



# American Council for Construction Education

## BY-LAWS

### ARTICLE ONE - NAME

The name of this organization is "American Council for Construction Education, Inc.", hereinafter referred to as ACCE.

### ARTICLE TWO - PURPOSES

The purpose or purposes for which the corporation is formed are:

- to promote and improve construction education and research at the postsecondary level;
- to engage in accrediting construction education programs offered by colleges and universities;
- to maintain procedures consistent with policies and procedures established by other accreditation agencies to which the corporation may belong;
- to publish current information concerning criteria and procedures adopted by the corporation for accrediting;
- to report the results of its activities;
- to list the colleges and universities which have or are seeking accredited programs of study in construction;
- to review at regular intervals the criteria which the corporation has adopted to evaluate programs in construction education; and
- to do any and all things necessary to carry out the purposes and conduct the business of the corporation as authorized by law.

### ARTICLE THREE - MEMBERSHIP

The members of ACCE are those organizations, corporations, foundations, institutions, accrediting agencies, and individuals that have been admitted as Association Members, Organization Members, Accrediting Agency Members, or Individual Members.

**Section 1: Association Members.** Any construction industry related professional association, society, institute, or foundation may be admitted as an Association Member. Admission will be on the affirmative vote of a majority of the ACCE Board of Trustees present at a regular or special meeting, or by mail ballot, and upon the execution of the written instrument

accepting membership in ACCE and agreeing to pay the dues specified by the Board of Trustees. Each Association Member admitted to membership shall appoint, in writing, a person to serve as its Representative on the Board of Trustees who has authority to act for it in all matters relating to ACCE. Such Representative shall preferably be involved in practice as a constructor. Association Member representatives may be appointed and serve on any ACCE committee for which they meet the qualifications.

**Section 2: Organization Members.** An organization, corporation, foundation, or institution having an interest in the construction industry or in construction education that desires to contribute knowledge or support to ACCE and is willing to forward the goals and objectives of ACCE, but does not qualify as an Association Member, may be admitted as an Organization Member. Any entity accepted for Organization membership shall notify the Executive Vice President of ACCE in writing of the name of the individual who will serve as its Representative. Admission will be on the affirmative vote of a majority of the ACCE Executive Committee, and upon the execution of the written instrument accepting membership in ACCE and agreeing to pay the dues specified by the Board of Trustees. Organization Member representatives may be appointed and serve on any ACCE committee for which they meet the qualifications.

**Section 3: Individual Members.** Any individual having an interest in the construction industry or in construction education that desires to contribute knowledge or support to ACCE and is willing to forward the goals and objectives of ACCE may be admitted as an Individual Member. Admission will be on the affirmative vote of a majority of the ACCE Executive Committee, and upon the execution of the written instrument accepting membership in ACCE and agreeing to pay the dues specified by the Board of Trustees. Individual Members may be appointed and serve on any ACCE committee for which they meet the qualifications.

**Section 4: Accrediting Agency Members.** Any construction industry related accrediting agency may be admitted as a member. Admission will be on the affirmative vote of a majority of the ACCE Board of Trustees present at a regular or special meeting, or by mail ballot, and upon the execution of the written instrument accepting membership in ACCE and agreeing to pay the dues specified by the Board of Trustees. Each Accrediting Agency Member admitted to membership shall appoint, in writing, a person to serve as its Representative on the Board of Trustees who has authority to act for it in all matters relating to ACCE. Accrediting Agency Member representatives may be appointed and serve on any ACCE committee for which they meet the qualifications.

## **ARTICLE FOUR - DUES, FEES AND CONTRIBUTIONS**

**Section 1: Member Dues.** Members shall pay annual dues as specified by the Board of Trustees by the anniversary date of initial membership. No Member or Member Representative shall be entitled to exercise privileges of membership or exercise voting rights if such Member has failed to pay the specified dues.

**Section 2: Dues and Fees for Academic Programs.** Institutions with accredited programs and those institutions with programs in candidate status shall pay the annual dues and fees as specified by the Board of Trustees by the anniversary date of their accreditation or acceptance in candidate status by the Board.

