

# Montgomery Community College Board Policy Manual

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The Trustees of Montgomery Community College (“Board”) are hereby vested to exercise all of the powers and duties as proscribed in Chapter 115D of the North Carolina General Statutes and as authorized by the North Carolina State Board of Community Colleges. As a body corporate, the Board is authorized to do all things necessary and proper to organize and operate Montgomery Community College consistent with laws and State Board rules and regulations.

The Trustees hereby incorporate by reference the Montgomery Community College Board of Trustees By-Laws, which shall take precedent over any policy or procedure adopted by the Board.

Legal Reference: N.C.G.S. § 115D-14, -15, -20; 1B SBCC 300.1 and 300.2

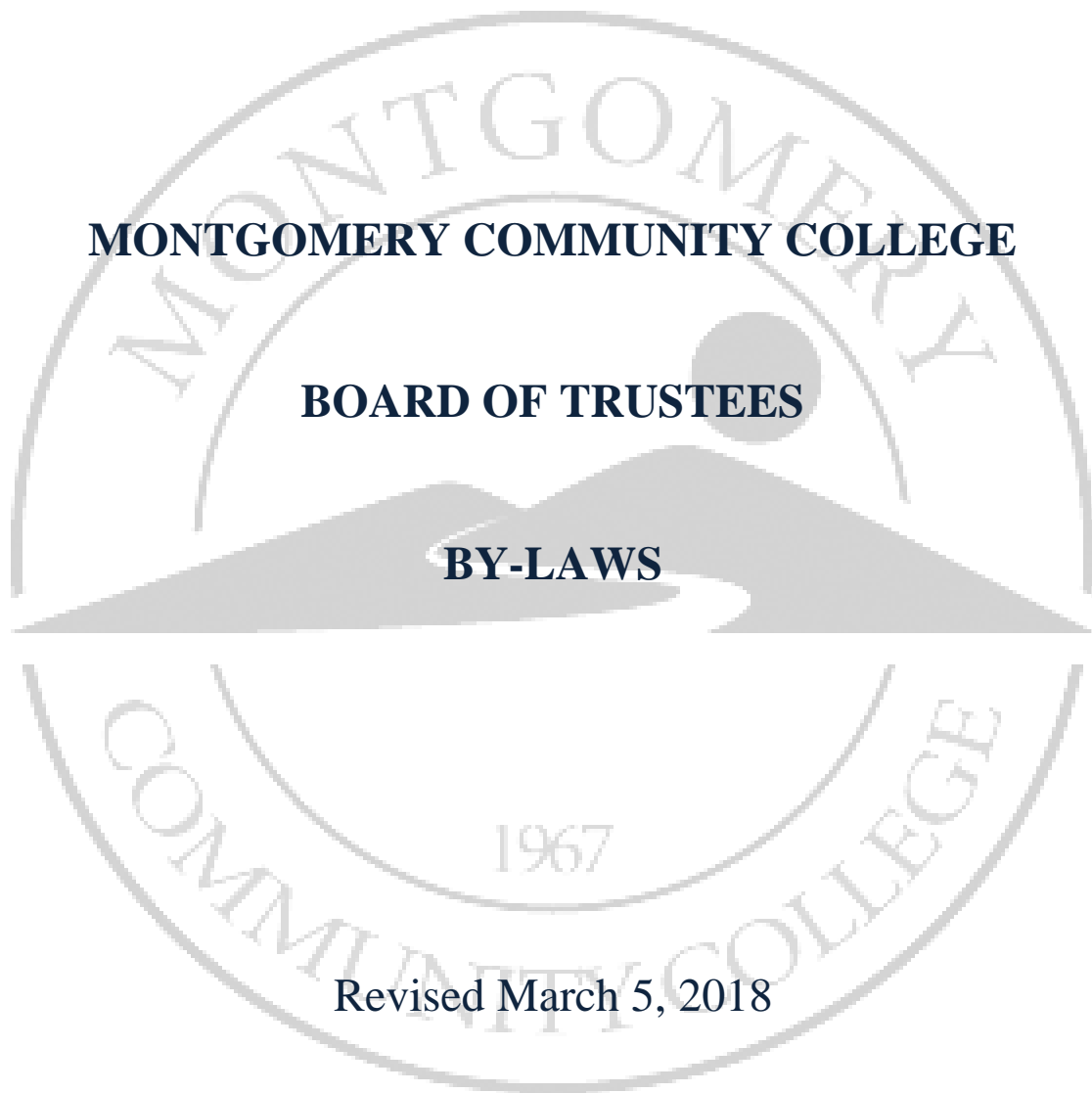
Adopted: October 10, 2018



The following are the official By Laws for the Montgomery Community College Board of Trustees.

Legal Reference: N.C.G.S. § 115D-14, -15, -20; 1B SBCC 300.1 and 300.2

Adopted: October 10, 2018



**MONTGOMERY COMMUNITY COLLEGE**

**BOARD OF TRUSTEES**

**BY-LAWS**

Revised March 5, 2018

MONTGOMERY COMMUNITY COLLEGE  
 BOARD OF TRUSTEES BY-LAWS  
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Board of Trustees By-Laws

ARTICLE 1

Responsibility and Membership

Section 1. Jurisdiction and Responsibility

1. The Board of Trustees of Montgomery Community College is a body corporate established by an act of the North Carolina General Assembly (Chapter 115-A, General Statutes of North Carolina) and it possesses all the powers of a body corporate for the purposes by or that may exist under provisions of the law.
2. The Board of Trustees has responsibility for the development and operation of the college in accordance with the provisions of the law and the standards of the State Board of Community Colleges.
3. The official title of the Board of Trustees, and the corporate name of the college, shall be “The Board of Trustees of Montgomery Community College.”
4. Under the law, the Board of Trustees shall hold title to all real and personal property donated to the college or purchased with funds provided by the tax-levying authorities.

Section 2. Membership

1. The Board shall consist of thirteen members in four groups. The four trustees in Group One shall be appointed by the Montgomery County Board of Education. The four trustees in Group Two shall be appointed by the Board of County Commissioners of Montgomery County. The four trustees in Group Three shall be appointed by the Governor. The one trustee in Group Four shall be the president of the student government and will be an ex officio nonvoting member of the Board of Trustees.
2. The terms of the members of the Board shall be four years. All terms shall commence on July 1 of the appointment year. Each appointing agency shall have an appointment expiring each June 30.
3. Vacancies occurring in any group, for whatever reason, shall be filled for the remainder of the unexpired term by the agency or agencies authorized to select the trustees of the group and in the manner in which regular selections are made.

Section 3. Office of Record

The Board shall maintain its office of record in Montgomery Community College, and the secretary of the Board shall reside in Montgomery County.

## ARTICLE 2

## Officers and Their Duties

Section 1. Election and Term of Office

1. The corporate officers of the Board of Trustees shall be elected at the first regular meeting following the 30<sup>th</sup> day of June.
2. The Chairman and Vice-Chairman shall be elected by the Board of Trustees from its membership.
3. The Secretary shall be elected by the Board. The Chairman, Vice-Chairman, and the Secretary shall be elected for a period of one year, and shall be eligible for re-election by the Board. The President of the College shall be the executive officer of the Board and he/she shall serve on appointment by and at the pleasure of the Board.

Section 2. The Chairman of the Board of Trustees

The Chairman shall appoint the members of and serve as an ex-officio voting member of all committees of the Board, preside at all meetings of the Board, call meetings of the Board, and discharge all other functions delegated to him/her by the Board.

Section 3. The Vice-Chairman of the Board of Trustees

The Vice-Chairman of the Board shall preside in the absence of the Chairman, perform all duties of the Chairman with full authority during the absence or disability of the Chairman, and shall discharge any other functions delegated to him/her by the Board.

Section 4. The Secretary of the Board of Trustees

1. Upon the recommendation of the Chairman of the Board, the Board shall elect a Secretary.
2. The Secretary shall:
  - a) Keep an accurate record of the proceedings of the Board.
  - b) Have custody of all official records and documents of the Board.
  - c) Prepare and maintain an indexed compilation of all by-laws and amendments thereto, a copy of all policies, procedures, and Regulations of the Board and all amendments thereto.
  - d) Issue, upon direction by the Chairman, notice of all meetings of the Board to members of the Board and to the President of the College.
3. The Board may designate a corresponding secretary. The corresponding secretary will aid the Secretary in the performance of duties.

Section 5. The President of the College

1. The President shall be qualified, by training, experience, habits, and philosophy, to develop and maintain a comprehensive community college of high quality in accordance with State law and regulations and sound public educational theory and practice.
2. The President shall attend and participate, without vote, in all meetings of the Board of Trustees, except where his/her absence is expressly desired such as Closed Session.
3. The President shall be responsible for all administrative and managerial aspects of the development and operation of the college.
4. The President shall submit recommended policies and public policy decisions to the Board when requested to do so by the Board or when he/she deems it to be in the best interests of the College to do so.
5. The President shall recommend, in the following broad fields, all educational programs and co-curricular programs which he/she deems to be in the best interests of the citizens of Montgomery County and The State of North Carolina, which are educationally and financially feasible and which are not in conflict with the requirements of the Statutes or the standards of the State Board of Community Colleges.
  - a) Organized curricula for the preparation of technicians.
  - b) Courses and curricula in vocational, trade and technical specialty areas.
  - c) Courses and programs in general adult education.
6. The President shall appoint lay-advisory committees for particular programs of the College where needed.
7. The President shall advise all committees at the request of the Chairman of the Committee.
8. The President shall advise the Board on the financial and budgetary needs of the College.
9. The President shall discharge any other functions which the Board may delegate to him/her.

## ARTICLE 3

## Powers and Duties of the Board of Trustees

Section 1. The Board of Trustees shall:

1. Establish the basic qualifications for and appoint a President for such term and under such conditions as it may fix, such election to be subject to the approval of the State Board of Community Colleges.
2. Provide for employment of the personnel required for the operation of the College upon nomination by the President, subject to standards established by the State Board of Community Colleges.
3. Purchase or receive all land required for the college site and right-of-ways which shall be necessary for the proper operation of the College, when such site has been approved by the State Board of Community Colleges, and, if necessary, to acquire land by condemnation in the same manner and under the same procedures as provided in Article 2, Chapter 40, of the General Statutes. For the purpose of condemnation the determination of the Board as to the amount of land to be taken and the necessity therefore, shall be conclusive.
4. Apply the standards and requirements for admission and graduation of students and other standards established by the State Board of Community Colleges.
5. Receive and accept private donations, gifts, bequests, and the like and to apply them or invest any of them and apply the proceeds for the purposes and upon the terms which the donor may prescribe and which are consistent with the provisions of State Law and the regulations of the State Board of Community Colleges.
6. Provide all or part of the instructional services for the college by contracting with other public or private educational agencies of the State, according to regulations and standards adopted by the State Board of Community Colleges.
7. Establish or discontinue programs of instruction within the college.
8. Require the execution of such studies and take such steps as necessary to insure that the functions of the College are always those, which are most helpful and feasible in light of the resources available to the College.
9. Adopt and recommend current expense and capital outlay budgets.
10. Approve out-of-state trips for the President.
11. To perform such other acts and do such other things as may be necessary or proper for the exercise of the foregoing specific powers, including the adoption and enforcement of all reasonable rules, regulations and by-laws for government and operation of the College under the law and for the discipline of students.
12. Perform a yearly self-evaluation to review the functioning, strengths, and concerns of the Board and where improvements may be needed.

## ARTICLE 4

## Committees

Section 1. Types of Committees and Method of Appointment

The Board may establish such standing committees and such ad hoc committees as it deems necessary to secure and protect the College's welfare. The Chairman shall appoint the members of all committees.

Section 2. Limitation of Authority of Committees

If the Board, in regular or special meeting, authorizes a committee to action on a matter referred to it, the chairman of the committee shall report within a reasonable time to the board the action taken and the action of the committee shall be deemed concluded; otherwise, committee action shall be reported as a recommendation for consideration and action by the Board at a regular or special meeting.

Section 3. Authority of Committees

All committees shall have other functions, regular and special, as the Board may authorize.

Section 4. Buildings and Grounds Committee

The Buildings and Grounds Committee shall consist of four to six members of the Board and the Chairman of the Board shall serve as ex officio member with voting privileges. The Committee shall meet as necessary to discharge its functions and to accomplish any special tasks assigned to it by the Board. The Committee shall have the following regular functions:

1. To carry out, or require to be carried out, studies relating to sites, building, and grounds.
2. To recommend to the Board, after consultation with the President, the College's campus planner and architect.
3. To recommend for inclusion in all planning architectural, and construction contracts all appropriate provisions for the protection of the interests of the College.
4. To recommend to the Board, after consultation with the President, a long-range campus plan and architectural plans for all construction.
5. To make recommendations to the Board after consulting with the President, regarding the immediate and long-range buildings and facilities needs of the College.
6. To recommend to the Board the call for bids on College construction and the awarding of contracts.



7. To make recommendations to the Board, after consultation with the President, regarding plans and programs of maintenance of the campus and its property and regarding the beautification of the campus.
8. To recommend to the Board adequate insurance coverage of buildings and their contents, and for other facilities.
9. To recommend to the Board of Trustees the securing or granting of easements and rights-of-ways.

#### Section 5. Budget and Finance Committee

The Budget and Finance Committee shall consist of four to six members of the Board of Trustees and the Chairman of the board of Trustees who shall serve as ex officio member with voting privileges. The Budget and Finance Committee shall, subject to applicable standards of the State Board of Community Colleges, have the following regular functions:

1. To make recommendations to the Board regarding the fiscal policies of the College.
2. To receive, study, and recommend to the Board, with such modifications as it deems appropriate, the President's recommended budgets for current operations and capital outlay.
3. To receive, study, and take such action as it deems appropriate, any special or unusual expenditures of any type recommended by the President.
4. To receive, study, and take such action as it deems appropriate on any reports on the budget, purchasing and accounting functions required by it of, or presented to it by, the President.
5. To recommend to the Board policies and decisions regarding the receipt and disposition of any monetary bequests, gifts, and grants and donations, the care of all College securities, and regarding contracts for instructional or research services or other purposes with private or governmental firms, persons, or agencies.
6. To recommend to the Board policies and decisions regarding investment of any surplus or restricted monies.
7. To represent the Board before the Board of County Commissioners, the Legislature, the State Board of Community Colleges, the North Carolina Community College System, and other agencies and offices in matters concerned with the securing of adequate financial support for the needs of the College for current operating expenses and support for its needs for capital outlay.
8. To recommend to the Board a local budget for current expense of the College.
9. To recommend to the Board that issuance of bonds or notes be effected and recommend that special taxes be levied for the purpose of meeting payments of principal and interest on such bonds and notes, when the capital outlay requirements of the College make such action necessary.
10. To recommend to the Board policy to govern the receipt, security depositing, accounting, and expending of all trust and non-trust funds pertaining to the College, in accordance with the law and the State Board of Community Colleges' regulations.

11. To recommend to the Board appropriate bonding policy to govern College employees entrusted with funds of all kinds.
12. To approve, on the recommendation of the President, the transfer of local funds within line items in the budget.
13. To receive and examine the audit of the College books and make such recommendations to the Board as it may deem necessary.
14. From time to time, it shall be the Budget and Finance Committee's responsibility at their discretion, to study the general cost effectiveness of various Montgomery Community College operations, to insure that monies expended at Montgomery Community College are expended in an efficient manner, and to develop those policy recommendations which from time to time may be discovered to further increase the general cost effectiveness of the College.
15. To serve as liaison between the Board of Trustees of Montgomery Community College and Montgomery Community College Foundation, Inc.
16. Review and approve new financial assistance programs for curriculum students upon recommendation of the College's Curriculum & Student Services Committee and the President.

#### Section 6. Personnel Committee

The Personnel Committee shall consist of four to six members of the Board of Trustees and the Chairman of the Board of Trustees who shall serve as ex officio member with voting privileges. The Personnel Committee shall, subject to applicable standards of the State Board of Community Colleges, have the following regular functions.

1. To recommend to the Board personnel policies, including salary determination, employment procedures, and termination procedures. The following may be considered:
  - a) Those personnel policies, which will maximize quality instruction for the students at Montgomery Community College.
  - b) Those policies which tend to constantly improve the quality of staff and faculty by both hiring practices and internal self-improvement programs.
  - c) Those policies, which will insure that Montgomery Community College is truly an "Equal Opportunity" employer.
  - d) Those policies which will bring to the attention of the President persons in the Montgomery Community College community who are especially well qualified to serve Montgomery Community College in a professional capacity.
  - e) Those policies which foster "esprit de corps", a sense of "fair play", and a general sense of well-being among the staff and faculty of Montgomery Community College.
2. To receive from the President notification of the employment of new hires; and the dismissal, resignation or retirement of employees. To communicate this notification to the Board.
3. To receive from the President recommendations for the establishment of new employee positions. To act up on these recommendations and forward this action to the Board.

4. To serve as a committee to hear personnel who have made written requests for a hearing to this committee through the President.
5. Approve out-of-state travel for the President.

Section 7. Legislative/Public Relations Committee

The Legislative/Public Relations Committee shall consist of four to six members of the Board of Trustees and the Chairman of the Board of Trustees who shall serve as ex officio member with voting privileges. The Legislative/Public Relations Committee shall, subject to applicable standards of the State Board of Community Colleges, have the following regular functions:

1. To promote activities with local, state and national legislative officials, coordinating activities to keep said officials informed about the college, its needs and its activities.
2. To evaluate the effectiveness of the College's legislative activities and make specific recommendations.
3. To work with those employed in Public Relations, to promote a total understanding between the community and the college.
4. To make specific recommendations to the Board of Trustees regarding public relations programs.
5. To evaluate the effectiveness of the College's public relations and make specific recommendations.
6. To work with the College and the community to aid in the economic development of Montgomery County.

Section 8. Curriculum & Student Services Committee

The Curriculum & Student Services Committee shall consist of four to six members of the Board of Trustees and the Chairman of the Board of Trustees who shall serve as ex officio member with voting privileges. The Curriculum and Student Services Committee shall, subject to applicable standards of the State Board of Community Colleges, have the following regular functions:

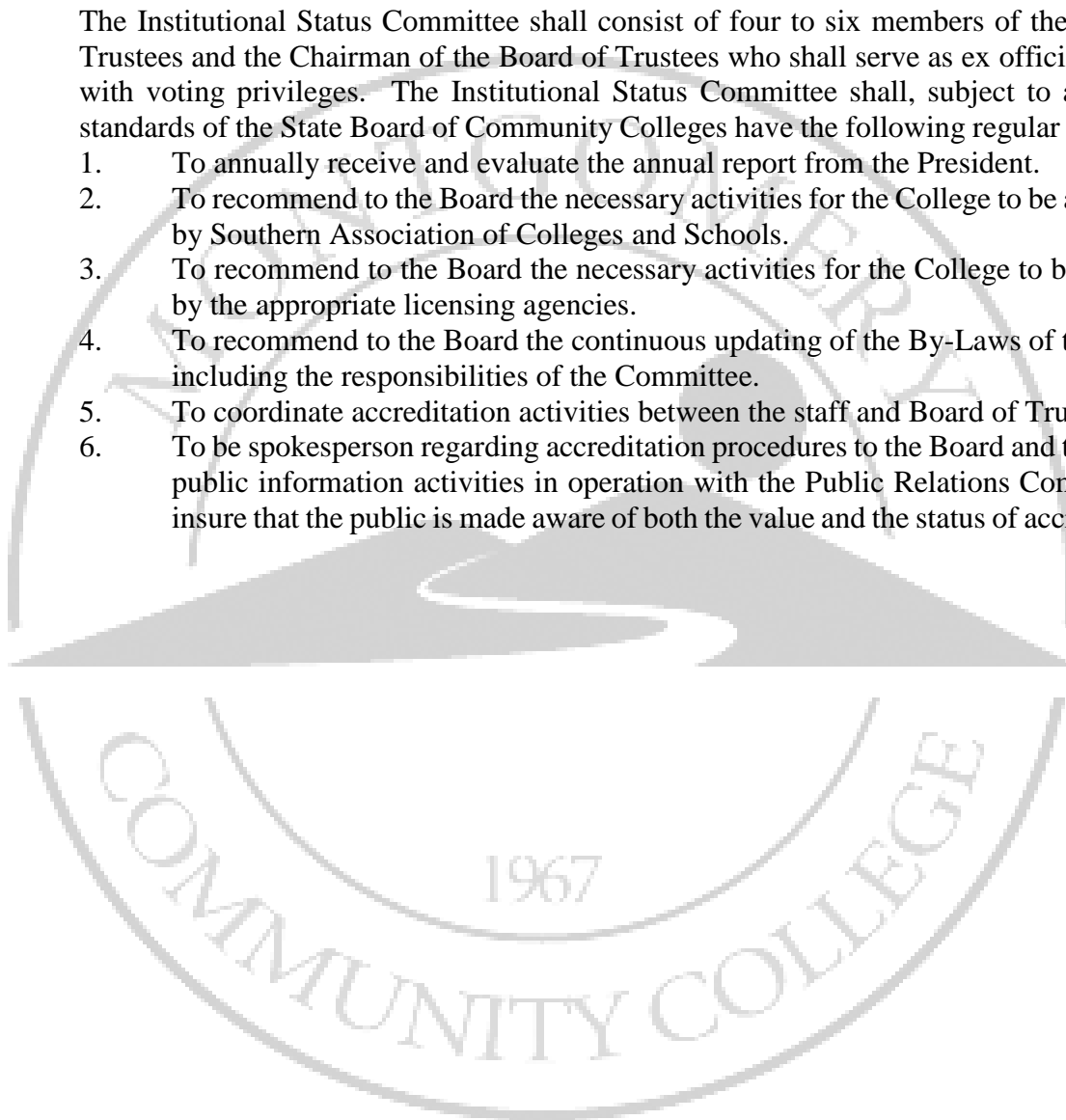
1. To receive recommendations from the President for establishing and terminating curriculums. To evaluate these recommendations and report to the Board of Trustees.
2. To aid the President in establishing Advisory Committees.
3. To recommend to the Budget and Finance Committee the cost of proposed curriculums and programs.
4. To have the responsibility of insuring that the equipment at Montgomery Community College is adequate for the operation and that equipment on hand for educational purposes represent the best and latest models available for such purposes insofar as permitted by budgetary requirements.
5. Establish and recommend requirements for special admission criteria for curriculum programs (i.e. those not stipulated by the North Carolina Community College System).

6. Concern and action when necessary regarding student extracurricular activities and problems.

Section 9. Institutional Status Committee

The Institutional Status Committee shall consist of four to six members of the Board of Trustees and the Chairman of the Board of Trustees who shall serve as ex officio member with voting privileges. The Institutional Status Committee shall, subject to applicable standards of the State Board of Community Colleges have the following regular functions.

1. To annually receive and evaluate the annual report from the President.
2. To recommend to the Board the necessary activities for the College to be accredited by Southern Association of Colleges and Schools.
3. To recommend to the Board the necessary activities for the College to be licensed by the appropriate licensing agencies.
4. To recommend to the Board the continuous updating of the By-Laws of the Board, including the responsibilities of the Committee.
5. To coordinate accreditation activities between the staff and Board of Trustees.
6. To be spokesperson regarding accreditation procedures to the Board and to develop public information activities in operation with the Public Relations Committee to insure that the public is made aware of both the value and the status of accreditation.



## ARTICLE 5

### Meetings

#### Section 1. Regular Meetings

The Board of Trustees shall schedule its time and place of meetings.

#### Section 2. Special Meetings

1. The Board may hold special meetings as required.
2. The business to be transacted at any special meeting of the Board shall be confined to such matters as have been specified in the call to members and officers of the Board.

#### Section 3. Notice of Meetings

Members and officers of the Board and the President shall be notified in writing by the Secretary of the time and place of all meetings and the purpose(s) of special meetings at least forty-eight hours in advance of meetings. The individual Trustee may waive notice of meetings.

#### Section 4. Quorum

Seven members of the Board of Trustees in attendance at meetings shall constitute a quorum for the transaction of business. No business shall be transacted without an affirmative vote of at least four members of the Board. If a Board member cannot attend a board meeting in person, the Board member may attend via telephone, videoconferencing, or other electronic means.

#### Section 5. Power to Vote

All members of the Board of Trustees in attendance at a meeting, except the Student Government Association representative, may vote on all matters coming before the Board for consideration. Only board members in attendance at a meeting via telephone, videoconferencing, or any other electronic means are permitted to vote using electronic means. No member may vote by proxy.

#### Section 6. Agenda

1. The President of the College will provide the Chairman with a list of those items to be presented to the Board with his/her recommendations and, where appropriate, with hard or electronic copies of any documents for the press and to be presented as information or for action by the Board. The Chairman shall receive agenda items from the President, Board members, and from all other sources at least four days prior to the meeting for which they were prepared.

2. In emergencies the Chairman, on the request of the President or members of the Board, may add items to the agenda regardless of the date he/she receives such items.

Section 7. Order of Business

The regular order of business at meetings of the Board shall be:

1. Call to Order/Roll Call
2. Approval of the Agenda
3. Board of Ethics Reminder
4. Consideration and disposition of the minutes
5. Board Presentations
6. Committee reports
7. Report by the SGA President
8. Report by the President
9. Report by the Board Chairman
10. Adjournment

Section 8. Parliamentary Rules

Robert's Rules of Order shall be followed in conducting the meetings of the Board unless otherwise provided by the Board.

Section 9. Individual or Group Hearings

It shall be the standing policy of the Board of Trustees of Montgomery Community College to provide for a reasonable public avenue of approach by the College's constituency to the Board of Trustees. The following provisions shall apply to individuals or groups wishing to make an oral presentation:

Oral Presentations

1. All requests for oral presentations must be filed with the Chairman of the Board of Trustees at least two weeks (10 days) prior to the date of the regularly scheduled meeting of the Board of Trustees at which the group or individual requests presentation privileges.
2. Oral presentations shall be limited to five minutes or less.
3. Presenters shall be limited to one topic per presentation.
4. Each group or groups of persons must designate a presenter. The name, address and telephone number of the designated presenter must be furnished to the chairman of the Board of Trustees at the time the request for presentation privilege is presented.
5. A typed, double-spaced copy of the presentation must be furnished to the Chairman of the Board of Trustees at least forty-eight hours prior to the regularly scheduled Board meeting at which the presentation is to be made.
6. Abusive or profane language, gestures, or actions will not be tolerated and may result in sanctions.

7. Robert's Rules of Order will be utilized as a guide but may not supplant the foregoing provisions.



## ARTICLE 6

## Administration

Section 1. Coordination within the College

The College shall provide to the citizens of Montgomery County and the State of North Carolina, educational programs of high quality only on the basis of justified need. Programs which are appropriate to a comprehensive community college may be authorized to serve the needs of all or any combination of the following groups, among others:

1. High school dropouts, eighteen years of age or older, who desire to complete high school.
2. Adults who desire high school review.
3. High school graduates who seek to complete an Associate Degree or College Parallel program.
4. High school graduates who seek non-degree occupational training.
5. Adults, employed or unemployed, who desire retraining.
6. Adults, employed or unemployed, who wish to upgrade their skills or who need refresher instruction in their fields.
7. Adults who seek to complete an Associate Degree or Parallel program.
8. Adults who seek occupational training.
9. Adults who are interested in general education instructional services and who do not desire credit.
10. Groups within the community who need short courses for specific purposes.
11. Adults who need instruction to remove literacy deficiencies.

Section 2. Admission to Colleges and Service to Minors summary of State Board of Community College Policies

1. Admission to colleges (2C.0301)
  - a) College shall maintain open-door admission policy for high school graduates or those at least 18 years of age.
  - b) Student admission and placement shall be determined by college officials.
  - c) Admission for emancipated minors shall be the same as for applicants 18 years of age or older (see section on services for minors).
  - d) All programs specifically approved by the State Board of Community Colleges for admission of high schools shall be upheld according to the admission provisions of the approved programs.
2. Services for Minors (2C.0305)
  - a) SBCC shall encourage high school completion.
  - b) Minors, 16 years or older, may be considered as students with special needs.
  - c) May be admitted to an appropriate program if the local public or private education agency determines that admission is the best educational option for the student and if such admission is approved by the college.



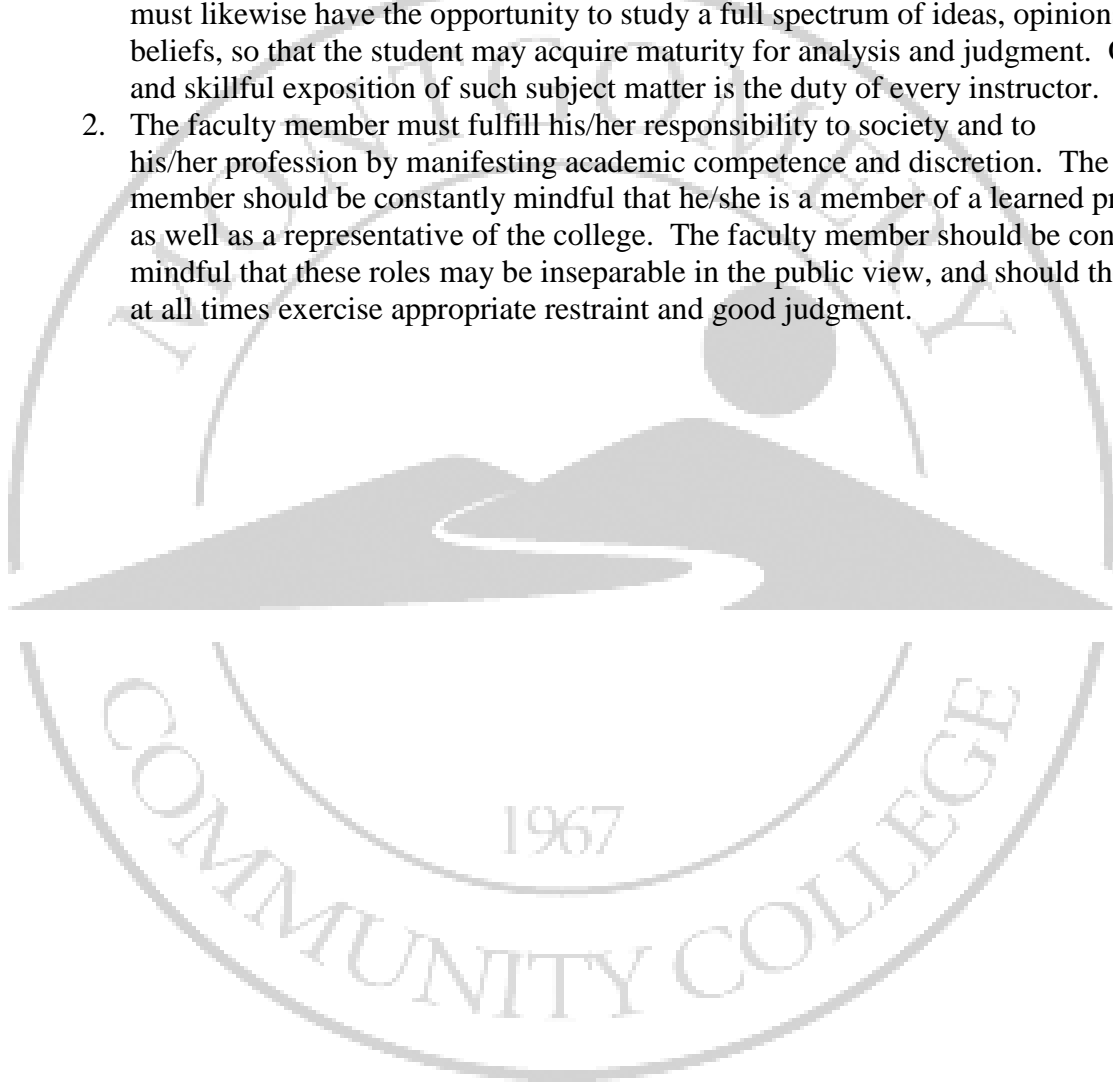
- i. Requirement may be waived if student has been out of school for at least 6 months and application is supported by student's parent, legal guardian, etc. (notarized petition).
- ii. Shall not displace adults; admitted on space available basis. However, once admitted, shall be treated the same as other students.
- d) High school students, 16 years or older, based on policies approved by the college board and local school board, may be admitted concurrently to appropriate courses; except adult high school, under the following conditions.
- e) School Boards and Boards of Trustees may establish cooperative programs to provide college courses to qualified high school students. College credits will be awarded. These programs must be approved by the State Board.
- f) College shall not start classes, offer summer school courses, or offer regular high school courses for high school students.
- g) College may offer to persons of any age non-credit, non-remedial, enrichment courses during the summer term. These shall be self-supporting.
- h) At request of director of a training school having custody of juveniles committed to Division of Youth Services (DHR), a college may offer courses if students meet course admission requirements.
3. Exemption from Payment of Tuition [NCGS 115D-5(b)]
  - a) Tuition is waived for high school students taking college level classes.

### Section 3. The President of the College

1. The President shall have full authority and responsibility for the operation of the College under the policies and rules and regulations of the Board and of the State Board of Community Colleges within the budgets approved by the Board. The President shall be elected by the Board of Trustees and shall hold office at the pleasure of the Board.
2. The Board shall at all times exercise its control of the College through the President.
3. The President shall have the initiative in shaping and maintaining the educational policies of and the character of the College, and he/she shall recommend changes to be made in the programs and services to be provided.
4. The President shall recommend the items to be included in the current expense budget and the capital outlay budget.
5. The President shall make a written report to the Board of Trustees once each year on the development and operation of the College, with both immediate and long-range recommendations.

Section 4. Academic Freedom and Responsibility

1. Academic freedom and responsibility are essential to the full development of a college and apply to teaching, research, and creative activity. In the development of knowledge, research endeavors, and creative activities, a college faculty must be free to cultivate a spirit of inquiry and scholarly criticism and to examine ideas in an atmosphere of freedom and confidence. A similar atmosphere is required for college teaching. Consistent with the exercise of academic responsibility, an instructor must have freedom in the classroom to discuss academic subjects. The college student must likewise have the opportunity to study a full spectrum of ideas, opinions, and beliefs, so that the student may acquire maturity for analysis and judgment. Objective and skillful exposition of such subject matter is the duty of every instructor.
2. The faculty member must fulfill his/her responsibility to society and to his/her profession by manifesting academic competence and discretion. The faculty member should be constantly mindful that he/she is a member of a learned profession as well as a representative of the college. The faculty member should be constantly mindful that these roles may be inseparable in the public view, and should therefore at all times exercise appropriate restraint and good judgment.



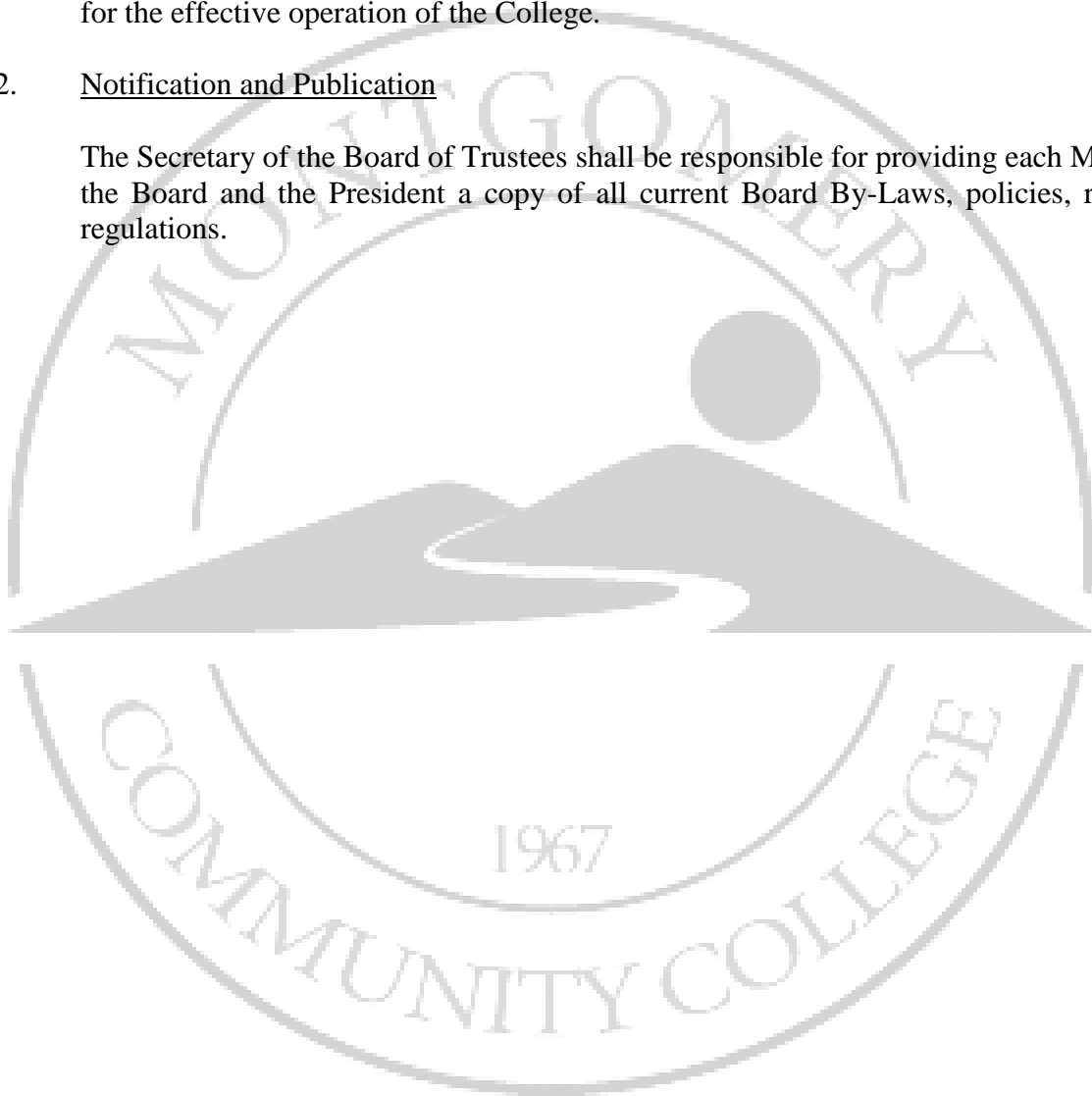
ARTICLE 7  
Policies, Rules, and Regulations

Section 1. General Provisions

By an affirmative vote of a majority of all the members of the Board, the Board may make or amend such policies, rules, and regulations as may be authorized by the law and as may be required in its judgment for the effective discharge of its responsibilities and for the effective operation of the College.

Section 2. Notification and Publication

The Secretary of the Board of Trustees shall be responsible for providing each Member of the Board and the President a copy of all current Board By-Laws, policies, rules, and regulations.



## ARTICLE 8

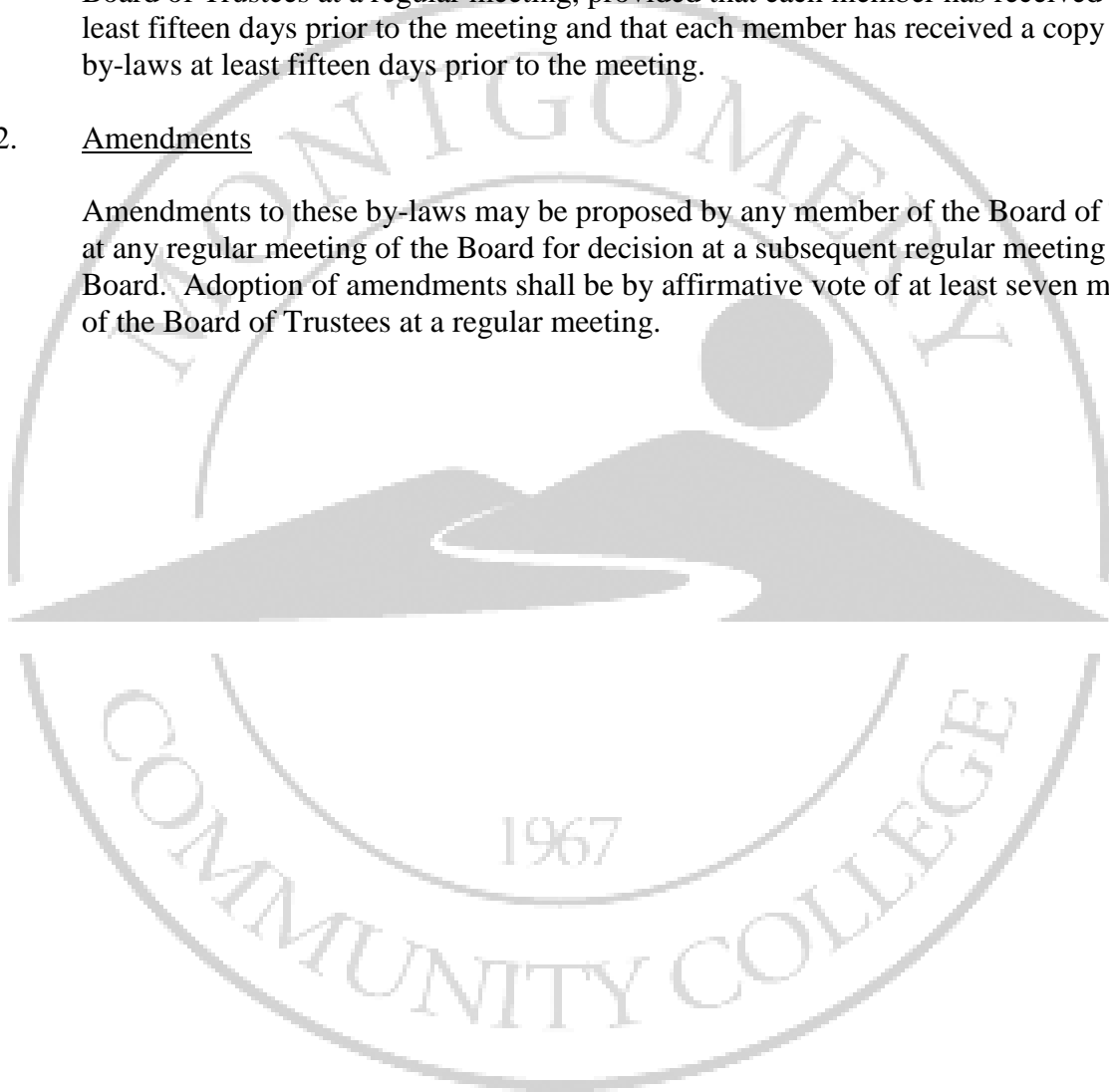
### Adoption and Amendment

Section 1. Adoption

Adoption of these by-laws shall be by affirmative vote of at least nine members of the Board of Trustees at a regular meeting, provided that each member has received notice at least fifteen days prior to the meeting and that each member has received a copy of the by-laws at least fifteen days prior to the meeting.

Section 2. Amendments

Amendments to these by-laws may be proposed by any member of the Board of Trustees at any regular meeting of the Board for decision at a subsequent regular meeting of the Board. Adoption of amendments shall be by affirmative vote of at least seven members of the Board of Trustees at a regular meeting.



The Board of Trustees (“Board”) is a body corporate. Members of the Board have authority only when acting as the Board in a properly and duly called meeting. The Board will not be bound in any way by any statement or action on the part of an individual Board member or employee except when such action is specifically instructed and authorized by the Board.

