Carolina Code of laws Section 59-53-52, Powers and Duties of Area Commissions, generally.

ARTICLE VIII

ELECTION/EVALUATION OF THE PRESIDENT AND HIS OR HER RESPONSIBILITIES

Section 1. In accordance with State Board for Technical and Comprehensive Education (SBTCE) Policy 1-1-103, a Search Committee consisting of an area commission representative, a State Board representative, and an area technical college president will recommend three candidates for President to the York Commission for Technical Education. The Commission will interview and select from these candidates the person of their choice to fill the position of President. If none of the three are acceptable, the above procedure will be repeated until a President is selected.

Section 2. The President is hereby designated as the Chief Executive Officer and primary administrator of the College, and he/she is to operate within the policies stipulated by the Commission and the State Board for Technical and Comprehensive Education, and he/she is to make such reports as may be required. Further, the President is responsible for seeing that the administration, staff, and faculty implement and adhere to all local and state policies.

Section 3. The President will have a performance appraisal on at least an annual basis by the Commission.

ARTICLE IX

AMENDMENTS

Section 1. These bylaws may be amended upon thirty days written notice to all members of the Commission. Action on proposed amendments shall be taken at the next regularly scheduled meeting following notification of proposed changes; however, such action shall be deferred if the scheduled regular meeting date is less than thirty days from the time of this notification.

APPROVED: November 11, 2014