**Section 3: Contributions.** ACCE may accept any donation, bequest, gift or other type of contribution offered by Members or others which will result in support of its purposes.

## **ARTICLE FIVE - TERMINATION OF MEMBERSHIP**

After due notice to the Member, membership in ACCE may be terminated due to non-payment of dues or other good and proper reasons by affirmative vote of two-thirds of the ACCE Board of Trustees present at a regular or special meeting. Upon notification of termination of membership, all certificates designating membership in ACCE shall be returned to ACCE.

## **ARTICLE SIX - GOVERNING BODY**

There shall be a governing body of ACCE known as the Board of Trustees or Board as a collective body, with the individuals comprising the ACCE Board of Trustees referred to as Trustees, or individually as Trustee. Service as a Trustee is considered a commitment to ACCE and its purposes, to regularly attend meetings, and to actively participate in meetings and other assignments. The Trustees will be elected at the Annual Meeting of Association Members and their term of service as a Trustee will be for one year, or until the next annual meeting. There shall be an equal number of Association and Educator Trustees, and at least one each Public Interest Trustee and Industry-at-Large Trustee. The specific number of Trustees in each category shall be determined by the Board of Trustees in advance of the election at the Annual Meeting of Association Members.

### **Section 1: Board Composition**

**a. Association Trustees.** The Representative designated in writing by the Association Member shall represent it on the Board as an Association Trustee.

**b. Educator Trustees.** An Educator Trustee shall be a person who is a full-time faculty member and/or administrator at an institute, college, or university, which is accredited by one of the regional accrediting agencies and who is teaching in (or administers) an associate, baccalaureate, or post-baccalaureate program (or option) in construction, construction engineering, construction management, or similar construction education program. All of the Educator Trustees shall be from schools with an ACCE accredited program. No two Educator Trustees shall be from the same school.

The term for Educator Trustees shall be four years. In the event of a vacancy in an Educator Trustee position, the vacancy will be filled, as specified in Article Six, Section 3, only for the length of the unexpired term.

**c. Public Interest Trustee(s).** In order to give representation to the public and to consumers of construction industry services and to their viewpoints on matters concerning the education of the professional constructor, individual representatives of the public-at-large will be represented on the Board. There shall be a minimum of one (1) Trustee and a maximum of five (5) Trustees representing the public interest. The term shall be one year. Re-election is possible without term limits.

**d. Industry-at-Large Trustee(s).** There shall be a minimum of one (1) Trustee and a maximum of five (5) Trustees representing the industry-at-large. The term shall be one year. Re-election is possible without term limits.

**e. Educator-at-Large Trustee(s).** An Educator-at-Large shall be a person who is, or was, a full-time faculty member and/or administrator at an institute, college, or university, which is

accredited by one of the regional accrediting agencies and who is teaching, or taught, in (or administers) an associate, baccalaureate, or post-baccalaureate program (or option) in construction, construction engineering, construction management, or similar construction education program. There shall be a minimum of one (1) Trustee and a maximum of five (5) Trustees representing the Educator-at-Large. The term shall be one year. Re-election is possible without term limits.

**f. Accrediting Agency Trustees.** The representative designated in writing by the Accrediting Agency Member shall represent it on the Board as an Accrediting Agency Trustee.

**g. Trustee by Virtue of Serving as Executive Vice President of the Board.** Once selected, and while serving as Executive Vice President of the Board, this individual shall be a non-voting member of the Board by virtue of the office held.

**Section 2: Duties of the ACCE Board of Trustees.** The Board shall have general supervision of the affairs of ACCE and may make general rules and regulations for the government of ACCE. The Board shall have full and final authority to act upon all recommendations of all Standing and Special Committees and special panels.

**Section 3: Nomination and Election of Trustees.** The Nominating Committee will report nominations for Educator, Public Interest, and Industry-at-Large Trustees at the Mid-Year Meeting. The Nominating Committee will also list and confirm the Association and Accrediting Agency Trustees.

Association Trustees shall elect all other Trustees at the Annual Meeting. In case a Trustee resigns, or is otherwise unable to serve, the Executive Committee may appoint a replacement or recognize a member representative replacement to fulfill such unexpired term.