Legal Reference: N.C.G.S. § 115D-14

Adopted: October 10, 2018

As required by federal and state law, members of the Board of Trustees and College employees have a legal duty to maintain the confidentiality of non-public, confidential records. From time-to-time and in the scope of their official duties, Board members and College employees are exposed to confidential information that should not be disclosed, in any fashion, except to those individuals/entities that have a legal right to have or view the information. Any College employee who is not sure whether particular information may be protected by state or federal confidentiality laws should seek clarification from his or her immediate supervisor. Board members should seek clarification from the President or Board attorney. When violations occur, appropriate disciplinary action will be taken.

Legal Reference: Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g; N.C.G.S. § 115D-27, -28, -29; § 143-318.11.

Adopted: October 10, 2018

In accordance with N.C.G.S. §§ 14-234, 133-32 and Chapter 138A and in order to avoid conflict of interest, the appearance of conflict of interest or the appearance of impropriety, the Board of Trustees and College employees shall adhere to the following rules:

**A. Contracts with the College**

Board members and employees shall not do any of the following:

1. Obtain a direct benefit from a contract that he/she is involved in making or administering on the College's behalf unless a legal exception applies;
2. Influence or attempt to influence anyone who is involved in making or administering a contract on the College's behalf; or
3. Solicit or receive any gift, favor, reward, service or promise of reward, including a promise of future employment, in exchange for recommending, influencing or attempting to influence the award of a contract by the College.

A Board member or employee is involved in administering a contract if he/she oversees the performance of the contract or has authority to interpret or make decisions regarding the contract. A Board member or employee is involved in making a contract if he/she participates in the development of specifications or terms of the contract or participates in the preparation or award of the contract. An employee derives a direct benefit from a contract if the employee or his/her spouse does any of the following: (a) has more than ten percent (10%) ownership or other interest in an entity that is a party to the contract; (b) derives any income or commission directly from the contract; or (c) acquires property under the contract.

**B. Receipt of Gifts**

Unless a legal exception otherwise applies, no Board member or College employee may accept gifts from any person or group desiring to do or doing business with the College unless such gifts are instructional products or advertising items of nominal value that are widely distributed to the general public.

**C. Reporting Requirements**

Any Board members or employee who have questions regarding this Policy or whose actions could be construed as involving a conflict of interest shall report as follows:

1. College employees shall report to their immediate supervisor.
2. President / Board Members shall give written notice to the Board Chair.

3. Board Chair shall give notice to the board and record in the minutes, notifying the College's legal counsel as appropriate.

**D. N.C. State Ethics Act**

Pursuant to N.C.G.S. § 138A-3(30)(k), all voting Board members, the President and the Vice President for Administrative Services<sup>1</sup> (“Covered Persons”) are subject to the N.C. State Ethics Act. Covered Persons shall complete and file a public disclosure of economic interests as required under the Act, adhere to the ethics standard required under the Act and shall complete all required mandatory ethics education and training.

Any applicable State Board administrative regulations and rules and any applicable North Carolina state law will take precedence over this Policy.

Legal Reference: N.C.G.S. §§ 14-234, 115D-26, 133-32 and Chapter 138A

Adopted: October 10, 2018

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<sup>1</sup> The State Ethics Act defines the President, Chief Financial Officer and Chief Administrative office as “covered persons” under the Act.



The Board of Trustees' policies shall constitute the basic governance for the College. All of the Board's policies shall be contained in the College's Policy Manual.

**I. Adopting and Amending Policies**

The following procedures shall be followed when adopting or revising policies:

- A. Either when directed by the Board or when necessitated by changes to federal and/or state laws and regulations or when otherwise determined in the best interest of the College or necessary due to operational and/or management issues, the President or President's designee shall draft and propose new policies and/or provide amendments to current policies.
- B. The President shall present the proposed policy to the Board at a regularly scheduled Board meeting for first reading. If approved at first reading, the proposed policy will stand open until the next regularly scheduled Board meeting where the Board will take formal action on the proposed policy. In the event of an emergency or special condition (e.g., legal changes mandated by a specific date), the Board may waive second reading and approve the proposed policy at first reading.
- C. During the policy development process, the President shall consider, and when necessary solicit, the views and considerations of faculty and staff members, students and the public.
- D. Board members may propose amendments to proposed policies at any time during the process. An amendment will not require that the proposed policy go through an additional reading unless the Board determines that the amendment needs further consideration and an additional reading is warranted and necessary.
- E. In order for the proposed policy to be official, the proposed policy must be formally adopted by a majority of the Board members present at an official Board meeting with the Board's action being recorded in the Board's minutes.

**II. Adopting Administrative Procedures**

Unless otherwise stated in a specific policy, the President is hereby authorized to develop and implement administrative procedures and rules that are in furtherance of and consistent with the Board's policies.

Legal Reference: N.C.G.S. § 115D-20

Adopted: October 10, 2018

All official business conducted by the Board of Trustees shall be conducted at a duly noticed, official meeting of the Board. Pursuant to North Carolina law, a “meeting” of the Board occurs whenever a majority of the members of the Board meet, in person or by some electronic means, in order to: conduct a hearing, deliberate, take action, or otherwise transact public business. All Board meetings must be called pursuant to the proper notice and all meetings are open to the public except for closed session.

## I. Board Meetings

Pursuant to applicable North Carolina law, the Board is allowed to conduct four types of official meetings: regular meetings, special called meetings, emergency meetings and recessed meetings. All meetings are public meetings unless designated as a closed session meeting.

### A. Types of Meetings

1. **Regular Meeting.** The Board shall maintain a schedule of regular meetings in accordance with the Board’s By-Laws. The Board shall maintain a copy of the schedule of its regular meetings on its website. If the schedule is revised, the Board’s Secretary shall update the website as soon as possible. Any changes to the regular meeting schedule, except for the cancellation of a meeting, shall require seven (7) days’ notice.

The Board’s Secretary shall keep the minutes for all regular meetings and the minutes shall be approved by the Board at its next regular meeting.

2. **Special Called Meeting.** A special-called meeting may be called by either the Board Chair or the College President. The Board’s Secretary shall prepare the notice for the special called meeting. The notice must be sent to Board members at least 48 hours in advance and the notice must state the time, place and purpose(s) for the special called meeting. The notice will be sent via electronic mail to the Board members’ email address of record.. In addition, the Board’s Secretary shall deliver the notice by email to each person who has submitted a written request for notices of the Board’s meetings.

The Board’s Secretary shall keep minutes of all special-called meetings and the meeting shall be approved by the Board at its next regular meeting.

3. **Emergency Meeting.** In the event of a generally unexpected circumstance that requires the Board’s immediate consideration and a meeting is necessary without 48 hours’ notice, the Board Chair or the College President may call an emergency meeting. The Board’s Secretary shall prepare the notice of the time and location for the meeting. The notice shall

be sent via electronic mail to Board members' email address of record. In addition, the Board's Secretary shall deliver the notice by email to each person who has submitted a written request for notices of the Board's meetings.

The Board's Secretary shall keep minutes of all special-called meetings and the meeting shall be approved by the Board at its next regular meeting.

4. **Recessed Meeting.** If proper notice was given at the original meeting and if the time and place of the recessed session were set during open session, no further notice is required, except, notice shall be posted on the College website prior to the scheduled recess meeting.

## **B. Closed Session Meetings**

The Board may conduct business in closed session when permitted by the reasons enumerated in N.C.G.S. § 143-318.11(a) or as otherwise permitted by law. The Board may hold a closed session upon a motion duly made and adopted during the open portion of the meeting. Every motion shall site the legal reason for going into closed session and the law that renders the information confidential or privileged. A motion based on the need to consult with an attorney employed by the Board regarding the handling or settlement of a lawsuit must identify the parties in the lawsuit.

Unless otherwise designated by the Chair, the Board's Secretary shall keep minutes of all special-called meetings and the meeting shall be approved by the Board at its next regular meeting.

## **C. Electronic Meetings**

The Board may conduct a meeting by use of conference telephone or other electronic means indicated by N.C.G.S. § 143-318.13(a). The Board shall provide a location and means whereby the public may listen to the meeting.

## **II. Committee Meetings**

In accordance with the Trustees' By-Laws, the Board may establish standing or ad hoc committees as necessary. The Chair shall appoint the members of the committees as well as the committee chairs. Committees established by the Board, including the Executive Committee, are subject to this policy except that a majority of the committee's members, present and in attendance at the meeting, shall constitute a quorum of the committee.

## **III. Meeting Procedures**

- A. **Parliamentary Procedures.** When conducting its meeting, the Board shall use the parliamentary procedures consistent with the most updated version of *Roberts Rules of Order*. As part of his/her official duties, the Board Chair shall serve as the

parliamentarian officer and shall rule on issues and questions concerning parliamentary procedure. As needed, the Board Chair shall consult with the Board's attorney regarding matters of parliamentary procedure.

- B. Meeting Agenda.** The Board Chair and the President will prepare a proposed agenda for each Board meeting. A request to have an item of business placed on the agenda must be received at least seven (7) business days before the meeting. Each Board member will receive a copy of the proposed agenda five (5) business days prior to the meeting and the agenda will be available for public inspection and/or distribution immediately after being made available to Board members. At the meeting, the Board may, by a majority vote, add an item that is not on the agenda.
- C. Quorum.** A majority of voting members of the Board in actual attendance at meetings (seven (7) members) shall constitute a quorum for the transaction of business. Unless otherwise stated, no business shall be transacted without a majority vote of the quorum. A Board member may participate by remote or electronic access as allowed by law. A majority of the full Board is required for the election, non-renewal or termination of the College President.
- D. Ethics Statement.**

At the beginning of each Board meeting (including Board committee meetings), the Chair shall remind all members of their duty to avoid any conflict of interest and shall inquire as to whether there is any known conflict of interest with respect to any matters coming before the Board (or Board committee) at that time.
- E. Board Secretary.** All duties assigned herein to the Board Secretary may be assigned to the President and the Executive Assistant to the President as allowed in the By-Laws.

Legal Reference: Chapter 143, Article 33C of the North Carolina General Statutes;  
N.C.G.S. § 138-15(e)

Adopted: October 10, 2018

As needed, the Board will retain attorneys to provide legal services for it and the College, including both legal advice and representation in litigation. Such employment shall be at the pleasure of the Board. Any attorney retained by the Board represents the legal entity of the Board and not any individual Board member or administrator. The President may consult with the Board attorney as needed to carry out administrative operations and to protect the Board and the College from liability. Other staff may consult with the Board attorney as determined appropriate by the President.

Adopted: October 10, 2018

This Policy sets forth the duties and expectations of members of the Board of Trustees as well as the process for removal of a Board member. Board members are expected to perform essential functions for the College as described in the General Statutes, the Board of Trustees' By-Laws and College policy. Board members should perform these duties faithfully upholding the integrity of the office while avoiding impropriety or the appearance of impropriety.

**I. Standards of Conduct**

Board members shall uphold the following standards of conduct when carrying out their official duties:

- A. Adequately prepare for and attend Board of Trustee meetings and its respective committees.
- B. Render all decisions based on the available facts and appropriately seek out information from the College President, when necessary, in order to carry out the duties of the Board when making decisions and monitoring the affairs of the College.
- C. Maintain the confidentiality of information that is made private under the law and do not disclose matters discussed in closed session.
- D. Avoid conflicts of interest and avoid the appearance of conflicts of interest. When a conflict or potential conflict arises, the member should bring the matter to the attention of the Chair.
- E. Serving on and contributing to the work of Board and College committees when assigned.
- F. Understand that the Board of Trustees' authority arises out of official actions taken by the Board in a called meeting. Members may not obligate the College to any contract, promise or other liability and should refrain from acting individually on behalf of the College or Board of Trustees unless authorized to do so.
- G. Adhere to North Carolina open meeting and public records laws.
- H. Participate in a College-approved trustee orientation as well as the mandated State ethics training.
- I. Adhere to the applicable provisions of the State Ethics Act.

**II. Removal of a Board of Trustee Member**

- A. In accordance with N.C.G.S. §115C-19, the Board of Trustees may declare vacant the office of a member of the Board who:
1. does not attend three consecutive scheduled meetings of the Board without justifiable excuse; or
  2. does not, within six months of appointment, participate in a trustee orientation and education session sponsored by the North Carolina Association of Community College Trustees or other organization approved by the Board.

Prior to declaring the office of a member vacant for the reasons above, the Board shall provide the member an opportunity to provide information on why the member has failed to meet either requirement.

- B. Should the State Board of Community Colleges have sufficient evidence that any member of the Board is not capable of discharging, or is not discharging, the duties of his/her office as required by law or lawful regulation, or is guilty of immoral or disreputable conduct, the State Board shall notify the Board Chair, unless the Chair is the offending member, in which case the other members of the Board shall be notified. The Board may request assistance from the Board's attorney or another professional to investigate the matter. Upon receipt of such notice there shall be a meeting of the Board for the purpose of investigating the charges, at that meeting a representative of the State Board of Community Colleges may appear to present evidence of the charges. The allegedly offending member shall be given proper and adequate notice of the meeting and the findings of the other members of the Board shall be recorded, along with the action taken, in the minutes of the Board. If the charges are, by an affirmative vote of two-thirds of the members of the Board, found to be true, the board of trustees shall declare the office of the offending member to be vacant.

The Board may initiate its own investigation into a member's actions upon receipt of sufficient information that the member is not discharging the duties required of the office or is guilty of immoral or disreputable conduct. Any hearing on the matter shall be conducted in accordance with this section.

- C. The Chair shall notify the appointing agency of any vacancy on the Board.

Legal Reference: N.C.G.S. § 115D-20; Trustee By-Laws

Adopted: October 10, 2018

In accordance with N.C.G. § 115D-17, members of the Board of Trustees are prohibited from receiving compensation for their services. However, members shall receive reimbursement for cost of travel, meals and lodging while performing official duties in accordance with these policies and procedures.

Legal Reference: N.C.G.S. § 115D-17

Adopted: October 10, 2018



The Board shall ensure that sound fiscal and management practices are employed in the operation of the College's business office. To that end, the Board requires the following:

- A. The College expends all funds prudently and consistently within the adopted budget.
- B. The College shall manage the budget to ensure the percentage of State current operating funds remaining unexpended in the budget does not exceed five percent or five times the system-wide percentage, whichever is higher.
- C. The College's institutional fund accounts do not have a negative balance at the end of the fiscal year unless such an instance exists for a planned reason, such as an anticipated reimbursement. If any of the College's institutional fund accounts have a negative balance at year-end, the negative fund balance shall be reviewed by the President and Vice President of Administrative Services/Chief Financial Officer. In the event the negative balance is not due to a planned reason, the President and the Vice President of Administrative Services/Chief Financial Officer shall develop a plan to rectify the negative balance and shall report the matter to the Board at its first scheduled meeting in the new fiscal year.
- D. The College shall track expenditures consistent with the North Carolina Community College System's Chart of Accounts, as outlined in the North Carolina Community College System Accounting Procedures Manual (see Policy 6.3.5 – Chart of Accounts).
- E. The President or designee shall provide financial reports to the Board at each scheduled Board meeting.
- F. The College shall participate in the EAGLE Program (Enhancing Accountability in Government through Leadership and Education) and shall maintain a system of internal controls as required by N.C.G.S. 143D – The State Governmental Accountability and Internal Control Act.
- G. The College shall not overdraw accounts by ensuring bank accounts are reconciled and any discrepancies resolved within thirty (30) business days from the end of the prior month. In the event the College fails to comply with this requirement more than once during a fiscal year, such information shall be reported to the Board at its first scheduled meeting following the month of non-compliance.
- H. The College shall submit complete and accurate financial statements to the North Carolina Office of the State Controller by deadline as prescribed by the State Controller.
- I. The College shall conduct audits consistent with N.C.G.S. §115D-20(9) and N.C.G.S. § 115D-58.16 (see Policy 6.2.6).

- J. Once established, the President shall address to the Board any findings identified in audits, compliance reviews, SACSCOC reviews, or other monitoring reviews. The President shall address the matter with the Board at the first scheduled meeting following notice of the findings.
- K. To ensure that the College actively seeks to fill leadership and other supervisory positions in a timely manner with individuals of high competence.
- L. To monitor employee turnover by providing an employee vacancy report for information to the Board at least biannually.

Legal Citation: 1A SBCCC 200.4

Adopted: October 10, 2018

**I. President Selection Process**

- A. When a presidential vacancy occurs or is anticipated, the Board shall notify the System President and invite the System President or the System President's designee to meet with the board of trustees to discuss legal requirements and other procedural matters while also providing technical assistance to the Board as needed.
- B. In selecting the College's President, the Board shall, at minimum, consider general input from College and community stakeholders on the desired attributes of a college's president and evaluate more than one candidate for the position. The State Board may waive this requirement at the request of the Board if the State Board determines it is in the College's interest to do so.
- C. The Board shall submit at least one candidate to the System President for review at least ten business days prior to the next regularly scheduled SBCC Personnel Committee meeting or at least ten business days prior to a special called SBCC Personnel Committee meeting.
- D. While completing the review process, the System President or the System President's designee shall confirm that the Board completed a background check to include the following:
  - 1. Social security number verification,
  - 2. Criminal history check,
  - 3. Civil litigation history check,
  - 4. Education verification,
  - 5. Employment verification, and
  - 6. Personal credit history check.
- E. Upon completion of the review process, the System President shall present the name(s) of candidate(s) to the Personnel Committee of the SBCC for consideration and assessment.
- F. Following consideration and assessment of the candidate(s), the Personnel Committee of the SBCC or the SBCC shall authorize the System President to communicate the Personnel Committee's or the SBCC's assessment to the Board.
- G. The Board shall proceed with the final election process and submit the Board's final election to the SBCC for approval. The Board shall submit its recommendation in writing to the System President at least five business days prior to the next meeting of the SBCC.
- H. The SBCC shall act upon the Board's election at the SBCC's regularly scheduled meeting following receipt of the Board's election unless delayed for cause as determined by the SBCC.

- I. The System Office shall convey in writing to the chairman of the Board the SBCC's action on the Board's election. The action of the SBCC is final.
- J. The College shall execute a contract prior to SBCC action to approve the Board's presidential election without a provision specifying that the effective date of the contract is subject to the SBCC's approval of the presidential election.

**II. Contract**

The President shall receive a contract and Board shall specify in the President's contract the contractual term, salary, additional benefits, if any, and contract termination procedures.

**III. Duties**

The President is charged by the Board with full responsibility and authority for the College's operation pursuant to state and federal statutes, policies, rules and regulations and the Board's policies and procedures. The President shall be responsible for other duties as the Board may delegate and require.

Legal Reference: N.C.G.S. § 115D-20; 1C SBCCC 300.1

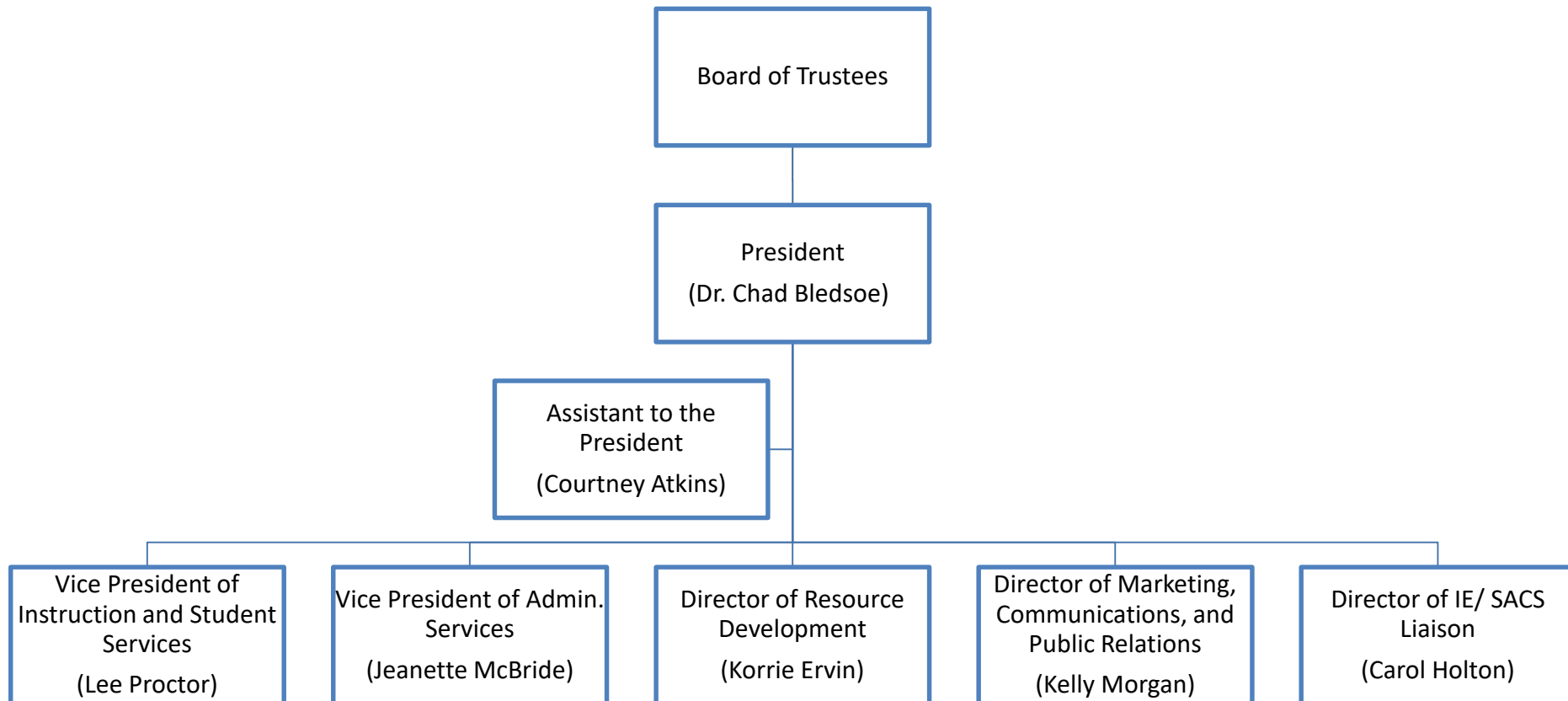
Adopted: October 10, 2018

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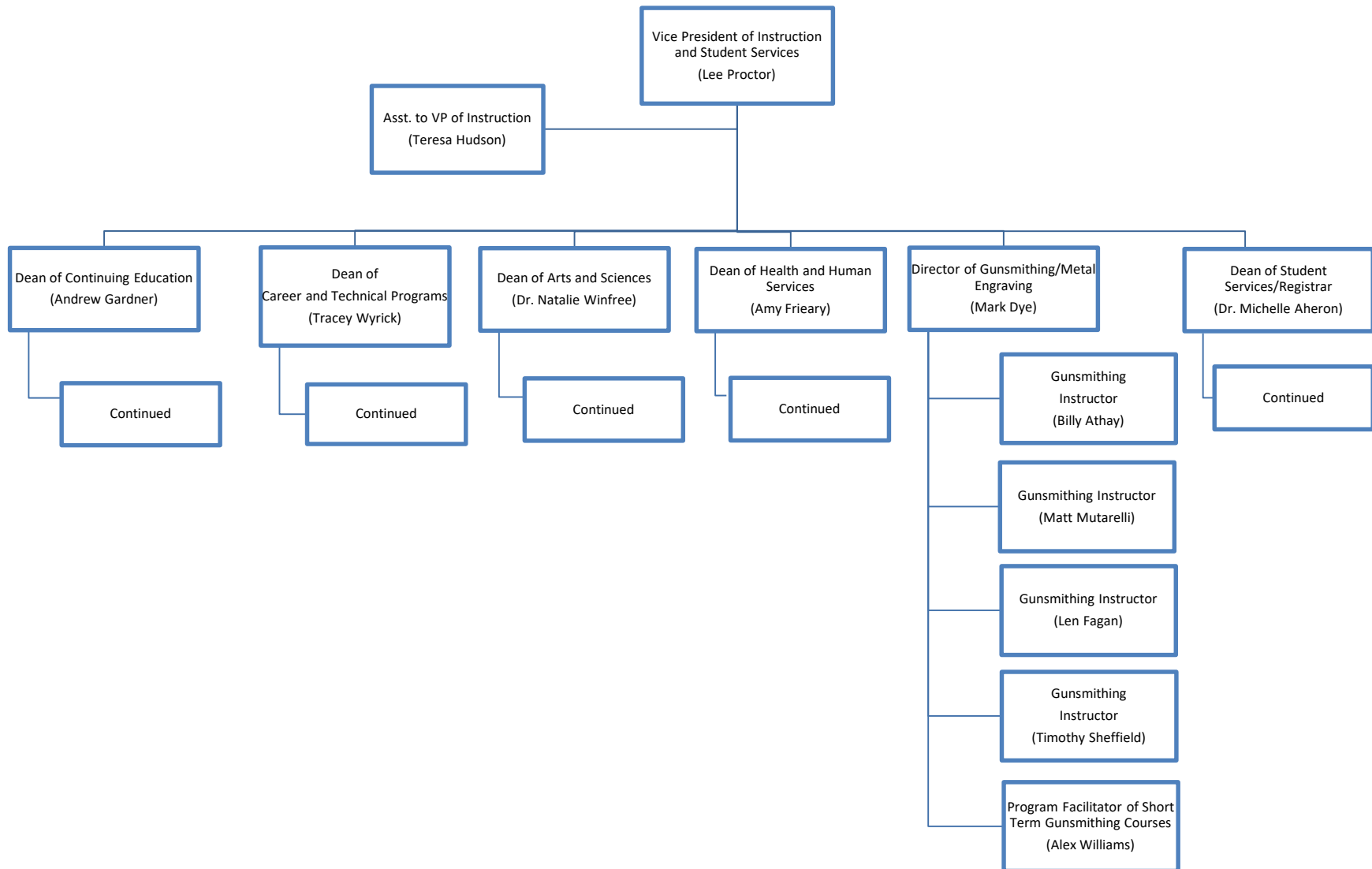
# Montgomery Community College Organizational Chart



# Montgomery Community College Administration

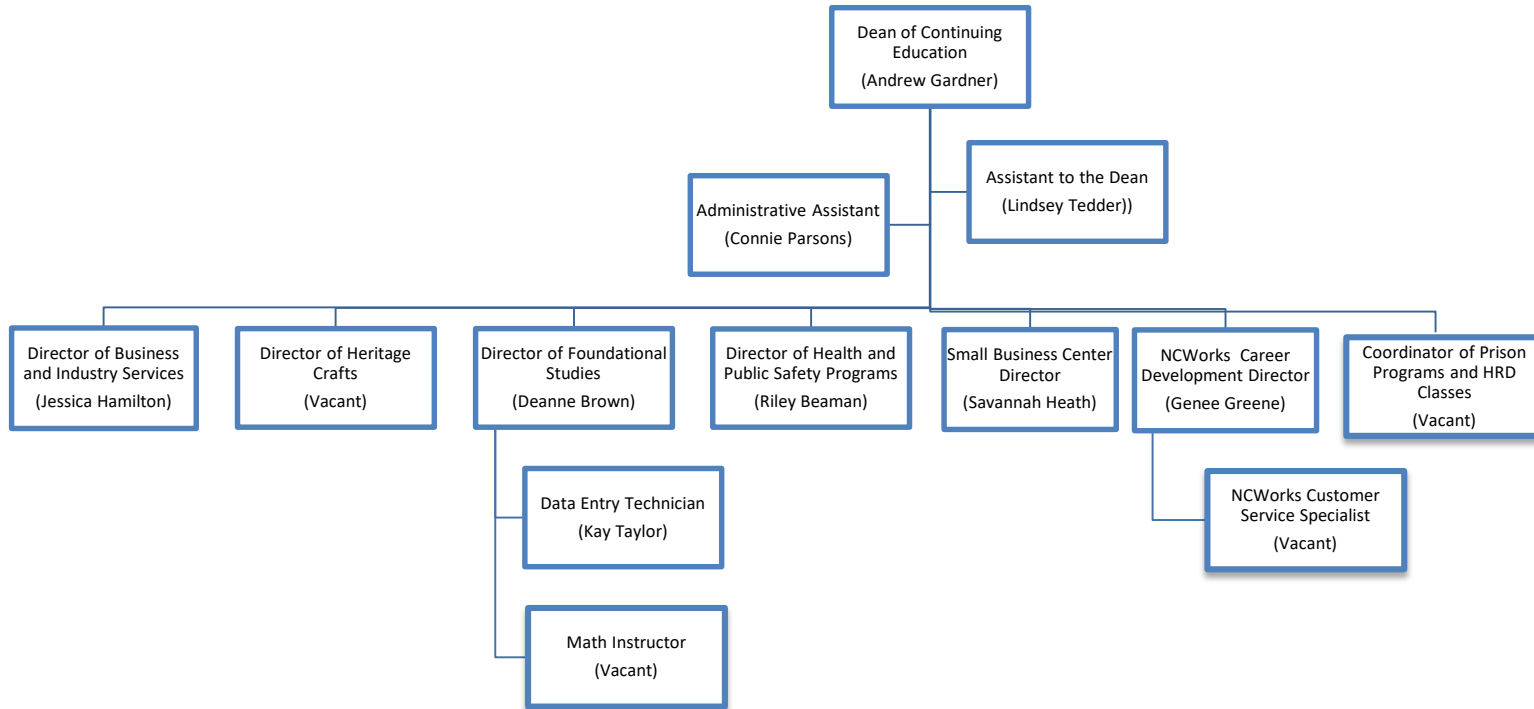


# Instruction and Student Services

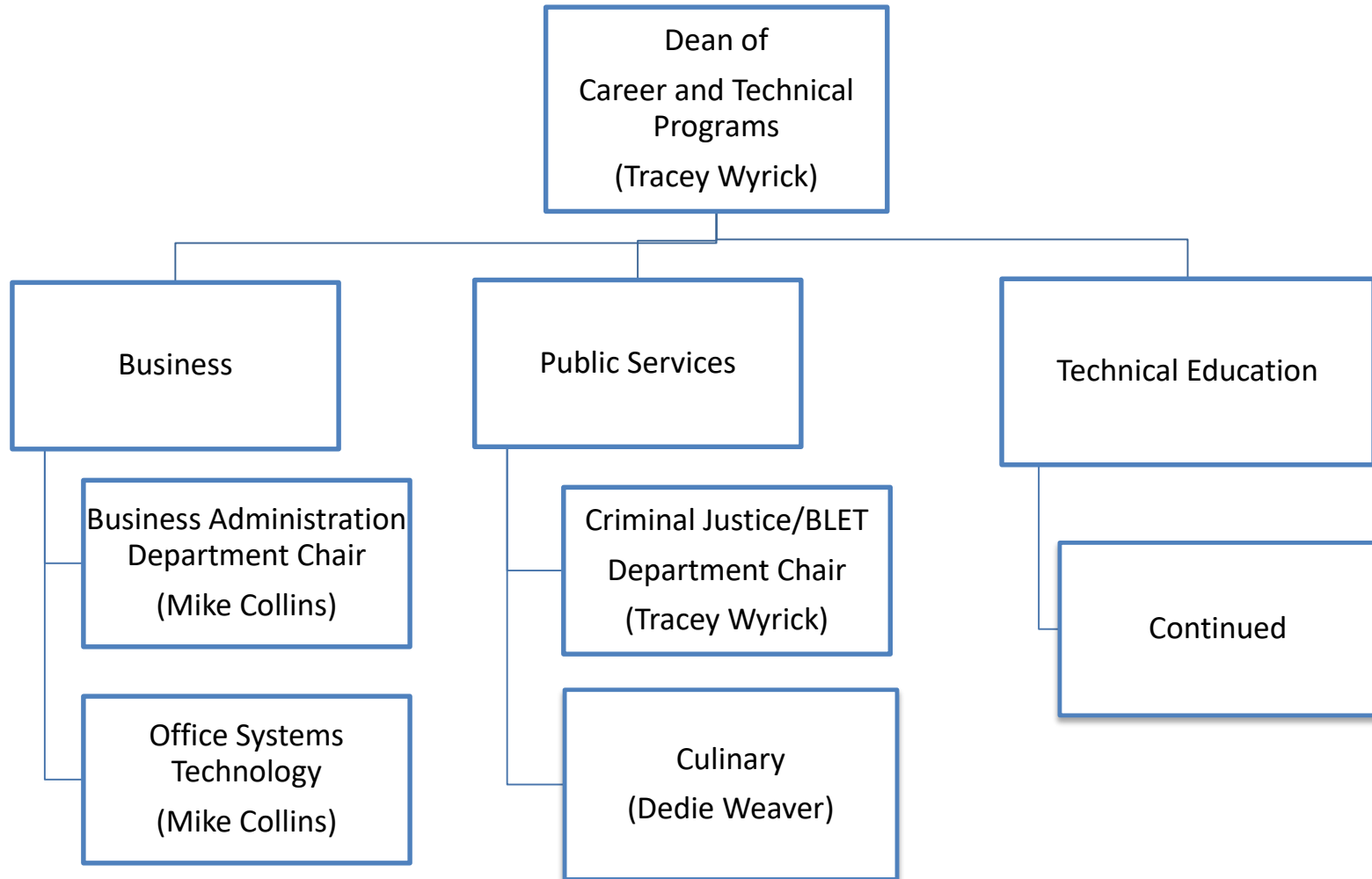




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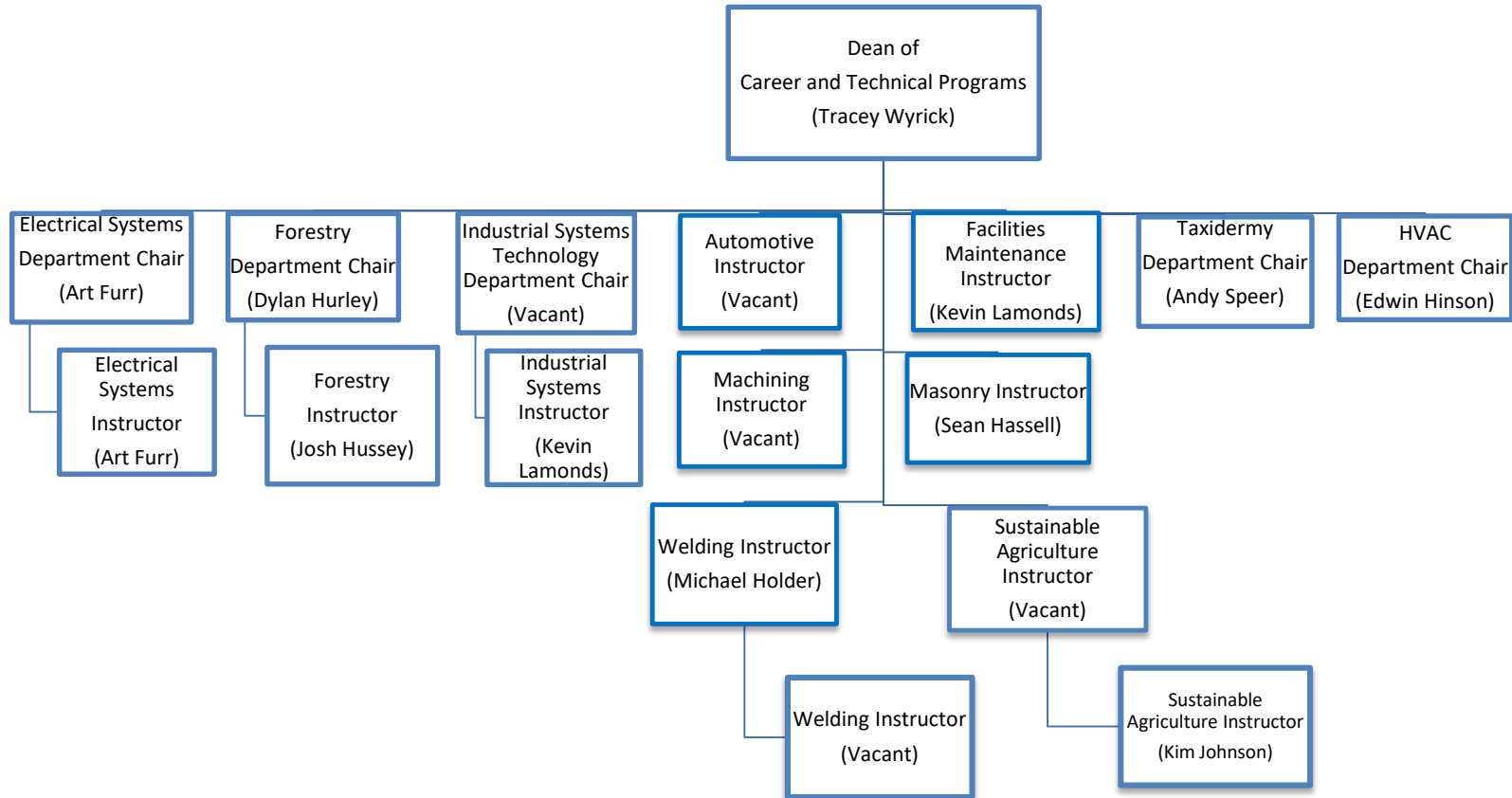
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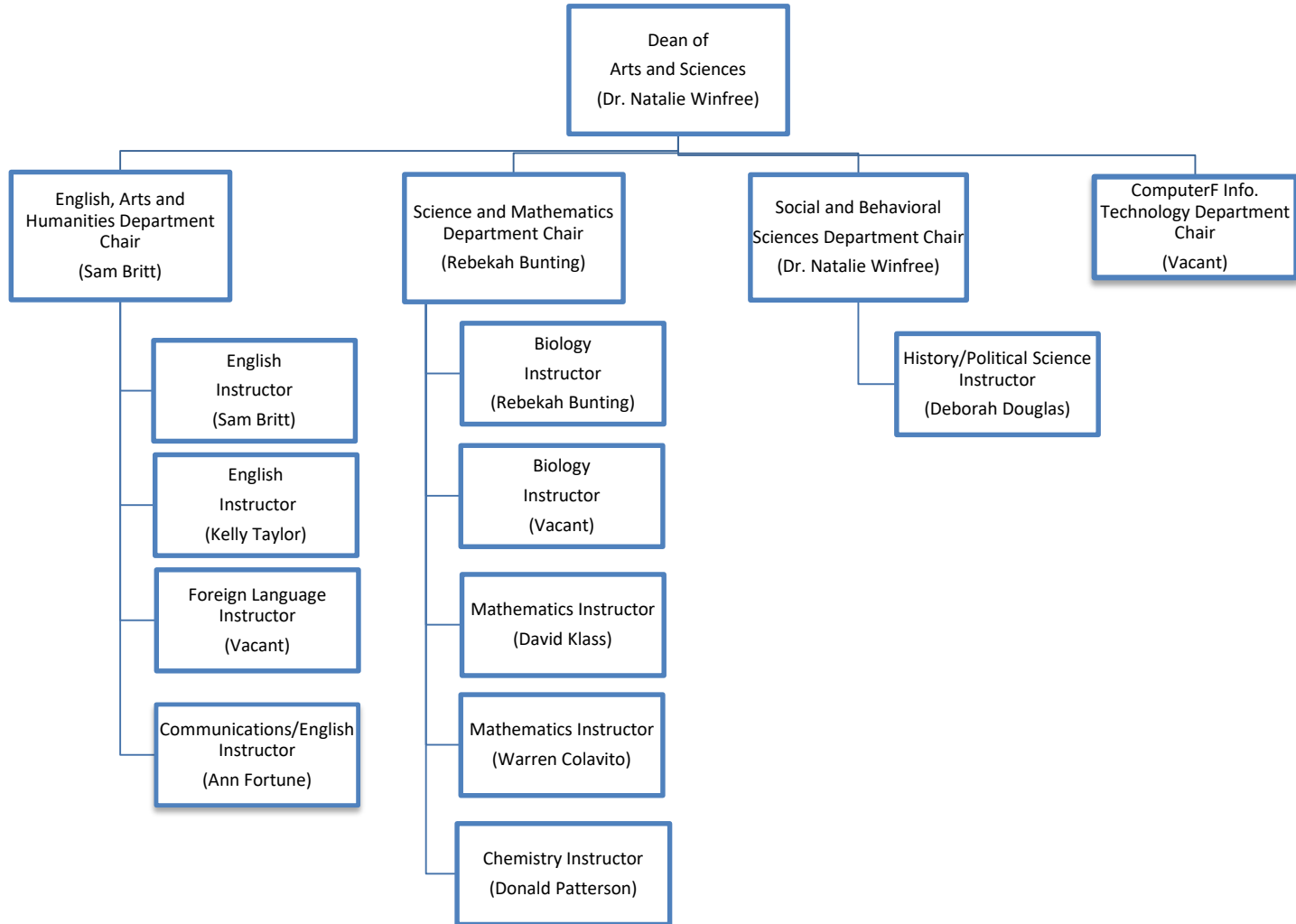
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## Continued

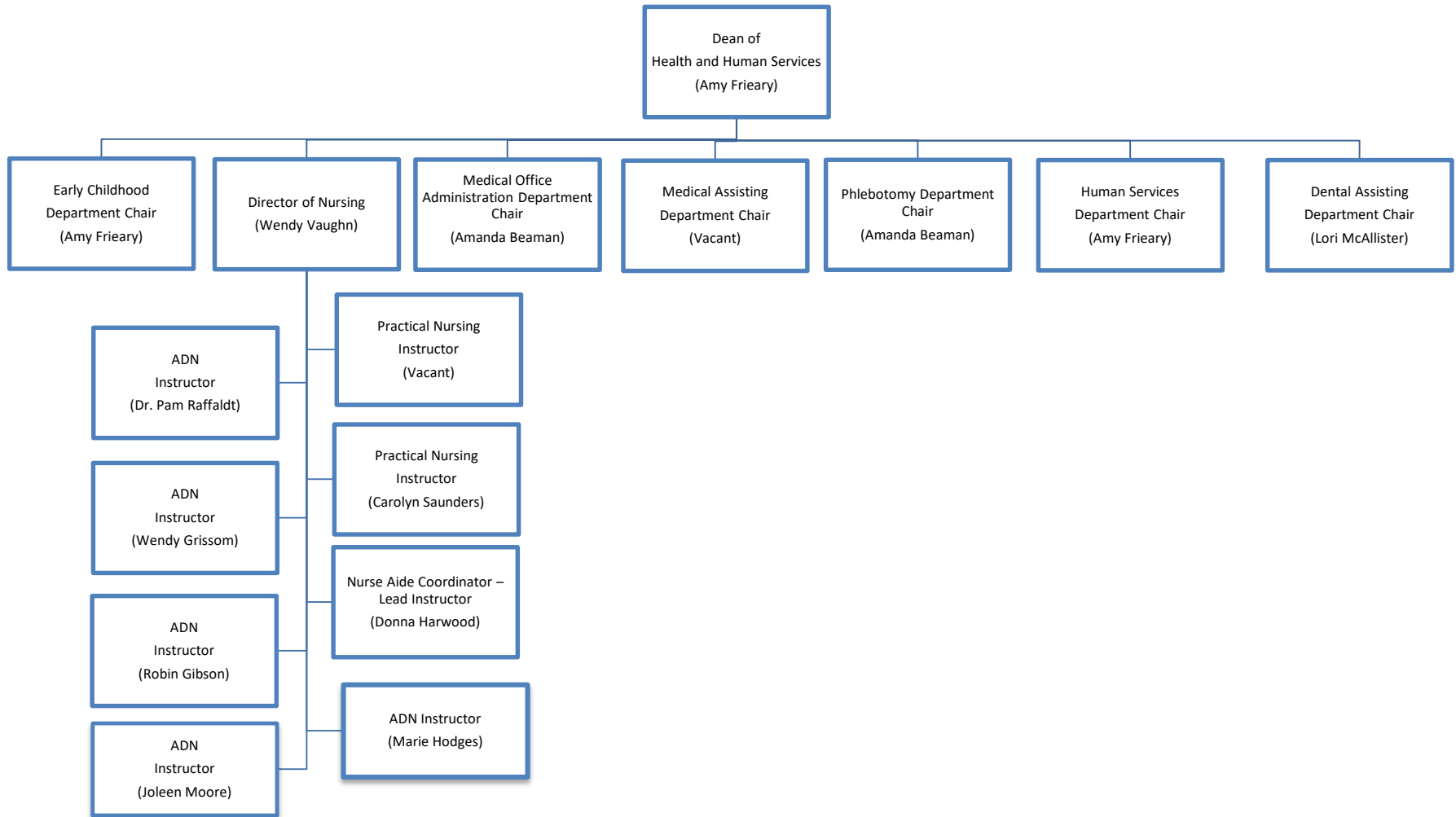
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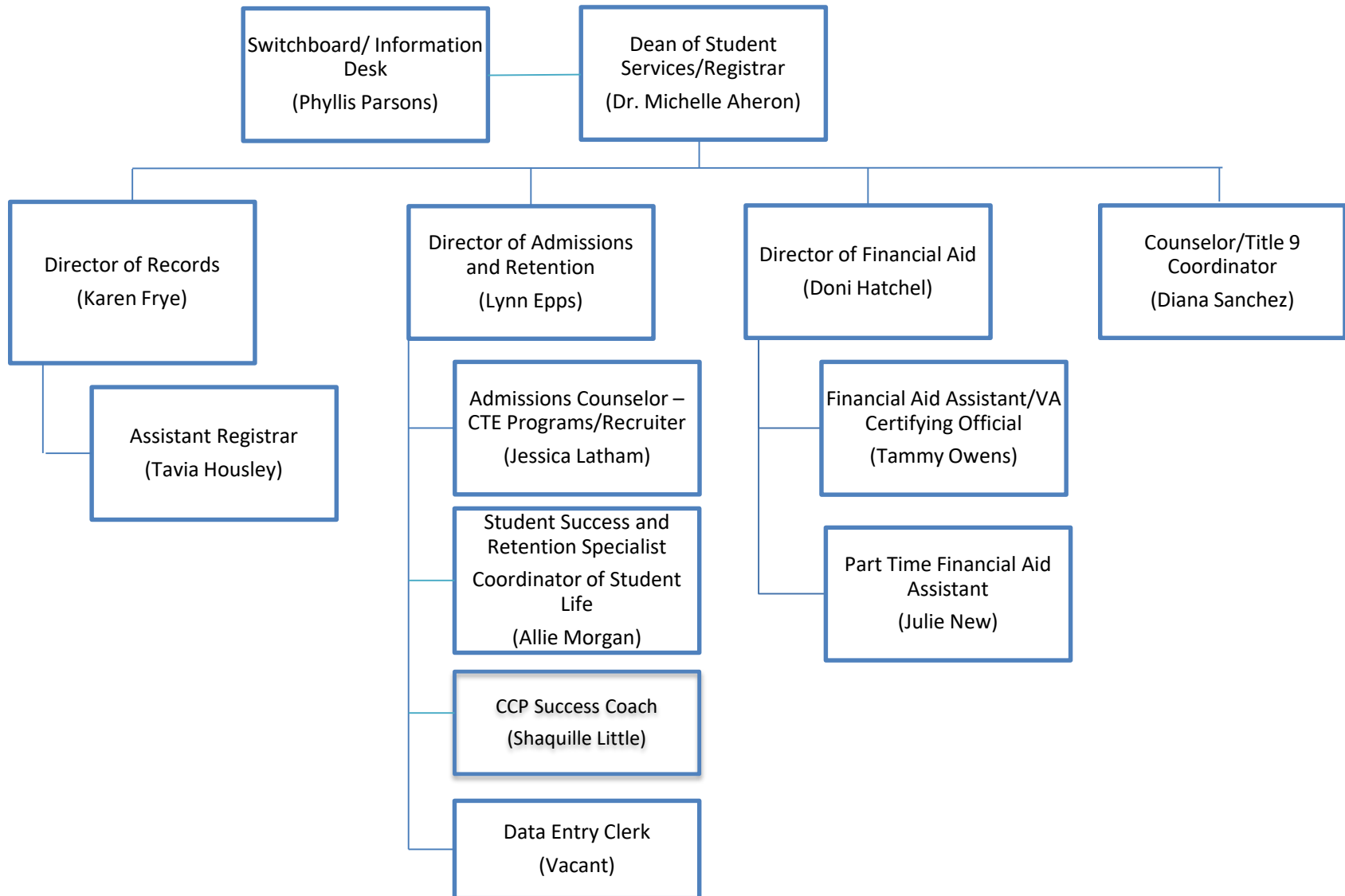
# Instruction/SS (Arts and Sciences)



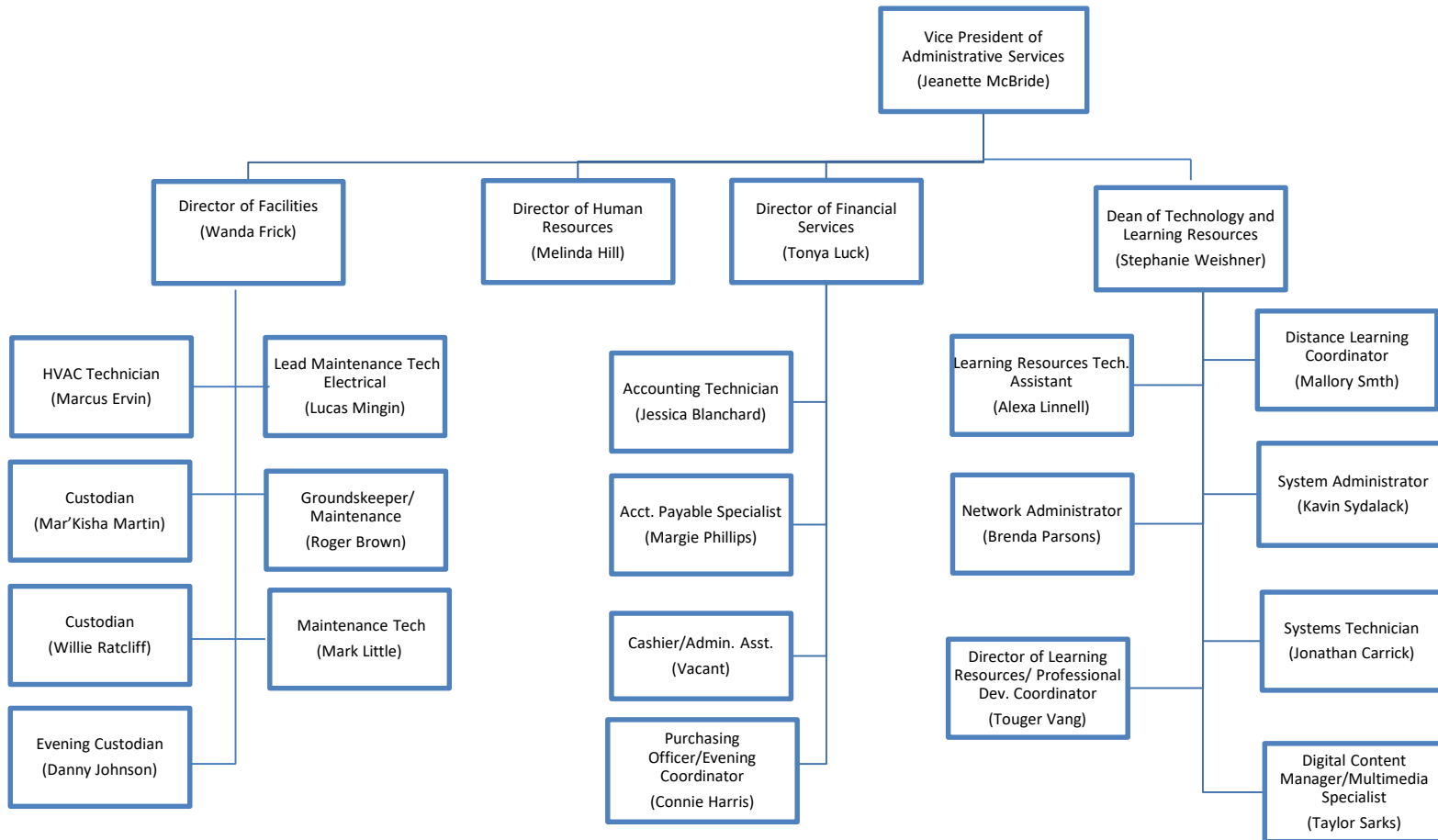
# Instruction/SS (Health and Human Services)



# Instruction/SS (Student Services)



# Vice President of Administrative Services



**Honorary Associate Degree**

In recognition of outstanding commitment or support to Montgomery Community College, the Board of Trustees may, at its discretion, award an Honorary Associate Degree to one of its past members, a past member of the Montgomery Community College Foundation Board, a past employee of the college, or supporter of the college.

**Emeritus Status**

In recognition of outstanding commitment and service to Montgomery Community College, the Board of Trustees may, at its discretion, grant emeritus status to one of its past members, a past member of the Montgomery Community College Foundation Board, or a past employee of the college.

Approved:



### **Procedure for Granting Former Trustee or Foundation Board Member Emeritus Status**

A former Trustee or Foundation Board Member of Montgomery Community College may be granted Emeritus status if he/she is deemed qualified by a majority favorable vote by the current Trustees of Montgomery Community College.

The candidate must be nominated by a current member of the Trustees, routed through the Office of the President. Nomination must be made within three years of termination of service to the college. After ascertaining the candidate meets the qualifications set forth by the Board of Trustees, the Chair will present the letter of nomination to the Board along with his/her recommendation.

### **Procedure for Granting Former Employee Emeritus Status**

A former employee of Montgomery Community College may be granted Emeritus status if he/she is deemed qualified by a majority favorable vote by the current Trustees of Montgomery Community College.

The candidate must be recommended by a current employee and nominated by the President of Montgomery Community College. Nomination must be made within three years of termination of service to the college. After ascertaining the candidate meets the qualifications set forth by the Board of Trustees, the Chair will present the letter of nomination to the Board along with his/her recommendation.

### **Qualifications for Nomination of Emeritus Status**

1. The candidate has served as a Board Member or Employee of Montgomery Community College for at least 15 cumulative years.
2. The candidate demonstrated active involvement in College affairs.
3. The candidate provided outstanding and measurable support for the mission, programs, and constituents of Montgomery Community College.
4. The candidate is no longer serving Montgomery Community College in an official capacity and has no plans to return to active service.

### **Privileges**

Individuals granted emeritus status may enjoy the following privileges

1. Listed in the College catalog
2. Their name on a plaque honoring individuals with emeritus status
3. Special invitations to college events
4. Other recognitions deemed appropriate by the Board of Trustees

Adopted: 2019

Montgomery Community College shall fully adhere to all North Carolina General Statutes contained in Section 115-D “Community Colleges” and all applicable policies set forth in the North Carolina Community College State Board Code.

Approved: March 11, 2020

The College welcomes visitors to campus. All visitors must comply with the College's policies and procedures. Additionally, in the interest of safety, and to minimize disruption to classes and operations, all visitors shall adhere to the following rules:

**I. Visitors**

- A. Visitors are always welcome at Montgomery Community College and should register at the Information Desk in Blair Hall upon their arrival on campus. However, persons who do not have legitimate reasons for being on the campus are not allowed to use the campus facilities. Loitering is strictly prohibited.
- B. Under no circumstances will visitors be allowed in classrooms, laboratories, or off-campus sites without appropriate approval. Faculty members are not to be interrupted during class by sales representatives and visitors. Sales representatives and visitors must obtain clearance from the appropriate Vice President prior to visiting instructors. The faculty member in charge of a shop, lab, or class is responsible for keeping unauthorized persons out of his/her department during class hours.
- C. Individuals who are loitering or who have not registered at the Information Desk will be asked to leave the campus. Should a visitor refuse to leave, law enforcement will be called.

**II. Minor Children**

To guard against the disruption of Montgomery Community College's educational environment:

- A. Minor Children are defined as children under the age of eighteen (18).
- B. Children of students should not be brought to campus while the student is attending classes, labs, seminars, workshops, testing/orientation sessions, and computer or library labs/sessions.
- C. Children of employees should not be brought to campus during the employee's regular working hours.
- D. Children of visitors must be supervised by the parent or guardian while on the campus of Montgomery Community College or at any approved off-campus class site.

The college assumes no responsibility for children, or for any accidents or injury incurred by children in an unsupervised situation not approved by the college administration.

### **III. Removal from Campus**

To ensure a safe and secure campus environment, the President, his/her designees and senior administrators (Vice Presidents) have the authority to dismiss a person from campus. Legal action for trespassing may be taken if the person does not comply.

Adopted: March 11, 2020

The safety of the College's employees, students and visitors is of the utmost importance. To that end, the President is authorized to develop campus safety and emergency plans to deal with safety and/or other emergency situations that could arise at the College.

Adopted: March 11, 2020

The College shall maintain a comprehensive Business Continuity Plan (“Plan”) in order to ensure that critical business practices can continue in the event of any level of disaster. The Plan shall be administered by the Assistant to the President, and each unit of the College is responsible for its individual plan.

The Plan shall be reviewed annually to ensure that it can be implemented in emergency situations so that the management and staff understand how it is to be executed.

Staff shall be made aware of the Plan and their own roles within.

Adopted: March 11, 2020

Students, staff, faculty and visitors are legally prohibited from carrying a weapon onto campus unless a legal exception applies. For purposes of this policy, a "weapon" includes firearms, explosives, BB guns, stun guns, air rifles or pistols, and certain types of knives or other sharp instruments (see N.C.G.S. § 14-269.2).

The prohibition does not apply if the weapon is on campus pursuant to one of the reasons listed in N.C.G.S. § 14-269.2(g). It is the individual's responsibility to know and understand the law prior to bringing any weapon onto campus. Failure to follow the law, regardless of the person's intent, will result in appropriate disciplinary action and a referral to local law enforcement.

It is permissible for an individual to bring a handgun onto campus under the following limited circumstances:

- A. The firearm is a handgun; AND
- B. The individual has a valid concealed handgun permit (or is exempt from the law requiring a permit); AND
- C. The handgun remains in either: a closed compartment or container within the locked vehicle of the permit holder; or a locked container securely affixed to the locked vehicle of the permit holder; AND
- D. The vehicle is unlocked only when the permit holder is entering or exiting the vehicle; AND
- E. The handgun remains in the closed compartment or container at all times except for a reasonable amount of time for the person to transfer the handgun from the closed compartment or container to his person or from his person to the closed compartment or container.
- F. Students may be allowed to bring weapons on campus as part of an approved class project if they have obtained and can provide prior permission from the class instructor. In such events, all Montgomery Community College policies and determined procedures must be followed by the student.

Firearms (and other weapons prohibited on campus) may not be stored or transported in College-owned or rented vehicles.

Adopted: March 11, 2020

Legal Reference: N.C. Session Law 2013-369; N.C.G.S. 14-269.

The illegal use of controlled substances, substances that cause impairment and abuse of alcohol are harmful to the health, well-being and safety of the College's employees and students. The College is committed to maintaining a safe workplace and an educational environment free from the influence of illegal controlled substances, substances that cause impairment and alcohol.

**I. Visitors and Guests**

All visitors and guests are prohibited from unlawfully possessing, using, being under the influence of, manufacturing, dispensing, selling or distributing alcohol, illegal or unauthorized controlled substances or drug paraphernalia. Using or being under the influence of substances that cause impairment is also prohibited. Violation of this prohibition could lead to the visitor or guest being asked to leave campus and/or campus authorities contacting campus security or law enforcement.

For more specific definitions of "controlled substance", "alcohol" and "impairing substance", consult Policy 3.4.4 – Alcohol and Drugs on Campus.

**II. Employees and Students**

All College employees and students are prohibited from unlawfully possessing, using, being under the influence of, manufacturing, dispensing, selling or distributing alcohol, illegal or unauthorized controlled substances or drug paraphernalia. Using, or being under the influence of substances that cause impairment is prohibited for all employees and students. Violation of this prohibition could lead to disciplinary action under the Employee and Student Codes of Conduct.

For more information regarding employees, including student employees, consult Policy 3.4.4 – Alcohol and Drugs on Campus. For more information regarding students, consult Policy 5.3.5 – Alcohol and Drugs on Campus.

Adopted: March 11, 2020



## I. POLICY OVERVIEW

The College is committed to providing a safe and secure environment for all members of the College's community and visitors. The College shall comply with the Crime Awareness and Security Act of 1990, as amended by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

## II. DEFINITIONS

A. *Campus Security Authority* ("CSA") is a Clery-specific term that encompasses four groups of individuals and organizations associated with an educational institution:

1. A member of the educational institution's police department or campus security department;
2. Any individual(s) who has responsibility for campus security but who does not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into the College's property);
3. Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses. For purposes of this College, this individual is the Vice President of Student Services; and
4. An official or someone who has significant responsibility for student and campus activities, including, but not limited to: student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on the College's behalf.

B. *Clery Act Crimes* are the following crimes that must be reported by Campus Security Authorities to law enforcement and crimes that are listed in the College's Annual Security Report:

1. Murder/non-negligent manslaughter; negligent manslaughter; sex offenses (forcible and non-forcible); domestic and dating violence; stalking; robbery; aggravated assault; burglary; motor vehicle theft; and arson;
2. Hate Crimes: any of the above-mentioned offenses, and any incidents of larceny-theft; simple assault; intimidation; or destruction/damage/vandalism of property that was motivated by bias towards race, religion,

ethnicity, national origin, gender, sexual orientation, gender identity or disability; and

3. Arrests and referrals for disciplinary action for weapons (carrying, possessing, etc.); drug abuse violations and liquor law violations.

C. *College Property* is all the following property:

1. **Campus Grounds, Buildings and Structures** – Any building or property owned by or controlled by the College within the same reasonably contiguous geographic area and used by the College in direct support of, or in a manner related to, the College’s educational purposes; and any building or property that is within or reasonably contiguous to such buildings, or property that is owned by the College but controlled by another person and is frequently used by students and supports College purposes.
2. **Off-Campus and Affiliated Property** – Any building or property owned or controlled by a student organization that is officially recognized by the College; or any building or property owned or controlled by the College that is used in direct support of, or in relation to, the College’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the College.
3. **Public Property** – All thoroughfares, streets, sidewalks, and parking facilities that are within the campus, or immediately adjacent to and accessible from the campus.

### **III. SAFETY AND REPORTING PROCEDURES**

The College encourages all members of the College community to report suspicious or criminal activity to law enforcement as soon as possible. Crimes may be reported anonymously. In the event of a crime in progress or at any time there is a risk of harm to persons or property, call 911.

In addition, CSAs have a legal obligation to file a report of suspected criminal activity with law enforcement and with the Vice President of Student Service’s Office to ensure statistical inclusion of all Clery Act Crimes in the College’s Annual Security Report, when those crimes occur on or near College Property. Any individual identified by the College as a CSA shall receive notification of that designation and the requirement that the individual report information about Clery Act Crimes. Training will also be provided to all persons with this designation. While CSAs must report any Clery Act Crime that comes to their attention, at the request of the victim, the victim’s identity may remain anonymous.

To promote safety and security at the College, and in compliance with the Clery Act, the College shall:

- A. Submit crime statistics to the United States Department of Education;
- B. Maintain a daily crime log (open to public inspection);
- C. Issue campus alerts to timely warn the College community when there is information that a Clery Act Crime has occurred that represents a serious or ongoing threat to campus safety;
- D. Issue emergency notifications upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. The College tests the emergency notification procedure bi-annually.
- E. Publishes and maintains an Annual Security Report containing safety and security related policy statements and statistics of Clery Act Crimes occurring on College Property. To prepare the Annual Security Report, the College collects, classifies, and counts crime reports and crime statistics. The Annual Security Report is available on the College's website and hard copies are available through the Office of Student Services for inspection.

Adopted: March 11, 2020

Legal Reference: 20 U.S.C. § 1092(f); 34 C.F.R. § 668.46; *The Handbook for Campus Safety and Security Reporting* (U.S. Department of Education, available at: <http://www2.ed.gov/admins/lead/safety/handbook.pdf>)

Cross Reference Policy 5.4.2

In the event of a crime or an emergency in progress or at any time there is a risk of harm to persons or property, employees, students and visitors should immediately call 9-1-1 and/or notify campus security personnel. Known and suspected violations of federal and state criminal laws should be reported to the immediate supervisor who will involve the appropriate law enforcement agency and file the required College documentation.

Criminal incidents occurring off-campus involving students participating in a College function should be immediately reported to law enforcement and to the Vice President of Student Services as soon as possible if a student is involved.

For more information on dealing with campus emergencies, please see the Emergency Action Plan in Procedure 2.1.2.1

Adopted: March 11, 2020

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**COMMUNICABLE DISEASE**

The College shall not exclude individuals diagnosed with communicable diseases from participation in College programs or activities unless a determination is made that the individual presents a health risk to himself/herself or others. The College shall consider the educational or employment status of those individuals diagnosed with a communicable disease on a case by case individual basis.

**A. Procedure**

1. All information and records that identify a person as having a communicable disease shall be strictly confidential.
2. Disclosure of medical information shall be made by the President only to those on a need-to-know basis in order to protect the welfare of persons infected with a communicable disease or the welfare of other members of the College community.
3. Unauthorized disclosure of medical information by an employee of the College is prohibited. Violation of this prohibition may result in the suspension from, or termination of an individual's employment with the College.
4. A person who knows or has a reasonable basis for believing that s/he is infected with a communicable disease is expected to seek expert advice about his/her health circumstances and is obligated ethically and legally to conduct himself/herself responsibly toward other members of the College community.
5. Faculty and staff of the College and employees of contractors, or contracted services, who are infected with a communicable disease are urged to notify the appropriate Dean/Director so that the College can respond appropriately to his/her health needs. Students are urged to share information with the appropriate Dean/Director for the same reason.
6. A person infected with a communicable disease (including the AIDS virus whether active AIDS, AIDS-Related Complex, or undetectable viral load) will not be excluded from enrollment or employment or restricted in his/her access to the College's services or facilities unless, in individual cases, the College administration determines that exclusion or other restrictions are necessary for the health and welfare of the College community.

7. Included in making decisions in individual cases which restrict access to employment or a student's education, programs or activities shall be the College President, Legal Counsel for the College, the Deans/Directors, the individual's personal physician, and if necessary, another physician with expertise in managing communicable disease cases.
8. The College shall provide information regarding communicable diseases, including AIDS.
9. Should influenza, or any other communicable disease, reach a pandemic level, the President shall regularly monitor the situation by communicating with federal, state and/or local health officials and by reviewing media sources.

Should any communicable disease reach a pandemic level within or near the College's service area, the President, after consulting with local, state or federal health officials, may take the following actions if it is determined to be in the best interest of the College community to prevent the spread of the communicable disease:

1. Close the College or certain College buildings and/or programs temporarily;
2. Limit or prohibit employee travel and/or student field trips;
3. Prohibit those infected with a communicable disease from coming onto the College campus;
4. To the extent allowed by law, requiring or encouraging employees and students to receive immunizations (not already required by the College) that prevent the spread of a communicable disease before coming back onto the College campus; and
5. Other specific actions deemed necessary for the safety of the College community.

The President shall not quarantine any student or employee while on campus unless the quarantine is ordered by local, state or federal health officials. Persons who are infected with a communicable disease that has reached a pandemic level, or know of someone in the College community who is infected, should contact College officials immediately. Students should contact the Student Services Office and employees should contact the Human Resources Office for reporting under this policy.

Any actions undertaken pursuant to this policy will be in accordance with applicable federal and state laws, College policies, and in the best interest of all parties.

## **B. Immunizations**

Prior to admission or employment, the College may require students and employees to be immunized from certain communicable diseases, including but not limited to measles, mumps, rubella, tetanus, varicella, and meningitis. Students and employees are excused from providing

proof of one or more of the required vaccinations if the student or employee has one of the following:

- physician's written statement of immunity due to having had the infection;
- a statement of contraindication to a vaccine (accompanied by a physician's statement);
- a lab blood test/titer documenting immunity; or
- a statement of religious exemption.

Religious and medical exemption letters will be accepted in lieu of immunization information. Medical exemption letters must be accompanied by a physician's statement.

## **II. OCCUPATIONAL EXPOSURE TO BLOODBORNE PATHOGENS**

The College shall comply with federal regulations and state statutes regarding bloodborne pathogens as set forth in the Federal Register, 29 CFR §1910.1030, and the North Carolina Administrative Code, 10A NCAC 41A, by attempting to limit/prevent occupational exposure of employees to blood or other potentially infectious bodily fluids and materials that may transmit bloodborne pathogens and lead to disease or death.

### **A. Reasonably Anticipated Occupational Exposure**

An employee who could "reasonably anticipate", as a result of performing required job duties, to face contact with blood, bodily fluids or other potentially infectious materials is covered by the OSHA Bloodborne Pathogens Standard, the North Carolina Administrative Code, and this Policy. "Occupational Exposure" includes any reasonably anticipated skin, eye, mucous membrane or parenteral (brought into the body through some way other than the digestive tract) contact with blood or other potentially infectious materials that may result from the performance of an employee's duties. "Good Samaritan" acts, such as assisting a co-worker or student with a nosebleed would not be considered "reasonably anticipated occupational exposure."

### **B. Universal Precautions**

Universal precautions will be in force at all times. All blood, body fluid and other potentially infectious material will be handled as if infected. The program standards for the control of potential exposure to HIV and HBV as outlined in the OSHA Rule "Occupational Exposure to Bloodborne Pathogens Standard 1910.1030, the NC Administrative Codes, or the most current standards available will be followed.

### **C. Testing**

An employee who suspects that s/he has had exposure to blood or body fluid may request to be tested, at the College's expense, provided that the suspected exposure

poses a significant risk of transmission, as defined in the rules of the Commission for Health Services. The HIV and HBV testing of a person who is the source of an exposure that poses a significant risk of transmission will be conducted in accordance with 10A NC Administrative Code 41A .0202 (4) (HIV) and 41A .0203(b)(3) (HBV). The College will strictly adhere to existing confidentiality rules and laws regarding employees with communicable diseases, including HIV or HIV-associated conditions.

**D. Exposure Control Compliance**

The College shall comply with OSHA Regulation 29 CFR 1910.1030 and promote a healthy and safe environment for both employees and students. The College proposes to do this through minimizing the risk of transmission of infectious diseases that are blood or body fluid borne. To achieve compliance with OSHA Regulation 29 CFR 1910.1030, the College will maintain an Exposure Control Plan covering the following areas:

1. Procedures,
2. Protective equipment,
3. Hepatitis vaccinations,
4. Post-exposure and follow-up care, and
5. Training.

A copy of the Exposure Control Plan is available in the office of Administrative Services.

Adopted: March 11, 2020

Legal Reference: 29 CFR §1910.1030; 10A NCAC 41A; 10A NC Administrative Code 41A .0202 (4) (HIV) and 41A .0203(b)(3) (HBV)

Cross Reference: Policy 3.4.5



During situations such as natural disasters, emergencies and/or inclement weather, the President has the discretion to alter the College's operating schedule as needed. The President shall take steps necessary to deal with the situation and notify the Board of Trustees, College employees, students and the public.

For specific information relating to emergency closings, please refer to the Emergency Action Plan in Procedure 2.1.2.1

Adopted: March 11, 2020

In accordance with the Campus Sex Crimes Prevention Act of 2000 (“Act”), the College is providing to its campus community a link to the [National Sex Offender Public Website](#) and [North Carolina Sex Offender and Public Protection Registry](#) (“Registry”). The Act requires the College to issue a statement advising the campus community where law enforcement information provided by North Carolina concerning registered sex offenders may be obtained. The Act also requires sex offenders already required to register in North Carolina to provide notice of each institution of higher education in North Carolina at which the person is employed, carries a vocation or is a student. North Carolina law requires sex offenders who have been convicted of certain offenses to register with their county’s sheriff. Information about sex offenders is then entered into the Registry database by the sheriff’s office and transmitted to the N.C. State Bureau of Investigation. The N.C. State Bureau of Investigation collects information submitted by sheriffs in all one hundred (100) counties in the state and makes it available to the public via the Registry.

Adopted: March 11, 2020

Legal Reference: P.L. 106-386

Approved use of the firing range is limited to College instructional use, functions sponsored by the College or classes conducted through the College. The firing range shall not be used by outside schools, companies and individuals.

Use of the firing range will be conducted under the direct supervision of an authorized College instructor, a qualified College Range Instructor, a State Certified Fire Arms Instructor or an Armed Forces Fire Arms Instructor. The supervisor will be responsible for all safety rules, regulations, and maintenance of the firing range while on the range

All users will observe the following regulations:

1. Any firearm entering or exiting the range area must be fully unloaded and cased. Exception: Law enforcement officers may leave the range with a loaded and holstered duty weapon.
2. The use of steel reactive targets is restricted to straight-walled pistol or rimfire calibers.
3. Steel targets must be of quality, hardened steel designed for use as targets. The use of damaged or pock steel is prohibited.
4. No random shooting is permitted.
5. All targets must be made of cardboard, paper, steel or other material specifically designed for use as a target. No bottles, cans or other unapproved objects may be used as targets.
6. Targets must be positioned so that all bullets will strike the rear berm. No targets should be placed in the fairway of the range.
7. The rear berm is the only permissible impact area for bullets. No rounds should be fired in the direction of the side berms.
8. No firearms should be handled in any manner while persons are downrange. When bringing a firearm to the line of fire on the range, the firearm should be cased, holstered or have a visible chamber flag inserted into the chamber.
9. No vehicles will be permitted off pavement except for handicapped users or in-service law enforcement vehicles when used as a class requirement.
10. Range flag must be displayed when the range is in use.

11. Weapons may be displayed and transported only for the purpose of entering and leaving the firing range.
12. A “Firing Range Use Form and Waiver of Liability” must be completed and kept on file by the school administrative personnel.
13. The firing range is available for use from 6:00 am until 10:00 pm upon request.
14. Anyone found to be creating an unsafe condition or damaging College property through either intentional actions or negligence may be removed from the range and/or have future range use privileges revoked.
15. Intentionally shooting at posts, ropes or other College range equipment is prohibited.

Requirements for certification as a qualified College Range Instructor will be the successful completion of the Range Instructor’s Certification Class offered through the Continuing Education Division at the College and proof of certification must be on file with the Continuing Education Division; Basic Law Enforcement Training Director; Director of Gunsmithing; and Office of the Evening Administrator. In addition, qualifications for authorized College instructors, State Certified Fire Arms Instructors or Armed Forces Fire Arms instructors must be on file before a “Firing Range Use Form and Waiver of Liability” is issued.

Scheduling of the range and the issuance of the “Firing Range Use Form and Waiver of Liability” will be the responsibility of the Continuing Education Division; Basic Law Enforcement Training Director; Director of Gunsmithing; and/or office of the Evening Administrator and must bear the issuer’s signature.

The Continuing Education Division; Basic Law Enforcement Training Director; Director of Gunsmithing; and/or Office of the Evening Administrator will investigate any complaints against approved users and disciplinary action will be taken as appropriate. Appeals to disciplinary action will be to the President of the College.

Adopted: March 11, 2020

All injuries incurred on campus shall be reported to the employee or student's immediate supervisor. Employee accidents should be reported to the Director of Human Resources, curriculum student accidents should be reported to the Vice President of Student Services and continuing education student accidents should be reported to the Dean of Continuing Education/Occupational Extension. It is the responsibility of these positions to report the accident to the Business Office within twenty-four (24) hours.

The Business Office will file all relevant claims with the College's insurance company as needed.

Adopted: March 11, 2020

**I. Definitions**

- A. Tobacco Product – cigarettes, cigars, blunts, bidis, pips, chewing tobacco, snus, snuff and other items containing or reasonably resembling tobacco or tobacco products. Tobacco Products also includes e-cigarettes and vapor cigarettes.
- B. Tobacco Use – smoking, chewing, dipping or any other use of tobacco products.

**II. Overview**

The College is a tobacco product free campus. The use of tobacco products is prohibited in any College buildings, facilities, vehicles or property owned, leased or operated by the College including all outside areas. The sale or free distribution of tobacco products, including merchandise, is also prohibited.

This Policy applies to all College employees, students, vendors, contractors and visitors to campus.

**III. Prohibition**

All individuals shall comply with the Policy. Enforcing the Policy is the responsibility of the entire campus community. Failure to adhere to the Policy could result in disciplinary action for students and employees. Visitors, vendors and contractors who violate this Policy could lose their access to campus.

**IV. Public Education**

The College shall post appropriate signage on the campus educating students, employees and visitors that the College is a tobacco product free campus and use other methods to further inform and educate the public of this prohibition.

Adopted: March 11, 2020

Legal Reference: N.C.G.S. § 115D-20.1

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<sup>1</sup> Optional Policy.

It is the responsibility of all members of the College community to protect College buildings, grounds and equipment.

1. Any person who willfully damages or destroys any College property will be liable for the replacement or repair of such property and may be subject to disciplinary and legal action.
2. Employees shall promptly report in writing to their supervisors the loss of any College property or loss and/or destruction of any official College records or documents. Students and visitors should report property loss or destruction of College property, records or documents to the Vice President of Administrative Services.
3. Records and documents in the College's custody are for official purposes only. It is unlawful to remove, tamper or destroy records and documents from files without approval from proper authority or as otherwise authorized under the records retention schedule. Individuals who remove, tamper or destroy College records will be subject to disciplinary and legal action.

Adopted: March 11, 2020

The College's facilities exist to meet the educational needs of citizens within the College's service area. The College offers a wide-range of credit curricula and non-credit extension courses and the College's facilities are to be utilized to facilitate these programs. The College may use its facilities in any legal manner. In addition, the College may make its facilities available upon reasonable condition for the periodic use of student organizations, government agencies, non-profit entities, community members and for-profit entities (for non-revenue generating events) provided the activities involved are in furtherance of the College's educational purposes or are in promotion of the community's cultural and educational welfare. The use of the College's facilities cannot compete with any of the College's classes or events that are or could be offered.

This Policy only applies to the use of the College's facilities. For information concerning the use of outdoor campus spaces, see Policy 2.3.5 – Campus Free Speech, Distribution of Material and Assembly.

The President is authorized to develop procedures and a fee schedule to be used by parties who want to utilize the College's facilities.

Adopted: June 12, 2019



The following procedures shall be used when third party groups use the College's facilities:

**I. Groups Permitted to Use the College's Facilities and Grounds**

**A. Permitted Groups**

The following groups shall be permitted to use the College's facilities and grounds:

1. Student groups and College affiliated groups;
2. Governmental entities;
3. Non-profit entities;
4. Community members; and
5. For-profit entities for non-revenue generating events (e.g., banquets, awards presentations, charity fundraisers, etc.).

Any use of the College's facilities must be in furtherance of the College's educational purposes or are in promotion of the community's cultural and educational welfare and do not compete with any classes or events that are offered or could be offered by the College. For-profit businesses may not use the facilities for for-profit business activities or in violation of the N.C.G.S. § 66-58.

**B. Priority**

The College maintains the right to reserve and use any of its facilities at any time, with or without prior notice, for its use and such use will take priority over any other use. Individuals or groups that participate in speech not protected by the First Amendment, that engage in activity which causes a material and substantial disruption to the College educational environment and/or operations or conduct or activities that are contrary to the College's educational mission or are in competition with the College shall not be allowed to use the College's facilities for any reason.

**C. Rental and Service Fees**

Rental and service fees are established herein for use of the College's facilities by governmental entities, non-profit entities, community members and for-profit entities. The President may, in his/her discretion, waive the rental and/or service fees for all entities and individuals except for-profit entities.

**II. Procedures Governing Uses of College Facilities**

- A. The College's educational program has priority at all times. No activities will be scheduled for a use which interferes with the College's instructional programs or activities.
- B. The use of any College property shall be under the direction of an authorized member of the College staff. Facility Use Reservation Agreements (“Agreements”) must be used for every Non-College facility use.
- C. Completed Agreements must be submitted to the College at least two (2) weeks in advance of the proposed use. Facilities will not be reserved/scheduled until the College’s educational programs have been scheduled for that academic term. The President may, in his/her discretion, allow for reservation/scheduling for a longer period.
- D. Keys to College buildings shall be assigned only to College employees and buildings shall be opened only by such employees.
- E. Tobacco use is not permitted anywhere on the College campus. For more information, see Policy 2.2.1 – Tobacco Free Campus.
- F. Drinking or possession of alcohol and/or unauthorized controlled substances on the College campus is prohibited. For more information, See Policy 2.1.7 – Alcohol and Drugs on Campus. In limited situations, alcoholic beverages may be allowed pursuant to Policy 2.2.5 – Use of Alcohol at Campus Events.
- G. Youth or children's groups shall be adequately supervised by responsible adults provided by the sponsoring organization.
- H. College furniture, and/or equipment shall not be removed, altered, re-arranged or displaced without permission from an authorized College employee.
- I. User shall be responsible for the payment of any and all damages to the College's buildings, furnishings, fixtures or equipment whether caused by User or his/her patrons. Nothing shall be affixed to any walls, curtains, seating or other surfaces in any building without the College's prior written permission.
- J. Authorization shall be given for entrance to specific areas only and use of specific facilities only within a building.
- K. Agreements shall be revoked when the use interferes with regular College use, when facilities are misused or when the foregoing rules are violated. Future use shall not be considered for organizations which have misused facilities.

- L. As a condition for use of the facilities, the College requires compensation for additional campus resource officers, cleaning personnel or other staff members deemed by the College to be necessary for use of the facilities.
- M. The College requires proof of liability insurance by the user based on the risks involved in the intended use. The College must be listed as an additional insured on the policy. Further, users shall be required to sign an indemnity agreement in favor of the College.
- N. The College shall require proof of copyright license fee payment in the event of a theatrical performance, to include royalty fees for play production and for any music used in the production.
- O. Organizations using College facilities and planning for catering service must receive College approval in advance. The contract for providing catering services shall be between the user and the caterer.
- P. User shall not advertise any performance or the appearance of any performer prior to executing the Agreement with the College.
- Q. The College reserves the right to request that rental and service fees be paid in advance for use of facilities.
- R. The Agreement should include all technical requirements, plans, ideas and program content pertaining to the event. All equipment brought in by the user will be inspected to ensure safety and the College will have the final approval and authority for the use of such equipment.
- S. No collections of donations, whether for charity or otherwise, shall be made, attempted or announced on the premises without the College's prior written approval.
- T. Persons will not be permitted inside any room in excess of the established seating capacity. No additional chairs may be placed in the hall, hallways or any other portion of the facility open to the public. No standing room may be utilized, nor is anyone permitted to sit in any aisle.
- U. The user agrees that no recording, either visual or audio, of any kind will be made of the event without prior written approval from the College. The College has the right to require payment for said privilege. The College has the right to record any event conducted in the College's facilities.
- V. Move out must be completed no later than one half hour after the scheduled end time. Failure to comply with the move out deadline may result in the user's effects being considered abandoned and may be disposed of by the College.

- W. Attendance at any event may not be restricted on the basis of race, color, sex, gender, religious affiliation, national origin, political affiliation or disability.

**III. Rental and Service Fees**

**A. Facility Rental Fees**

The following is a list of the available facilities for use and the facility rental rate.

<b>Facility Location</b>	<b>Normal Hours (M-F, 8am-5pm)</b>	<b>After Hours, Weekends and Holidays</b>

**B. Service Fees**

The following is a list of service charges associated with facility use. The user will be notified in advance of service fees associated with requests for additional services not included in the following list.

<b>Service</b>	<b>Normal Hours (M-F, 8am-5pm)</b>	<b>After Hours, Weekends and Holidays</b>
Opening (e.g., set-up) and Closing (break-down and clean-up)		
Technical Support for Audio/Visual Equipment		
Security		

Adopted: March 11, 2020

The Montgomery Community College Board of Trustees has the legal responsibility and authority for officially naming, when appropriate, all properties and facilities under the jurisdiction of the College. The naming of a facility, part of a facility, or other property in honor of an individual or organization is considered to be one of the highest recognitions the College can bestow.

### **Purpose**

The purpose of this policy is to provide a standard at Montgomery Community College for naming buildings, facilities, sites, interior and exterior spaces, and other auxiliary facilities under the jurisdiction of the College. Naming opportunities may be granted in recognition of service distinction and/or in recognition of financial support.

### **Policy Criteria**

The Board of Trustees may choose to name a facility in honor of living or deceased persons or organizations who meet one or more of the following criteria:

1. A former or current member of the Board of Trustees or Foundation Board who has given outstanding service and/or made a substantial monetary contribution to the institution.
2. A former employee who has made an outstanding personal service and/or substantial monetary contribution to the institution.
3. A citizen who has made an outstanding personal service and/or substantial monetary contribution to the institution.
4. An organization that has made a substantial in-kind or monetary contribution to the institution.
5. “Substantial” is deemed to mean that the contribution would not have been available from another source or is in some way integral to project completion.
6. If the request is to honor a deceased individual, the request should not be submitted for at least one year after the death of that person.
7. Montgomery Community College Board of Trustees reserves the right to change a building's name or to remove the naming right due to significant changes in circumstances.

Adopted: March 11, 2020

- A. The College and the Foundation continually seek private funds to enhance the College’s ability to meet the higher education needs of the community. To that end, the College should provide appropriate recognition to donors. Naming recognition may take many forms; however, this policy is intended to establish guidelines when naming programs, buildings, facilities and other campus area for donors or for individual recognition.
- B. Potential nominations for naming buildings, parts of buildings, facilities, programs or endowed chairs will be made to the President. Nominations must be accompanied by a brief written explanation regarding the nomination. Any individual may nominate any person, regardless of whether the person has provided a financial gift to the College, who is in good standing in the community and has demonstrated an exceptional and distinguished service record to the College and/or to the College’s mission.
- C. Within two weeks of receipt of the nomination, the President will provide all Board members with the name of the nominee, a copy of the written explanation and a copy of this Policy.
- D. If the Board members determine that there is sufficient interest to consider this person or Organization for a naming right, at the next regular meeting of the Board, the Chairman shall appoint an ad hoc Naming and Recognition Committee (“Committee”) of not less than three Board members. The President will be an ex officio, nonvoting member of this Committee. The Chairman may designate any other member of the College staff, the Foundation or the community to serve on the Committee in an ex officio, nonvoting capacity. No individual shall serve on the Committee in any capacity if that individual is a nominee for a naming right.
- E. The Committee shall use whatever means it deems appropriate to determine whether the proposed action is in the College’s best long-term interest and whether the contribution of the individual or organization is of such significance to warrant this action. As a guide, the Committee should consider the following:
1. For naming rights based solely on a financial contribution, minimum gift levels are as follows:

<b>Naming Opportunities</b>	<b>Minimum Contribution</b>
New Construction	
Renovation for Existing Building (unnamed)	
Classroom, Laboratory or Conference Room	
Athletic Facility, Court or Field	
New or Existing Outdoor Areas (e.g., walkways, pavilions, garden areas, etc.)	
Endowed Chair or Facility Member	
College Institute or Program	

2. For naming rights based on non-financial contributions, the type and length of service to the College and/or the College's mission and the impact of the individual's service, the individual should have an outstanding reputation and be in good standing in the community and have demonstrated an exceptional and distinguished service record to the College and/or the College's mission.
  3. Regardless of financial or non-financial contributions, College buildings, areas, programs and endowed chairs will only be named for companies, organizations or individuals that reflect favorably upon the College and whose gift or previous service record will or has advanced the College and its mission.
- F. The Committee will make its recommendation to the Board at a regular meeting and the Board will vote in open session to consider the request.
- G. Additional requirements:
1. For naming rights based on financial contributions, the naming will only occur when a cash gift is received, a pledge is satisfied, real estate or stock is converted to cash or a bequest is received. No naming will occur until the full amount necessary to fulfill the financial obligation has been received by the College or the Foundation.
  2. Naming rights shall be for the life of the facility, program or area so long as such is used for the same purpose as when the gift was made. Planned demolition or significant renovation shall terminate the naming recognition unless otherwise designated by the Board.
  3. Should the company, organization or individual making a naming gift come into ethical, moral or legal disrepute in the College or community at large, the College reserves the right to discontinue the use of that name in association with the College.
  4. The College will make arrangements for a commemorative plaque and/or dedication ceremony as appropriate.