**Section 4: Executive Committee.** The Executive Committee shall consist of the officers, the Immediate Past President, the Chairs of all standing committees and such other appointed members as to have a minimum of two each educators and practitioners, a majority of whom shall constitute a quorum. The Executive Vice President shall be ex-officio member of the Executive Committee. The Executive Committee shall be responsible for conducting routine business on behalf of the Board during the period of time between the meetings of the Board, for long range planning, for timely updating of the ACCE Strategic Plan, and any other matters the Board may delegate to the Executive Committee during any regular or special meeting of the Board. Meetings of the Executive Committee shall be called by the President, who also chairs the Executive Committee. Minutes of each Executive Committee meeting shall be prepared promptly by the Secretary and forwarded to the Committee and Board.

## **ARTICLE SEVEN - VOTING**

**Section 1: Voting on ACCE Board of Trustees Business.** Only the seated members of the Board may vote on Board matters. This may include in person, proxy, or mail ballot votes. On accreditation matters, the Trustees must cast their vote in person at a properly called meeting.

**Section 2: Proxies.** Trustees may vote or act by proxy in respect to all matters as specified in the proxy. Proxies are to be in written form and shall be in the hands of the Secretary prior to the beginning of the meeting at which they are to be exercised. At the appropriate time, the Secretary shall identify the proxy votes which are cast. For purposes of constituting a quorum, a

proxy will be considered as a Trustee present only for matters specified in such proxy.

**Section 3: Voting by Mail.** The Board, during a properly called meeting, may choose to vote by telephone, mail, email, or facsimile on a specific Board matter.

## **ARTICLE EIGHT - OFFICERS AND THEIR TERM OF OFFICE**

**Section 1: Officers.** The officers of the Board of Trustees shall be a President, Vice President, Secretary, and Treasurer, elected by the Board of Trustees from its members at the Annual Meeting.

**Section 2: Terms of Office.** The President and Vice President shall serve two-year terms and shall not be eligible for immediate re-election to that same office. The Secretary and Treasurer shall serve two-year terms and the length of service as Secretary or Treasurer shall be restricted to two consecutive terms. The Executive Vice

President shall be selected by the ACCE Executive Committee and the appointment must be confirmed by vote of the Board. In addition, the continuance of the Executive Vice President in that office must be confirmed by the Board at each ACCE Annual Meeting.

**Section 3: Powers and Duties of Officers.** Subject to such limitations as prescribed herein and to such limitations as the Board may from time to time prescribe, the officers shall each have such responsibilities and perform such duties as generally pertain to their respective offices and such further responsibilities and duties as may be conferred from time to time by the Board, or by the President. The President will preside over meetings of the Association Members, the Board, and the Executive Committee. The President, the Vice President and the Executive Vice President shall be ex-officio non-voting members of all Standing Committees, unless otherwise specified in the By-Laws.

**Section 4: Office Vacancy.** In the event of a vacancy in the position of President, the Vice President shall become Acting President until the next regular or special meeting at which time the Board of Trustees will elect a replacement. In the event of a vacancy in other positions, the Executive Committee shall appoint an acting replacement until the next regular or special meeting at which time the Board of Trustees will elect a replacement for the unexpired term.

## **ARTICLE NINE - MEETINGS**

The Operating Procedures shall govern the conduct of all meetings of the Association Members, Board, and Committees. A majority of the Association Members or the Board shall constitute a quorum for that group for any meeting. Members of a Board appointed committee or task force present at any meeting shall constitute a quorum for the committee or task force. There shall or may be meetings of the Association Members, Board, and Committees as follows:

**Section 1: Annual Meeting of the ACCE Board of Trustees.** An Annual Meeting of the Board shall be held at a location and time set by the Executive Committee. Such meeting will normally be held in the third quarter of the calendar year.

- a. The outgoing Board shall meet to consider accreditation actions recommended by the Accreditation Committee. Association Members shall elect Trustees to the new Board, and shall conduct other business as appropriate.

- b. The incoming Board shall meet to elect officers and to conduct other business as appropriate.

**Section 2: Association Member Meetings.** The Annual Meeting of Association Members will be held immediately after the meeting of the outgoing Board of Trustees at the Annual Meeting. Association Members shall elect Trustees to the new Board, and shall conduct other business as appropriate.

**Section 3: Mid-Year Meeting of the ACCE Board of Trustees.** A Mid-Year Meeting of the Board shall be held at a location and time set by the ACCE Executive Committee. Such meeting will normally be held during the first quarter of the calendar year. The primary purposes for this meeting will be to consider accreditation actions recommended by the Accreditation Committee, to consider matters of policy and procedures, to receive reports of the ACCE Committees, and to conduct other business as appropriate.

**Section 4: Special Meetings of the ACCE Association Members or Board of Trustees.** Special meetings of the Association Members or Board may be called at any time by the President, the Executive Committee, or by written request of five Association Members or five Trustees. The times and locations of such meetings will be determined by the Executive Committee.

**Section 5: Notice of Association Member or Board Meetings.** Notice of meetings shall be given either by mail or by facsimile or in person to each Association Member or Trustee or other person entitled thereto at least thirty (30) days prior to the date of such meeting. The notice shall state the purpose of such meeting.

**Section 6: Meetings of Committees.** Committees shall meet at such times and places as may be determined by the Chair according to the workload of each committee, provided, however, that each committee shall normally meet and present a report to the Board at the ACCE Annual Meeting. To the extent possible and reasonable, other business of the committees may be accomplished by correspondence.

## **ARTICLE TEN - STANDING COMMITTEES**

All Standing Committees shall report directly to the Board and shall consist of persons appointed by the President, and confirmed by the newly seated Board at each Annual Meeting.

**Section 1: Definitions.** For the purpose of committee composition: a practitioner is a person who is involved in the practice of construction or who represents a construction industry related organization; and, an educator is a full-time faculty member and/or administrator at an institute, college, or university, or who represents a construction education related organization.

**Section 2: Committee Appointments.** Committee appointments for the subsequent year are recommended by the President and confirmed by the Board of Trustees at each Annual Meeting. A majority of committee members must be ACCE members.

**Section 3: Responsibilities.** The President or Board may assign additional responsibilities to these Standing Committees beyond those specifically listed in these By-Laws. Minutes of each Committee's meetings shall be promptly prepared, given to the Secretary for ACCE's permanent records, and reviewed by the Executive Committee which will then make recommendations to the Board. Duly appointed members of committees shall be entitled to vote on committee action. Action by any Committee requires Board approval.

#### **Section 4: Management Committees.**

- a. Nominating Committee.** The Nominating Committee shall be composed of a Past President of the Board who shall act as chair of the Committee, plus two other past officers and two current Trustees of the Board. The Nominating Committee shall carry out its duties such that the required list of nominees to the Board and a recommended list of officers will be presented to the Board and Association Members at the Mid-Year Meeting of the Board for election at the Annual Meeting. The recommended list of officers shall not include any member of the Nominating Committee.
- b. Finance Committee.** Chaired by the Treasurer, the Finance Committee shall consist of a minimum of five members and shall be responsible for: preparation and submission of an annual budget; development and execution of an annual plan for funding the budget; and oversight of the budget and maintenance of the financial records of ACCE.
- c. Development Committee.** The Development Committee shall have the responsibility of developing and implementing a marketing plan for ACCE that will increase membership and participation by the construction industry and create a greater awareness of ACCE within the industry.
- d. Long Range Planning Committee.** The Long Range Planning Committee shall consist of the current Vice-President, who shall serve as the Chair; the Treasurer, who shall serve as the Vice-Chair; the President; the immediate past President; two Educator Trustees, one from a baccalaureate program and one from an associate degree program; two Association Trustees; one Industry-at-Large or Public Interest Trustee; the Executive Vice-President; and up to three additional members appointed at the discretion of the President. The Long Range Planning Committee is the long range planning group within ACCE, and provides the maintenance and modifications associated with the evolving nature of the on-going Strategic Plan.
- e. Dupree Education Fund Committee.** The Dupree Education Fund Committee shall be composed of seven people who are Trustees of ACCE. The President is to name one of the seven members of the Committee to serve as the Chair. The Committee shall be responsible for all ACCE fundraising activities, exclusive of the normal income realized from membership dues of all categories, accreditation fees, attendance fees, and investment income. Fundraising activities shall include, but are not limited to: the planning and conduct of both an endowment fund campaign and an annual fund campaign; management and custodial responsibility for all investments within the Dupree Fund; compliance with donor restrictions (if any); the release of any designated funds approved for projects (subject to Board approval) from both the annual fund and from the earnings from the endowment fund; and the coordination, providing guidance and support for the activities and functions of the Director of Development. The Executive Vice President shall supervise the Director of Development.
- f. Training Committee.** The Training Committee shall be responsible for structuring appropriate training for Registered Visitors and Visiting Team Chairs. In addition, the Committee shall be responsible for planning and executing a program of leadership development that will ensure future competent leadership for ACCE. The Committee shall be composed of ten members, some of whom shall have served as visiting team chairs.