Adopted: March 11, 2020

- A. **Use of Alcoholic Beverages Approval Required.** Alcoholic beverages may be permitted at off campus College events under special approval by the President. However, students representing the College are not allowed to consume alcoholic beverages at College events.
- B. **ABC Permits.** Upon such preliminary approval, a limited Special Occasion Permit and all other applicable permits for the use of alcoholic beverages must be secured by the applicant from the North Carolina ABC Commission. ABC permits must be presented to the President no less than two (2) business days prior to the event. A copy of the permit must be displayed during the event.
- C. **Security.** For any event where alcohol is served, a uniformed sheriff's deputy or approved private security officer must be present on the premises. The College will determine the number of officers that will be needed to cover the event. The applicant shall pay the full cost of providing such security.
- D. **Liability Insurance.** The applicant must provide to the College a certificate of liability insurance in the amount of no less than one million dollars (\$1,000,000) and naming the College as an additional insured on said policy. A copy of the certificate of insurance must be received by the President no less than five (5) business days prior to the event.
- E. **Service of Alcoholic Beverages.** The following regulations shall apply:
1. Alcoholic beverages may be served only by and to adults age twenty-one (21) or older. The applicant is required to ensure that all servers take precautions to ensure guests are not served inappropriate amounts of alcohol and to further ensure that no one under the age of twenty-one (21) is served.
  2. All alcoholic beverages must be served and consumed only in the area in which the ABC permit is posted.
  3. All alcoholic beverage distribution will be under the control of a bartender and/or caterer. Such distribution will be discontinued for a patron or an entire event at the discretion of a College official, a bartender or a security officer on duty.
  4. The caterer or applicant must arrange to obtain the alcoholic beverages and transport them to and from the College event.
  5. Common source containers without an individual server through a licensed and bonded caterer (e.g., kegs, alcoholic punches, etc.) are prohibited. Brown bagging is prohibited.



- F. **No Use of Public Money.** No state or local tax dollars can be used to acquire or serve alcoholic beverages.

Adopted: March 11, 2020

## I. OVERVIEW

In accordance with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and other applicable federal and state law, the College may be required to accommodate an otherwise qualified individual with a disability by making a reasonable modification in its services, programs or activities. This Policy addresses the use of Service Animals and other animals on campus by qualified individuals with disabilities or individuals authorized to provide training.

## II. DEFINITIONS

- A. **Emotional Support Animal** – an animal selected or prescribed to an individual with a disability by a healthcare or mental health professional to play a significant part in a person's treatment process (e.g., in alleviating the symptoms of that individual's disability). An emotional support animal does not assist a person with a disability with activities of daily living and does not accompany a person with a disability at all times. An emotional support animal is not a "Service Animal".
- B. **Service Animal** – an animal that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a Service Animal must be directly related to the handler's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. Service Animals may or may not have been licensed by a state or local government or a private agency. Service Animals are limited to service dogs and, in some cases, miniature horses.
- C. **Pets** – any animal that is not an Emotional Support Animal or a Service Animal.

## III. ANIMALS ON CAMPUS

Pets are not permitted on campus and may not be left in vehicles on College property. There are occasions when a student or employee may need to bring an animal onto campus for the purpose of meeting an educational objective. Such requests should be made to the appropriate academic Dean prior to the animal being allowed onto campus. Subject to the

rules set forth in section IV and V below, Emotional Support Animals and Service Animals are permitted in any area of campus where employees or students are permitted, with a few exceptions for health and safety reasons.

#### **IV. PROCEDURES REGARDING SERVICE/ EMOTIONAL SUPPORT ANIMALS**

##### **A. Responsibilities of the Service/Emotional Support Animal Owner/Handler**

###### **1. Registration**

###### **a. Service Animals**

Students and employees are not required to register Service Animals. However, they are encouraged to notify the Disability Services Office (students) or the Office of Human Resources (employees) if they intend to use a Service Animal on campus so that appropriate College officials are aware of the animal's presence and to assist with the Service Animal's access to areas within the College's campus. Visitors with Services Animals are not required to register their animals.

###### **b. Emotional Support Animals**

After the College has made a determination that an Emotional Support Animal is allowed on campus (see Section B.2), the student or employee must register the animal with the Disability Services Office (students) or the Office of Human Resources (employees).

###### **2. Care and Supervision**

a. The care and supervision of a Service/Emotional Support Animal is the responsibility of the animal's owner and/or handler. The handler must ensure the animal is in good health and has been inoculated and licensed in accordance with local regulations with the burden of proving licensure and inoculation on the person with a disability. Dogs must wear a rabies tag at all times.

b. The Service/Emotional Support Animal must be under the control of the handler at all times and may not be left alone. A Service/Emotional Animal must be restrained by a leash or other appropriate device that does not exceed six (6) feet in length. In situations where a leash or other device interferes with a Service Animal's ability to perform its task or service, the Service Animal must remain under the control of the handler at all times.

- c. The owner and handler of the Service/Emotional Support Animal is responsible for any damage of personal property or any injuries to an individual caused by the Service/Emotional Support Animal.
- d. The handler must ensure the animal is “housebroken” and trained and must clean up and remove all animal waste created by the animal.
- e. The Service/Emotional Support Animal may not disrupt the operation of the College or any class.

**B. Responsibilities of the College Community**

1. Service Animals

If the need for a Service Animal is obvious, College officials may not question the presence of the animal on campus. If the need for a Service Animal is not obvious, College officials are permitted to ask the handler two questions:

- a. Is the animal required because of a disability?
- b. What work or task(s) has the animal been individually trained to perform?

At no time may a College official require a Service Animal to demonstrate the tasks for which they have been trained nor may they inquire as to the nature of the individual’s disability.

If another person on campus has a covered disability under the ADA and it includes an allergic reaction to animals and that person has contact with a Service Animal, a request for accommodation should be made by the individual to the Director of Human Resources (if an employee) or the Disability Services Office (if a student). All facts surrounding the concern will be considered in an effort to resolve the concern and provide reasonable accommodation for both individuals.

2. Emotional Support Animals

The determination of whether a student or employee with a disability is allowed to have an Emotional Support Animal on campus shall be made on a case-by-case basis. Students and employees may request, as a reasonable accommodation for a disability, the need to have an Emotional Support Animal on campus. The College is not required to grant reasonable accommodations that would result in a fundamental alternation of a program or would constitute an undue burden. Any requests for a reasonable accommodation for an Emotional Support Animal shall be

directed to the Disability Service Office (students) or the Office of Human Resources (employees).

In determining request for accommodations for an Emotional Support Animal, the consideration is: 1) does the person have a disability (i.e., a physical or mental impairment that substantially limits one or more major life activities); 2) does the Emotional Support Animal perform tasks or services for the benefit of the person or provide emotional support that alleviates one of more of the identified symptoms or effects of the person's existing disability; and 3) is the request an undue burden on the College or does it fundamentally alter a College program.

**C. Removal of Service/Emotional Support Animals**

The College has the authority to remove a Service/Emotional Support Animal from its facilities or properties if the Service/Emotional Support Animal becomes unruly or disruptive, unclean and/or unhealthy, and to the extent that the animal's behavior or condition poses a direct threat to the health or safety of others or otherwise causes a fundamental alteration in the College's services, programs, or activities.

It is a Class 3 misdemeanor "to disguise an animal as a service animal or service animal in training". N.C.G.S. § 168-4.5. In other words, it is a crime under North Carolina law to attempt to obtain access for an animal under the false pretense that it is a Service Animal.

Additionally, any employee or student who violates any portion of this procedure is subject to disciplinary action.

Adopted: March 11, 2020

Cross Reference: Policy 3.4.8; Policy 5.4.5

The College shall periodically review and update its mission statement through a strategic planning process and submit any revisions to the Board for ratification. The College's mission statement must be consistent with requirements contained in the North Carolina General Statutes and by the North Carolina Community College System.

Adopted: March 11, 2020

Legal Reference: N.C.G.S. § 115D-1; 1A SBCCC 200.1

To fulfill its mission, the College shall maintain an ongoing planning process which provides for development of a strategic plan. This plan will be a campus-wide, continuous improvement model which addresses facility and program needs, encompasses research and assessment, planning and goal setting, evaluation and action.

Adopted: March 11, 2020

Legal Reference: 1B SBCCC 400.2

The College shall follow a five-year strategic planning cycle; however, College leadership changes may result in extensions to the cycle's time frame. Every five years, the Board sets five-year goals for itself during its annual retreat. The President shall use the Board's goals and data generated from College surveys and focus groups to revise the College's mission statement and vision statement (if necessary) and to set several measurable five-year goals as the College's strategic plan. While the strategic plan is a five-year process, goals will be evaluated at least annually.

These goals drive the College's organization, communication and resource allocation for the next five years. The Administrative Council will identify core team members for each of the goals. Teams are made-up of membership from throughout the College based on the focus of each team. These teams meet frequently and reevaluate goals annually.

Once teams are formed, they will operate in pursuit of the five-year goals' objectives. Teams may enlist other College personnel as needed for both ad hoc and recurring tasks. Teams meet frequently and the chairs of each team shall meet with each other quarterly to update the College on team progress and to coordinate team efforts.

At the end of each five-year cycle, teams shall make recommendations based on the achievement (or lack thereof) of the College's goals. These recommendations will be used by the Administrative Council in setting the next five-year goals.

Adopted: March 11, 2020



Charitable donations are anything of value given to the College including, but not limited to: restricted and unrestricted gifts of cash, property, equipment or other forms of gifts-in-kind. Except in instances of donor preference or for some other compelling reason, gifts to the College should be channeled through the Foundation.

The President is authorized to develop procedures to address charitable donations made directly to the College.

Adopted: March 11, 2020

- A. Except in instances of donor preference or for some other compelling reason, gifts to the College should be channeled through the Foundation.
- B. All gifts to the College must be approved by the President (or designee) before they can be accepted. Individuals offering gifts to the College through a College employee should be directed to the President (or designee) who will decide to either:
  - 1. Accept a gift depending upon the conditions of the donation, any restrictions, the gift's future benefit to the College, potential use, maintenance and operation costs, insurance and/or cost of disposal; or
  - 2. Refuse an offer of a gift if conditions of the offer so warrant (i.e., restrictions on use, the gift's future benefit to the College, potential use, maintenance and operation costs, insurance, and/or cost of disposal).
- C. Once the President decides on an offer of a gift to the College, either a letter of acceptance and appreciation or explanation of refusal should be sent to the donor by the President or designee. It may be appropriate to send the donor additional letters of appreciation from other College representatives.
- D. For any donation given to the College, the College shall generate and send a letter to the donor which contains an acknowledgment of the donation and the date the donation was given. The College shall keep all donation acknowledgement letters on file for a minimum of three (3) years and will only destroy or discard them pursuant to Policy 2.3.11 – College Records.
- E. If the value of a noncash donation exceeds \$5,000, in addition to the letter, the College shall also complete the “Donee Acknowledgement” portion of Federal IRS Form 8283.
  - 1. The College shall keep all donation acknowledgement letters on file for a minimum of three (3) years and will only destroy or discard them pursuant to Policy 2.3.11.
  - 2. If the College sells, exchanges or otherwise disposes of the donation within three (3) years of receipt, it will file Federal IRS Form 8282 with the IRS and provide the donor a copy of the form.
- F. The College will not accept donations of hazardous materials or chemicals.
- G. The College shall not accept any donation with restrictions that are deemed illegal, outside of the College's broad mission, or otherwise would jeopardize the Foundation's tax-exempt status.

Adopted: March 11, 2020

**I. General Provisions**

Pursuant to N.C.G.S. § 115D-21, the College shall enforce the following traffic regulations.

- A. Chapter 20 of the North Carolina General Statutes regarding the operation of motor vehicles on North Carolina highways shall apply to the College's streets, roads, alleys and driveways along with all other rules and regulations contained herein. These regulations shall apply on a twenty-four (24) hour basis.
- B. While on the College campus, all drivers shall comply with the Campus Resource Officer's legal instructions and shall obey all traffic and parking laws and regulations. The College shall be responsible for ensuring that the necessary signs are erected and maintained on the campus.
- C. The College shall ensure that information about operating a motor vehicle on the College's campus is given out at every student orientation and registration. A copy of this Policy shall be included in all student handbooks. Failure to obtain a copy of this Policy or not knowing the traffic laws is not an excuse or justification for violation of the laws and regulations.
- D. All vehicles operated on campus must be properly registered and display a College parking decal on the rear of the vehicle (the right side of the rear bumper or the lower, right corner of the back window being the preferred location). Students, faculty and staff must register their vehicles within the first five (5) business days of being hired (for employees) or within two (2) business days of class (for students).
- E. Any vehicle that is driven by or is transporting a person who is handicapped and that displays a state-issued license plate, a removable windshield placard or a temporary removable windshield placard may park in designated handicap spaces on campus. No one will be allowed to park in designated handicapped spaces without the proper license plate or placard.
- F. Visitors and clients may park in any legal parking space on campus. Visitors and clients must have a state-issued distinguishing license plate, a removable windshield placard or a temporary removable windshield placard to park in designated handicapped spaces.

Adopted: March 11, 2020

Legal Reference: N.C.G.S. Chapter 20; N.C.G.S. § 115D-21.

Free speech, which includes the right to distribute material and peacefully assemble, is central to the College's academic mission. The College encourages and supports open, vigorous and civil debate across the full spectrum of society's issues as they present themselves to the College community. At the same time, limitations on activities on College property are necessary so that the College may fulfill its primary mission of educating students. The use of outdoor space on the College's campus does not represent an endorsement or support by the College of the content or viewpoints expressed by the individual or group using the space. The College is a limited public forum and does not discriminate based on content or viewpoint.

The President is authorized to develop procedures for public use of the College's outdoor spaces for distribution of material and assembly.

For issues dealing with the use of indoor spaces and facilities, see Policy 2.2.3 – Facility Use.

Adopted: March 11, 2020

The College is a limited public forum that does not regulate speech or activities based on content or viewpoint. All individuals using College Space must comply with the following Procedures. These Procedures only apply to the use of College Space and not to the use of facilities on campus. For more information regarding facility use, see Policy 2.2.3 – Facilities Use.

**I. Definitions**

- A. College Members – students who are currently enrolled at the College and/or individuals currently employed by the College.
- B. College Space – all outdoor areas on the College campus.
- C. College Use – use of a College Space by the College for official College business and/or functions.
- D. Designated Area(s) – The President, or designee, is authorized to designate other areas on campus as Temporary Designated Areas when needed dependent on the location and size of a specific event or activity. Temporary Designated Areas are not permanent and will end after the specific event or activity.
- E. Non-College Members – any individuals who are not currently enrolled at the College and/or are not currently employed by the College.

**II. Speech, Distribution of Material and Assembly for College Members**

- A. The College is committed to making the majority of its College Space available to College Members who wish to exercise their rights of speech, distribution of material and assembly. The College maintains the right to reserve any College Space at any time, with or without prior notice, for College Use and such use will take priority over any other use.
- B. All outdoor assemblies may not be conducted within thirty (30) feet of any building or otherwise interfere with free flow of vehicular, bicycle or pedestrian traffic.
- C. Although registration by College Members to use College Space is not required, it is recommended for planning purposes. Registration ensures that the desired space will be available on the desired date and time. For more information about registration, see Section III (B) herein.

**III. Speech, Distribution of Material and Assembly for Non-College Members**

- A. Except as stated herein, Non-College Members shall be allowed to use the Designated Area between the hours of 8:00 a.m. and 9:00 p.m. on Mondays through Fridays when the College's general curriculum classes are in sessions. The Designated Area is not available on weekends or when the College is closed. The College maintains the right to use the Designated Area at any time, with or without prior notice, for College use and such use will take priority over any other use.

If on the weekends the College is having an official College event or if a speaker or group is hosting an event that is open to the general public and/or is a matter of public concern, the Designated Area, or Temporary Designated Area, if so established, will be open to Non-College Members at times established by the President or designee; provided, however, that the Designated Area must be open at least one and one-half hours prior to and after the event.

- B. Any Non-College Members will be allowed to use the Designated Area within the time restriction. All Non-College Members must complete a Registration Form (the "Form") and submit it to the Office of Student Life and Development no earlier or later than three (3) business days prior to their activity on campus. The College does not restrict speech and/or activities based on content or viewpoint. The purpose of the Form is to make sure there is adequate space in the Designated Area for the requested date and time and for safety concerns. Upon request by College officials, Non-College Members will be required to provide proof of registration for use of the Designated Area. Forms will only cover one (1) day at a time. Requests for standing dates (i.e., every Tuesday) will not be honored.
- C. The College will assign use of a Designated Area on a first come, first serve basis; however, the College may regulate hours to fairly accommodate multiple groups.

#### **IV. General Rules and Regulations for Both College and Non-College Members**

- A. While expressing speech, distributing material or assembling, both College and Non-College Members are prohibited from doing the following:
1. Engaging in non-protected speech such as obscenity, speech inciting criminal conduct, speech that constitutes a clear and present danger or speech that constitutes defamation;
  2. Touching, striking, approaching or impeding the progress of pedestrians in any way, except for incidental or accidental contact;
  3. Obstructing the free flow of pedestrian or vehicular traffic;
  4. Using sound amplification or creating noise levels that are reasonably likely to or do cause a material and substantial disruption to the College educational environment and/or operations;

5. Damaging, destroying or stealing College or private property; and
6. Possessing or using firearms, explosives, dangerous weapons or substances not allowed on campus by law or by College policy (e.g., drugs, alcohol, tobacco, non-service animals, etc.).

Any acts that are disruptive to the College's normal operations will not be tolerated and may result in an immediate termination of the activity. Non-College Members are required to remain in the Designated Area while on campus.

- B. Individuals may distribute pamphlets, booklets, brochures and other forms of printed materials on the condition that such material is designed for informational (not commercial) purposes. Individuals distributing materials must provide a receptacle for the disposal of such materials. The College does not assume any obligation or liability for the content of such distributed material. Any signs used may not be larger than three (3) feet by four (4) feet in size. Signs must either be held by participants or be freestanding signs that do not stick into the ground. No signs may be mounted on buildings, trees or other College property.
- C. Individuals are responsible for the cleanliness and order of the area they use. Individuals shall leave the area in the same condition it was in before the activity. Individuals who damage or destroy College property shall be held responsible for such damage or destruction. This includes the campus buildings, sidewalks, lawns, shrubs and trees.
- D. Individuals are subject to sanctions for failing to comply with these procedures or other College policies. Such sanctions may include, but are not limited to: repairing, cleaning, painting, replacement costs, restitution (by order of a court) and being banned from future use. College Members may also be subject to College disciplinary action as outlined in College policies and procedures. Individuals who violate these procedures may be issued a trespass warning and denied future access to College premises. Violations that require police intervention will be reported to the College's security forces.

#### **V. Polling Places on Campus**

If campus buildings are used as public polling places, all activity must be in accordance with statutory and state/local Board of Elections requirements.

Adopted: March 11, 2020

The President shall establish procedures concerning who is responsible for all College publications and pre-publication review of all promotional and marketing materials which pertain to the College or its programs and which are designed for public viewing. Materials under this Policy include, but are not limited to: brochures, handbooks, catalogs, multimedia and programs for special events. Instructional classroom materials generated and used by instructors in their classrooms are not subject to this Policy.

Adopted: March 11, 2020



- A. The President, or the President's designee, shall review, before distribution, all official College publications. Such publications include, but are not limited to: advertisements, catalogs, brochures, flyers, manuals or handbooks, leaflets, news releases, special reports, newsletters, schedules, posters, displays, multimedia presentations, memos or mass mailed letters.
- B. All College publications must have prior approval of the respective project/program supervisor, be coherent in design and presentation and convey a positive image that supports the College's mission.
- C. All College publications and advertisements printed with state or local funds should carry the statement that the College is an equal opportunity employer.
- D. College employees involved in the creation or production of any official or divisional publications should familiarize themselves with intellectual property and copyright laws before using another person's material in a publication.

Adopted: March 11, 2020

- A. Campus bulletin boards are provided for employees and recognized student organizations. For purposes of this Policy a "recognized student organization" is defined as an organized student group that is recognized by the Student Government Association.
- B. The use of campus bulletin boards by recognized student organizations or College employees is subject to the following general regulations:
1. All materials posted on campus bulletin boards must be directly related to College programs, events, clubs or services.
  2. All posted materials must: a) be clear and legible; b) include the sponsoring club or College program/division/department name; c) include the date; and d) provide current contact information.
  3. Posted materials shall not include language that is obscene or language that: a) incites criminal conduct; b) constitutes a clear and present danger; or c) causes a substantial disruption in the College's business operations.
  4. All notices must be posted on a bulletin board. No notice, advertisement, document or signage of any kind may be affixed to any building, wall, window, door, street, sidewalk, traffic sign, campus signage, light post or pole, trash can, staircase, railing, tree or other vegetation or any other part of the campus. Campus bulletin boards are the sole designated location for posting communications.
  5. Flyers may remain on a bulletin board for three weeks or two business days after the event or service advertised has ended, whichever is sooner. It is the responsibility of the recognized student organization or College employee to remove its advertisement in a timely manner.
- C. Any violation of these provisions shall result in the immediate forfeiture of the privilege of using campus bulletin boards and possible disciplinary action.
- D. The College reserves the right to remove fliers and signage without notice if it is outdated or does not adhere to this Policy.

Adopted: March 11, 2020

- A. The College's logo is the College's primary identifying element. It represents the College's brand and promotes immediate identification. The College's logo is to be used on all approved and reviewed College publications, both print and electronic, as well as on approved social media sites. The location of the logo on the document is usually determined by the design of the publication or advertisement. Unique logos for individual divisions, departments or programs are not permitted. However, the President may approve an addition to the College's logo to allow a department or program to distinguish its identity.
  
- B. The College's official seal is reserved for official documents and publications representing the Board or the President. The seal may be used on publications and advertisements only by the President's expressed permission.

Adopted: March 11, 2020

The College shall comply with the Americans with Disabilities Act of 1990, As Amended ("ADA"). To achieve compliance, the College shall:

1. Provide notices concerning the ADA.
2. Designate a responsible employee to coordinate ADA compliance.
3. Ensure that existing facilities are readily accessible to or usable by individuals with disabilities through structural changes in facilities or through other methods that are equally effective to make services, programs and activities accessible.
4. Eliminate eligibility criteria that screens out or tends to screen out individuals with disabilities or any class of individuals with disabilities from fully and equally enjoying any service, program or activity being offered.
5. Administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.
6. Take appropriate steps to ensure that communications with persons who are disabled are as effective as communications with others, including the furnishing of appropriate auxiliary aids and services.

The College may from time to time engage in an accessibility audit of its facilities and programs. The College will maintain the self-evaluation and make it available to the public for three (3) years. All allegations concerning disability discrimination or harassment shall be addressed through Policy 3.3.7 – Discrimination and Harassment (employees) or Policy 5.3.4 – Discrimination and Harassment (students).

Adopted: March 11, 2020

Legal Reference: 42 U.C.S. § 12101, P.L. 110-325

**I. GENERAL POLICY**

The College will retain and destroy records in accordance with this Policy and the approved Record Retention and Disposition Schedule (“the Schedule”) for community colleges adopted by the North Carolina Department of Cultural Resources and the North Carolina Department of Community Colleges.

This Policy deals with general College records. For more specific information regarding personnel and student records and clarification regarding electronic records, see:

- A. Policy 3.3.1 – Personnel Files.
- B. Policy 5.4.3 – Students Records – FERPA.
- C. Policy 7.3 – Electronic Records Retention.

**II. NORTH CAROLINA PUBLIC RECORDS ACT**

Unless otherwise exempt by law, all records made or received regarding the transaction of public business are public records pursuant to the North Carolina Public Records Act, as defined by the North Carolina Public Records Act, N.C.G.S. § 132-1 *et seq.* Records may not be deleted or otherwise disposed of except in accordance with the Schedule. The content of the record determines its retention requirement.

**III. RECORDS CUSTODIAN**

Inquiries regarding student records should first be made to the Vice President for Student Services and inquiries regarding personnel records should first be made to the Director of Human Resources. For clarification as to electronic records, see Policy 7.1.3 – Electronic Records Retention.

**VI. LITIGATION HOLD**

A litigation hold is a directive not to destroy records which might be relevant to a pending or imminent legal proceeding. The President may establish a committee to oversee and monitor litigation holds; this committee may contain a member of the Information Technology Services Department (“ITS”), the College’s legal counsel and a member of the Administrative Team. In the case of a litigation hold, the committee shall direct employees and the ITS Department, as necessary, to suspend the normal retention procedure for all related records.

Adopted: March 11, 2020  
Legal Reference: N.C.G.S. §§ 121-5; 132-1 *et seq.*;  
Cross Reference Policy 7.1.3

Personal use of College property, which includes but is not limited to: real property, vehicles, equipment, tools and supplies, is not permitted for personal use and gain. The use of College property off campus is only permitted in the performance of position responsibilities.

Adopted: March 11, 2020

The College Administration ensures that the academic calendar, grading policies, cost of attendance, refund policies, and other information that directly affects students will be available in a timely fashion on the College's website and/or in an official College publication.

Reference: SACSCOC Standard 10.2

Adopted: September 11, 2019

Each committee at Montgomery Community College is responsible for ensuring that its activities are in keeping with the College's goals and planning objectives. To that end, it is imperative that each committee review these items in the annual Institutional Effectiveness Plan and submit proposals and recommendations, etc. that correspond with the College's vision and mission to the President's Administrative Cabinet for approval.

Committee activities will be planned annually and funding for activities will be requested through the College's annual budget request process. Additionally, each committee is encouraged to investigate grant possibilities for funding of activities.

Committee membership: Appointments will be established on a rotating basis and will be reviewed annually to include a review of minutes and member participation. It is expected that committee members will attend all meetings and in the event a member must be absent, a proxy will be sent in his or her absence. Should there be three or more unexcused absences without a proxy, the chairman of that committee will advise the College President for review.

#### **Threat Assessment & Behavioral Intervention Committee**

The purpose of the Threat Assessment and Behavioral Intervention Team (BIT) is to evaluate and address concerns raised regarding student/employee/visitor behavior that may be considered disruptive and/or a possible threat to the safety of others. Additionally, the team will utilize College resources to promote a safe and healthy campus community. The BIT will meet on an ad hoc basis as concerns are brought to the attention of administration or BIT Team members.

#### **CORE Committee**

The purpose of the CORE Committee is to guide the development, evolution, and coordination of projects and business processes that rely upon the Colleague system or integrated applications. Develop, review, and implement an operational process calendar to effectively plan and coordinate Colleague software updates and enhancements. To serve as the primary liaison between functional areas and the IT department. Establish, review, and maintain a Colleague software update testing and approval process. Establish, review, and maintain MCC's Colleague Core data standards. Share information and best practices with their respective service area co-workers and colleagues. Share and review professional development and training opportunities.

#### **Diversity & Cultural Activities Committee**

The Diversity & Cultural Activities Committee role is to assess the diversity of the College's service area and to ensure that the administration, staff, faculty, and student populations recognize and welcome diversity as an integral part of life at Montgomery Community College. The Committee will also coordinate and schedule cultural activities to enhance cultural awareness and opportunities for staff, faculty, students and citizens of Montgomery County.



**Emergency Action Committee**

The Emergency Action Committee is an internal group of employees with expertise in public safety, facilities, counseling, and administration. They are charged with assessing the safety and security issues on campus. The primary responsibility of this group is to address potential emergencies before they occur and to respond to campus emergencies before the arrival of public service agencies.

**Faculty Senate**

The Faculty Senate membership shall consist of all faculty. The Senate is recommended to meet at least monthly and represent the faculty on matters of faculty concern. It may make recommendations to the President's Administrative Cabinet. It shall also serve as a forum for discussion of any issue affecting the instructional program as well as a means of disseminating information among the faculty. Any member of the President's Administrative Cabinet will meet with the Faculty Senate upon request.

**Financial Aid Committee**

The purpose of the Financial Aid Committee is to recommend policies and procedures to the President's Administrative Cabinet as they relate to financial aid. This committee is charged with:

1. Reviewing current accomplishments in meeting the needs of students
2. Projecting future funding needs
3. Hearing appeals of recipients with grievances
4. Approval and awarding of scholarships

**Instructional & Student Services Committee**

The purpose of the Instructional & Student Services Committee is to provide an opportunity for faculty and staff members to have input into the programs, procedures and services offered through the Curriculum and Continuing Education divisions at the College. The committee is charged with:

1. Providing direction in assuring quality instruction
2. Seeking ways to enhance educational programs
3. Assessing student needs and seeking ways to enhance services to include admissions, registration, career planning, counseling, financial aid, recruiting, placement, and follow-up
4. Evaluating procedures such as course delivery (through traditional and non-traditional delivery modes and scheduling,
5. Reviewing and recommending new courses/programs and program change
6. Assigning Ad Hoc Committees

### **Information Services Committee**

The purpose of the Information Services Committee is to provide input for the planning and implementation of initiatives in the areas of distance learning, academic technology and library resources. To achieve the vision and mission of the college, committee members will provide recommendations on policies/procedures and assist in the evaluation and planning of technology in these areas. Specific tasks may include providing input on the peer review process, technology refresh plan, library materials/databases and researching viable instructional technologies.

### **Marketing Committee**

The purpose of the Marketing Committee is to serve in a planning and advisory capacity to the public information officer to identify and recommend possible marketing opportunities and activities based on current research, marketing goals and budget. College marketing will include external as well as internal activities that can be implemented by all employees to positively promote the MCC brand.

### **Planning Committee**

The purpose of the Planning Committee is to facilitate, monitor, review and support institutional research, planning and assessment activities in collaboration with faculty and staff to advance the mission of MCC. Planning Committee's mission ensures that the College engages in ongoing, systematic and institution-wide evidence-based planning and assessment activities that result in continuous quality improvements and mission and goal accomplishment. All activities of the council are forwarded to the President for review and final approval. All meetings of the council are open to the college community and to the Board of Trustees. To ensure full participation in the process, one-fourth of the full-time membership is replaced with new participants each year; no member shall serve more than four consecutive years. After one year of separation, a member may be reappointed to the council.

### **President's Administrative Cabinet**

The cabinet is comprised of deans and direct reports to the President and serves as an advisory team to the president and may be called upon to assist in formulating policy and in making personnel decisions. Members serve as a forum for new information and proposals and act as a filtering agent for information and proposals going to the Board of Trustees. Members are charged with keeping the cabinet informed of events happening within their divisions, of their activities such as conferences, committee appointments and community involvement, and of any legislative and system office information that is received. Members are also charged with disseminating information from the cabinet meeting to their respective divisions.

### **Professional Development Committee**

The purpose of the Professional Development Committee is to provide ongoing research, philosophical, procedural and technical support and feedback to ensure and promote a variety of professional development activities for all employees of the College. It is responsible for providing opportunities for growth with the ultimate goal of improvement of the educational process. This committee will make recommendations to the Cabinet for changes in the professional development arena.

**Safety Committee**

The purpose of the Safety Committee is to identify safety hazards, bring them to the attention of the appropriate administrator and to follow up to see that the hazard is corrected. The team will conduct periodic safety inspections, fire drills, and other safety checks.

**Staff Senate**

The Staff Senate membership shall consist of all non-teaching staff outside the President's Administrative Cabinet. The staff senate is recommended to meet monthly and represent the staff on any matters of general concern. Additionally, the staff senate will make suggestions and recommendations to the President's Administrative Cabinet or to the faculty senate. Any member of the President's Administrative Cabinet will meet with the staff senate upon request-

**Hospitality and Wellness Committee**

The Hospitality & Wellness Committee is responsible for planning and carrying out social and wellness functions for employees of the College and making recommendations to the President's Administrative Cabinet. The committee includes employees from each of the different divisions so that input can be received from throughout the College.

Adopted: March 11, 2020

The College provides equal employment opportunities to all employees and applicants for employment without regard to race, religion, color, national origin, sex, gender, gender identity, sexual orientation, age, disability, genetic information, political affiliation or status as a covered veteran in accordance with all applicable federal, state and local laws. Upon request, the College will make reasonable accommodations for qualified individuals with disabilities so that they may be able to perform the essential functions of their job unless doing so would result in an undue burden for the College.

This policy applies to all terms and conditions of employment including, but not limited to: hiring, placement, promotion, termination and compensation.

Any inquiries, questions or clarifications regarding this policy should be made to the College's Director of Human Resources.

Adopted: April 10, 2019

Legal Reference: Title VII of the Civil Rights Act of 1964; The Age Discrimination in Employment Act of 1967; Section 504 of the Rehabilitation Act of 1973; The Americans with Disabilities Act of 1990; The Genetic Information Nondiscrimination Act of 2008; Title IX of the Education Amendments of 1972; Family Medical Leave Act; The Equal Pay Act of 1963; Lilly Ledbetter Fair Pay Act of 2009; 1C SBCCC 200.95

**I. FULL-TIME EMPLOYEES**

- A. The Board authorizes the President to hire all full-time employees. The President shall inform the Board at the next regularly scheduled Board meeting of any new hires made since the last Board meeting.
- B. All newly hired full-time employees shall receive a letter of appointment stating that the employee shall serve a probationary period of at-will employment lasting one (1) academic year. After the probationary period, full-time employees may be eligible for annual employment contracts for at least nine (9) and no more than twelve (12) months dependent on the employee's duties. If an employee is hired after the academic semester has already begun and the employee's one-year probationary period ends during the subsequent academic year, the term of the employee's initial employment contract, if offered, shall only be for the remainder of that subsequent academic year. Nothing in this Policy or in the employee's letter of appointment shall entitle the employee to an employment contract or contract renewal.

**II. PART-TIME AND TEMPORARY EMPLOYEES**

- A. The Board authorizes the President or designee to hire all part-time and temporary employees.
- A. Part-time instructional employees (adjuncts) shall be provided short-term contracts for no more than one semester.
- B. All other part-time and temporary employees shall be paid by timesheet. Nothing in this Policy shall entitle the employee to an employment contract.

**III. INDEPENDENT CONTRACTORS**

The President or Vice President of Administrative Services is authorized to enter non-construction service contractors with independent contractors for individual contracts and if the funds have been appropriated in the budget.

**IV. MISCELLANEOUS PROVISIONS**

- A. The quality of the College's programs and services are dependent on the skills, commitment and enthusiasm of all of its employees. The Board seeks to employ the best qualified personnel available. In return, the Board expects its employees to accept and support the College's mission and vision. Specifically, all employees are expected to know the College's policies and procedures, devote their professional services and individual skills to the realization of the College's objectives and to discharge their duties in such a manner as to reflect positively upon the College.

- B. No applicant will be considered for any employment position who does not complete and submit a College employment application form.
- C. Employment preference will be given to eligible veterans, their spouses or surviving spouses and surviving dependents as defined by N.C.G.S. § 128-15. This preference applies to initial employment, subsequent hiring, promotions, reassignments and horizontal transfers when two or more candidates are equally qualified for the position. To claim veterans' employment preference, all eligible veterans shall submit a Department of Defense Form 214 (Certificate of Release or Discharge from Active Duty) along with a College application for employment. To claim veterans' employment preference, eligible veterans must meet the minimum training and experience requirements for the position and must be capable of performing the duties assigned to the position.
- D. All employed instructional personnel shall meet Southern Association of Colleges and Schools/Advanced ED criteria.

Adopted: April 10, 2019

Legal Reference: G.S. 115D-20; G.S.128-15; 1D SBCC 400.93(a)(1)

**I. HIRING PROCEDURES**

**A. Fair Hiring Process**

1. A meeting with the President and appropriate Vice President will be scheduled to review and update the job description for accuracy of responsibilities and minimum credentials, to determine the salary range and guidelines for advertising, and to determine the timetable for hiring. Additionally, an interview team shall be selected to include no more than two employees in the division with the vacancy and three other employees representing the internal College community. The supervisor for the vacant position or designee shall act as chair of the team.
2. The Vice President/supervisor will notify the Human Resources Director of the vacancy. The Human Resources Director will advertise the position for a period of at least two weeks. The interview team will meet during the advertising period to draft candidate interview questions.
3. The Human Resources Director shall be responsible for advertising and receipt of all applicants. All applications shall be distributed to the appropriate Vice President/Supervisor. The Human Resources Director will ensure that an acknowledgement of receipt is sent to all applicants. The interview team shall review the applications and select candidates for interviews.
4. The interview team will ensure that all candidates selected for interview meet the required qualifications as advertised.
5. The chair of the interview team shall schedule and arrange all meetings in the interview process including interviews for selected candidates. The Human Resources Director shall assist with this process.
6. When appropriate, one or two finalists may be selected for a follow-up interview.
7. An investigation of professional references and criminal background checks shall be conducted for all finalists. The Human Resources Director shall oversee with this process.
8. Upon completion of the interview process, the Vice President/Supervisor shall recommend to the President one (or two) finalists for consideration for employment.
9. At the first regular meeting after being hired, the Board will receive notification of employee hires.

10. The Human Resources Director shall mail notification letters in a timely manner to all applicants not selected.

**B. Criminal Background Checks**

1. Hiring and continued employment of qualified individuals is important to the College's success. Therefore, background checks will be used to obtain additional applicant information to help determine an applicant's overall employability and may be obtained on employees for the purposes of protecting College assets and for promoting a safe environment for employees and students. Background information will be researched and evaluated in a consistent non-discriminatory manner and in accordance with the Fair Credit Reporting Act.
2. Offers to final recommended applicants will be made contingent upon, or after successful completion of, a background investigation. The Human Resources Director will be responsible for working with a third-party provider to conduct background checks. The third-party provider is responsible for checking a range of sources depending on the position, including, but not limited to: criminal conviction records, civil litigation records and national sex offender registry.
3. The following factors will be considered for those applicants with a criminal history in determining whether to hire the applicant and when necessary, in determining the continued employment of an employee: a) the nature of the crime and its relationship to the position; b) the time since the conviction; c) the number (if more than one) of convictions; d) whether hiring the applicant would pose a risk to the College, students or personnel; e) the actions and activities of the applicant since the conviction or other determination; and f) explanations and/or other information provided by the candidate and whether the candidate has demonstrated that s/he does not have the integrity or honesty to fulfill the duties of the position.
4. If any applicant is found to have falsified or withheld any information regarding conviction history, the applicant will not be considered for employment and any offer of employment will be withdrawn. Applicants who refuse consent to a criminal background check will be considered to have withdrawn their application for employment at the College. False or omitted information on an employment application of an employee or an employee's failure to report criminal history information may be grounds for disciplinary action up to and including termination.
5. The applicant or employee will be given an opportunity to review the results of the background investigation and will be given an opportunity to dispute the accuracy or completeness of any information contained in the report by contacting the third-party provider that conducted the background check.



6. The Human Resources Director will review the findings of the background checks with the appropriate Vice President/Supervisor. If the applicant is recommended to the President, the President will make the final decision concerning the employability of the applicant or when necessary, the continued employment of an employee. Background checks will be maintained as part of the individuals employment record, and kept in accordance with records retention policies.

## **II. PROMOTION/TRANSFER**

Promotion/transfer shall be made in accordance with the principles of equal opportunity and only valid job-related requirements for a promotion opportunity will be used. All promotions/transfers for full-time employees will be subject to a one (1) year probationary contractual period. At the end of a successful probationary period, the employee will be eligible for one (1) year annual contracts. It is the policy of the College to promote from within whenever possible.

The supervisor may nominate an internal candidate to be promoted/transferred to an existing vacancy. All internal candidates must be permanent part-time or full-time employees of the College. A recommendation to promote/transfer an internal candidate shall be made in a written statement to the appropriate member of the President's Cabinet with a copy to the Human Resources Director. The cabinet member will be responsible for assuring that an internal applicant meets the basic requirements of the position or will be responsible for specifying those requirements upon which a conditional promotion may be made. If a conditional promotion is made, a contract must be executed between the College and the full-time employee specifying the conditions the employee must meet in order to retain the position and the time frames within which the conditions must be met.

### **A. Priority for Promotion/Transfer for Non-Teaching Personnel**

1. Job specifications including educational level attained
2. Performance evaluation with regard to present position
3. Former work experience

### **B. Priority for Promotion/Transfer of FT Instructor to Administrative**

1. Job specifications including educational level attained
2. Administrative/management background (education, training, or former work experience)
3. Performance evaluation (with emphasis on administrative areas)

Adopted: April 10, 2019

**MONTGOMERY HUMAN RESOURCES PROCEDURE**  
**COMMUNITY COLLEGE NEW EMPLOYEE ORIENTATION 3.1.2.2**

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All new full-time employees will receive an employee orientation. The orientation process should familiarize each new employee with the College's policies and operating procedures, the functions of each division and how they interact, his/her division, and his/her specific duties and responsibilities. The new employee should be made aware of the College's physical layout.

All full-time employees will participate in a mandatory program conducted by the College's Human Resources Department.

Adopted: April 10, 2019

**I. EMPLOYMENT CLASSIFICATIONS**

- A. Full-Time Employee – any individual who occupies a College designated full-time position working a minimum of forty (40) hours per week. All full-time positions are classified as either full-time curriculum or full-time non-curriculum and exempt or non-exempt. All full-time employees shall receive annual contracts as stated in Policy 3.1.2. Full-time curriculum employees shall receive contracts for nine (9) and no more than twelve (12) months dependent on the employee’s duties. All other full-time non-curriculum employees shall receive contracts not to exceed one year.
- B. Part-Time Employee – any individual who is employed for less than thirty (30) hours per week. All part-time employee positions are classified as either part-time curriculum or part-time non-curriculum. All part-time curriculum employees shall receive short-term contracts for no greater than one semester. All other part-time employees shall receive short-term contracts for no greater than six months.
- C. Full-Time, Temporary Employee – any individual who is employed in a full-time position (i.e., 40 hours or more per week) but the job is temporary (i.e., generally less than six months except in extraordinary situations). All full-time, temporary employees are classified as exempt or non-exempt. For purposes of the Affordable Care Act only, any full-time, temporary employee who is anticipated at the date of hire to work in excess of three (3) months during the academic year is considered a full-time employee for purposes of an offer of health insurance. All full-time, temporary employees shall receive short-term contracts and be considered “at will”.
- D. Independent Contractors – any individual who is employed by the College pursuant to a written contract and provides specified services for the College and exercises his/her own degree of control and independence in providing those services. Independent contractors are not considered College employees.