**Section 5: Operations Committees.** Each Standing Operations Committee shall consist of no less than seven members (an equal number of practitioners and educators plus at least one public interest or industry-at-large representative). Each Standing Operations Committee shall have at least one Association Member Trustee and one Educator Trustee. Members of one Standing Operations Committee may not serve on another Standing Operations Committee concurrently.

- a. Standards Committee.** The Standards Committee shall be responsible for the preparation of the criteria and standards upon which all programs in construction education seeking accreditation or reaccreditation by ACCE will be evaluated. Each year the Committee shall review all criteria and standards and, where appropriate, shall recommend to the Board such changes as may be needed to improve upon the quality of the construction education programs, the accreditation process, and the promulgation of standards and criteria appropriate to the education of the professional constructor.
- b. Accreditation Committee.** The Accreditation Committee shall consider the accreditation reports and other pertinent materials submitted in connection with the accreditation of an academic program. After due deliberation it shall recommend to the Board accreditation, renewal, or reinstatement of accreditation for those academic programs who have applied for and have been reviewed and which, in the opinion of the Accreditation Committee, have met the standards and criteria for accreditation. The Committee shall also recommend to the Board the denying, revoking, or suspension of accreditation when, in the opinion of the Accreditation Committee, the program does not or has ceased to comply with the standards and criteria for accreditation established by ACCE. A recommendation for accreditation requires a two-thirds affirmative vote of the Committee.
- c. Guidance Committee.** The Guidance Committee shall have responsibility for providing a system of advisory services for construction education programs, including those programs seeking accreditation by ACCE and those already accredited. The Guidance Committee shall be responsible for the preparation of guidelines and documents with which a program will effect a self evaluation study that will be an integral part of the ACCE accreditation process, and shall recommend to the Board such changes as may be needed to improve these materials on an annual basis. All proposed changes to the materials shall be presented to the Board for consideration and approval prior to being incorporated in the official materials used in the accreditation process. The Guidance Committee shall also be responsible to the Board for identifying programs that are potential candidates for ACCE accreditation, and assigning mentors to new candidate programs or existing accredited programs, in compliance with Board policy.

## **ARTICLE ELEVEN - SPECIAL COMMITTEES**

The President, with Executive Committee approval, may create any special committee or Task Force, which shall have a specific charge and shall appropriately report progress to the Executive Committee. The President shall establish the membership and tenure of such special committees or Task Forces, national or regional, as may be required to implement the stated goals and purposes of ACCE.

## **ARTICLE TWELVE - SPECIAL PANELS**

The Board shall establish special panels to hear appeals from educational institutions on the status of accreditation. These panels shall consist of five members, plus two alternates, who shall serve for the term of the appeal. The panel's Chair shall be so designated by the President. These panel members are to have served as full members on at least one unrelated Site Visit and not have voted on the action under review as a Team Member, Accreditation Committee Member, or Board Member. No panel member shall have any affiliation with the institution requesting the appeal.