**II. WORKLOADS**

The President is hereby authorized to develop administrative procedures to establish workloads consistent with this Policy.

Adopted: April 10, 2019

**I. FULL-TIME CURRICULUM EMPLOYEES**

- A. The normal on-campus work week for full-time curriculum employees is forty (40) hours, including instructional time and office hours. It is expected that in addition to the forty (40) hour minimum, full-time curriculum employees shall regularly spend additional hours involved in class-related activities, such as preparation and grading.
1. The teaching load for fall and spring semesters shall average sixteen (16) to eighteen (18) credit hours or twenty (20) to twenty-eight (28) instructor classroom contact hours.
  2. The teaching load for summer session will be proportional to the College's full-time teaching load for fall and spring semesters.
- B. In general, full-time curriculum employees are expected to be on campus whenever students are on campus. However, there are days when full-time curriculum employees are required to be on campus even though students may not be required to be on campus. These days include all workdays (and workshop days), registration days, exam days and reading days. These are days when students and/or staff may need to consult with individual instructors and/or groups of instructors. On such days, if hours are not announced, such as on workshop days, full-time curriculum employees are expected to put in 4 hours.
- C. Other days when full-time curriculum employees are required to be present beyond normal working hours are days when faculty meetings are planned. Meetings are usually scheduled for mid-afternoon so that the largest number of faculty may be free to attend.

**II. FULL-TIME NON-CURRICULUM EMPLOYEES**

- A. The normal work week for all exempt, full-time non-curriculum employees is a minimum of forty (40) hours. This category includes all administrators, supervisors, directors, counselors, and librarians. It is expected that beyond their normal working hours, these employees are often involved in additional College-related activities required by their specific jobs. These employees are sometimes assigned different schedules during selected weeks. This flexible scheduling allows their work week to remain as normal as possible while still meeting the requirements of their jobs.
- B. The normal work week for all non-exempt, full-time non-curriculum employees is forty (40) hours. This category includes all support staff (i.e., secretarial, clerical, technical, maintenance, food services, instructional and lab assistants). For these employees, the schedule shall be arranged by their immediate supervisors in collaboration with the appropriate Vice President. Daily hours are documented on

a timesheet submitted monthly to the employee's supervisor. A decision determining appropriate work hours is made annually by the immediate supervisor, in collaboration with the appropriate Vice President. This decision is based on area workload. Compensation is appropriately adjusted for any reduction or increase in hours.

- C. If for some reason it is necessary for a non-exempt employee to work in excess of forty (40) hours per week, the employee will be award compensatory time at a rate of one and one half (1.5) hours. For more information regarding compensatory time, see Policy 3.1.4 – Compensatory Time.

### **III. PART-TIME EMPLOYEES**

#### **A. PART-TIME NON-CURRICULUM EMPLOYEES**

Unless otherwise specifically assigned different hours, part-time, non-curriculum employees shall not work more than twenty-nine (29) hours per week unless there are special circumstances requiring the extended hours for a short duration of time. Working more than (29) hours per week requires written authorization from the employee's immediate supervisor and the appropriate Vice President.

#### **B. PART-TIME CURRICULUM EMPLOYEES**

Part-time curriculum employees (i.e., adjunct faculty members) shall be limited to twenty-nine (29) hours per week inclusive of prep time, meetings and other College duties. For purposes of preparation time, the employee's immediate supervisor and the appropriate Vice President shall set the number of hours for preparation time for each class taught by a part-time curriculum employee.

### **III. MISCELLANEOUS PROVISIONS**

#### **A. COLLEGE WORKWEEK**

A normal College workweek is a regularly recurring period of one hundred sixty-eight (168) consecutive hours (7 consecutive 24-hour periods). Each workweek stands alone for purposes of hours worked. The official College workweek begins at 12:01 a.m. Sunday, continues for 7 consecutive days and ends at 12:00 midnight on Saturday.

Most College offices are open to the public from 8:00 a.m. to 5:00 p.m., Monday through Thursday and 8:00 a.m. to 3:00 p.m. on Friday. All departments with full-time employee must be staffed at the above mentioned times. It is the responsibility of the immediate supervisor to ensure appropriate office coverage.

#### **B. EMPLOYEE WORKWEEK**

All full-time, non-curriculum and nonexempt employees are expected to work at least forty (40) hours per week with a half-hour lunch break not to occur at the

beginning or ending of the workday. The lunch break cannot be used to shorten the workday or be credited for overtime compensation unless expressly approved by the senior administrator for a defined temporary period.

Hours worked include all the time an employee is permitted to work for the College; that is time where the employee is required to be on duty or on the College's premises or at a prescribed workplace. Each employee is entitled to one 15-minute duty-free break during each 4-hour work period. These breaks should occur approximately mid-way through the work period and cannot be used to shorten the workday or be credited for overtime compensation.

Montgomery Community College supports the physical health and well-being of its employees. Employees may use up to thirty (30) minutes of each working day to participate in wellness activities on campus as approved by their supervisor. Activities may include walking for fitness, participation in exercise class, and the use of campus weight room.

**C. NON-EXEMPT EMPLOYEES TIMESHEETS**

All non-exempt employees are required to complete an individual time record showing the daily hours worked. Time records cover one workweek and must be completed by the close of each workday. The following points should be considered in filling out time records for non-exempt employees:

1. Employees should record their starting time, time out for lunch, time in from lunch, quitting time and total hours worked for each workday;
2. Employees are not permitted to sign in or begin work before their normal starting time or to sign out or stop work after their normal quitting time without their supervisor's prior approval;
3. Employees are required to take scheduled lunch or meal breaks;
4. Employee time records must be checked and signed by the supervisor involved. Unworked time for which an employee is entitled to be paid (paid absences, paid holidays, or paid vacation time) must be entered by the supervisor on the time record. Authorized overtime should also be identified by the supervisor and there must be documentation as to compensatory time or overtime pay approved;
5. Unapproved absences should not be considered as hours worked for pay purposes; however, in extenuating circumstances, the supervisor may approve leave after an absence if the absence would have been approved under those circumstances had they been known prior. Supervisors should inform employees if they will not be paid for certain hours of absence; and

6. Filling out another employee's time record or falsifying any time record is prohibited and may be grounds for disciplinary action, up to and including termination.

Adopted: April 10, 2019

Legal Reference: 1D SBCC 400.93(a)(2)

Compensatory time will be granted to all full-time, non-exempt employees under the provisions of the Fair Labor Standards Act. If a non-exempt employee works more than forty (40) hours in a given work week, that employee shall receive compensatory time.

For accrual and use of compensatory time, the following rules shall apply:

- A. The employee's immediate supervisor must approve, any time over forty (40) hours per week prior to the employee working the time. Overtime work is discouraged and should only be implemented due to an emergency or extraordinary situation. Approved leave taken during a workweek (i.e., annual, sick, holiday, etc.) will not be counted as time worked for purposes of overtime.
- B. If it is necessary for an employee to work over forty (40) hours per week, one and one-half (1.5) hours of compensatory time shall be granted for each hour of overtime worked. The employee is responsible for accurately and honestly recording hours worked on time records and in accordance with College policy and practice. The employee's supervisor shall review and approve time records at the conclusion of each period to determine that all recorded overtime hours are accurate.
- C. Except in extreme circumstances and with the appropriate Vice President's approval, supervisors shall make sure that employees do not accrue more than forty (40) hours of compensatory time at any time and all accrued compensatory time must be used by the last day of the fiscal year (June 30th). If an employee fails to exhaust his/her compensatory time by the end of the fiscal year, the appropriate Vice President shall consult with the President to determine whether the unused accrued compensatory time shall be paid to the employee or if the College shall require the employee to use the leave at a time determined by the Vice President.
- D. Employees are required to use compensatory time prior to using any other accrued leave (annual, bonus, sick, etc.)
- E. The employee's immediate supervisor must approve the use of compensatory time. To the extent possible, compensatory time should be used within the pay period it was received. An employee who has accrued compensatory time and requests the use of such time must be permitted to take the time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the College's operations.
- F. In the event an employee leaves his/her College employment, the employee must, to the extent possible, exhaust all compensatory time before the last day of employment. Unused compensatory time must be paid at a rate of not less than the average of the employee's regular pay rate for the last three years of employment or the final regular rate received by the employee, whichever is greater.



Compensatory time may not be used to extend dates of retirement, resignation or other forms of severance from the College.

- G. Compensatory time shall be accumulated in quarter hours. The College shall round up to the nearest quarter hour when calculating compensatory time.
- H. Any work from home is not allowed to be counted as part of the forty (40) hour workweek and/or compensatory leave unless pre-approved by the employee's immediate supervisor and appropriate Vice President.
- I. Failure to follow the requirements set forth in this policy is grounds for disciplinary action, up to and including non-renewal or termination.

Adopted: April 10, 2019

Legal Reference: Fair Labor Standards Act (29 U.S.C. 201, *et seq.*)

It is the College's policy to re-employ retirees of the State of North Carolina when such employment is necessary for the College's efficient and effective operation. Such employment will be authorized by the President.

The College recognizes that a retired state employee has valuable experience to offer. The College further recognizes that the age of the College and the longevity of many employees will predicate an increase in retirements. A retiree of the Teachers' and State Employees' Retirement System ("TSERS") is subject to earnings limitations. The purpose of this Policy is to define and authorize benefits to be available to employees in this classification when the restricted earnings will be less than the employee will earn under the College salary plan. Retirees are subject to a mandatory six (6) month waiting period before re-employment may occur.

**A. Benefits – Leave Accruals**

Full-time employees who are also retirees of the TSERS will earn annual leave and sick leave under the same guidelines as active full-time employees.

**B. Benefits – Longevity Pay**

A full-time employee who is also a retiree of the TSERS is eligible for longevity pay subject to the earnings limitation.

**C. Health Insurance**

If a re-hired retiree returns to work and, as a result of the position and hours worked, qualifies for an offer of health insurance by the College, TSERS will transfer health insurance responsibilities back to the College and the retiree-employee will receive the legal, mandated health insurance coverage from the College as required by law.

Adopted: April 10, 2019

Legal Reference: 1C SBCCC 300.99

- A. The College shall not employ two (2) or more persons concurrently who are “closely related” in positions which would result in one person of such relationship supervising another closely related person or having a substantial influence over employment, salary or wages or other management or personnel actions pertaining to the close relative.
- B. “Closely related” is defined to mean mother, father, brother, sister, son, daughter, father/mother-in-law, son/daughter-in-law, brother/sister-in-law, grandfather, grandmother, grandson, granddaughter, uncle, aunt, nephew, niece, husband, wife, first cousin, step-parent, step-child, step-brother/sister, guardian/ward or some person engaged in a physical or romantic relationship without the benefit of marriage that live in the same house.
- C. With respect to the concurrent service of closely related persons within the same academic department or other comparable institutional subdivision of employment, neither relative shall be permitted, either individually or as a member of a committee, to participate in the evaluation of the other relative.
- D. Board members shall not take part in any official action regarding the employment of a closely related family member that results in financial gain to the Board member. For any official action regarding the employment status of a family member that would result in the financial gain to the Board member, the Board member shall disclose the conflict to the full Board and will not take part in the official action unless otherwise allowed by law.
- E. Employees with the authority to recommend the hiring of another employee shall not recommend the hiring of another person with whom they are “closely related.”
- F. The provisions of this section shall be prospective only with reference to appointments made after the adoption of this Policy.

Adopted: April 10, 2019

Legal Reference: 1C SBCCC 200.98

The monthly and annual salaries or hourly rates of pay from state or county funds for full and part-time personnel shall be established by the President within a line item budget and as set forth in the College's Salary Plan ("Plan"). The Plan will take into account provisions and criteria for salary determination, requirements for annual salary review and establishment of salary formulas, ranges or schedules.

The President's salary will be established in accordance with the state salary schedule. The Board of Trustees has the responsibility of setting and adjusting the county salary of the President. Any adjustment to the line item covering the President's salary must, as is the case with all line items, meet the approval of the County Commissioners and the North Carolina Community College System.

Salary increases shall not be granted except on July 1 of the fiscal year unless a position change necessitates such action or unless the State authorizes such action. Basic salary increments will be provided for all full-time employees based on guidelines established by the State Board of Community Colleges and the North Carolina General Assembly.

Basic salary increments may be provided for all part-time employees each year based on premises similar to those outlined above; however, local autonomy shall be the procedure or philosophy under which such salaries are determined. Salary increments for part-time personnel will not necessarily match or follow those provided for full-time personnel.

Adopted: April 10, 2019

Legal Reference: 1C SBCCC 200.94, -400.94

The College recognizes that educational quality is dependent upon the availability of qualified and dedicated employees. The essential responsibility for professional growth and development rests with each individual employee; however, the College expects the involvement of all employees in appropriate professional growth activities.

To promote personal and professional growth, the College provides opportunities for all full-time and permanent part-time employees to coordinate individual goals with supervisors and develop their own plan for professional development. The College makes available several programs designed to help employees meet their goals.

The President may adopt procedures on the best use of College resources to provide quality professional development for employees.

Adopted: April 10, 2019

All full-time and permanent part-time staff and faculty are required to participate in a minimum of fifteen (15) hours of professional development annually and will be responsible for keeping a record of such activities. The employee shall submit to his/her supervisor the annual report in February of each year and the report will be reviewed during the employee's annual evaluation. For online and/or hybrid instructors, a minimum of five (5) hours of the annual fifteen (15) hours of professional development required must be topics related to online instruction. Annually, up to three (3) hours of service and/or civic engagement may be counted toward the employee's professional development with the supervisor's prior approval. Failure to comply with the minimum number of annual professional development hours could lead to employee discipline including, but not limited to, directives, actions plans or suspension/termination.

Approval to take courses during normal work hours will be based on the relationship of the course to the job requirements of the employee and the needs of the institution. If an employee enrolls in a course and the course schedule overlaps the employee's normal work schedule, the employee may be granted actual overlap up to three hours per week, educational leave with pay. The employee must arrange an alternate work schedule with the supervisor to the extent of the excess hours.

Adopted: April 10, 2019

**I. President Selection Process**

- A. When a presidential vacancy occurs or is anticipated, the Board shall notify the System President and invite the System President or the System President's designee to meet with the board of trustees to discuss legal requirements and other procedural matters while also providing technical assistance to the Board as needed.
- B. In selecting the College's President, the Board shall, at minimum, consider general input from College and community stakeholders on the desired attributes of a college's president and evaluate more than one candidate for the position. The State Board may waive this requirement at the request of the Board if the State Board determines it is in the College's interest to do so.
- C. The Board shall submit at least one candidate to the System President for review at least ten business days prior to the next regularly scheduled SBCC Personnel Committee meeting or at least ten business days prior to a special called SBCC Personnel Committee meeting.
- D. While completing the review process, the System President or the System President's designee shall confirm that the Board completed a background check to include the following:
  - 1. Social security number verification,
  - 2. Criminal history check,
  - 3. Civil litigation history check,
  - 4. Education verification,
  - 5. Employment verification, and
  - 6. Personal credit history check.
- E. Upon completion of the review process, the System President shall present the name(s) of candidate(s) to the Personnel Committee of the SBCC for consideration and assessment.
- F. Following consideration and assessment of the candidate(s), the Personnel Committee of the SBCC or the SBCC shall authorize the System President to communicate the Personnel Committee's or the SBCC's assessment to the Board.
- G. The Board shall proceed with the final election process and submit the Board's final election to the SBCC for approval. The Board shall submit its recommendation in writing to the System President at least five business days prior to the next meeting of the SBCC.

- H. The SBCC shall act upon the Board's election at the SBCC's regularly scheduled meeting following receipt of the Board's election unless delayed for cause as determined by the SBCC.
- I. The System Office shall convey in writing to the chairman of the Board the SBCC's action on the Board's election. The action of the SBCC is final.
- J. The College shall not execute a contract prior to SBCC action to approve the Board's presidential election without a provision specifying that the effective date of the contract is subject to the SBCC's approval of the presidential election.

**II. Contract**

The President shall receive a contract and Board shall specify in the President's contract the contractual term, salary, additional benefits, if any, and contract termination procedures.

**III. Duties**

The President is charged by the Board with full responsibility and authority for the College's operation pursuant to state and federal statutes, policies, rules and regulations and the Board's policies and procedures. The President shall be responsible for other duties as the Board may delegate and require.

Adopted: April 10, 2019

Legal Reference: N.C.G.S. § 115D-20; 1C SBCCC 300.1



The College shall make available a comprehensive benefit package to all permanent full-time employees and other employees as required by law.

The College reserves the right to amend or terminate any benefit plan at any time, or require or alter the amount of employee premium contributions. Master Plan contracts or documents will be maintained by the Director of Human Resources. In the event of a contradiction of information in communications such as memorandum, brochures, or summary plan documents, the contract or master plan document shall govern.

Adopted: May 8, 2019

College employees shall be afforded and offered the following benefits, based on the following classifications of employment:

**A. Full-Time Employees**

Full-time employees, including full-time employees serving in a probation period, will be afforded the following benefits:

1. All applicable leave as specified in College Policy;
2. Longevity Pay, with requisite years of experience.
3. Teachers' and State Employees' Retirement System ("TSERS") benefits. TSERS benefits include: retirement, long-term disability, short term disability, and life insurance;
4. Participation in the North Carolina State Health Plan (in accordance with State Health Plan laws and guidelines with employer contribution); and
5. Other optional benefits as specifically provided by the College or as may be required by State law.

**B. Full-Time, Temporary Employees**

1. All applicable leave as specified in College Policy; and
2. Any full-time, temporary employee who is anticipated at the date of hire to work more than three (3) months during the academic year is considered a "full-time" employee and shall be offered health insurance in accordance with State Health Plan policies and guidelines.

Adopted: May 8, 2019

To comply with the Patient Protection and Affordable Care Act, the College outlines the following procedures to determine which employees are treated as full-time employees for purposes of shared responsibility provisions of § 4980H of the Internal Revenue Code regarding health insurance coverage.

**A. Ongoing Employees**

1. An “ongoing employee” is defined as an employee who has been employed for at least one complete standard measurement period.
2. The Standard Measurement Period is a defined time period of not less than three (3) but not more than twelve (12) consecutive calendar months (as designated by the College). The Standard Measurement Period is eleven (11) consecutive calendar months beginning December 1<sup>st</sup> through October 31<sup>st</sup> of the following year.
3. The Administrative Period is the time between the Standard Measurement Period and the Stability Period used to determine which ongoing employees are eligible for health coverage and open enrollment. The Administrative Period begins each November 1<sup>st</sup> through December 31<sup>st</sup>.
4. The Stability Period is the period of time that allows employees who were determined to be “full-time” during the Standard Measurement Period to be treated as full-time employees for the purpose of an offer of health insurance coverage. The Stability Period will be January 1<sup>st</sup> through December 31<sup>st</sup>.

**B. New Employees**

1. A “new employee” is generally an employee who starts work in the middle of a Standard Measurement Period and would not have accumulated enough work history needed to complete a Standard Measurement Period. This “new employee” would be subject to an Initial Measurement Period.
2. The Initial Measurement Period is the period of time not less than three (3), but not more than twelve (12), consecutive months. The Initial Measurement Period for each new employee will start on the new employee’s first day of employment and last through the end of twelve (12) consecutive months.
3. The Administrative Period is the period of time from the end of the Initial Measurement Period through the end of the first calendar month beginning on or after the end of the Initial Measurement Period. The total length of this Administration Period will be one full month plus a partial month, depending on the end of employee’s Initial Measurement Period.

4. The Stability Period for such employees must be the same length as the Stability Period for ongoing employees. Therefore, the Stability Period for new employees will equal twelve (12) consecutive months beginning the first month after the Administrative Period. Once an employee, who has been employed for an Initial Measurement Period, has been employed for an entire Standard Measurement period, the employee must be reviewed for full-time status, beginning with that Standard Measurement Period, at the same time and under the same conditions as other ongoing employees. At this point, the “new employee” is now considered an “ongoing employee” and will have the same Standard Measurement Period as other “ongoing employees”.
5. The Initial Measurement Period and the following Standard Measurement Period will most likely overlap. Creating two separate measurement periods will ensure that an employee has the opportunity to become eligible for health coverage depending on their working hours in either period.

**C. Eligibility**

An employee who is employed on average of at least thirty (30) hours of service per week or one-hundred thirty (130) hours of service per calendar month over the course of any measurement period described above is eligible for an offer of health insurance benefits.

**D. Compliance and Reliance**

In compliance with § 4980H of the Internal Revenue Code, the College utilizes a reasonable method consistent with Notices 2011-36, 2011-73, 2012-17 and 2012-58. As additional guidance is issued, the procedures will be amended to ensure continued compliance with the Affordable Care Act.

Adopted: May 8, 2019

Legal Reference: § 4980H of the Internal Revenue Code; Internal Revenue Service Notices 2011-36, 2011-73, 2012-17, 2012-58

- I. Upon completion of at least ten (10) years of total qualifying service with the College in a full-time, permanent position or part-time, permanent position (employed at least nine (9) months per year and for at least thirty (30) hours per week), an employee is eligible for Longevity Pay.
  
- II. Qualifying service is based on a month-for-month computation of employment with:
  - A. An institution in the North Carolina Community College System or a school administrative unit regardless of the source of salary and including state, local or other paid employment.
    1. Employment for a full school year is equivalent to one full calendar year (credit for a partial year is given on a month-for-month basis).
    2. In no event will an employee earn more than a year of aggregate service credit in a twelve (12) month period.
    3. If an employee is in pay status for one-half (i.e., working, exhausting leave, workers' compensation, or military leave) or more of the regularly scheduled workdays in a month, credit shall be given for the entire month.
  - B. Departments, agencies, and institutions of the State of North Carolina (e.g., State Department of Administration, North Carolina Department of Revenue, University of North Carolina, North Carolina Community College System, State Department of Public Instruction).
  - C. Other governmental units which are now agencies of the State of North Carolina (e.g., county highway maintenance forces, War Manpower Commission, the Judicial System).
  - D. County agricultural extension service.
  - E. Local mental health, public health, social services, or civil preparedness agencies in North Carolina, if such employment is subject to the State Personnel Act.
  - F. Authorized military leave.
    1. Credit for military leave is granted only for persons who were employees of the State of North Carolina or other agencies listed in Section 2(a)-(e) herein who were granted leave without pay:
      - a. for a period of involuntary service plus ninety (90) days or for a period of voluntary enlistment for up to four years, plus ninety (90) days, so long as they returned to employment in a covered agency within the ninety (90) days; or

- b. for a period of active duty for service, alerts, or required annual training while in the National Guard or in a military reserve program.
  - 2. Employees who enlist for more than four years or who re-enlist shall not be eligible for longevity consideration for military leave.
  - 3. Employees hospitalized for a service-connected disability or injury shall be granted additional leave without pay for the period of hospitalization plus ninety (90) days or for twelve (12) months, whichever is shorter. The hospitalization must commence before reinstatement into qualifying service for the provisions of this part to apply.
- III. Aggregate service to the State of North Carolina for the longevity pay plan does not include:
  - A. Temporary service, that is, service by an employee who works in a temporary position, or who is working temporarily in the absence of a full-time regular employee on leave of absence.
  - B. Periods of out-of-state employment with other states, schools, colleges or universities.
  - C. Periods of employment with agencies of the federal government.
  - D. Periods of military service other than those categories described above.
  - E. Periods of employment for employers other than the State of North Carolina even though credit in the North Carolina Retirement System has been purchased for such employment.
- IV. Annual longevity pay amounts are based on the length of aggregate service to the State of North Carolina, community colleges, and public schools as designated herein and a percentage of the employee's annual rate of pay on the date of eligibility.
  - A. Longevity pay amounts are computed by multiplying the employee's annual base salary rate as of the eligibility date by the appropriate percentage, rounded to the nearest dollar, in accordance with the following table:

<b>YEARS OF AGGREGATE STATE SERVICE</b>	<b>LONGEVITY PAY RATE</b>
10 but less than 15 years	1.50 %
15 but less than 20 years	2.25 %
20 but less than 25 years	3.25 %
25 or more years	4.50%

- B. Longevity pay is not considered a part of annual base or contract pay nor is it to be represented in personnel and payroll records as part of annual base salary. (Salary increases effective on the same date as longevity eligibility date shall be incorporated in the base pay before computing longevity).
- V. The payment of longevity pay to eligible employees is automatic. Payment shall be made in a lump sum subject to all statutory deductions, during the monthly pay period in which the employee has satisfied all eligibility requirements.
- A. Eligible employees on worker's compensation leave shall receive longevity payment in the same manner as if they were working.
  - B. If an employee retires, resigns, dies, or is otherwise separated on or after the date of becoming eligible for a longevity payment, the full payment shall be made to the employee or to the estate of the employee in the event of death.
  - C. If on the effective date of these procedures, an employee has completed the qualifying length of service but is between eligibility dates, longevity payment will be made on the next longevity anniversary date.
  - D. If the employee has worked part but not all of one year since qualifying for longevity payment, the employee shall receive a prorated payment in the event of:
    - 1. separation from the College; or
    - 2. change in employment status to temporary part-time or to a position not covered in the Policy.
  - E. If an employee separates from the College and receives a partial longevity payment and is employed by another community college, school administrative unit, or state agency, the balance of the longevity payment shall be made upon completion of additional service totaling twelve (12) months for an employee having a 12-month period of employment or upon completion of a lesser term for a teacher other than a 12-month contract. The balance due is computed on the annual salary being paid at the completion of the requirement.
  - F. If an eligible employee at the time of separation has a fraction of a year toward the next higher percentage rate, payment shall be based on the higher rate; however, the basic eligibility for longevity requirement must have been satisfied before this provision can apply.
  - G. Leave without pay in excess of half the work days in a month (with the exception of authorized military leave and worker's compensation leave) will delay the longevity anniversary date on a month-for-month basis.
- VI. Longevity pay shall be made from the same source of funds in the same prorated amounts from which the employee's regular annual salary is paid (e.g., state, federal, local fund).

- A. The Trustees may provide longevity payments to employees from other than state allotted funds.
  - B. Only personnel employed in positions allotted by the formula in Rule 1H SBCCC 200.87(d) shall receive longevity from the longevity reserve. An additional allocation will be made for this purpose.
  - C. Employees in state-allotted positions paid with state-allotted funds other than regular formula allotments shall receive longevity pay from the same source of funds as their salary payment.
- VII. The President shall:
- A. Determine the quality of qualifying service and the longevity anniversary date for each eligible employee.
  - B. Furnish to the State Board, on forms prescribed by NCCCS, data necessary for a determination of the cost of the longevity pay plan from state funds.
- VIII. The State President shall determine the total cost of the longevity pay plan from data submitted by each community college. The State President shall advise the State Board whether funds available for longevity pay are adequate. If funds are not adequate, the State President shall submit to the State Board, for its approval, a prorated reduction of all rates in order to cause the longevity payments to remain within the total available funds.

Adopted: May 8, 2019

Legal Reference: 1C SBCC 400.8



- A. The College President shall be responsible for the administration of the leave program. The College's Human Resources office shall maintain leave records for all employees. The College will retain leave records for all separated employees for a period of at least five (5) years from the date of separation or longer as determined by applicable law.
- B. The following types of leave are authorized for the College's employees in accordance with state and federal law and these policies and procedures:
- |                     |                          |
|---------------------|--------------------------|
| Sick Leave          | Voluntary Shared Leave   |
| Annual Leave        | Family and Medical Leave |
| Educational Leave   | Child Involvement Leave  |
| Civil Leave         | Military Leave           |
| Workers' Comp Leave | Bereavement Leave        |
| Bonus Leave         | Leave without Pay        |
| Adverse Weather     | Holidays                 |
- C. Absences from work during scheduled working hours shall be charged to the employee's appropriate leave account.
- D. If an employee is unable to report for work, the employee shall notify the supervisor of the anticipated absence or tardiness as soon as possible stating the reason and the anticipated length of absence.

Adopted: May 8, 2019

**I. Amount Earned**

- A. A full-time employee (including full-time probationary employee) working or on paid leave for one-half or more of the regularly scheduled workdays in any month shall earn eight (8) sick leave hours per month (ninety-six (96) sick leave hours per year for twelve (12) month employees).
- B. A permanent part-time employee (including a part-time probationary employee) shall earn sick leave on a pro rata basis if s/he works one half or more of the scheduled work days in as a month. The leave shall be computed on a percentage or total amount earned by a full-time employee.
- C. Unused sick leave may be used for credit towards retirement under the policies and regulations of the North Carolina Teachers' and State Employees' Retirement System.

**II. Advancement**

The College may advance sick leave not to exceed the amount of sick leave an employee can earn during the current fiscal year. Such sick leave advancement must be approved in advance by the President and will only be used in extraordinary situations.

**III. Verification**

The College may require a statement from a medical provider or other acceptable proof that the employee was unable to work for one of the accepted uses listed in Section IV.

**IV. Accepted Uses**

Sick leave may only be used for the following reasons:

- A. Illness or injury of the employee or the employee's immediate family. For purposes of this Policy, "immediate family" means the employee's spouse, parent, child, sibling, grandparent, or grandchild. This also includes all step, half, and in-law relationships;
- B. Bereavement Leave;
- C. Medical appointments for an employee or the employee's immediate family;
- D. Quarantine due to a contagious disease in the employee's immediate family living in the same house;
- E. The actual period of temporary disability due to childbearing and/or recovery therefrom or for the care of the mother or newborn during the mother's temporary disability.

**V. Other Procedures**

A. Leave Charges

All sick leave shall be taken in one half hour increments. Only scheduled work hours shall be charged in calculating the amount of sick leave taken. Saturdays and Sundays are charged only if they are scheduled workdays.

Earned compensatory time must be used before using sick leave.

B. Transfer of Leave

An employee who transferred from a North Carolina public K-12 school, North Carolina community college, a UNC System University, or a state agency (“public employers”) to the College shall be credited with any sick leave which s/he had at the end of employment with the public employer provided that his/her employment was continuous.

C. Separation

When an employee separates from College employment, the College shall not pay the employee for any accrued, unused sick leave. Sick leave must first be exhausted before going on leave without pay or extended illness. While an employee is exhausting sick leave, s/he earns all benefits for which s/he is entitled.

If an employee separates from College employment and is overdrawn on sick leave, the College shall make deductions from the employee’s final pay check. All deductions shall be made in one half hour increments. As consideration for providing sick leave, employees voluntarily agree to such deductions from their final pay check.

D. Reinstatement of Sick Leave

Employees separated from College employment for reasons unrelated to disciplinary reasons shall be credited with all accrued, unused sick leave at the time of their separation if reinstated within one year from the date of separation.

E. Recordkeeping

The College shall maintain annual records for sick leave earned and taken for each employee. The College shall retain all sick leave records of all separated employees for a period of at least five (5) years from the date of separation.

Adopted: May 8, 2019

**I. Amount Earned**

Each full-time employee, eligible to earn annual leave, who is working or on paid leave for one-half or more of the workdays in any month earns annual leave. Employees shall earn annual leave rate at the following rate:

<b>Years of Total State Service<sup>1</sup></b>	<b>Hours Earned Each Month</b>	<b>Hours Granted Each Year</b>	<b>Days Granted Each Year</b>
Less than 2	7.83 hrs.	94	11.75
2 but less than 5	9.17 hrs.	110	13.75
5 but less than 10	11.17 hrs.	134	16.75
10 but less than 15	13.17 hrs.	158	19.75
15 but less than 20	15.17 hrs.	182	22.75
20 or more	17.17 hrs.	206	25.75

**II. Maximum Accumulation**

Annual leave may be accumulated without any applicable maximum until June 30th of each fiscal year. On June 30<sup>th</sup> of each fiscal year, or upon separation of service, any employee with more than 240 hours of accumulated annual leave shall have the excess (i.e., the amount over 240 hours) converted to sick leave.

**III. Advancement**

- A. Annual leave may be advanced by the President in an amount not to exceed what an employee can earn during the remainder of the fiscal year.
- B. For the first six (6) months of service, new employees can only earn annual leave as stipulated in Section I. Thereafter, an employee may be advanced the amount of leave s/he would earn during the remainder of the fiscal year.
- C. An employee desiring an advancement of annual leave must submit, in addition to the requested form, a statement of need outlining the circumstances which require use of as-yet-uneared annual leave. Each case will be assessed on its merits and considerations given as to the urgency of the request and the College's business needs.

**IV. Accepted Uses**

The primary purpose of annual leave is to allow for employee vacations.

Annual leave may also be requested for other periods of absence for personal reasons, absences due to adverse weather conditions and for personal illness or illnesses in the immediate family when the employee has exhausted sick leave. Annual leave must be exhausted before an employee goes on leave without pay, except in cases of the birth or adoption of a child as covered under Policy 3.2.13 – Family and Medical Leave Act.

**V. Other Procedures**

**A. Scheduling Annual Leave**

Annual leave shall be taken only upon authorization of the employee's supervisor, who shall designate such time or times when it will least interfere with the College's efficient operation. Employees must request annual leave in advance. A supervisor may deny an employee's request to use annual leave if the leave would otherwise hinder the efficient operation of the College or the employee has not provided reasonable notice of the request. Annual leave must be taken in units of thirty (30) minute increments.

Only scheduled work hours shall be charged in calculating the amount of annual leave taken. Weekends and/or holidays are charged only if they are scheduled workdays.

**B. Separation from Employment**

1. Lump sum payment for annual leave is made only at the time of separation from employment. An employee shall be paid in a lump sum for accumulated annual leave not to exceed a maximum of two-hundred forty (240) hours when separated from employment from the College due to resignation, dismissal, reduction-in-force, death or service retirement. Employees retiring on disability retirement may exhaust leave rather than be paid in a lump sum.
2. If an employee separates from employment and is overdrawn on annual leave, deductions will be made from the final salary check. It will be deducted in full hour units, i.e., a full hour for any part of an hour overdrawn. As consideration for providing annual leave, employees voluntarily agree to such deductions from their final pay check.
3. Payment for annual leave will be made on the regular payroll, reflecting the number of days of leave and the amount of payment. Annual leave may be paid through the last full hour of unused leave.
4. Retirement deductions shall be made from all annual leave payouts.
5. The last day of work is the date of separation, except when an employee exhausts sick and annual leave before disability retirement.

C. Transfer of Annual Leave

For new employees, the College does not accept annual leave from other state agencies or local educational entities.

D. Annual Leave Records

The College shall maintain records for annual leave earned and taken for each employee. The College shall retain all annual leave records of all separated employees for a period of at least five years from the date of separation.

It is the employee's responsibility to report any discrepancy or problem with his/her annual leave balance to Human Resources.

Adopted: May 8, 2019

Educational leave refers to the release from duties or time normally required of a full-time employee in carrying out his/her full load of assigned responsibilities for the purpose of furthering the employee's education. State funds may be used to pay employee salaries while they are on educational leave if the following criteria are fulfilled:

- A. The employee is employed full-time on a nine (9), ten (10), eleven (11), or twelve (12) month basis;
- B. The employee has been a full-time College employee for at least three (3) years; <sup>1</sup>
- C. Any employee granted educational leave shall complete a promissory note and contract for the full amount of salary and benefits. The contract will include a provision that the employee will remain employed by the College for at least one year after the educational leave ends;
- D. An employee who fails to honor the contract shall be required to repay the full amount of salary and benefits expended for the educational leave. If the employee fulfills a portion of the contract but does not work the entire year after the educational leave, the employee shall be required to repay a pro-rata portion of the salary and benefits expended by the College for the educational leave.
- E. Educational leave will not exceed a period of one (1) semester during a fiscal year;

The President is hereby authorized to develop procedures to implement this Policy.

Adopted: May 8, 2019

Legal Reference: 1C SBCCC 400.96

An employee may be granted Educational Leave with pay (“leave”) provided all of the following conditions are met:

1. The employee has submitted the appropriate leave application.
2. The employee is employed full-time on a 9, 10, 11, or 12-month basis and has been employed by the College for a minimum of three years.
3. The leave does not exceed eighty (80) business days during the leave period in any twelve (12) month period.
4. The President has approved the leave.
5. The employee is under contract (full-time) to return to the College the full year following the leave.
6. An employee pursuing course work toward an advanced degree must attend an accredited institution.
7. The College’s needs must take priority over any employee’s requested work schedule adjustments. Depending on the employee’s request and any supervisory recommendations, the College may impose additional conditions as needed and based on the situation.
8. Requests for the leave are considered on a first come, first serve basis. Multiple requests in the same department are considered individually based on impact to the work area. Prior to the leave being granted, the appropriate Vice President must ensure that the employee’s duties and responsibilities are to be adequately performed during the employee’s absence.
9. An employee who fails to honor the contract and does not return to work after the leave shall be required to repay the full amount of salary and benefits expended for the educational leave. If the employee fulfills a portion of the contract but does not work the entire year after the leave, the employee shall be required to repay a pro-rata portion of the salary and benefits expended by the College for the leave.
10. Requests for leave must be submitted in a timely manner for planning purposes, preferably during the budgeting process or 180-days prior to the leave request.
11. Employees may be considered for additional leave after completing two (2) consecutive years of employment subsequent to the completion of the prior leave.
12. Employee shall provide verification of completion of course(s) taken (e.g., letters, certificates, transcripts, etc.).



13. Requests which do not meet the criteria for leave may be addressed in Policy 3.2.16  
- Leave Without Pay.

Adopted: May 8, 2019

For jury duty and other court attendance, it is the employee's responsibility to inform his/her immediate supervisor when the duty is scheduled and the expected duration. Employees shall provide notice of the required jury or court appearance as soon as practical.

**I. Jury Duty**

All employees who serve on a jury are entitled to civil leave with pay plus fees received for jury duty. The employee should report back to work as soon as jury duty is completed. S/he must report back to work the day following completion of the duty. If jury duty occurs on a scheduled day off, s/he is not entitled to additional time off.

**II. Court Attendance**

When an employee attends court in his or her official capacity as a College employee, the employee is entitled to civil leave with pay. The employee is required to give any fees received as a witness while serving in an official capacity to the College. (If court is on a day that would normally be an off-day, the time is to be considered as working time and included in total hours worked per week). After the employee's appearance in court is over, the employee must immediately return to work.

If an employee is a party or subpoenaed to appear as a witness in a court matter where the employee's appearance is not related to his/her College duties, the employee shall be allowed to take annual leave, compensatory leave or leave without pay for purpose of attending court.

Employees sued in their official capacities (or individual capacities but engaging in activities within the course and scope of their duties) shall be granted civil leave with pay.

Adopted: May 8, 2019

**I. Use of Leave due to Workers' Compensation Injury**

When an employee suffers an accidental injury or contracts an occupational disease within the meaning of the North Carolina Workers' Compensation Act ("Act"), the employee is entitled to benefits provided by the Act. The employee is entitled to medical benefits and compensation for time lost from work due to the injury. The Act does not entitle an employee to job protection due to a workers' compensation injury.

If an employee is not able to work because of the accident, the Act requires a seven (7) day waiting period before the employee is eligible for weekly benefits. After the seven (7) day waiting period has expired, if an employee is not able to work because of the accident, an employee qualifies for compensation under the Act at the rate of sixty-six and two-thirds percent (66-2/3%) of an employee's average weekly wage, but no more than the amount established by the Act.

If the injury results in disability of more than twenty-one (21) calendar days from the date of disability, the Act provides that compensation shall be allowed for the seven (7) day waiting period. At any time during the period of disability, an employee may use accrued leave in order to make up the difference between the compensation provided under the Act and their average weekly wage.

**II. Responsibility of Employer and Employee**

In accordance with N.C.G.S. 97-22, the employee or his/her representative must provide written notice of an accident to the employee's supervisor as soon as possible. No compensation shall be payable unless such written notice is given within thirty (30) days after occurrence of the accident or death, unless reasonable excuse is made to the satisfaction of the North Carolina Industrial Commission ("Commission") for not providing adequate notice and the Commission is satisfied that the employer has not been otherwise prejudiced by the delay.

The College is required to report an employee injury to the Commission using I.C. Form No. 19. The injured employee is responsible for claiming compensation. A claim must be filed by the employee through the College with the Commission within two (2) years from the date of injury. Otherwise, the claim is barred by law.

**III. Continuation of Benefits**

- A. Performance Increase. Upon reinstatement, an employee's salary will be computed based on the last salary plus any legislative increases to which the employee is entitled.
- B. Annual and Sick Leave. While on workers' compensation leave, an employee will continue to accumulate annual and sick leave to be credited to his/her account for use upon return.

Accumulation of annual leave may in some cases exceed the 240-hour maximum as set forth in Policy 3.2.6. In those cases:

1. The maximum to be carried forward to the next fiscal year may be exceeded by the amount of vacation accumulated while the employee is out of work due to their workers' compensation injury. The excess may be used after returning to work or be added to the employee's remaining balance of leave carried until the end of the fiscal year following a full year after the employee's return to work, at which time the excess will be paid in a lump sum to the employee.
2. If the employee separates during the period that excess annual leave is allowed, the excess annual leave to be paid in a lump sum may not exceed the amount accumulated during the first twelve (12) months of when the employee is out of work and receiving workers' compensation benefit.

C. Health Insurance

While an employee is out of work and receiving compensation under the Act, the employee is in pay status and will continue coverage under the state's health insurance program.

Adopted: May 8, 2019

Legal Reference: N.C.G.S. Chapter 27 – Workers' Compensation Act

The College may award bonus leave to full-time employees only when authorized by the General Assembly. The award of bonus leave may be prorated based on the months of employment the employee works.

- A. Scheduling Bonus Leave – Bonus leave may be used under the same circumstances as annual leave pursuant to Policy 3.2.6 and shall be taken only upon authorization of the appropriate Vice President. Based on the College's staffing needs, an individual may be required to take bonus leave at a different time than the employee requested.
- B. Maximum Accumulation – There is no maximum accumulation of bonus leave.
- C. Transfer of Bonus Leave – Bonus leave may be transferred into the College from other state agencies or community colleges at the time of hire. Upon separation due to resignation, dismissal or a reduction-in-force, bonus leave is transferable to an employee's account with another state agency or community college.
- D. Separation – Payment of Bonus Leave:
  - 1. Lump sum payment for bonus leave is made only at the time of separation from the College service due to resignation, dismissal, reduction-in-force, death or service retirement.
  - 2. Employees retiring on disability may exhaust bonus leave rather than be paid in a lump sum.
  - 3. Payment for bonus leave may be made on the regular payroll, reflecting the number of days of bonus leave and the amount of payment. Bonus leave may be paid through the last full hour of unused bonus leave. Overdrawn annual or sick leave amounts may be deducted from bonus leave prior to payment.

Adopted: May 8, 2019

During situations such as natural disasters, emergencies and/or inclement weather, the President has the discretion to alter the College's operating schedule as needed. The President shall take steps necessary to deal with the situation and notify College employees.

**A. Use of Leave**

1. If the President closes the College as a result of adverse weather or emergency, no employees will be required to take any leave. Essential employees (i.e., security, grounds, maintenance, etc.) who are required to work on closed days will be provided with comparable time-off at a later date with supervisor approval.
2. If the College is open but the employee believes s/he cannot make it to the designated work site safely, the employee will be required to do one of the following:
  - a. Make-up the time on a schedule approved by the employee's immediate supervisor, if feasible;
  - b. Take annual, bonus or compensatory leave; or
  - c. Take leave without pay.

Make-up time must be completed before the end of the fiscal year.

Adopted: May 8, 2019

Extreme weather conditions or other natural disasters or emergencies may require the College to cancel or delay classes in consideration of the safety of both student and employees. Weather conditions must be extreme before classes will be cancelled.

The College will make every attempt to announce a decision to close or operate on a delayed schedule by no later than 7:00 a.m. (usually earlier), and by 2:00 p.m. for evening classes. If no announcement is made, classes will operate on a regular schedule. If the College is closed or delayed, the faculty and staff workday is also cancelled or delayed.

1. The President will notify the Vice-Presidents and other appropriate College personnel of his/her decision and these staff in turn will notify the appropriate media of the decision.
2. In the event the President is out-of-place or is not in a position to make a decision on inclement weather, it will be the responsibility of the Vice-Presidents to make a collaborative decision concerning the action to be taken. Should the President and one or more of the Vice-Presidents be out-of-place or not in a position to make a decision, then it will be the responsibility of the remaining Vice-Presidents to make the decision in a collaborative manner.
3. The announcement will be published on the following television stations and their websites: [myfox8.com](http://myfox8.com), [wfmynews2.com](http://wfmynews2.com), [wral.com](http://wral.com) and [wsocvtv.com](http://wsocvtv.com).
4. Any decision to delay or cancel will be available on the automated message of the main campus phone number (910-898-9600) and on the College's website.
5. A decision to close early will be implemented so that everyone gets the message as close to the same time as possible. No classes are to dismiss before receiving an official message. A decision to close means that faculty and staff may also leave after reasonably assuring all students in their charge have been released. Any exception to the early release of faculty and staff will be announced.
6. There could be a distinction made between day and evening classes.

Adopted: May 8, 2019

## I. PURPOSE

The Voluntary Shared Leave Program ("Program") allows a College employee to voluntarily donate a portion of his/her leave to a fellow College employee who, due to that employee's serious or prolonged medical condition or that employee's immediate family member's serious or prolonged medical condition, has exhausted all his/her bonus, annual, and sick leave and is being placed on leave-without-pay status.

Based on the rules as contained herein, College employees may participate in the Program by:

- A. Donating annual, bonus or sick leave to an immediate family member in any State agency, public school or community;
- B. Donating annual or bonus leave to a coworker's immediate family member who is an employee in a State agency or public school provided the employee and coworker both work at the College; and/or
- C. Donating annual, bonus or sick leave to a non-immediate family member employee at a North Carolina community college.

## II. DEFINITIONS

- A. **Donor** - the employee who donated leave.
- B. **College Employee** - a permanent or probationary full-time employee that accrues sick and annual leave.
- C. **Immediate Family Member** - a spouse, parent, child, brother, sister, grandparent or grandchild. The term also includes the step, half, foster and in-law relationship and dependent living in the employee's household.
- D. **Recipient** - the employee or the employee's immediate family who receives leave.
- E. **Serious or Prolonged Medical Condition** - a medical condition of an employee or his/her immediate family that will require his/her absence from duty for a period of at least twenty (20) consecutive workdays. If an employee has had previous random absences for the same condition that has caused excessive absences or if the employee has had a previous, but different serious or prolonged medical condition within the last twelve (12) months, the College may make an exception to the twenty (20) day period.

## III. LEAVE REASONS

- A. Qualifying Reasons



To receive voluntary shared leave, a prospective recipient must have complied with existing leave rules and:

1. Have a serious and prolonged medical condition (or a member of the employee's immediate family has a medical condition that requires the employee's absence for a prolonged period);
2. Apply for or be nominated to become a recipient;
3. Produce medical evidence to support the need for leave beyond the available accumulated leave; and
4. Be approved by the President to participate in the Program.

A College employee on maternity leave may be eligible to receive voluntary shared leave to cover the period of disability related to the pregnancy and/or birth as documented by a physician.

**B. Non-Qualifying Reasons**

A College employee who is receiving benefits from the Disability Income Plan of North Carolina ("DIPNC") is not eligible to participate in the Program. Shared leave may be used during the required waiting period and following the waiting period provided DIPNC benefits have not begun.

An employee on workers' compensation leave who is drawing temporary total disability compensation may be eligible to participate in the voluntary shared leave program. Use of donated leave under the workers' compensation program shall be limited to use with the supplemental leave schedule as described in 25 NCAC 01E .0707.

This Policy does not apply to short-term or sporadic conditions or illnesses. This would include such things as sporadic, short-term recurrences of chronic allergies or conditions; short-term absences due to contagious diseases; or short-term, recurring medical or therapeutic treatments. These examples are illustrative, but not all inclusive. Each case, however, must be examined and decided based on its conformity to this Policy's intent and must be handled consistently and equitably. Voluntary shared leave cannot be used for parental care of a newborn child absent a documented prolonged health condition.

**IV. APPLICATION FOR LEAVE**

A prospective recipient may apply or be nominated by a fellow employee to participate in the Program. The application may be in the form of a letter or statement to the President or to the Human Resources Department. The request must include a description of the medical condition, the estimated duration of the illness and, in most cases, a certification

from a physician. After review of the current leave status and eligibility by the Director of Human Resources, the request will be presented to the President for approval.

**V. LEAVE CONTRIBUTION AND DONATION**

- A. An employee may begin using voluntary shared leave after all available bonus, annual and sick leave has been exhausted. While using voluntary shared leave, employees continue to earn leave.
- B. The amount of voluntary shared leave a recipient may receive is one thousand forty (1,040) hours per year, either continuously or, if for the same condition, on a recurring basis. However, the President may grant continuation, on a month-to-month basis, to a maximum of two thousand eighty (2,080) hours, if the President would have otherwise granted leave without pay.
- C. A College employee donating sick leave to an immediate family member may donate up to one thousand forty (1,040) hours but may not reduce the donor's sick leave account below forty (40) hours. Employees who donate sick leave shall be notified in writing of the State retirement credit consequences of donating sick leave. The minimum amount of sick leave to be donated is four (4) hours.
- D. A College employee may donate up to five (5) days of sick leave to a non-immediate family member employee of a North Carolina community college. The combined total of sick leave donated to a recipient from non-immediate family member donors shall not exceed twenty (20) days per year. Donated sick leave shall not be used for retirement purposes. Employees who donate sick leave shall be notified in writing of the State retirement credit consequences of donating sick leave. The minimum amount of sick leave to be donated is four (4) hours.
- E. The minimum amount of annual and/or bonus leave that may be donated per recipient is four (4) hours per year. The maximum amount of annual leave that may be donated:
  - 1. May not be more than the amount of the donor's annual accrual rate; and
  - 2. May not reduce the donor's annual leave balance below one-half of the yearly annual leave accrual rate.
  - 3. Bonus leave may be donated without regard to the above limitations on annual leave.
- F. All leave donated shall be credited to the recipient's sick leave account and is available for use on a current basis or may be retroactive for up to sixty (60) calendar days to substitute for advanced vacation or sick leave already granted to the recipient or to substitute for leave without pay. Donated leave shall be applied to advanced leave before applying it to leave without pay.
- G. To donate voluntary shared leave, a donor must, at the time of donation:

1. Be an active employee (not separated);
2. Be in a position that earns leave; and
3. Have sufficient leave balances.

**VI. UNUSED SHARED LEAVE**

**A. End of Medical Condition**

Any unused leave at the expiration of the medical condition, as determined by the President, shall be treated as follows:

1. The recipient's sick leave account balance shall not exceed a total of forty (40) hours.
2. Any additional unused donated leave shall be returned to donor(s) on a pro-rata basis and credited to the leave account from which it was donated.

**B. Separation from Service**

If a recipient separates from service due to resignation, death, or retirement, participation in the Program ends. Unused leave shall be returned to the donor(s) on a pro-rata basis and credited to the same account from which it was donated.

**C. Transfer**

If a recipient transfers to another North Carolina state agency, public education system or community college, unused voluntary shared leave shall be returned to the donor(s) on a pro-rata basis and credited to the same account from which it was donated.

**VII. CONFIDENTIALITY**

An employee's medical information is confidential. When disclosing information on an approved recipient, only a statement that the recipient has a prolonged medical condition (or the family member) needs to be made. If the employee wishes to make the medical status public, the employee must sign a release to allow the status to be known.

**VIII. INTIMIDATION OR COERCION PROHIBITED**

An employee may not intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other employee for the purpose of interfering with any right which the employee may have with respect to donating, receiving, or using leave under this Program. Such action shall be grounds for disciplinary action, up to and including, dismissal.

Adopted: May 8, 2019

Legal Citation: G.S. 115D-25.3; 1 SBCC 200.94(c); 25 NCAC 01E.1301-.1307; 25; NCAC 01E .0707; S.L. 2016-94, § 36.19

**I. OVERVIEW**

Pursuant to the Family and Medical Leave Act of 1993 ("FMLA"), any eligible employee may be granted up to a total of twelve (12), or in some cases twenty-six (26), weeks of unpaid, job-protected family and medical leave in any twelve (12) month period for one or more of the following reasons:

- A. For the birth of a child and to care for the child after birth, provided the leave is taken within a twelve (12) month period following birth;
- B. For the employee to care for a child placed with the employee for adoption or foster care, provided the leave is taken within a twelve (12) month period following adoption;
- C. For the employee to care for the employee's child, spouse or parent, where that child, spouse or parent has a serious health condition;
- D. Because the employee has a serious health condition that makes the employee unable to perform the functions of the employee's position;
- E. Because of any qualifying exigency where the employee's spouse, child of any age or parent is a military service member under a call or order to federal active duty in support of a contingency operation; or
- F. Because of the need to care for a family member or next of kin who has been injured while serving in the armed forces. For this provision, the amount of FMLA is up to twenty-six (26) weeks within a twelve (12) month period.

**II. DEFINITIONS**

The following definitions shall apply to this policy:

- A. "Eligible employee" means an employee who has been employed: (a) for at least twelve (12) months by the College; and (b) for at least one thousand two hundred fifty (1250) hours of service with the College during the previous twelve (12) month period.
- B. "Health care provider" means:
  - 1. Doctor of medicine or osteopathy who is authorized to practice medicine or surgery in the State in which the doctor practices; or
  - 2. Any of the following individuals as long as they are authorized to practice medicine in the State and are performing within the scope of their practice as defined under state law:

- a. Podiatrist, dentist, clinical psychologist, optometrist, chiropractor, nurse practitioner, nurse-midwife and clinical social worker;
  - b. A health care provider from whom the College's group health plan's benefit manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits; and
  - c. A health care provider listed above who is authorized to practice in accordance with the laws of that country and who is performing within the scope of his/her practice as defined under those laws.
3. "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves one of the following:
- a. inpatient care in a hospital, hospice or residential medical care facility;
  - b. a period of incapacity of more than three (3) consecutive days that also involves continuing treatment by a health care provider; continuing treatment means one in-person visit to a health care provider within the first seven (7) days of incapacity and either a second visit within the first thirty (30) days or a regimen of continuing treatment under the supervision of a health care provider;
  - c. any period of incapacity due to pregnancy or for pre-natal care;
  - d. chronic conditions requiring treatment;
  - e. permanent/long-term conditions requiring supervision; or
  - f. multiple treatments for non-chronic conditions.
4. Family Definitions
- a. "Son or daughter" includes a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, who is: (1) under eighteen (18) years of age; or (2) eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability.
  - b. "Spouse" means a partner joined in marriage recognized by the State of North Carolina or any other state, including common law marriages.
  - c. "Parent" means the biological, step, adoptive or foster parent or an individual who stood *in loco parentis* to an employee when the employee was a child. This term does not include parents "in-law".

5. Military Service Member Definitions

- a. "Next of kin" of a covered service member means the nearest blood relative other than the covered service member's spouse, parent, son or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions; brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of FMLA military caregiver leave. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member's next of kin and may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered service member's only next of kin.
- b. "Military service member" means a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty on active duty.
- c. "Qualifying exigency" means short-notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and additional activities.
- d. "Active duty or call to active duty" means duty under a call or order to active duty (or notification of an impending call or order to active duty) in support of a contingency operation pursuant to Sections 688, 12301(a), 12302, 12304, 12305, and 12406 of Title 10 of the United States Code, Chapter 15 of Title 10 of the United States Code, or any other provision of law during a war or during a national emergency declared by the President or Congress so long as it is in support of a contingency operation.

**III. PROCEDURE**

**A. Paid/Unpaid Leave**

When applicable, all eligible employees are required to use appropriate accrued paid leave (i.e., annual, bonus, compensatory and sick leave) for any portion of

FMLA leave. All benefits accrue during any period of paid leave; however, no benefits or seniority will be accrued during a period of unpaid FMLA leave. Any use of paid leave runs concurrently with FMLA leave and counts toward the FMLA leave entitlement.

Holidays occurring during an FMLA period of a full week count toward the FMLA leave entitlement. Holidays occurring in a partial week of FMLA do not count toward the FMLA leave entitlement unless the employee was scheduled to work on the holiday.

**B. Intermittent Leave or Reduced Work Schedule**

Under certain circumstances, FMLA leave may be taken intermittently or on a reduced leave schedule which reduces the regular workday or workweek. If the employee's request for intermittent leave or leave on a reduced work schedule is foreseeable because of a planned medical treatment, the College may transfer the employee temporarily to another position for which the employee is qualified and which better accommodates recurring periods of leave. The alternative position must have equivalent pay and benefits. There is no limit on the size of an increment of leave when intermittent or reduced leave is taken. The College may limit leave increments to the shortest period of time that the payroll system uses to account for absences or leave, provided it is one (1) hour or less. An employee may not be required to take more FMLA leave than necessary to address the circumstances that precipitated the need for the leave.

**C. Notices**

**1. Notice to Employer**

In all instances where the employee is required to provide the College notice of requested FMLA leave, the employee shall inform the Human Resources office and his/her immediate supervisor. It is the responsibility of the employee to explain the reasons for FMLA leave in sufficient detail as to allow the College to determine that the leave qualifies under the FMLA. If the employee fails to adequately explain or document FMLA qualifying reasons for the leave after a request by the College, leave may be denied. Where the necessity for FMLA leave for the birth or placement of a child is foreseeable, the employee shall notify the College at least thirty (30) days before the date the leave is to begin or the employee's intention to take such leave. In other cases, the employee shall provide such notice as soon as practicable. For foreseeable leave where it is not possible to give as much as thirty (30) days' notice, "as soon as practicable" means at least verbal notification within one (1) or two (2) business days of when the need for leave becomes known to the employee. An employee shall provide at least verbal notice sufficient to make the College aware that the employee needs FMLA leave and the anticipated timing and duration of the leave. The College may also require an employee to comply with the College's usual



and customary notice and procedural requirements for requesting leave. If the employee fails to give timely advanced notice when the need for FMLA leave is foreseeable, the College may delay the taking of FMLA leave until thirty (30) days after the date the employee provides notice to the College of the need for FMLA leave. An employee may not be entitled to FMLA leave if he or she fails to provide adequate notice of the leave and certification of the medical condition as provided within this policy and the law.

**2. Notice to Employee**

Within five (5) business days of the employee notifying the College of the need for FMLA leave, the College shall give the employee a written notice detailing the specific rights, expectations and obligations of the employee on FMLA leave. The College shall use the U.S. Department of Labor model notice form. Within five (5) business days after receiving sufficient information to determine whether the need for leave is FMLA qualifying, the College shall give the employee notice that informs the employee of the amount of leave that will be counted against the employee's FMLA leave entitlement. The College shall use the U.S. Department of Labor model designation form.

**D. Medical Certification**

Any request for FMLA leave for a serious health condition shall be supported by a certification issued by the health care provider of the eligible employee or of the son, daughter, spouse or parent of the employee as appropriate. Such medical certification should be attached to the employee's request for FMLA leave, or in the case of unforeseen leave, generally within two (2) business days after the leave begins. In the case of foreseeable leave, the College may delay the taking of FMLA leave to an employee who fails to provide timely certification after being requested by the College to furnish such certification (within fifteen (15) calendar days, if practicable) until the required certification is provided. In the case of unforeseeable leave, if the employee does not provide the medical certification within a reasonable time under the pertinent circumstance, the College may delay the continuation of FMLA leave. If the employee never produces the required medical certification, or if the certification does not confirm the existence of a serious health condition as defined under FMLA, then the leave is not FMLA leave. In any case in which the College has reason to question the appropriateness of the leave or its duration, the College may request certification at some later date. If the College has reason to doubt the validity of the certification provided, the College may require, at its expense, that the eligible employee obtain the opinion of a second (or third) health care provider. Second and third opinions are not permitted for the military caregiver leave.

If the College deems a medical certification to be incomplete or insufficient, the College must specify in writing what information is lacking and give the employee seven (7) calendar days to cure the deficiency.

The College may not ask for recertification any more frequently than every thirty (30) days. If the initial certification is for more than thirty (30) days, the College must wait for the initial leave period set forth in the certification to run before asking for recertification. Recertification may only be required when employees are taking leave for their own serious health conditions. Under the qualified exigency leave, the College may not request recertification of the covered service member's active duty or call to active duty orders. Also, recertification is not permitted for the military caregiver leave.

The College's representative contacting the health care provider must be a health care provider, human resource professional, a leave administrator, or a management official, but in no case may it be the employee's direct supervisor. Further, the College may not ask health care providers for additional information beyond that required by the medical certification form.

**E. Confidentiality**

All records and documents relating to medical certifications, recertification or medical histories of an employee or an employee's family members shall be maintained in a separate medical file from the employee's personnel file and shall be treated as confidential medical records in accordance with the Americans with Disabilities Act of 1990 ("ADA").

**F. Fitness-for-Duty/Notice of Intent to Return to Work**

The College may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work. The College shall require that the employee provide reasonable notice within two (2) business days, where foreseeable, of a change in circumstances or duration of FMLA leave. As a condition of restoration for any employee who has taken FMLA leave for the employee's own serious health condition (except for intermittent leave), the College shall require each such employee obtain (at the employee's expense) and present certification from the employee's health care provider, with regard to the particular health condition that caused the employee's need for FMLA leave, that the employee is able to resume work, if such certification is job-related and consistent with business necessity. The College may delay restoration to employment until an employee submits a required fitness-for-duty certification. Unless the employee provides either a fitness-for-duty certification or a new medical certification for a serious health condition at the time FMLA leave is concluded, the employee may be terminated.

**G. Restoration to Work**

Except as provided under "Exemption" below, any eligible employee who takes approved FMLA leave shall be entitled upon return from such leave:

1. To be restored by the College to the same position of employment held by the employee when the leave commenced; or
2. To be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

If the employee is unable to perform an essential function of the position because of a physical or mental condition, including the continuation of a serious health condition, the employee has no right to restoration to another position under the FMLA. However, the College will review such situations on a case-by-case basis under the ADA.

Exemption:

If the employee is a salaried FMLA-eligible employee who is among the highest paid ten percent (10%) of all College employees (i.e., a "key employee"), the College may deny restoration of such employee if the denial is necessary to prevent substantial and grievous economic injury to the operations of the College, and after notification to the employee to that effect, the employee elects not to return to employment.

Taking FMLA leave shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced. However, an employee is not entitled to the accrual of any seniority or employment benefits during unpaid FMLA leave.

**H. Group Health Coverage**

The College shall maintain the employee's coverage under any group health plan (as defined in the FMLA regulations) on the same conditions as coverage would have been provided if the employee had been continuously employed during the entire FMLA leave period. However, the College may recover the premium that it paid for maintaining such group health plan coverage for the employee under certain circumstances set forth in the Notice provided to employees when they request FMLA leave. The College's obligation to maintain health insurance coverage ceases under FMLA if an employee's premium payment is more than thirty (30) days late, after the College has provided written notice to the employee, mailed at least fifteen (15) days before coverage is to cease, that the payment has not been received.

**I. Miscellaneous**

An employee's entitlement to benefits other than group health benefits during a period of FMLA leave shall be determined by the College's policy regarding benefits for other types of leave (paid or unpaid, as appropriate). Maintenance of health insurance policies that are not a part of the College's group health plan (where no contributions are made by the College) is the sole responsibility of the employee.

The College shall not interfere with an eligible employee's rights under the FMLA, shall not discharge or otherwise discriminate against employees who exercise such rights, and shall not retaliate against employees who file, initiate or otherwise assist in charges or investigations against the College.

**J. Posting and Requirements**

The Director of Human Resources or designee shall ensure that notices of FMLA provisions and information on procedures for filing complaints are posted in places that are readily accessible to employees and applicants.

Adopted: May 8, 2019

Legal Reference: Americans with Disabilities Act of 1990, 42 U.S.C. 12101, *et seq.*; Family and Medical Leave Act of 1993, 29 U.S.C. 2601, *et seq.*, 29 C.F.R. pt. 825

- A. Purpose – The purpose of child involvement leave is to promote employees’ involvement in the education of youth and to promote employees’ assistance to schools. Full-time employees may take leave under this policy to:
1. Meet with a teacher or administrator of any elementary school, middle school, high school or child care program authorized to operate under the laws of the state of North Carolina concerning the employee’s children, step-children or children over whom the employee has custody. For purposes of this policy, "school" means any: (i) public school; (ii) private church school, church of religious charter or nonpublic school described in Parts 1 and 2 of Article 39 of Chapter 115C of the General Statutes that regularly provides a course of grade school instruction; (iii) preschool; and (iv) child care facility as defined in N.C.G.S. 110-86(3).
  2. Attend any function sponsored by the school or child care program as defined above in which the children, step-children, or children over whom the employee has custody are participating. This provision shall only be utilized in conjunction with non-athletic programs that are a part of or a supplement to the school’s or daycare’s academic or artistic program.
  3. To perform, by any employee, without regard to parental status, school-approved volunteer work approved by a teacher, school administrator, or program administrator.
- B. Amount of Leave
1. Employees, including new employees, may take up to four (4) hours of unpaid leave each calendar year regardless of the number of children. The four (4) hours of leave will be credited to employees on July 1 of each year.
  2. For each leave period requested, leave shall be taken in units of no less than one (1) hour and in quarter hour increments thereafter.
- C. Approval of Leave
1. Employees must receive approval from their immediate supervisor to use this leave. The College may require acceptable proof that leave taken is within the purpose of this policy and a forty-eight (48) hour advanced notice.
  2. The College will endeavor to grant the leave as requested by the employee but, based on the College’s needs, the leave may need to be taken at a different time.
  3. Leave not taken in a fiscal year in which it is earned will be forfeited.

Adopted: May 8, 2019

Legal Reference: N.C.G.S. 95-28.3

Pursuant to federal and state law, military leave shall be granted to College employees for certain periods of service in the uniformed services.

- A. Military Leave with pay shall be granted to members of the uniformed services of the U.S. Armed Forces for certain periods of active duty training and for State military duty. Such leave shall be granted to full-time, part-time, regular, provisional, trainee, and probationary employees for up to one hundred twenty (120) working hours annually for any type of active duty not considered to be “Extended Active Duty”.
- B. Leave with Pay for Reserve Active Duty. Members of the uniformed services reserve components who are called to “Involuntary Active Duty” shall receive up to thirty (30) calendar days of leave with pay. After the thirty (30) day period, members shall receive differential pay for any period of involuntary service. This pay shall be the difference between military basic pay and the employee’s annual College salary, if military pay is the lesser.
- C. Retention and Continuation of Benefits During Leave with and without Pay. Retention and/or continuation of benefits are dependent upon the type and duration of leave granted and is determined on an individual basis.
- D. Additional Leave Requirements. Members of the uniformed services are granted leave with pay for infrequent special activities in the interest of the State when so ordered by the Governor or his/her authorized representative. Members shall be granted leave with pay for active State duty for periods not exceeding thirty (30) consecutive calendar days; for periods in excess of thirty (30) calendar days, employees shall be entitled to military leave with differential pay.
- E. Military Leave without pay shall be granted for the following periods:
  - 1. Regularly scheduled unit assemblies usually occurring on weekends and referred to as “drills”;
  - 2. Duties resulting from disciplinary actions imposed by military authorities;
  - 3. Unscheduled or incidental military activities such as volunteer work at military facilities, unofficial military activities, etc.;
  - 4. Inactive duty training, “drills” performed for the convenience of the member, such as equivalent training, split unit assemblies, make-up drills, etc.;
  - 5. Extended active duty for a period not to exceed five (5) years;
  - 6. Full time National Guard duty (usually a three (3) year contract);
  - 7. Initial active duty for training (initial enlistment); and/or
  - 8. Certain periods of incapacity in a medical facility resulting from injuries sustained while on active or inactive duty.

- F. Reinstatement/Reemployment from Military Duty. Members of the uniformed services shall have reinstatement/reemployment rights as defined by prevailing law and/or guidelines established by Federal and State law.

No agent or employee of the College shall discriminate against any College employee or applicant for employment because of their membership, application for membership, performance of service, application for service, or obligation for service in the Uniformed Services. The President is authorized to develop procedures consistent with this policy.

Adopted: May 8, 2019

Legal Reference: Uniformed Services and Reemployment Act of 1994; N.C.G.S. 127A-116; and 25 NCAC 01E.8002

All employees shall be granted up to three (3) days for bereavement leave for the death of an immediate family member. For purposes of this Policy, “immediate family member” means the employee’s spouse, parent, child, sibling, grandparent and grandchild. This also includes all step, half and in-law relationships.

Any leave taken beyond the three (3) days must be charged to annual, sick, or leave without pay. An employee should notify his/her immediate supervisor when a death in the immediate family occurs. If leave is taken beyond the three (3) days of bereavement leave, the employee and supervisor must ensure that the employee’s job duties are adequately covered.

Adopted: May 8, 2019



Leave without pay may be granted to an employee for educational purposes which will better equip the employee for the performance of his/her duties and responsibilities, to do special work for the federal government in cases of emergency or when the College is to profit by the experience gained or the work performed, for vacation purposes, for reasons specified in College policy, or for other reasons deemed justified by the appropriate Vice President and the President or otherwise required by law.

**I. Maximum Amount**

Leave without pay normally shall not exceed twelve (12) months. Any exception to this should be agreed upon by the appropriate Vice President and the President. For military leave without pay, see Policy 3.2.15 – Military Leave.

**II. Employee Responsibility**

The employee shall apply in writing to his or her supervisor for leave without pay at least two (2) weeks prior to such leave. The employee is obligated to return to duty within or at the end of the time granted. If the employee finds s/he will not return to work, the employee must notify the College immediately. Failure to report to work at the expiration of a leave without pay, unless an extension has been requested, shall be treated as a resignation.

**III. College Responsibility**

The decision to grant leave without pay is an administrative one for which the Vice President and President must assume full responsibility. Factors to consider are workload, need for filling employee's job, chances of employee's returning to duty and chances of the College's ability to reinstate employee to a position of similar status and pay. If it is necessary to fill a position vacant by leave without pay or if it is necessary to terminate an employee on leave without pay, the position may be filled by a temporary or permanent appointment provided the employee on leave without pay is notified of such action immediately.

**IV. Retention of Benefits**

While on leave without pay, the employee shall retain all accumulated annual leave and sick leave and time earned towards salary increments; however, the employee ceases to earn any additional sick or annual leave on the date leave without pay begins except in cases where an employee is receiving worker's compensation benefits. The employee also ceases to earn time toward salary increments except while on military leave, educational leave or while receiving worker's compensation benefits.

**V. Payment for Non-Workdays – Short Periods of Leave without Pay**

A short period of leave without pay is a period of not more than 10 workdays. An employee on leave without pay for a short period is entitled to be paid for non-workdays (weekends

and holidays), if they are scheduled to work that day and only when he or she is in pay status at least half the day immediately preceding or following the non-workdays.

Adopted: May 8, 2019

The College shall designate and observe certain days each year as holidays. All eligible employees will be given a day off with pay for each holiday as stated herein.

- A. The President shall cause to be published the schedule of holidays to be observed before July 1st each year for the next academic year. A holiday that occurs on a Saturday or Sunday generally will be observed by the College on either the preceding Friday or following Monday. The holiday schedule shall not exceed twelve (12) paid holidays per academic year.
- B. An eligible employee is an employee who:
  - 1. Is in pay status through the day on which the holiday is scheduled; or
  - 2. On a leave of absence without pay but was in pay status for half or more of the workdays in the month.
- C. The College recognizes that some eligible employees may wish to observe, as periods of worship or commemoration, certain days that are not included in the College's regular holiday schedule. In such cases, eligible employees may take other earned leave for those reasons if it does not unduly disrupt the College's business and is approved by the employee's immediate supervisor.
- D. The College retains the right to schedule work on a holiday for some or all eligible employees should it become necessary and critical to the College's operation. In such cases, the employee will be given the time-off at another time on a hour-for-hour basis unless the Fair Labor and Standards Act stipulates otherwise. For purposes of this Policy, a holiday is a total of eight (8) hours.
- E. In the event the College must establish an alternative operational schedule, an alternative holiday schedule may be developed in keeping with the College's operational needs provided that all employees are given the same number of holidays and the holidays do not exceed twelve (12) days. The alternative holiday schedule must be approved by the President prior to any observed holidays.
- F. When a holiday falls during a week in which an employee is taking FMLA leave for the entire week, the entire week is counted toward the employee's FMLA entitlement. However, if the employee is also using accrued paid leave during FMLA leave, the employee will not be charged accrued leave on the holiday. If the College closes for an extended holiday lasting a week or more while an employee is taking FMLA leave, the extended holiday does not count against the employee's FMLA leave entitlement.

Legal Citation: 1C SBCCC 200.94(a)(d)

Adopted: May 8, 2019

College classes that are missed or not held for any reason, including inclement weather, natural disasters or other emergencies, should be rescheduled or the instruction should be made-up by some other alternative. Alternatives include: extra class sessions, extended class sessions, individual conferences or others approved by the Vice President of Instruction.

The Vice President of Instruction will schedule make-up days whenever the College is closed beyond four (4) days/evenings due to inclement weather, natural disasters or other emergencies. Instructors will be responsible for making-up instruction by an approved alternative for the first four (4) days.

When illness or other personal emergency leave causes an instructor to miss class, he/she must report this absence to the appropriate supervisor. Instruction should be made up by an approved alternative.

Instruction made-up by an approved alternative for reasons of inclement weather, natural disasters, or other emergencies, illness, personal emergency leave, or educational leave assignments, must be approved by the Vice President of Instruction (or designee) and documented on the instructors' Class Attendance Report to be turned in at the end of the term. Instruction should be made up at a time convenient to the majority of students. No punitive action may be taken against students who are unable to attend make up sessions for legitimate reasons.

All Continuing Education classes will be rescheduled and documented on the Class Attendance Report. Classes should be made up when convenient to the majority of students. There are no approved alternative methods to make up Continuing Education classes.

Adopted: May 8, 2019

The Director of Human Resources, or designee, shall maintain all employees' personnel files. The College shall maintain, in individual personnel files, only those records which are required or necessary and relevant to accomplish legitimate personnel administrative needs.

## **I. PUBLIC INFORMATION**

The following information on each college employee is public information and shall be open for inspection:

- A. Name;
- B. Age;
- C. Date of original employment or appointment;
- D. The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the board has the written contract or a record of the oral contract in its possession;
- E. Current position;
- F. Title;
- G. Current salary (includes pay, benefits, incentives, bonuses, deferred compensation and all other forms of compensation);
- H. Date and amount of each increase or decrease in salary with the College;
- I. Date and type of each promotion, demotion, transfer, suspension, dismissal, or other change in position or classification with the College;
- J. Date and general description of the reasons for each promotion with the College;
- K. Date and type of each dismissal, suspension, or demotion for disciplinary reasons. If the disciplinary action resulted in a grievance filed with the Board of Trustees, written notice of the Board's final decision setting forth the specific acts or omissions that are the basis of the dismissal; and
- L. The office or station to which the employee is currently assigned.

Any person, including College personnel, may have access to the information listed above for the purpose of inspection, examination and copying during regular business hours Monday through Friday. Access to personnel files may be arranged by contacting the Director of Human Resources for an appointment. If an individual desires to have a reproduced copy of the information, the College may require a reasonable duplication fee. All College personnel shall be entitled to one (1) free copy of their personnel file.

## **II. CONFIDENTIAL INFORMATION**

All information other than the information listed in Section I is confidential and shall not be open for inspection and examination except to the following persons:

- A. The employee, applicant for employment, former employee, or his/her properly authorized agent, who may examine his/her own personnel file at all reasonable times in its entirety except for letters of reference solicited prior to employment;
- B. The President, other supervisory personnel and legal counsel for the President;
- C. The Board of Trustees and the Board's attorney;

- D. A party by authority of a subpoena or proper court order may inspect and examine a particular, confidential portion of an employee's personnel file;
- E. An official of any agency of the state or federal government, or any political subdivision of the state, may inspect any portion of a personnel file when such information is deemed by the College to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purposes of assisting in a criminal prosecution nor for purposes of assisting in a tax investigation.
- F. The President may, in consulting, or at the direction with the Board of Trustees, inform any person or corporation of any promotion, demotion, suspension, reinstatement, transfer, separation, dismissal, employment or non-employment of any applicant, employee or former employee and the reasons for such action and may allow the personnel file of the person or any portion to be released or inspected to any person or corporation provided that the Board of Trustees has determined that the release of the information is essential to maintaining the integrity of the Board of Trustees or to maintaining the level or quality of services provided by the College. Prior to releasing the information or making the file or any portion available to a person or corporation pursuant to this subsection, the President shall prepare a memorandum setting forth the circumstances which s/he and the Board deem to require the disclosure and the information to be disclosed. The memorandum shall be retained in the files of the President and shall be a public record.

Each individual requesting access to confidential personnel information will be required to submit satisfactory proof of identity.

### **III. OBJECTING TO RECORDS IN PERSONNEL FILE**

An employee, former employee or applicant for employment who objects to materials in his/her personnel file may place in the file a statement relating to the materials the employee considers to be inaccurate or misleading. An individual may seek the removal of material(s) from his/her file through Policy 3.3.8 – Grievance.

### **IV. MEDICAL AND IMMIGRATION INFORMATION**

Pursuant to the Americans with Disabilities Act, all medical information, including workers' compensation history and requests for reasonable accommodation for a disability, medical insurance information and medical documentation for FMLA and other types of leaves related to an employee's medical condition shall be kept separate from an employee's personnel file and shall be disclosed only as follows:

- A. To supervisors who may be told only about work restrictions for an applicant or employee;
- B. To first aid and safety officials where emergency treatment might be required; and
- C. To government officials charged with enforcement of disability law.

All I-9 and other immigration status records shall be kept in a separate file not included within an employee's personnel file.

Adopted: June 12, 2019

Legal Reference: N.C.G.S. 115D-27 through -28

All College employees must be evaluated annually. Performance appraisals should be conducted in a congenial, non-threatening environment and are conducted for the purpose of providing feedback to individuals to facilitate their improvement and/or to recognize excellence.

## **I. PRESIDENT EVALUATION**

Annually, the Board shall collect data directly from the President's direct reports for the Board's use in the annual performance review of the President. Once data from the direct reports has been collected, the Board shall conduct an evaluation of the President. At a minimum, the evaluation shall include the following categories:

- A. General Administration
- B. Relationship
  - 1. Internal relationships with faculty, staff, students and trustees.
  - 2. External relationships with business and industry, the media, governmental bodies and the general public.
- C. Personal Attributes
- D. Personnel Administration
- E. Fiscal and Facilities Administration
- F. Academic Administration

Results of the President's evaluation shall be discussed during the Board's annual retreat, and be presented to the President at the next scheduled meeting of the Board of Trustees. A copy of the evaluation shall be placed in the President's personnel file.

Prior to June 30<sup>th</sup> each year, the Board shall submit, in writing, to the State Board a report of the President's evaluation with the following information:

- A. The time period for which the President was evaluated and the date the evaluation was completed;
- B. Description of the methodology used for the evaluation;
- C. Certification that the evaluation included a written assessment of the President's performance in each of the categories identified in Section I(A)-(F) herein;
- D. Certification that the full Board discussed the evaluation results and the results were discussed with the President; and
- E. Certification that appropriate action has been taken if the President's performance is less than satisfactory in any of the categories identified in the evaluation.

## **II. INSTRUCTIONAL EMPLOYEES**

### **A. NON-CONTINUING EDUCATION INSTRUCTORS**

All instructors (full or part-time) shall be observed by the Vice President of Instruction or designee each academic year. All part-time curriculum instructors will be observed at least one (1) time during the semester by the appropriate supervisor. All instructors will be evaluated by the students they teach at the end



of each semester (summer excluded). Observations and evaluations of full-time instructors will be included in an annual performance evaluation conducted in March by the appropriate supervisor. Student evaluations of part-time curriculum instructors will be reviewed with the instructor by the appropriate supervisor.

A copy of each instructor's annual performance evaluation will be placed in the employee's personnel file in the Business Office.

**B. CONTINUING EDUCATION INSTRUCTORS**

All full-time and permanent part-time instructors will be observed in the classroom setting annually by the Dean of Continuing Education or appropriate program supervisor. Class visits will be made on a regular basis pursuant to Procedure 4.1.2.1 – Continuing Education Accountability Plan, which may include instructor evaluation.

New part-time instructors in Adult Basic Skills and Occupational Extension classes will be observed at least once during the contract period. Observations and evaluations for full-time instructors will be included in an annual performance review conducted by the Dean of Continuing Education or immediate supervisor.

Proper documentation of instructor evaluations will be maintained and filed by the Dean of Continuing Education. A copy of each evaluation will be placed in the employee's personnel file in the Business Office.

**III. NON-INSTRUCTIONAL EMPLOYEES**

All College non-instructional employees must be evaluated annually. Performance appraisals should be conducted in a congenial, non-threatening environment and are conducted for the purpose of providing feedback to individuals to facilitate their improvement and/or to recognize excellence.

The results of the individual performance appraisal will be shared with the employee by the person conducting the evaluation no later than March 31st, and those results will be placed in the employee's personnel file held in the College Business Office.

Adopted: June 12, 2019

Legal Reference: 1C SBCC 300.98

All College employees shall adhere to the following Code of Conduct. Failure to adhere to the Code of Conduct may subject the employee to disciplinary action, suspension or dismissal as outlined in Policy 3.3.4 – Employee Disciplinary Action, Suspension and Dismissal or, for cases of unlawful discrimination or harassment, Policy 3.3.7 – Discrimination and Harassment. Employees may be disciplined for conduct that occurs outside of work if such conduct brings disrepute to the employee or College or negatively affects the employee’s ability to perform his or her job.

All employees shall<sup>1</sup>:

1. Comply with all statutes, regulations and Board of Trustee policies.
2. Direct all complaints regarding the work environment to the appropriate supervisors and/or file grievances instead of acting to undermine or diminish the authority of co-workers and supervisors.
3. Avoid confrontations with co-workers or students, including but not limited to, engaging in actions or conversations which the employee knows or should know will result in an actual disruption.
4. Comply with all administrative directives in a timely and professional manner, including written directives regarding specific issues or behaviors.
5. Perform all assigned and/or accepted extracurricular and non-instructional duties in a timely and professional manner.
6. Participate in and complete any professional development activities required by the College.
7. Attend and participate in all required staff meetings and other required meetings.
8. Complete and transmit all required reports and other documentation in a timely and professional manner.
9. Dress appropriately for job duties and in accordance with Montgomery Community College policy and supervisor’s directives.
10. Arrive to work on time.
11. Maintain a courteous and professional attitude when working with other staff members, students and visitors.
12. Exercise proper care and maintenance of College property.
13. Avoid conflicts of interest.

The following are examples of professional and personal conduct that may serve as grounds for disciplinary action, including suspension, demotion or termination. This list is illustrative and not all-inclusive.

**I. Performance of Duties**

1. Inadequate performance and/or failure to perform duties.
  2. Physical or mental incapability for performing duties.
  3. Improper use of College property or equipment.
  4. Failure to maintain satisfactory and harmonious working relationship with the public and/or employees.
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5. Improper use of leave.
6. Failure to report for duty at the assigned time and place.
7. Failure to obtain or maintain a current license, certificate or credential required by law as a condition for employment.
8. Refusal to accept a reasonable and proper assignment from an authorized supervisor.

## **II. Personal Conduct**

1. Gross misconduct, immorality and/or lascivious behavior that has a negative impact on the College and/or on the employee's ability to perform their job.
2. Conviction, arrest, indictment or charge that: (i) poses a threat to the physical safety of students or personnel; (ii) demonstrates that the employee does not have the integrity or honesty to fulfill his or her employment duties with the College; and/or (iii) creates a substantial disruption to the ordinary operation of the College.
3. Improper use, misappropriation and/or theft of College property (including College funds).
4. Falsified job information or omitting material information in order to secure employment with the College.
5. Participation in any action that would in any way seriously disrupt or disturb the College's normal operations.
6. Trespassing at any trustee or employee's home for the purpose of harassing or forcing dialogue or discussion from the occupants.
7. Willful damage or destruction of College property.
8. Willful acts that would endanger the lives and property of others.
9. Possession of unauthorized firearms or lethal weapons on the College's property.
10. Refusal to accept a reasonable and proper assignment from an authorized supervisor.
11. Reporting to work under the influence of alcohol or an illegal or unauthorized controlled substance or partaking of such items while on the campus.
12. Acceptance of gifts in exchange for favors or influences related to the College.
13. Disclosing confidential information from official records to an unauthorized person or entity.
14. Engaging in employment or activities that constitute a conflict of interest to the College.
15. Taking part in political management or political campaigns prohibited by law.
16. Any form of unlawful discrimination or harassment.
17. Deliberately or willfully making false, misleading or ambiguous statements in connection with any official College business, official records or about College employees or students.
18. Violent acts, threats of violence (direct or implied), stalking, or physical intimidation towards College employees or students.
19. Violating the College's technology acceptable use policies and procedures.
20. Violations of College policies and procedures.

Adopted: June 12, 2019

Employees shall notify their immediate supervisor if they are convicted, arrested, indicted or charged (including citations) for any offense other than a minor traffic offense (e.g. parking, speeding). Notice must be in writing and provide all relevant facts regarding the arrest, conviction, indictment or charge. Notice must be provided within one (1) business day of the conviction, arrest, indictment or charge. Employees shall also inform their supervisor of the disposition of any arrest, indictment, or citation.

For purposes of these procedures, a "conviction" means the entry in a court of law or military tribunal of (1) a plea of guilty, nolo contendere, no contest or the equivalent; (2) a verdict of guilty; or (3) a prayer for judgment continued or a deferred prosecution.

Employees may be disciplined, up to and including termination, if the conviction, arrest, indictment or charge: (i) poses a threat to the physical safety of students or personnel; (ii) demonstrates that the employee does not have the integrity or honesty to fulfill his or her employment duties with the College; and/or (iii) creates a substantial disruption to the ordinary operation of the College.

Adopted: June 12, 2019

All disciplinary action is intended to be progressive in nature. However, the type of disciplinary action will be based on the factual situation as well as the nature, severity and type of offense. If warranted by the facts and situation, even for first time offenses, administrators/supervisors may recommend dismissal.