## **ARTICLE THIRTEEN - FISCAL AND BUDGET YEAR**

The fiscal and budget year of ACCE is July 1 through June 30.

## **ARTICLE FOURTEEN - OUTSIDE INTERESTS**

The Board of Trustees shall, from time to time, adopt rules and regulations governing the conduct of officers, trustees, members, or employees with respect to matters in which they have any interest in, or conflict with the interests of ACCE. Such rules and regulations shall forbid officers, trustees, members or employees from personally participating in ACCE action with respect to any contract, transaction, accreditation or other matter in which, to the knowledge of any such officer, trustee, member, or employee, it has any interest, financial or otherwise, unless said officer, trustee, member, or employee makes full disclosure of the circumstances to the ACCE Board of Trustees and said Board determines that (a) the interest is not so substantial as to affect the integrity of ACCE and the services being rendered by said officer, trustee, member, or employee; or (b) on the basis of standards to be established in such rules and regulations, the interest of said officer, trustee, member, or employee is too remote or too inconsequential to affect the integrity of ACCE and the services being rendered.

## **ARTICLE FIFTEEN - INDEMNIFICATION**

ACCE, to the extent permitted by law, shall indemnify all officers and trustees and may, by resolution by the Board of Trustees, indemnify any employee and individual serving as a designated representative of ACCE, against any and all expenses and liabilities actually and reasonably incurred by or imposed upon said person in connection with any claim, action, suit, or proceeding, (whether actual or threatened), to which said person may be or is made a part by reason of said person being or having been an officer, trustee, employee, or designated representative of ACCE; provided, however, that there shall be no indemnification in relation to matters as to which said person shall be adjudged in such claim, action, suit, or proceeding, and any related appeal there from, to be (1) guilty of a criminal offense; (2) liable for intentional and wanton tortuous acts; or (3) liable to ACCE for damages arising out of said person's intentional tort or wanton negligence in the performance of a duty to ACCE. ACCE may, by resolution by the Board of Trustees, indemnify any officer, trustee, employee, or designated representative of ACCE, for any expenses or liabilities not otherwise indemnified by this Article.

If such officer, trustee, employee, or designated representative of ACCE is or has been extended the right to indemnification by ACCE, then ACCE shall offer a defense to said person from the very onset of the event giving rise to the indemnification, provided ACCE shall have been given written notice. If the final decision, including all applicable appeals, finds liability against said person totally on the basis for which indemnification would not apply, then the person shall be obligated to repay to ACCE all sums previously advanced and/or paid by ACCE for legal fees and

costs arising out of this indemnification provision.

Amounts paid pursuant to this indemnification shall include any expenses and liabilities incurred by said indemnitee, including reasonable counsel fees, judgments, fines, penalties, and amounts paid in settlement by said indemnitee.

The provisions of this Article shall be applicable to all claims, actions, suits, or proceedings made or commenced after the adoption hereof, whether arising from acts or omission occurring prior to the adoption hereof, provided that no formal proceedings have been commenced and served on the indemnitee.

The indemnification rights provided for in this Article shall not be deemed exclusive of any other rights to which said officer, trustee, employee, or designated representative of ACCE may be entitled, under any law, By-Law, agreement, ruling of the Board of Trustees or otherwise, and shall not restrict the power of ACCE to make any indemnification permitted by law. Indemnification as provided in this Article shall inure to the benefit of the heirs, executors, administrators, or other legal representatives of said indemnitee. If any part of this indemnification provision shall be found in any action, suit, or proceeding to be invalid, or ineffective, the validity and effectiveness of the remaining parts shall not be affected. The indemnification obligation is strictly limited to ACCE and shall not create any duty of indemnification on the part of any Member.

## **ARTICLE SIXTEEN - AMENDMENTS**

These By-Laws may be amended or replaced by a two-thirds vote of the Trustees voting at any Annual Meeting or at any special meeting called for such purpose. Thirty (30) days prior notice of such approaching amendments shall be given to the Trustees by mail.

## **ARTICLE SEVENTEEN - SEAL**

ACCE may adopt a seal, and if one is adopted, it shall be in the custody of the Executive Vice President.