Except as stated elsewhere in the policy, employees shall receive two (2) warnings for minor performance or conduct issues: first, an oral warning with a follow-up letter from the supervisor to the employee documenting the deficiencies in performance or conduct which were discussed and the improvement(s) required; second, a written warning/reprimand which will serve notice upon the employee that a continuation of the deficiencies in performance or conduct may result in disciplinary action which may include dismissal.

## **I. WARNINGS**

### **A. Verbal Warnings with Follow-Up Letter**

1. The employee's supervisor shall meet with the employee and review with the employee exactly what is expected of him/her and explain to the employee how s/he has not met the College's expectations.
2. The supervisor shall provide the employee an opportunity to explain his/her actions.
3. The supervisor shall make recommendations for corrections and establish a reasonable period of time for the employee to correct the issues.
4. The supervisor shall provide the employee a letter regarding the oral warning and the College's expectations. A copy of the letter, and all subsequent letters, shall be included in the employee's personnel file.

### **B. Written Warnings**

After giving an verbal warning and allowing for the established period of time to correct the issues outlined in the supervisor's follow-up letter to the employee, if the employee has not corrected the issues, the supervisor shall meet with the employee for the purpose of delivering a written warning. The written warning shall further document the continued issues and shall state that if the employee does not immediately correct the issues, the employee may be subject to additional disciplinary action which could include dismissal. Before issuing to the employee the written warning, the President, Human Resources, and any intermediate superior/supervisor shall review the contents of the letter. A copy of the written warning, and all subsequent letters, shall also be included in the employee's personnel file.

## **II. SUSPENSION**

Suspensions may be used in two ways: as an independent discipline action or in conjunction with an investigation and dismissal proceedings.

### **A. Independent Discipline Action**

1. If a supervisor determines that an employee's actions warrant suspension, the supervisor shall prepare and provide a written report, with a summary supporting that determination, to the appropriate Vice President and Human Resources. The Vice President shall review the report and provide his/her written recommendation to the President.
2. The President shall determine whether or not to suspend an employee with or without pay. The President may make such determination without a recommendation from a supervisor and/or Vice President. The President may choose other disciplinary action as well.
3. The President shall meet with the employee and give the employee an opportunity to be heard. After hearing from the employee, the President shall make a determination regarding the suspension, whether it shall be paid or unpaid and the length of the suspension. The President or the employee's supervisor shall inform the employee of the President's determination. The President shall prepare a follow-up written statement providing the circumstances and facts which led to the suspension. A copy of the letter shall be included in the employee's personnel file. In cases where the employee's continued presence on campus is not in the College's best interest or a health or safety issue, the President may immediately suspend the employee with pay. Prior to changing any paid suspension to unpaid suspension, the President shall meet with the employee and provide the employee with an opportunity to be heard.
4. When an employee is suspended, s/he shall leave the College property at once and is not allowed to return until the end of the suspension unless authorized by the President.
5. Failure of the employee to report back to work when requested, or at the suspension expiration date, will be considered a voluntary resignation of his/her employment and any subsequent reinstatement or re-employment shall be on the basis of new employment.

### **B. Suspension to Allow for an Investigation**

The President may suspend an employee, with pay, for up to ninety (90) days while conducting his/her investigation as to whether or not the employee engaged in conduct that would warrant dismissal or other disciplinary action. At the end of the ninety (90) day period, the President shall dismiss the employee, reinstate the

employee or implement another disciplinary action. For good cause, the President may extend the ninety (90) day suspension period.

### **III. DISMISSAL**

#### **A. At Will Employees**

1. If a supervisor determines that an employee's actions warrant dismissal, the supervisor shall prepare and provide a written report, with a summary supporting that determination, to the appropriate Vice President who shall, after meeting and consulting with the supervisor and Human Resources, provide the written report to the President. The President may decide to terminate an employee without a recommendation from the immediate supervisor or appropriate Vice President.
2. If necessary, the President may suspend the employee pursuant to Section II (B). After reviewing the written report, the President shall either dismiss the matter or meet with the employee and provide the employee with an opportunity to be heard. If, after the meeting, the President decides to dismiss the employee, the President shall provide the employee with written notice of dismissal. The notice shall be included in the employee's personnel file.
3. An employee may appeal the President's decision to impose suspension without pay and/or dismissal to the Board of Trustees pursuant to Policy 3.3.6; however, the suspension or dismissal shall not be tolled pending the appeal. The employee's only basis for appeal is if the President's actions were based on Impermissible Grounds (as defined in Policy 3.3.5) in violation of state or federal law or if the actions were based on the employee's race, religion, color, national origin, sex, gender, age, disability, genetic information, political affiliation or status as a covered veteran in accordance with all applicable federal, state and local laws.

#### **B. Contract Employees**

1. If a supervisor determines that an employee's actions warrant dismissal, the supervisor shall prepare and provide a written report, with a summary supporting that determination, to the appropriate Vice President who shall, after meeting and consulting with the supervisor and Human Resources, provide the written report to the President. If necessary, the President shall suspend the employee pursuant to Section II (B). The President or designee may further investigate the alleged conduct.
2. At the conclusion of his/her investigation and after review of the written report, the President shall either dismiss the matter or meet with the employee and present him/her with a written notice of charges and provide the employee with an opportunity to respond. If, after the written notice of

charges meeting, the President decides to dismiss the employee, the President shall provide the employee with written notice that the employee is being dismissed and the reasons for the dismissal. The notice shall be included in the employee's personnel file.

3. For serious misconduct, the President may skip any of the procedures in Subsection 1 herein and immediately meet with the employee and provide a written notice of charges.

Legal Reference:

Adopted: June 12, 2019



**I. DEFINITIONS**

1. *Non-renewal* means the decision not to offer a new contract at the end of the current contract period.
2. *Impermissible Grounds* means the use of the employee's race, religion, color, national origin, sex, gender, age, disability, genetic information, political affiliation, or status as a covered veteran in accordance with all applicable federal, state and local laws; or if the decision is otherwise a violation of state or federal law.

**II. NON-RENEWAL PROCESS**

At least twenty (20) business days prior to the end of the contract period, the President or designee will notify, via hand-delivery, certified mail and/or campus email, any employee who will not be offered a new employment contract. The College may non-renew the employee's contract for any reason that is not based on Impermissible Grounds. The failure of the College to provide notice of non-renewal prior to the expiration of any contract does not entitle the employee to a new contract.

If an employee continues working beyond the term of any contract and the College and employee have not entered into a new or extended contract, the employee shall become an at-will employee and the College or employee may terminate the employment relationship at any time subject to any state or federal laws.

**III. RESIGNATIONS**

Any employee who does not wish to be nominated for re-employment should notify the appropriate Vice President in writing at least thirty (30) calendar days prior to the expiration of the current contract.

In cases where, in lieu of disciplinary action and dismissal, the employee tries to unilaterally resign, the President may not accept the resignation and continue with the disciplinary and dismissal process.

Adopted: June 12, 2019

**I. Right of Appeal**

- A. In case of suspension without pay or dismissal pursuant to Policy 3.3.4, Non-renewal based on Impermissible Grounds pursuant to Policy 3.3.5, discrimination and harassment pursuant to Policy 3.3.7, or reduction in force pursuant to Policy 3.3.9, an employee has a right to appeal the President's decision and must do so within ten (10) business days of the action taken.
- a. Appeals must be submitted in writing to the President, who shall forward the appeal to the chair of the Board of Trustees.
  - b. The employee must articulate the grounds for the appeal in the notice.
  - c. Further, the employee shall state in the notice whether the employee has or is seeking legal counsel for the appeal. Should the employee decide to retain legal counsel s/he shall notify the President three (3) business days prior to any hearing. Failure to provide notification shall be automatic grounds for a continuance of the hearing if so desired by the College.
  - d. The employee's only basis for appeal is if the President's actions were impermissible based on a violation of state or federal law, College policy or if the actions were based on the employee's race, religion, color, national origin, sex, gender, age, disability, genetic information, political affiliation or status as a covered veteran in accordance with all applicable federal, state and local laws.
  - e. Upon receipt of all information, the President will immediately forward documentation to the Chair of the Board of Trustees.
- B. No later than ten (10) business days from the President's receipt of the employee's written appeal, unless mutually agreed by the parties, the Chair of the Board of Trustees shall forward the complaint to the College's legal counsel.
- C. No later than ten (10) business days from receipt of the appeal, the College's legal counsel shall conduct a review/hearing (See Review Procedure) of the complaint and the College's response.
- D. No later than ten (10) business days from the review/hearing, the College's legal counsel shall provide the Chair of Board of Trustees with his/her written recommendation to uphold, reject or modify the President's decision.
- E. At the next regularly scheduled Board of Trustees meeting, The Board Chair shall notify the full Board of Trustees of the legal counsel's recommendation. The Board of Trustees will discuss the recommendation in closed session, then in open session, vote to uphold, reverse or modify the President's decision. The Board of Trustees decision is final.

The final decision of the Board of Trustees shall be included in the employee's personnel file. If the employee is reinstated, s/he shall receive all lost wages from the date of the suspension without pay and/or dismissal unless otherwise decided by the Board of Trustees.

## **II. Review/Hearing Procedure**

- A. The review shall be conducted with only the College attorney, the employee, the President and other appropriate College administrators, Board members, and relevant witnesses. The employee and the President may also be represented by legal counsel. If an employee chooses to have counsel, the employee is responsible for retaining and paying for those services.
- B. Strict rules of evidence or procedure do not apply to appeals. The Board attorney may consider any and all evidence that s/he determines to be fair and reliable.
- C. The burden is on the employee to demonstrate that the President's determination was based a violation of state or federal law or that the actions were based on the employee's race, religion, color, national origin, sex, gender, age, disability, genetic information, political affiliation or status as a covered veteran in accordance with all applicable federal, state and local laws.
- D. At least five (5) business days prior to the review, the parties shall exchange all documentary evidence that the parties plan on using. The President shall be responsible to assemble all the documents and to make each party a packet for the review. The packet must contain the following in this order: a) a copy of these Procedures; b) a copy of the President's written determination that is being appealed; c) a copy of the employee's request for appeal; d) the President's documents for the review, if any; and e) the employee's documents for the review, if any.
- F. The review may include a hearing if deemed necessary by the College's legal counsel or Chair of the Board of Trustees. If a hearing is held, the following process for presenting information shall be followed.
  - a. The hearing shall begin with the President's presentation of evidence. The President's presentation of evidence is limited to one (1) hour unless extended by the College's attorney. The President, or his/her legal counsel, shall present and examine his/her witnesses and present evidence. The Colleges attorney will have an opportunity to question the witnesses and review the submitted evidence. The employee may cross-examine the President's witnesses and the time used by the employee to cross-examine witnesses shall not count against the President's one (1) hour of time.
  - b. At the conclusion of the President's presentation of evidence, the employee will present his/her evidence. The employee's presentation of evidence is limited to one (1) hour unless extended by the College's attorney. The employee, or

his/her legal counsel, shall present and examine his/her witnesses and present evidence. The College's attorney and Trustees will have an opportunity to question the witnesses and review the submitted evidence. The President may cross-examine the employee's witnesses and the time used by the President to cross-examine witnesses shall not count against the employee's one (1) hour of time.

- c. At the conclusion of the employee's presentation of evidence, the President will be given five (5) minutes to present a closing statement. Following the President's closing statement, the employee shall be given five (5) minutes to present a closing statement.
  - d. At the conclusion of the review, the College's legal counsel will deliberate and will inform the Board of Trustees, in writing, of his/her recommendation to uphold, reverse or modify the President's decision no later than ten (10) business days from the date of review.
- G. At the next regularly scheduled Board of Trustees meeting, The Board Chair shall notify the full Board of Trustees of the legal counsel's recommendation. The Board of Trustees will discuss the recommendation in closed session, then in open session, vote to uphold, reverse or modify the President's decision. The Board of Trustees decision is final.
- H. In the event that more time is necessary for the College's legal counsel to conduct his/her investigation and/or the Board to review the matter, the Board Chair may extend all deadlines as necessary.

Adopted: June 12, 2019

The College is fully committed to providing a learning and work environment that is free from prohibited discrimination. The College does not practice or condone discrimination based on race, color, national origin, religion, sex, gender, gender identity or expression, pregnancy, disability, genetic information, age, political affiliation or veterans' status in the administration in any of its academic programs and employment practices.

For issues related to sexual and gender harassment, discrimination and violence, see Procedures 3.3.7.1 – Sexual Harassment and Sexual Violence.

For issues related to all other types of unlawful discrimination and harassment, see Procedures 3.3.7.2 – Unlawful Discrimination and Harassment.

Adopted: June 12, 2019

Cross Reference: Policy 5.3.4

Legal Reference: Title VII of the Civil Rights Act of 1964; The Americans with Disabilities Act of 1990; Section 504 of the Rehabilitation Act of 1973; The Age Discrimination in Employment Act of 1967; Equal Pay Act of 1963; Title II of the Genetic Information Nondiscrimination Act of 2008; Title IX of the Higher Education Amendments of 1972; Lily Ledbetter Act; NC Equal Employment Practices Act; NC Retaliatory Employment Discrimination Act; Jeanne Clery Disclosure Act of Campus Security Policy and Campus Statistic Act of 1990; Campus Sexual Assault Victim's Bill of Rights of 1992; Violence Against Women Act of 1994; Campus Sexual Violence Elimination Act of 2013.

The College strives to make its campuses inclusive and a safe and welcoming learning environment for all members of the College community. Pursuant to multiple federal and state laws and administrative regulations and pursuant to College policy, the College prohibits discrimination in its activities, services and programs based on sex, gender and gender identity<sup>1</sup>.

Title IX is a comprehensive federal law that prohibits discrimination on the basis of sex or gender in any federally funded education program or activity. Under Title IX, discrimination on the basis of sex or gender also includes sexual harassment, stalking, dating and domestic violence, or sexual violence, such as rape, sexual assault, sexual battery, sexual coercion. The College's Title IX Coordinator has oversight responsibility for handling Sexual Misconduct complaints and for identifying and addressing any patterns and/or systemic problems involving Sexual Misconduct. All allegations involving Sexual Misconduct should be directed to the College's Title IX Coordinator or, in the case of actions solely between employees, the College's Director of Human Resources. If the alleged incident involves both an employee and a student, the Title IX Coordinator shall take the lead but shall work cooperatively with the Director of Human Resources.

## **I. DEFINITIONS**

The following definitions shall apply to this Procedure and shall be collectively referred to herein as "Sexual Misconduct".

The definitions are not intended to operate as speech codes, promote content and viewpoint discrimination or suppress minority viewpoints in the academic setting. Indeed, just because a student's speech or expression is deemed offensive by others does not mean it constitutes discrimination or harassment.

In applying these definitions, College administrators shall view the speech or expression in its context and totality and shall apply the following standard: the alleged victim subjectively views the conduct as discrimination or harassment and that the conduct is objectively severe or pervasive enough that a reasonable person would agree that the conduct is discriminatory or harassing.

- A. Confidential Employee** – is not a Responsible Employee and is not required to report incidents of Sexual Misconduct to the College's Title IX Coordinator if confidentiality is requested by the student. Campus counselors are considered Confidential Employees. If a student is unsure of someone's duties and ability to maintain one's privacy, the student should ask the person before s/he speaks to him/her.
  - B. Consent** – explicit approval to engage in sexual activity demonstrated by clear actions or words. This decision must be made freely and actively by all participants. Non-verbal communication, silence, passivity or lack of active
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resistance does not imply consent. In addition, previous participation in sexual activity does not indicate current consent to participate and consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent has not been obtained in situations where the individual: i) is forced, pressured, manipulated or has reasonable fear that they will be injured if they do not submit to the act; ii) is incapable of giving consent or is prevented from resisting due to physical or mental incapacity (including being under the influence of drugs or alcohol); or iii) has a mental or physical disability which inhibits his/her ability to give consent to sexual activity.

- C. **Dating Violence** – crimes of violence against a person with whom the person has or had a social relationship or a romantic or intimate relationship.
- D. **Domestic Violence** – crimes of violence against a current or former spouse or intimate partner, a person with whom the student shares a child in common, a person with whom the student cohabitates or has cohabitated as a spouse, a person similarly situated to the student as a spouse, a person who is related to the student as a parent, child or person who is related to the student as a grandparent or grandchild.
- E. **Rape** – as stipulated by the Federal Bureau of Investigation’s (FBI) updated definition in the UCR Summary Reporting System means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

This definition includes any sex of victim or Perpetrator. Sexual penetration means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.

- F. **Responsible Employee** – a College employee who has the authority to take action to redress sexual harassment/misconduct; who has been given the duty of reporting incidents of sexual harassment/misconduct or any other misconduct by students to the Title IX Coordinator or other appropriate designee; or who a student reasonably believes has this authority or duty. The College’s Responsible Employees include all College administrators (Deans, Directors, Coordinators and Vice Presidents). If a student is unsure of someone’s duties and ability to maintain one’s privacy, the student should ask the person before s/he speaks to him/her.
- G. **Sexual Assault** – subjecting any person to contact or behavior of a sexual nature or for the purposes of sexual gratification without the person’s expressed and explicit consent.

- H. Sexual or Gender-Based Harassment** – unwelcome sexual advances, requests for sexual favors and other verbal, physical, or electronic conduct of a sexual nature that, from the perspective of a reasonable person, creates a hostile, intimidating, or abusive environment; involve verbal, physical, or electronic conduct based on a person’s sex, gender, or sex-stereotyping that, from the perspective of a reasonable person, creates a hostile, intimidating, or abusive environment, even if those acts do not involve conduct of a sexual nature; or include harassment for displaying what is perceived as a stereotypical characteristic for one’s sex or for failing to conform to stereotypical notions of masculinity and femininity, regardless of the actual or perceived sex, gender, gender identity, or gender expression of the person(s) involved.
- I. Stalking** – engaging in a course of conduct directed to a specific person that would cause a reasonable person to fear for his/her safety or the safety of others or suffer substantial emotional distress by placing that person in fear of death, bodily injury or continued harassment.
- J. Standard of Evidence<sup>2</sup>** – the College uses clear and convincing standard as the standard for proof of whether a violation occurred. In the student due process hearing and employee grievance process, legal terms like “guilt, “innocence” and “burden of proof” are not applicable. Student and employee due process hearings are conducted to take into account the totality of all evidence available from all relevant sources. The College will find the alleged Perpetrator either “responsible” or “not responsible” for violating these Procedures.

## **II. REPORTING**

### **A. Reporting to Local Law Enforcement.**

Individuals may report Sexual Misconduct directly to local law enforcement agencies by dialing 911. Individuals who make a criminal allegation may also choose to pursue College disciplinary action simultaneously. A criminal investigation into the matter does not release the College from its obligation to conduct its own investigation (nor is a criminal investigation determinative of whether Sexual Misconduct has occurred). However, the College’s investigation may be delayed temporarily while the criminal investigators are gathering evidence. In the event of such a delay, the College must take interim measures when necessary to protect the alleged Complainant and/or the College community.

Individuals may choose not to report alleged Sexual Misconduct to law enforcement authorities. The College respects and supports individuals’ decisions regarding reporting; nevertheless, the College may notify appropriate law enforcement authorities if required or warranted by the nature of the allegations.

### **B. Reporting to College Officials.**

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**1. Students Complaints.**

The College's Title IX Coordinator oversees compliance with these Procedures and Title IX regulations. Questions about these Procedures should be directed to the Title IX Coordinator. Anyone wishing to make a report relating to Sexual Misconduct may do so by reporting the concern to the College's Title IX Coordinator.

The College's Title IX Coordinator is:

Dr. Natalie Winfree, Dean of Arts and Sciences

For Sexual Misconduct incidents between students and employees, the Title IX Coordinator will work in partnership with the Director of Human Resources to investigate and resolve the allegations.

**2. Employee Complaints.**

All reports of Sexual Misconduct incidents solely between employees should be reported to the Director of Human Resources.

The College's Director of Human Resources is:

Mrs. Melisa Bond, Director of Human Resources

**III. INITIAL INVESTIGATION**

As these Procedures apply to both students and employees as either the Complainant or the Respondent, the administrator receiving the incident report will determine if the case should be handled by: 1) the Title IX Coordinator (student/student); 2) the Director of Human Resources (employee/employee); or 3) both (student/employee). For incidents involving students and employees, the College will utilize the process for both the student investigation and the employee investigation sections as applicable.

**A. Student Investigation.**

1. Students filing complaints ("Complainants") are urged to do so in writing as soon as possible but no later than thirty (30) days after disclosure or discovery of the facts giving rise to the complaint. Complaints submitted after the thirty (30) day period will still be investigated; however, Complainants should recognize that delays in reporting may significantly impair the ability of College officials to investigate and respond to such complaints. The Title IX Coordinator shall fully investigate any complaints and will, as needed and if the complaint also involves an employee, collaborate with the College's Director of Human Resources. During the

course of the investigation, the Title IX Coordinator may consult with other relevant College administrators and the College Attorney.

2. During the investigation, the Title IX Coordinator shall meet with the Complainant and the alleged Perpetrator (“Respondent”) separately and give each party an equal opportunity to provide evidence, including informing the Title IX Coordinator of any potential witnesses. Both parties will be given access to any information provided by the other in accordance with any federal or state confidentiality laws.
3. During the investigation process, the Title IX Coordinator may implement temporary measures in order to facilitate an efficient and thorough investigation process as well as to protect the rights of all parties involved. The temporary actions include, but are not limited to: reassignment of class schedules; temporary suspension from campus (but be allowed to complete coursework); or the directives that include no contact between the involved parties.
4. A confidential file regarding the complaint shall be maintained by the Title IX Coordinator. To the extent possible, the College will keep all information relating to the complaint and investigations confidential; however, to maintain compliance with the Clery Act, both parties will be informed of the outcome of any institutional proceedings under these Procedures.
5. The Title IX Coordinator shall make every effort to conclude the investigation as soon as possible but no later than thirty (30) calendar days. If the nature of the investigation requires additional time, the Title IX Coordinator may have an additional ten (10) calendar days to complete the investigation. The Title IX Coordinator shall notify the parties of this extension.
6. Upon making the complaint, Complainants will be immediately notified that they have the right to seek additional assistance from law enforcement and have the right to seek, among other things, judicial no-contact, restraining and protective orders. Complainants will also be notified of available counseling services and their options of changing academic situations and other interim protective measures.

**B. Employee Investigations.**

1. Employees filing complaints (“Complainants”) are urged to do so in writing as soon as possible but no later than thirty (30) days after disclosure or discovery of the facts giving rise to the complaint. Complaints submitted after the thirty (30) day period will still be investigated; however, Complainants should recognize that delays in reporting may significantly impair the ability of College officials to investigate and respond to such

complaints. The Director of Human Resources shall fully investigate any complaints. During the course of the investigation, the Director of Human Resources may consult with other relevant College administrators and the College Attorney.

2. During the investigation, the Director of Human Resources shall meet with the Complainant and the alleged Perpetrator (“Respondent”) separately and give each party an equal opportunity to provide evidence, including informing the Director of Human Resources of any potential witnesses. Both parties will be given access to any information provided by the other in accordance with any federal or state confidentiality laws.
3. During the investigation process, the Director of Human Resources may implement temporary measures in order to facilitate an efficient and thorough investigation process as well as to protect the rights of all parties involved. The Director of Human Resources may suspend an employee with pay pending an investigation if such action is in the College’s best interest.
4. A confidential file regarding the complaint shall be maintained by the Director of Human Resources. To the extent possible, the College will keep all information relating to the complaint and investigations confidential; however, to maintain compliance with the Clery Act, both parties will be informed of the outcome of any institutional proceedings under these Procedures.
5. The Director of Human Resources shall make every effort to conclude the investigation as soon as possible but no later than thirty (30) calendar days. If the nature of the investigation requires additional time, the Director of Human Resources may have an additional ten (10) calendar days to complete the investigation and shall notify the parties of this extension.
6. Upon making the complaint, Complainants will be immediately notified that they have the right to seek additional assistance from law enforcement and have the right to seek, among other things, judicial no-contact, restraining and protective orders. Complainants will also be notified of available counseling services and other interim protective measures.

#### **IV. RECOMMENDATION AND APPEAL**

##### **A. Students.**

1. After the investigation is complete, the Title IX Coordinator will put forward a recommendation of finding, based on the Standard of Evidence, and sanctions, if warranted. If the recommendation is accepted by both parties involved, the recommendation and sanction(s) will become

effective. The Title IX Coordinator will submit to each party a final outcome letter that will include, but not limited to, the following:

- a. Determination if the Respondent is responsible or not responsible for violating these Procedures.
  - b. Sanctions, if appropriate.
  - c. Whether monitoring of academic schedules is needed between the parties to ensure that the individuals involved are not in classes together (the Title IX Coordinator will assist in this process).
  - d. Short-term College counseling services available to each party.
2. If the Title IX Coordinator's recommendations are not accepted by either the Complainant or the Respondent, both may appeal and request a formal hearing. If the Title IX Coordinator recommends sanctions that s/he cannot impose (i.e., expulsion), the matter shall automatically be set for a hearing. The President will preside over the hearing as the Presiding Officer. The process for the hearing is outlined below:
- a. Prior to the hearing, the Complainant and the Respondent have the right to review all evidence, including written statements by the Respondent, the Complainant, or witnesses. Strict rules of evidence do not apply. The Standard of Evidence shall apply for the hearing.
  - b. Written notice including the date, time, and location of the hearing will be sent to all parties.
  - c. At the hearing, all pertinent parties have a right to speak and be questioned by the Presiding Officer. Cross-examination between parties is not permitted. The College will provide options for questioning without confrontation. Each phase of the hearing will be heard by both parties in separate rooms by use of a speaker phone.
  - d. The Complainant and the Respondent are allowed to be accompanied by an advocate. The advocate may not present on behalf of either party unless otherwise instructed to do so by the Presiding Officer. If the Complainant or the Respondent chooses to have an advocate who is an attorney, notification must be provided to the Presiding Officer at least three (3) College business days prior to the hearing date. In this case, the College Attorney will also be present.
  - e. Both parties have a right to a written notice of the hearing outcome.

**B. Employees.**

1. After the investigation is complete, the Director of Human Resources will put forward a recommendation of finding, based on the Standard of Evidence, and sanctions, if warranted. If the recommendation is accepted by both parties involved, the recommendation and sanctions will become effective. A final outcome letter will be submitted to the Complainant and Respondent that may include, but not limited to, the following:

- a. Determination if the Respondent is responsible, not responsible, or if the decision is deemed inconclusive, or shared responsibility.
  - b. Sanctions, if appropriate.
  - c. Monitoring of academic schedules or workplace schedule if needed.
  - d. Short-term counseling services will be offered to each party.
2. If the Director of Human Resources' recommendations are not accepted by either the Complainant or the Respondent, both may appeal and request a formal hearing. If the Director of Human Resources recommends sanctions that s/he cannot impose (i.e., termination) the matter will automatically be set for a hearing. The President will preside over the hearing as the Presiding Officer. The process for the hearing is outlined below:
- a. Prior to the hearing, the Complainant and the Respondent have the right to review all evidence, including written statements by the Respondent, the Complainant, or witnesses. Strict rules of evidence do not apply. The Standard of Evidence shall apply for the hearing.
  - b. Written notice including the date, time, and location of the hearing will be sent to all parties.
  - c. At the hearing, all pertinent parties have a right to speak and be questioned by the Presiding Officer. Cross-examination between parties is not permitted. The College will provide options for questioning without confrontation. Each phase of the hearing will be heard by both parties in separate rooms by use of a speaker phone.
  - d. The Complainant and the Respondent are allowed to be accompanied by an advocate. The advocate may not present on behalf of either party unless otherwise instructed to do so by the Presiding Officer. If the Complainant or the Respondent chooses to have an advocate who is an attorney, notification must be provided to the Presiding Officer at least three (3) College business days prior to the hearing date. In this case, the College Attorney will also be present.
  - e. Both parties have a right to a written notice of the hearing outcome.

**C. Sanctioning.**

The following sanctions may be imposed for those who have violated these Procedures.

1. Students
  - a. Verbal or Written Warning
  - b. Probation
  - c. Administrative withdrawal from a course without refund
  - d. Required Counseling
  - e. No Contact Directive

- f. Suspension
- g. Expulsion (President must impose)
- h. Other consequences deemed appropriate

2. Employees

- a. Verbal or Written Warning
- b. Performance Improvement Plan
- c. Required Counseling
- d. Required Training or Education
- e. Demotion (President may impose)
- f. Suspend with or without Pay (President must impose)
- g. Termination (President must impose)
- h. Other consequences deemed appropriate to the specific violation

**V. PROTECTION AGAINST RETALIATION**

The College will not in any way retaliate against an individual who makes a report of Sexual Misconduct in good faith or who assists in an investigation. Retaliation includes, but is not limited to: any form of intimidation, disciplinary action, reprisal or harassment. Retaliation is a serious violation and should be reported immediately. The College will take appropriate action against any employee or student found to have retaliated against another in violation of these procedures.

**VI. PROVIDING FALSE INFORMATION**

Any individual who knowingly files a false report or complaint, who knowingly provides false information to College officials or who intentionally misleads College officials involved in the investigation or resolution of a complaint may be subject to disciplinary action including, but not limited to expulsion or employment termination. The College recognizes that an allegation made in good faith will not be considered false when the evidence does not confirm the allegation(s) of Sexual Misconduct.

**VII. LIMITED IMMUNITY**

The College community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to College officials or participate in resolution processes because they fear that they themselves may be accused of various policy violations. It is in the best interest of this College that as many Complainants as possible choose to report to College officials and that witnesses come forward to share what they know. To encourage reporting, the College offers Sexual Misconduct Complainants and witnesses amnesty from minor policy violations.

**VIII. EMPLOYEE AND STUDENT RELATIONSHIPS**

Romantic or sexual relationships between College employees and students are prohibited if the employee and the student have an academic relationship. Academic relationships include any activities in which the employee is a direct or indirect supervisor or instructor for the student, as in a classroom or lab, or is a sponsor for any College activity involving the student, including work study or organizational/club/sport activities. This prohibition shall continue until the student or the employee is no longer affiliated with the College. Employees engaging in inappropriate relationships will be subject to disciplinary action up to and including termination of employment. Students engaging in inappropriate relationships may be subject to disciplinary action up to and including expulsion.

Romantic or sexual relationships between College employees and students not in an academic relationship that impairs the College employee's effectiveness, disrupts the workplace/learning environment, and/or impairs the public confidence in the College will be subject to disciplinary action up to and including termination of employment or expulsion from the College.

#### **IX. SUSPENDING PROCEDURES**

In cases of emergency or serious misconduct, the College reserves the right to suspend this process and may enact appropriate action for the welfare and safety of the College community.

#### **X. STUDENT AND EMPLOYEE EDUCATION AND ANNUAL TRAINING**

All new students and all employees shall be required to participate in a primary prevention and awareness program that promotes awareness of Sexual Misconduct. This program will be held annually at the beginning of each fall semester.

At this annual training, students and employees must receive training in the following areas:

- A. Information about safe and positive options for bystander intervention skills;
- B. What "consent" means with reference to sexual activities.
- C. Risk reduction programs so students recognize and can avoid abusive behaviors or potential attacks;
- D. How and to whom to report an incident regarding discrimination, harassment and sexual based violence;
- E. The importance of preserving physical evidence in a sexual-based violent crime; and
- F. Options about the involvement of law enforcement and campus authorities, including the alleged victim's option to: i) notify law enforcement; ii) being assisted by campus authorities in notifying law enforcement; iii) declining to notify law enforcement; and iv) obtaining "no-contact" or restraining orders.

Each year, all students and employees will receive an electronic copy of these Procedures sent to their College email address of record. These Procedures will be maintained online in the College's website and a hard copy will be kept on file (in English and Spanish) in

the Title IX Coordinator's office and the Director of Human Resources' office. Other translations will be made available upon request.

Adopted: June 12, 2019

Cross Reference Procedure 5.3.4.1

Legal Reference: [Office for Civil Rights, Q&A on Campus Sexual Misconduct \(September 2017\)](#); [Office for Civil Rights, Dear Colleague Letter on Sexual Harassment \(Jan. 25, 2006\)](#); [Office for Civil Right Office for Civil Rights, Revised Sexual Harassment Guidance \(66 Fed. Reg. 5512, Jan. 19, 2001\)](#)



The College strives to make its campuses inclusive and a safe and welcoming learning environment for all members of the College community. Pursuant to multiple federal and state laws and administrative regulations and pursuant to College policy, the College prohibits discrimination in its activities, services and programs based on race, color, national origin, religion, pregnancy, disability, genetic information, age, political affiliation or veterans' status.

## **I. DEFINITIONS**

The following definitions shall apply to this Procedure and shall be collectively referred to herein as "Unlawful Discrimination".

The definitions are not intended to operate as speech codes, promote content and viewpoint discrimination or suppress minority viewpoints in the academic setting. Indeed, just because a student's speech or expression is deemed offensive by others does not mean it constitutes discrimination or harassment.

In applying these definitions, College administrators shall view the speech or expression in its context and totality and shall apply the following standard: the alleged victim subjectively views the conduct as discrimination or harassment and that the conduct is objectively severe or pervasive enough that a reasonable person would agree that the conduct is discriminatory or harassing.

- A. Discrimination:** any act or failure to act that unreasonably differentiates treatment of others based solely on their Protected Status and is sufficiently serious, based on the perspective of a reasonable person, to unreasonably interfere with or limit the ability of that individual to participate in, access or benefit from the College's programs and activities. Discrimination may be intentional or unintentional.
- B. Harassment:** a type of Discrimination that happens when verbal, physical, electronic or other behavior based on a person's Protected Status interferes with a person's participation in the College's programs and activities and it either creates an environment that a reasonable person would find hostile, intimidated or abusive or where submitting to or rejecting the conduct is used as the basis for decisions that affect the person's participation in the College's programs and activities.

Harassment may include but is not limited to: threatening or intimidating conduct directed at another because of the individual's Protected Status; ethnic slurs, negative stereotypes and hostile acts based on an individual's Protected Status.

- C. Protected Status:** race, color, national origin, religion, pregnancy, disability, genetic information, age, political affiliation or veterans' status.

- D. Standard of Evidence<sup>1</sup>** - the College uses the clear and convincing as the standard for proof of whether a violation occurred. In the student due process hearing and employee grievance process, legal terms like “guilt, “innocence” and “burden of proof” are not applicable. Student and employee due process hearings are conducted to take into account the totality of all evidence available from all relevant sources. The College will find the alleged Perpetrator either “responsible” or “not responsible” for violating these Procedures.

## **II. STATEMENTS OF PROHIBITION**

### **A. Prohibition of Retaliation.**

The College strictly prohibits punishing students or employees for asserting their rights to be free from Unlawful Discrimination. Retaliation against any person participating in connection with a complaint of Unlawful Discrimination is strictly prohibited. Reports of retaliation will be addressed through this procedure and/or other applicable College procedures. Retaliation includes, but is not limited to, any form of intimidation, punitive actions from authority figures or peers, reprisal (acts of vengeance) or harassment. Retaliation is a serious violation and should be reported immediately. The College will take appropriate disciplinary action against any employee or student found to have retaliated against another.

### **B. Prohibition of Providing False Information.**

Any individual who knowingly files a false report or complaint, who knowingly provides false information to College officials, or who intentionally misleads College officials involved in the investigation or resolution of a complaint may be subject to disciplinary action including, but not limited to expulsion or employment termination. The College recognizes that an allegation made in good faith will not be considered false when the evidence does not confirm the allegation(s) of Unlawful Discrimination.

## **III. REQUESTING ACCOMMODATIONS**

### **A. Students.**

Students with disabilities wishing to make a request for reasonable accommodations, auxiliary communication aids or services, or materials in alternative accessible formats should contact the College’s Office of Student Services located in Blair Hall. Information provided by students is voluntary and strict confidentiality is maintained. All requests for accommodations will be considered following the appropriate federal and state laws.

The College will also provide reasonable accommodation of a student’s religious beliefs/practices provided such expression/practice does not create a hostile

environment for other students and employees and/or the accommodation does not cause an undue hardship for the College.

**B. Employees.**

Employees with disabilities wishing to make a request for reasonable accommodations, auxiliary communication aids or services, or materials in alternative accessible formats should contact the College's Office of Human Resources located in Blair Hall. Information provided by employees is voluntary and strict confidentiality is maintained.

The College will also provide reasonable accommodation of an employee's religious beliefs/practices provided such expression/practice does not create a hostile environment for other employees and students and/or the accommodation does not cause an undue hardship for the College.

**IV. REPORTING OPTIONS**

**A. Student Complaints.**

Any student wishing to make a report relating to Unlawful Discrimination may do so by reporting the concern to the College's Office of Student Services located in Blair Hall.

For Unlawful Discrimination incidents between students and employees, the Vice President for Student Services will work in partnership with the Director of Human Resources to investigate and resolve the allegations.

**B. Employee Complaints.**

Any employee wishing to make a report related to Unlawful Discrimination may do so by reported the concern to the College's Director of Human Resources located in Blair Hall.

**V. INITIAL INVESTIGATION**

As these Procedures apply to both students and employees as either the Complainant or the Respondent, the administrator receiving the incident report will determine if the case should be handled by: 1) the Vice President for Student Services, or designee (student/student); 2) the Director of Human Resources, or designee (employee/employee); or 3) both (student/employee). For incidents involving students and employees, the College will utilize the process for both the student investigation and the employee investigation sections as applicable.

**A. Student Investigation.**

1. Students filing complaints (“Complainants”) are urged to do so in writing as soon as possible but no later than thirty (30) days after disclosure or discovery of the facts giving rise to the complaint. Complaints submitted after the thirty (30) day period will still be investigated; however, Complainants should recognize that delays in reporting may significantly impair the ability of College officials to investigate and respond to such complaints. The Vice President shall fully investigate any complaints and will, as needed and if the complaint also involves an employee, collaborate with the College’s Director of Human Resources. During the course of the investigation, the Vice President may consult with other relevant College administrators and the College Attorney.
2. During the investigation, and if applicable to the complaint<sup>2</sup>, the Vice President shall meet with the Complainant and the alleged Perpetrator (“Respondent”) separately and give each party an equal opportunity to provide evidence, including informing the Vice President of any potential witnesses. Both parties will be given access to any information provided by the other in accordance with any federal or state confidentiality laws.
3. During the investigation process, the Vice President may implement temporary measures in order to facilitate an efficient and thorough investigation process as well as to protect the rights of all parties involved. The temporary actions include, but are not limited to: reassignment of class schedules; temporary suspension from campus (but be allowed to complete coursework); or the directives that include no contact between the involved parties.
4. A confidential file regarding the complaint shall be maintained by the Vice President. To the extent possible, the College will keep all information relating to the complaint and investigations confidential; however, to maintain compliance with the Clery Act, both parties will be informed of the outcome of any institutional proceedings under these Procedures.
5. The Vice President shall make every effort to conclude the investigation as soon as possible but no later than thirty (30) calendar days. If the nature of the investigation requires additional time, the Vice President may have an additional ten (10) calendar days to complete the investigation. The Vice President shall notify the parties of this extension.
6. Complainants will be notified of available counseling services and their options of changing academic situations and other interim protective measures.

**B. Employee Investigations.**

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1. Employees filing complaints (“Complainants”) are urged to do so in writing as soon as possible but no later than thirty (30) days after disclosure or discovery of the facts giving rise to the complaint. Complaints submitted after the thirty (30) day period will still be investigated; however, Complainants should recognize that delays in reporting may significantly impair the ability of College officials to investigate and respond to such complaints. The Director of Human Resources shall fully investigate any complaints. During the course of the investigation, the Director of Human Resources may consult with other relevant College administrators and the College Attorney.
2. During the investigation, and if applicable to the complaint, the Director of Human Resources shall meet with the Complainant and the alleged Perpetrator (“Respondent”) separately and give each party an equal opportunity to provide evidence, including informing the Director of Human Resources of any potential witnesses. Both parties will be given access to any information provided by the other in accordance with any federal or state confidentiality laws.
3. During the investigation process, the Director of Human Resources may implement temporary measures in order to facilitate an efficient and thorough investigation process as well as to protect the rights of all parties involved. The Director of Human Resources may suspend an employee with pay pending an investigation if such action is in the College’s best interest.
4. A confidential file regarding the complaint shall be maintained by the Director of Human Resources. To the extent possible, the College will keep all information relating to the complaint and investigations confidential; however, to maintain compliance with the Clery Act, both parties will be informed of the outcome of any institutional proceedings under this Procedures.
5. The Director of Human Resources shall make every effort to conclude the investigation as soon as possible but no later than thirty (30) calendar days. If the nature of the investigation requires additional time, the Director of Human Resources may have an additional ten (10) calendar days to complete the investigation and shall notify the parties of this extension.
6. Complainants will be notified of available counseling services and other interim protective measures.

## **VI. RECOMMENDATION AND APPEAL**

### **A. Students.**

1. After the investigation is complete, the Vice President will put forward a recommendation of finding, based on the Standard of Evidence, and sanction(s) to both the Complainant and Respondent. If the recommendation is accepted by both parties involved, the recommendation and sanction(s) will become effective. The Vice President will submit to each party a final outcome letter that will include, but not limited to, the following:
  - a. Determination if the Respondent is responsible or not responsible for violating these Procedures;
  - b. Sanction;
  - c. Whether monitoring of academic schedules is needed between the parties to ensure that the individuals involved are not in classes together (the Vice President will assist in this process).
  - d. Short-term College counseling services available to each party.
  
2. If the Vice President's recommendations are not accepted by either the Complainant or the Respondent, both may appeal and request a formal hearing. If the Vice President recommends sanctions that s/he cannot impose (i.e., expulsion), the matter shall automatically be set for a hearing. The President will preside over the hearing as the Presiding Officer. The process for the hearing is outlined below:
  - a. Prior to the hearing, the Complainant and the Respondent have the right to review all evidence, including written statements by the Respondent, the Complainant, or witnesses. Strict rules of evidence do not apply. The Standard of Evidence shall apply for the hearing.
  - b. Written notice including the date, time, and location of the hearing will be sent to all parties.
  - c. At the hearing, all pertinent parties have a right to speak and be questioned by the Presiding Officer. Cross-examination between parties is not permitted. The College will provide options for questioning without confrontation. Each phase of the hearing will be heard by both parties in separate rooms by use of a speaker phone.
  - d. The Complainant and the Respondent are allowed to be accompanied by an advocate. The advocate may not present on behalf of either party unless otherwise instructed to do so by the Presiding Officer. If the Complainant or the Respondent chooses to have an advocate who is an attorney, notification must be provided to the Presiding Officer at least three (3) College business days prior to the hearing date. In this case, the College Attorney will also be present.
  - e. Both parties have a right to a written notice of the hearing outcome.

**B. Employees.**

1. After the investigation is complete, the Director of Human Resources will put forward a recommendation of finding, based on the Standard of Evidence, and sanctions to both the Complainant and Respondent. If the recommendation is accepted by both parties involved, the recommendation and sanctions will become effective. A final outcome letter will be submitted to the Complainant and Respondent that may include, but not limited to, the following:
  - a. Determination if the Respondent is responsible, not responsible, or if the decision is deemed inconclusive, or shared responsibility.
  - b. Sanction, if appropriate.
  - c. Monitoring of academic schedules or workplace schedule if needed.
  - d. Short-term counseling services will be offered to each party.
  
2. If the Director of Human Resources' recommendations are not accepted by either the Complainant or the Respondent, both may appeal and request a formal hearing. If the Director of Human Resources recommends sanctions that s/he cannot impose (i.e., termination) the matter will automatically be set for a hearing. The President will preside over the hearing as the Presiding Officer. The process for the hearing is outlined below:
  - a. Prior to the hearing, the Complainant and the Respondent have the right to review all evidence, including written statements by the Respondent, the Complainant, or witnesses. Strict rules of evidence do not apply. The Standard of Evidence shall apply for the hearing.
  - b. Written notice including the date, time, and location of the hearing will be sent to all parties.
  - c. At the hearing, all pertinent parties have a right to speak and be questioned by the Presiding Officer. Cross-examination between parties is not permitted. The College will provide options for questioning without confrontation. Each phase of the hearing will be heard by both parties in separate rooms by use of a speaker phone.
  - d. The Complainant and the Respondent are allowed to be accompanied by an advocate. The advocate may not present on behalf of either party unless otherwise instructed to do so by the Presiding Officer. If the Complainant or the Respondent chooses to have an advocate who is an attorney, notification must be provided to the Presiding Officer at least three (3) College business days prior to the hearing date. In this case, the College Attorney will also be present.
  - e. Both parties have a right to a written notice of the hearing outcome.

**C. Sanctioning.**

The following sanctions may be imposed for those who have violated these Procedures.

1. Students.
  - a. Verbal or Written Warning
  - b. Probation
  - c. Administrative withdrawal from a course without refund
  - d. Required Counseling
  - e. No Contact Directive
  - f. Suspension
  - g. Expulsion (President must impose)
  - h. Other consequences deemed appropriate
  
2. Employees.
  - a. Verbal or Written Warning
  - b. Performance Improvement Plan
  - c. Required Counseling
  - d. Required Training or Education
  - e. Demotion (President may impose)
  - f. Suspend with or without Pay (President must impose)
  - g. Termination (President must impose)
  - h. Other consequences deemed appropriate to the specific violation

Adopted: June 12, 2019  
Cross Reference Procedure 5.3.4.2



In order to maintain a harmonious and cooperative relationship between the College and its employees, the College provides for the settlement of problems and differences through an orderly grievance procedure. Every employee shall have the right to present his/her problem or grievance free from coercion, restraint, discrimination or reprisal. The Policy provides for prompt and orderly consideration and determination of employee problems or grievances by supervisors and the President.

A grievance is any matter of employee concern or dissatisfaction within the College's control except: (a) employee disciplinary matters pursuant to Policy 3.3.4; (b) Non-renewal based on Impermissible Grounds pursuant to Policy 3.3.5; (c) discrimination and harassment pursuant to Policy 3.3.7; (d) reduction in force and/or involuntary leave without pay pursuant to Policy 3.3.9; or (e) any other matter that has a specific grievance process outlined in College policy.

**A. Informal Grievance Process**

If an employee has a grievance, it should first be discussed with his/her immediate supervisor within five (5) business days from the date of the situation which is grieved. The supervisor may call higher level supervisors into the discussion if the employee agrees or the supervisor may consult with higher level supervisors to seek any needed advice or counsel from his/her administrative superiors before giving an answer. The employee shall receive an answer within ten (10) business days. The circumstances should be documented by both the supervisor and the grievant.

Should the complaint involve the immediate supervisor in such a way that the employee feels he/she cannot take the complaint to the supervisor, then the initial written complaint may be made directly to the Human Resources Coordinator.

**B. Formal Grievance Process**

If the decision reached by the Informal Grievance Process is not satisfactory to the grievant, s/he may file a written grievance with the Director of Human Resources ("Director") within five (5) business days after receipt of the Informal Grievance Process decision. The written grievance must contain specific facts supporting the grievance. Depending on the nature of the appeal, the Director will determine to what extent additional facts will be required. The supervisor and employee shall provide all pertinent information to the Director. The Director shall provide his/her written decision to the proper administrators or superiors and grievant within ten (10) business days of receipt of the grievance. In the absence of an appeal, the Director's decision will be carried out within a reasonable period of time and the grievance considered resolved.

**C. Appeal to the President**

If the decision reached by the Formal Grievance Process is not satisfactory to the grievant, the grievant may, within five (5) business days receipt of the Director's decision, appeal the Director's decision to the President. The appeal must be in writing and provided to the President. The President will conduct an "on the record review" of the documents and supporting materials presented during the Formal Grievance Process and, if needed, conduct any further investigation. The President can accept, reject or modify the Director's determination and will make a decision within ten (10) business days and the decision will be communicated in writing to all appropriate persons. The President's decision shall be final.

**D. Grievances Involving the President**

In the event that a grievance is being filed against the President, the grievant shall first follow the Informal Grievance Process outlined above and meet with the President. If the grievant is not satisfied with the resolution at the Informal Grievance Process, s/he may continue with the Formal Grievance Process but file the written grievance with the Board Chair. The Board Chair shall delegate the matter to the College's legal counsel to conduct an investigation. The Board Attorney will have the authority to conduct the investigation and will file a written report to the Board Chair within twenty (20) business days.

At the next regularly scheduled Board meeting, the Board members shall review the College legal counsel's report and recommendation. The Board of Trustees will discuss the recommendation in closed session, then in open session, vote to uphold, reverse or modify the President's decision. The Board of Trustees decision is final.

In the event that more time is necessary for the College's legal counsel to conduct his/her investigation and/or the Board to review the matter, the Board Chair may extend all deadlines as necessary.

Adopted: June 12, 2019

**I. POLICY STATEMENT**

The College may terminate employment or may require any employee or class of employees to take involuntary leave without pay at any time because of: 1) a financial exigency; or 2) a program change for institutional reasons.

**II. DEFINITIONS**

- A. *Employee* means full-time and part-time employees.
- B. *Financial Exigency* means any decrease in the College's financial resources that are brought about by decrease in enrollment, decrease in funding from any source (federal, state, local, institutional, etc.) or by other action or events requiring the immediate expenditure or diversion of College resources that prevent or inhibit the College's ability to continue the employment or level of the employee's compensation or a class of employees and cause a need for reduction in force and/or involuntary leave without pay.
- C. *Impermissible Grounds* means the use of the employee's race, religion, color, national origin, sex, gender, age, disability, genetic information, political affiliation, or status as a covered veteran in accordance with all applicable federal, state and local laws; or if the decision is otherwise a violation of state or federal law.
- D. *Involuntary Leave without Pay* means a period of mandatory separation from work during which an employee may not take or use any form of paid leave. All state mandated benefits shall continue to accrue during any period of leave without pay.
- E. *Program Change* means any elimination, curtailment or reorganization of an educational offering or support department which may or may not be related to a financial exigency.
- F. *Reduction in Force* means the termination of employment as a result of financial exigency or program change.

**III. INVOLUNTARY LEAVE WITHOUT PAY/REDUCTION IN FORCE**

**A. General Criteria for the President's Decision**

All decisions made under this Policy will take into consideration the needs of the population being served with respect to the College's mission and goals while attempting to minimize the level of impact and quality of services provided. Responsibility will rest with the President working collaboratively with senior level administrators to determine the employee(s) affected by involuntary leave without

pay or reduction in force based on recommendations from Vice Presidents, department heads and/or other management personnel associated with the departments where proposed actions will be implemented.

Further, the President will consider relevant factors when considering a reduction in force or, if applicable, involuntary leave without pay, which may include, but are not limited to:

1. Written recommendations regarding staffing needs from supervisors;
2. Specific and overall program enrollment history and needs;
3. Source of available funds and applicable restrictions;
4. Other beneficial service by an employee to the College;
5. Length of service in the North Carolina Community College System with a higher priority being given to the length of service for the College; and
6. Employee performance evaluations.

These factors are not listed in any particular order or priority.

**B. President's Decision and Notice to Affected Employees**

Once the President makes his/her decision, s/he shall give written notice of termination and/or involuntary leave without pay to each affected employee. The written notice will be given as soon as practicable, and in any event, no less than ten (10) business days prior to the effective date of termination and no less than five (5) business days prior to a period of involuntary leave without pay. The written notice shall include: 1) a statement of condition requiring termination and/or involuntary leave without pay; 2) a general description of the procedures followed in making the decision; and 3) a copy of this Policy. The President shall also send a copy of the notice to the Chair of the Board of Trustees ("Chair").

**C. Request for an Appeal**

An employee may appeal the President's decision to impose a reduction in force or involuntary leave without pay to the Board of Trustees pursuant to Policy 3.3.6; however, the Board of Trustees will only hear and consider an employee's appeal if the employee is alleging that the non-renewal is based on Impermissible Grounds. The decision to reduce in force or to place an employee on leave without pay shall not be tolled pending the appeal.

**IV. EXCLUSIVE REMEDY**

The rights and remedies set forth herein constitute the sole and exclusive process in the event of a termination by reduction in force or involuntary leave without pay. No other personnel action or grievance may be asserted or considered under this Policy.

Adopted: June 12, 2019

In accordance with N.C.G.S. §§ 14-234, 133-32 and Chapter 138A and in order to avoid conflict of interest, the appearance of conflict of interest or the appearance of impropriety, the Board of Trustees and College employees shall adhere to the following rules:

**A. Contracts with the College**

Board members and employees shall not do any of the following:

1. Obtain a direct benefit from a contract that s/he is involved in making or administering on the College's behalf unless a legal exception applies;
2. Influence or attempt to influence anyone who is involved in making or administering a contract on the College's behalf; or
3. Solicit or receive any gift, favor, reward, service or promise of reward, including a promise of future employment, in exchange for recommending, influencing or attempting to influence the award of a contract by the College.

A Board member or employee is involved in administering a contract if s/he oversees the performance of the contract or has authority to interpret or make decisions regarding the contract. A Board member or employee is involved in making a contract if s/he participates in the development of specifications or terms of the contract or participates in the preparation or award of the contract. An employee derives a direct benefit from a contract if the employee or his/her spouse does any of the following: (a) has more than ten percent (10%) ownership or other interest in an entity that is a party to the contract; (b) derives any income or commission directly from the contract; or (c) acquires property under the contract.

**B. Receipt of Gifts**

Unless a legal exception otherwise applies, no Board member or College employee may accept gifts from any person or group desiring to do business with or doing business with the College unless such gifts are instructional products or advertising items of nominal value that are widely distributed.

**C. Reporting Requirements**

Any Board member or employee who has questions regarding this Policy or whose actions could be construed as involving a conflict of interest shall report as follows:

1. College employees shall report to the President.
2. President / Board Members shall report to the Board Chair.
3. Board Chair shall report to the College's legal counsel.

**D. N.C. State Ethics Act**

Pursuant to N.C.G.S. § 138A-3(30)(k), all voting Board members, the President and the Chief Financial and Administrative Officers (“Covered Persons”) are subject to the N.C. State Ethics Act. Covered Persons shall complete and file a public disclosure of economic interests as required under the Act, adhere to the ethics standard required under the Act and shall complete all required mandatory ethics education and training.

Any applicable State Board administrative regulations and rules and any applicable North Carolina state law will take precedence over this Policy.

Adopted: June 12, 2019

Legal Reference: N.C.G.S. §§ 14-234, 115D-26, 133-32 and Chapter 138A

**I. POLITICAL ACTIVITY – NON-SOLICITATION**

No College employee shall solicit support for a political candidate or any issue on a referendum during regular College working hours, on College property, using College stationery or e-mail, or other College resources. The Board of Trustees, however, may authorize the President or the President's designee to solicit support during regular College working hours for referendums that directly support the College's interest.

Any employee who becomes a candidate for political office is prohibited from soliciting support while on duty and/or on College property. Any exceptions must have prior written approval from the President.

**II. POLITICAL ACTIVITIES BY COLLEGE EMPLOYEES**

**A. COLLEGE EMPLOYEES**

As an individual, a College employee retains all rights and obligations of citizenship provided in the Constitution and laws of North Carolina and the Constitution and laws of the United States. Therefore, the College encourages an employee to exercise his/her rights and obligations of citizenship.

Any College employee who decides to run for a public office shall, prior to or at the time of filing for that office, notify the President of his/her intention to run and shall, in writing, certify that his/her will not campaign or otherwise solicit support during regular work. Further, any employee who seeks a public office shall, in writing, certify that s/he will not involve the College in his/her political activities.

Any employee who wishes to participate in any political activity during the normal workday must take leave in accordance with College policy. Also, the employee shall obtain the permission of his/her supervisor in scheduling leave.

Any employee who is elected or appointed to a part-time public office shall certify, in writing, through the President to the Board of Trustees that the duties of elected office will not interfere with the employee's ability to carry out the duties of the employee's position with the College and that if those duties do interfere, as determined by the President or Board of Trustees, the employee will request leave.

Any employee who is elected or appointed to a full-time office or the General Assembly shall take a leave of absence, without pay, upon assuming that office. The Board of Trustees shall determine the length of the leave of absence.

**B. COLLEGE PRESIDENT**

If the President decides to run for public office, s/he shall notify the Board of Trustees, prior to filing for that office, of his intention to run and certify, in writing,

that no campaigning or political activities will be engaged in during regular work hours and that the College will not be involved in the President's political activities.

If the President wishes to participate in any political activity during the normal workday, he must take leave in accordance with College policy. If the President is elected or appointed to a part-time public office, he shall certify, in writing, to the Board of Trustees that the duties of the elected public office will not interfere with his ability to carry out the duties of the College presidency and that if those duties do interfere, as determined by the Board of Trustees, he will request leave.

If the President is elected or appointed to a full-time public office or to the General Assembly, s/he shall take a leave of absence, without pay, upon assuming that office. The Board of Trustees shall determine the length of the leave of absence.

The President is prohibited from soliciting support for election to public office during regular work hours. The President is also prohibited from soliciting support on College property unless otherwise authorized by the Board of Trustees. The authorization shall be determined on a case-by-case basis. The Board of Trustees shall notify the State Board of Community Colleges if the President becomes a candidate for public office or if the President is elected or appointed to a public office.

**C. DEFINITIONS**

Public office means any national, state or local governmental position of public trust and responsibility, whether elective or appointive, which is created or prescribed or recognized by constitution, statute or ordinance. Membership in the General Assembly is a full-time public office under this Policy.

Adopted: June 12, 2019

Legal Reference: 1C SBCCC 200.99



Students, staff, faculty and visitors are legally prohibited from carrying a weapon onto campus unless a legal exception applies. For purposes of this policy, a "weapon" includes firearms, explosives, BB guns, stun guns, air rifles or pistols and certain types of knives or other sharp instruments (see N.C.G.S. § 14-269.2).

The prohibition does not apply if the weapon is on campus pursuant to one of the reasons listed in N.C.G.S. § 14-269.2(g). It is the individual's responsibility to know and understand the law prior to bringing any weapon onto campus. Failure to follow the law, regardless of the person's intent, will result in appropriate disciplinary action and a referral to local law enforcement.

It is permissible for an individual to bring a handgun onto campus under the following limited circumstances:

- A. The firearm is a handgun; AND
- B. The individual has a valid concealed handgun permit (or is exempt from the law requiring a permit); AND
- C. The handgun remains in either: a closed compartment or container within the locked vehicle of the permit holder; or a locked container securely affixed to the locked vehicle of the permit holder; AND
- D. The vehicle is unlocked only when the permit holder is entering or exiting the vehicle; AND
- E. The handgun remains in the closed compartment or container at all times except for a reasonable amount of time for the person to transfer the handgun from the closed compartment or container to his person or from his person to the closed compartment or container.

Firearms (and other weapons prohibited on campus) may not be stored or transported in College-owned or rented vehicles unless they are in a locked case.

Adopted: June 12, 2019

Legal Reference: N.C. Session Law 2013-369; N.C.G.S. 14-269

The illegal use of controlled substances, substances that cause impairment, and abuse of alcohol are harmful to the health, well-being and safety of the College's employees and students. Employees and students who illegally use controlled substances, substances that cause impairment, or who abuse alcohol are less productive, less reliable and prone to greater absenteeism resulting in unnecessary costs, delays, academic failure and safety risks. The College is committed to maintaining a safe workplace and an educational environment free from the influence of illegal controlled substances, substances that cause impairment, and alcohol.

## **I. PROHIBITED BEHAVIOR**

All College employees and students are prohibited from unlawfully possessing, using, being under the influence of, manufacturing, dispensing, selling or distributing alcohol, illegal or unauthorized controlled substances or drug paraphernalia. Using or being under the influence of substances that cause impairment is prohibited for all employees and students.

This Policy does not apply to the use of alcohol in instructional situations (e.g., cooking classes, laboratory experiments) or in conjunction with events which meet the requirements of all state laws. This Policy does not apply to the proper use of lawfully prescribed controlled substances by a licensed health-care provider to the student or employee who is prescribed the controlled substance and using it in the manner in which the healthcare provider prescribed it.

## **II. DEFINITIONS**

For purposes of this Policy, the following definitions shall apply:

- A. *Alcohol* means any beverage containing at least one-half of one percent (0.5%) alcohol by volume, including malt beverages, unfortified wine, fortified wine, spirituous liquor and mixed beverages.
- B. *Controlled Substance* means any substance listed in 21 CFR Part 1308 and other federal regulations, as well as those listed in Article V, Chapter 90 of the North Carolina General Statutes. Generally, the term means any drug which has a high potential for abuse and includes, but is not limited to heroin, marijuana, cocaine, PCP, GHB, methamphetamines, and crack. This term also includes any drugs that are illegal under federal, state or local laws and legal drugs that have been obtained illegally or without a prescription by a licensed healthcare provider or are not intended for human consumption.
- C. *Substance* means any substance taken that may cause impairment, including but not limited to bath salts, inhalants, or synthetic herbs.

- D. *Conviction* means the entry in a court of law or military tribunal of: (1) a plea of guilty, nolo contendere, no contest or the equivalent; (2) a verdict of guilty; or (3) a prayer for judgment continued or a deferred prosecution.
- E. *Reasonable Suspicion* is the legal standard required before the College can require an employee to take a drug or alcohol test. Some of the factors that constitute reasonable suspicion are: a) direct observation of drug use or possession; b) direct observation of the physical symptoms of being under the influence of drugs; c) impairment of motor functions; d) pattern of abnormal or erratic conduct or behavior; or e) reports from reliable sources or credible sources (anonymous tips may only be considered if they can be independently corroborated).

### **III. DUTY TO REPORT**

Pursuant to Procedures 3.3.3.1 – Arrests and Convictions, all employees who are arrested, indicted, cited or convicted for a criminal offense are required to inform, in writing, his/her supervisor. This includes being arrested or receiving a citation for a violation of any federal or state controlled substance or alcohol statute. If an employee’s arrest, conviction or citation has an effect on the employee’s ability to perform his/her job duties or brings negative attention to the College, the employee may be subject to disciplinary action in accordance with this Policy.

Convictions of employees working under federal grants that are convicted of violating a federal or state controlled substance or alcohol statute on the College’s property, or as part of any activity initiated by the College, shall be reported to the appropriate federal agency. A College official must notify the U.S. government agency, which made the grant, within ten (10) days after receiving notice from the employee or otherwise receives actual notice of a conviction of a controlled substance or alcohol statute occurring in the workplace.

Students employed under the College Work Study Program are considered to be employees of the College if the work is performed for the College in which the student is enrolled. For work performed for a federal, state, local public agency, a private nonprofit or a private for-profit agency, students are considered to be employees of the College unless the agreement between the College and the organization specifies that the organization is considered to be the employer.

### **IV. CONSEQUENCES FOR VIOLATIONS**

Violation of this Policy will subject students and employees to disciplinary action including, but not limited to: suspension, expulsion, non-renewal or termination of employment or the requirement that the student or employee satisfactorily participate in a drug or alcohol abuse assistance or rehabilitation program at the student or employee’s expense and approved by the College and agree to certain conditions.

Article V of Chapter 90 of the North Carolina General Statutes makes it a crime to possess, manufacture, sell or deliver or possess with intent to sell or deliver a controlled substance. N.C.G.S. § 90-95. As citizens, all members of the College community are expected to

know and comply with these laws. Legal matters may be referred to local law enforcement. Employees and students who are in violation of alcohol and drug laws may suffer legal consequences ranging from fines up to incarceration. Furthermore, any substance taken that may cause impairment, including but not limited to bath salts, inhalants, or synthetic herbs, is also considered a violation of the drug and alcohol Policy.

## **V. CONTROLLED SUBSTANCES AND ALCOHOL TESTING**

Upon a conditional offer of employment, new employees may be required to be tested for substances, including controlled substances or alcohol.

Employees may be required to be tested for substances, including controlled substances or alcohol, based on individualized, reasonable suspicion. The required observations for reasonable suspicion testing shall be made by an administrator, supervisor or other trained official and the person who makes the determination that reasonable suspicion exists shall not be the same person who conducts the test. This section does not apply to law enforcement officers serving the College through the local sheriff's department. Law enforcement officers must adhere to their normal standards when conducting a search.

All substances, including controlled substances and alcohol testing, shall be administered by a non-College, third party laboratory chosen by the President. The testing shall be performed at the laboratory. A representative from Human Resources and the employee's immediate supervisor will accompany the employee to the testing site utilizing a College vehicle (if available). The chosen laboratory shall use standard testing protocols that will maintain the confidentiality of the employee and student. All tests shall be reviewed by a medical review officer not affiliated with the College. Employees will have the opportunity to provide any information to the medical center which the employee considers relevant to the test, including identification of currently or recently used prescription or non-prescription drugs. The College shall pay for the initial test. If the employee wishes to dispute the results with a subsequent re-test, the employee shall be responsible for the cost of the re-test.

Pending the results of the testing, (if not instant), the employer can suspend the employee on leave with pay. The College must give the employee written notice of positive results and notice of the right to a re-test (at the employee's expense) pursuant to G.S. 95-232(f). If the results are positive, the supervisor may recommend disciplinary action pursuant to Policy 4.3.4.

## **VI. POST-ACCIDENT TESTING**

In the event of a work-related injury, if the supervisor has reason to suspect that impairment is involved in the accident s/he should report the incident to a representative from the Human Resources Department and the employee may be tested as set forth above.

**VII. DISSEMINATION TO COLLEGE COMMUNITY**

This Policy shall be maintained on the College's website and a copy of this policy will be maintained in the College's Human Resources Office and Student Services Office.

The College shall comply with the Department of Education's requirements as they apply to students by:

- A. Preparing the College's Drug and Alcohol Prevention Program ("DAAPP") for annual distribution to all currently enrolled students; and
- B. Incorporating information about the College's DAAPP and this Policy in new student orientation.

**VIII. POLICY REVIEW**

The College Administration will review this Policy annually.

Adopted: June 12, 2019

Legal Reference: 21 CFR Part 1308; 34 CFR 86; N.C.G.S. 90-86

**I. COMMUNICABLE DISEASE**

The College shall not exclude individuals with communicable diseases unless a determination is made that the individual presents a health risk to himself/herself or others. The College shall consider the educational or employment status of those with a communicable disease on an individual basis. Communicable diseases as defined in this Policy include, but are not limited to, acquired immunodeficiency syndrome (AIDS), chicken pox, hepatitis, measles, tuberculosis, meningitis, mononucleosis and whooping cough, and for purposes of this Policy only, those communicable diseases which constitute a disability pursuant to the Americans with Disabilities Act.

**A. Procedure**

1. All information and records that identify a person as having a communicable disease shall be strictly confidential.
2. Disclosure of medical information shall be made by the President only to those on a need-to-know basis to protect the welfare of persons infected with a communicable disease or the welfare of other members of the College community.
3. Unauthorized disclosure of medical information by an employee of the College is prohibited. Violation of this prohibition may result in the suspension from or termination of employment.
4. A person who knows or has a reasonable basis for believing that s/he is infected with a communicable disease is expected to seek expert advice about his/her health circumstances and is obligated ethically and legally to conduct himself/herself responsibly toward other members of the College community.
5. Faculty and staff of the College and employees of contractors or contracted services who are infected with a communicable disease are urged to notify the appropriate Dean/Director so that the College can respond appropriately to his/her health needs. Students are urged to share information with the appropriate Dean/Director for the same reason.
6. A person infected with a communicable disease (including the AIDS virus whether active AIDS, AIDS-Related Complex, or undetectable viral load) will not be excluded from enrollment or employment or restricted in his/her access to the College's services or facilities unless, in individual cases, the College administration determines that exclusion or other restrictions are necessary for the health and welfare of others at the College.

7. Included in making decisions in individual cases which restrict access to employment shall be the College President, Legal Counsel for the College, the Deans/Directors, the individual's personal physician, the local Health Director (or designee) and if necessary, another physician with expertise in managing communicable disease cases.
8. The College shall provide information regarding communicable diseases, especially AIDS.
9. Should influenza reach a pandemic stage, the President shall regularly monitor the situation by communicating with local and state health officials and by reviewing media sources. Should influenza reach a pandemic level in a county contiguous to the College's Service Area, the President will provide information to students and employees on preventing the spread of the pandemic flu. Should influenza reach a pandemic level within the service area the President, after consulting with local health officials, may close the College temporarily if s/he feels it is in the best interest of the College and community. Persons who are infected with the pandemic flu, or know of someone in the College community who is, should contact college officials immediately. Students should contact the Dean of Student Services and employees should contact the Human Resources Office.

## **II. OCCUPATIONAL EXPOSURE TO BLOODBORNE PATHOGENS**

The College shall comply with federal regulations and state statutes regarding bloodborne pathogens as set forth in the Federal Register, 29 CFR §1910.1030, and the North Carolina Administrative Code, 10A NCAC 41A, by attempting to limit/prevent occupational exposure of employees to blood or other potentially infectious bodily fluids and materials that may transmit bloodborne pathogens and lead to disease or death.

### **A. Reasonably Anticipated Occupational Exposure**

An employee who could "reasonably anticipate" as a result of performing required job duties, to face contact with blood, bodily fluids or other potentially infectious materials is covered by the OSHA Bloodborne Pathogens Standard, the North Carolina Administrative Code, and this Policy. "Occupational Exposure" includes any reasonably anticipated skin, eye, mucous membrane or parenteral (brought into the body through some way other than the digestive tract) contact with blood or other potentially infectious materials that may result from the performance of an employee's duties. "Good Samaritan" acts, such as assisting a co-worker or student with a nosebleed would not be considered "reasonably anticipated occupational exposure."

### **B. Universal Precautions**

Universal precautions will be in force at all times. All blood, body fluid and other potentially infectious material will be handled as if infected. The program

standards for the control of potential exposure to HIV and HBV as outlined in the OSHA Rule "Occupational Exposure to Bloodborne Pathogens" Standard 1910.1030, the NC Administrative Codes, or the most current standards available will be followed.

**C. Testing**

An employee who suspects that s/he has a blood or body fluid exposure may request to be tested, at the College's expense, provided that the suspected exposure poses a significant risk of transmission as defined in the rules of the Commission for Health Services. The HIV and HBV testing of a person who is the source of an exposure that poses a significant risk of transmission will be conducted in accordance with 10A NC Administrative Code 41A .0202 (4) (HIV) and 41A .0203(b)(3) (HBV). The College will strictly adhere to existing confidentiality rules and laws regarding employees with communicable diseases, including HIV or HIV-associated conditions.

**D. Exposure Control Compliance**

The College shall comply with OSHA Regulation 29 CFR 1910.1030 and promote a healthy and safe environment for both employees and students. The College proposes to do this through minimizing the risk of transmission of infectious diseases that are blood or body fluid borne. To achieve compliance with OSHA Regulation 29 CFR 1910.1030, the College will maintain an Exposure Control Plan covering the following areas:

1. Procedures,
2. Protective equipment,
3. Hepatitis vaccinations,
4. Post-exposure and follow-up care, and
5. Training.

A copy of the Exposure Control Plan is available in the office of Administrative Services.

Adopted: June 12, 2019

Legal Reference: 29 CFR §1910.1030; 10A NCAC 41A; 10A NC Administrative Code 41A .0202 (4) (HIV) and 41A .0203(b)(3) (HBV)



The College recognizes the necessity for freedom in legitimate academic decisions that foster an environment where faculty and students can freely inquire, study and evaluate in order to gain greater understanding. To that end, the College endeavors to give faculty members the freedom to conduct individual academic affairs in accordance with each person's best judgment.

- A. Faculty members will conduct themselves within the boundaries of the law as established by the North Carolina General Statutes and the State Board Code of Community Colleges.
- B. Faculty members shall use their best judgment as to appropriate material in developing and implementing course material. Faculty members shall refrain from introducing controversial materials and subject matters that have no bearing or academic relationship to that particular class or subject matter. Faculty members shall encourage students to do likewise.
- C. In the academic setting, faculty members shall refrain from insisting upon the adoption of any particular point of view as authoritative in controversial issues. Engaging in personal attacks during any discussion should be avoided by faculty members and students.
- D. Faculty members shall use their best judgment in conducting classes and in interactions with other members of the College community.
- E. Faculty members shall keep abreast of the main academic trends and themes in their respective fields and incorporate these into their scholarship and teaching.
- F. Faculty members shall organize their subject matter and present it in ways that present the optimum value for their students, subject to reasonable guidelines reflected in College, departmental and faculty policies and procedures. Faculty members shall also require an amount and quality of work from their students which, under the College's standards, justify the course.

Any questions or issues concerning the parameters of academic freedom at this College should be addressed to the appropriate Vice President. In the event the faculty member cannot reach an informal resolution, s/he may file a grievance pursuant to Policy 3.3.8 – Grievance.

This Policy is not intended to limit the rights of faculty or students in discussing any matter outside of the academic setting. However, no College employee or student shall purport to speak on behalf of the College unless specifically authorized to do so by an authorized College official.

Adopted: June 12, 2019

**I. SECONDARY EMPLOYMENT**

Full-time College employees' primary professional obligation is to the College. Full-time employees who engage in secondary employment have the responsibility to ensure that any such employment does not interfere with their work at the College as outlined in the employee's position description and the College's policies and procedures. The employee shall not utilize College time, facilities, supplies or equipment in relation to any secondary employment.

Annually, each full-time employee will be required to fill out a secondary employment form providing a written notice of intent for secondary employment to the President or President's designee. The notice shall contain, at a minimum: 1) the name and contact information of the prospective secondary employer; 2) the proposed job duties; and 3) the estimated hours per week devoted to the secondary employment. The President or designee shall approve or disapprove of any secondary employment and his/her decision is final.

Throughout the year, if an employee wishes to engage in secondary employment and has not previously informed the President or President's designee, he/she shall fill out a secondary employment form prior to beginning work.

The Board of Trustees shall approve or disapprove any secondary employment of the President.

**II. OUTSIDE COMPENSATION**

College employees are encouraged to provide leadership and professional expertise to various constituencies or organizations whether locally, regionally or nationally who may request their services as a result of their College employment provided that the outside activity does not interfere or compete with their full-time duties at the College. A College employee must receive the approval of his/her immediate supervisor prior to committing to any outside activity which occurs during the normal workday. College employees may accept outside compensation for services rendered during annual leave, holidays, semester breaks or other such times when classes are not in session or if the services provided take place outside the scheduled or the normal workday. Outside compensation does not include nominal honorariums that staff or faculty members receive as a representative of the College for services provided for workshops, seminars, SACS visits or state or regional committee involvement. Exceptions to this section of the Policy must be approved by the President.

Adopted: June 12, 2019

## I. OVERVIEW

In accordance with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and other applicable federal and state law, the College may be required to accommodate an otherwise qualified individual with a disability by making a reasonable modification in its services, programs or activities. This Policy addresses the use of Service Animals and other animals on campus.

## II. DEFINITIONS

- A. **Emotional Support Animal** – an animal selected or prescribed to an individual with a disability by a healthcare or mental health professional to play a significant part in a person's treatment process (e.g., in alleviating the symptoms of that individual's disability). An emotional support animal does not assist a person with a disability with activities of daily living and does not accompany a person with a disability at all times. An emotional support animal is not a "Service Animal".
- B. **Service Animal** – an animal that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a Service Animal must be directly related to the handler's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. Service Animals may or may not have been licensed by a state or local government or a private agency. Service Animals are limited to service dogs and, in some cases, miniature horses.
- C. **Pets** – any animal that is not an Emotional Support Animal or a Service Animal.

## III. ANIMALS ON CAMPUS

Pets are not permitted on campus and may not be left in vehicles on College property. There are occasions when a student or employee may need to bring an animal onto campus for the purpose of meeting an educational objective. Such requests should be made to the appropriate academic Dean prior to the animal being allowed onto campus. Subject to the rules set forth in section IV and V below, Emotional Support and Service Animals are permitted in any area of campus where employees or students are permitted, with a few exceptions for health and safety reasons (i.e., areas that must adhere to certain required

sanitation rules (campus culinary and health sciences programs and third-party clinical partners)).

#### **IV. PROCEDURES REGARDING SERVICE/EMOTIONAL SUPPORT ANIMALS**

##### **A. Responsibilities of the Service/Emotional Support Animal Owner/Handler**

###### **1. Registration**

###### **a. Service Animals**

Students and employees are not required to register Service Animals. However, they are strongly encouraged to notify the Disability Services Office (students) or the Office of Human Resources (employees) if they intend to use a Service Animal on campus so that appropriate College officials are aware of the animal's presence and to assist with the Service Animal's access to areas within the College's campus. Logistical or physical accommodations within campus buildings or classrooms may be necessary to ensure that a Service Animal has the space necessary to assist its handler. In addition, there are other disability related academic accommodations a student handler may be eligible to request to ensure full access to the learning experience. Visitors with Services Animals are not required to register their animals.

###### **b. Emotional Support Animals**

After the College has made a determination that an Emotional Support Animal is allowed on campus (see Section B.2), the student or employee must register the animal with the Disability Services Office (students) or the Office of Human Resources (employees).

###### **2. Care and Supervision**

a. The care and supervision of a Service/Emotional Support Animal is the responsibility of the animal's owner and/or handler. The handler must ensure the animal is in good health and has been inoculated and licensed in accordance with local regulations with the burden of proving licensure and inoculation on the person with a disability. Dogs must wear a rabies tag at all times.

b. The Service/Emotional Support Animal must be under the control of the handler at all times and may not be left alone. A Service/Emotional Animal must be restrained by a leash that does not exceed six (6) feet in length or other appropriate device dependent on the animal (i.e., carriers or cages). In situations where a leash or other appropriate device interferes with a Service Animals

ability to perform its task or service, the Service Animal must remain under the control of the handler at all times.

- c. The owner and handler of the Service/Emotional Support Animal is responsible for any damage of personal or college property or any injuries to an individual caused by the Service/Emotional Support Animal.
- d. The handler must ensure the animal is “housebroken” and trained. The handler must clean up and remove all animal waste created by the animal both inside campus buildings and outdoor campus property.
- e. The Service/Emotional Support Animal may not disrupt the operation of the College or any class. Disruptions include but are not limited to: barking, growling, pacing/constant motion, foul odor, pawing and or sniffing of others. It is the assumption of the College that all Service/Emotional Support Animals on campus are “working” animals and therefore, should not be treated as a pet. There should be no petting by others and no handling by others.

**B. Responsibilities of the College Community**

1. Service Animals

If the need for a Service Animal is obvious, College officials may not question the presence of the animal on campus. If the need for a Service Animal is not obvious, College officials are permitted to ask the handler two questions:

- a. Is the animal required because of a disability?
- b. What work or task(s) has the animal been individually trained to perform?

At no time may a College official require a Service Animal to demonstrate the tasks for which they have been trained nor may they inquire as to the nature of the individual’s disability.

If another person on campus has a covered disability under the ADA and it includes an allergic reaction to animals and that person has contact with a Service Animal, a request for accommodation should be made by the individual to the Director of Human Resources (if an employee) or the Disability Services Office (if a student). All facts surrounding the concern will be considered in an effort to resolve the concern and provide reasonable accommodation for both individuals.

2. Emotional Support Animals

The determination of whether a student or employee with a disability is allowed to have an Emotional Support Animal on campus shall be made on a case-by-case basis. Students and employees may request, as a reasonable accommodation for a disability, the need to have an Emotional Support Animal on campus. The College is not required to grant reasonable accommodations that would result in a fundamental alteration of a program, create an unsafe environment or would constitute an undue burden. Any requests for a reasonable accommodation for an Emotional Support Animal shall be directed to the Disability Service Office (students) or the Office of Human Resources (employees).

In determining request for accommodations for an Emotional Support Animal, the consideration is: 1) does the person have a disability (i.e., a physical or mental impairment that substantially limits one or more major life activities); 2) does the Emotional Support Animal perform tasks or services for the benefit of the person or provide emotional support that alleviates one of more of the identified symptoms for effects of the person's existing disability; and 3) is the request an undue burden on the College, does the request create an unsafe environment, or does it fundamentally alter a College program.

**C. Removal of Service/Emotional Support Animals**

The College has the authority to remove a Service/Emotional Support Animal from its facilities or properties if the Service/Emotional Support Animal becomes unruly or disruptive, unclean and/or unhealthy, and to the extent that the animal's behavior or condition poses a direct threat to the health or safety of others or otherwise causes a fundamental alteration in the College's services, programs, or activities. All cases for removal shall be decided on a case-by-case basis based on that specific situation. In appropriate situations, the College will use a progressive model beginning with a warning for a first offense and removal (either temporarily or permanently) for additional offenses. However, dependent on the severity of the situation, the first offense could result in a temporary or permanent removal.

It is a Class 3 misdemeanor "to disguise an animal as a service animal or service animal in training". N.C.G.S. § 168-4.5. In other words, it is a crime under North Carolina law to attempt to obtain access for an animal under the false pretense that it is a Service Animal.

Additionally, any employee or student who violates any portion of this procedure is subject to disciplinary action.

Legal Citations: The Americans with Disabilities Act of 1990 As Amended; Section 504 of the Rehabilitation Act of 1973

Adopted: June 12, 2019

**MONTGOMERY HUMAN RESOURCES POLICY**  
**COMMUNITY COLLEGE CLUBS AND CIVIC ORGANIZATIONS 3.4.9**

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The College encourage employees to participate in the activities of certain community clubs and civic organizations.

1. Employees are encouraged to seek membership in community clubs and civic organizations where membership will promote the College's business interests and enhance its image in the community. Employees who participate in clubs or civic organizations may not allow their activities to interfere with job performance, harm or conflict with the College's interests.
2. The College may identify certain community organizations in which it wants to be represented and then designate employees to be sponsored for membership in them. Employees who are designated for membership act as College representatives in the organization and are expected to promote College interests.
3. Employee participation in club and civic organization activities is not considered hours worked for pay purposes unless it is at the College's request or under its direction and control.
4. The College will normally consider the following factors when selecting organizations for membership:
  - a. The nature and purpose of the club or organization;
  - b. The potential benefit to the College, including the enhancement of the employee's leadership and organizational skills;
  - c. The cost to the College;
  - d. The extent to which the College is already represented in the club or organization; and
  - e. The employee's job responsibilities, length of service, and overall qualifications for membership.
5. The College will periodically review its representation in community organizations and make changes it considers appropriate.
6. Employees who are sponsored for membership in community clubs and civic organizations may be eligible for reimbursement for certain expenses. Reimbursable expenses may include but are not limited to dues; special charges; initiation fees; and business-related activities, fees, and meal and entertainment expenses.

7. Employees who are not designated and sponsored for membership in community clubs and/or civic organizations are responsible for their own expenses.
8. Employees must agree to pay back any membership fees or equity interests paid or reimbursed by the College that might be refunded should membership in the club or organization be terminated.

Adopted: June 12, 2019



The College supports the physical health and well-being of its employees. Full-time employees may use up to thirty (30) minutes of each working day to participate in wellness activities on campus as approved by their supervisor. Activities may include walking for fitness, participation in exercise class, and use of the campus weight room.

Use of the weight room located in Building 500 will be limited to full-time and permanent part-time College employees, Basic Law Enforcement Training (BLET) instructors and students, and students enrolled in curriculum or continuing education courses of which physical education is a required component.

BLET students may utilize the facility during classroom instruction related to physical training and at other times as deemed appropriate by the BLET Director.

Students enrolled in curriculum or continuing education courses, other than BLET, must be under the direct supervision of a certified instructor.

Employees may utilize the facility at times when it is not being used for instructional purposes. A signed risk and release form must be on file in the personnel office prior to any employee using the facility.

No equipment shall be removed from the facility without permission of the BLET Director.

Adopted: June 12, 2019

Employees of Montgomery Community College will maintain professional dress and grooming at all times. Guidelines for professional dress and grooming are outlined in the Dress Code Procedure. Questions regarding dress and grooming should be directed to the Director of Human Resources.

Adopted: February 10, 2016

As employees of a public higher education institution faculty and staff at Montgomery Community College shall maintain as appropriate appearance and professional image to students, general public, corporate supporters and other users of our services and facilities.

Professional appearance, dress, and good hygiene are expected of all faculty & staff at all times, along with the sensible use of perfumes, colognes, or other products that may affect others in close proximity. Hair should be clean, combed, and neatly trimmed or arranged.

What constitutes appropriate dress will vary according to specific job and occasion. Staff whose regular duties entail heavy work or exposure risk should dress as their supervisor or safety standards demand.

The descriptions below are intended to provide general guidelines for faculty and staff. If an employee is unsure of acceptable norms for his/her specific position, he/she should seek guidance from his/her immediate supervisor.

- **Business/Field casual** is acceptable for most occasions for office and faculty personnel. (Examples: field specific uniforms; cotton blend trousers and collared shirt for men; slacks/dress/skirt and blouse/sweater for women).
- **Business attire** presents an appropriate professional image when meeting with external constituents while representing the College. (Examples: suit and tie for men; dress or pantsuit for women).
- **Unacceptable attire** includes, but is not limited to: clothing that is torn, ripped, frayed, wrinkled, or unclean; clothing containing obscene, profane, discriminatory, provocative, or inflammatory words or images; exposed undergarments, t-shirts with slogans; denim clothing; sweatpants, sweatshirts, leggings and or stirrups, workout attire (including tennis shoes); cutoffs; beach attire; flip-flops; halter or tank tops; dresses, skirts, or shorts that are excessively short (2 inches or more above the knee); sheer clothing that otherwise is revealing, distracting, or provocative.

Exceptions to the dress code may be granted by the President for special events, on pre-determined occasions, or other situations where casual attire is appropriate.

Update February, 2016

The College's faculty, in partnership with the administration and consistent with the College's mission, ensure the overall effectiveness of the educational programs. Additionally, faculty are involved in the College's decision-making processes in the following ways:

1. Have primary responsibility for the content, quality, integrity and effectiveness of the curriculum.
2. Participate in program/division level decisions and activities.
3. Participate in College committees based on the President or designee's appointment.
4. Participate in governance bodies, as established, which are designed to provide broad based participation in the College's planning process, educational issues and other related issues.
5. Faculty are generally responsible for ensuring the achievement of appropriate student learning and academic program outcomes. As a result, faculty leaders are responsible for developing initial recommendations concerning changes to existing academic programs. Additionally, faculty shall be given the opportunity to be actively engaged in the study and creation of all new academic programs.

Adopted: September 9, 2019

The College is authorized to provide the following academic programs:

- A. Curriculum Programs. Curriculum Programs are organized sequences of courses leading to an associate degree, a diploma or a certificate. All Curriculum Programs are designed to provide education, training, or retraining for the work force.
- B. Continuing Education Programs. Continuing Education Programs provide education and training opportunities. Courses are non-credit, short-term, and are offered in a variety of instructional delivery modes and locations. Included within continuing education programs are:
  - 1. Occupational Extension Courses. Occupational Extension Courses consist of single courses for the specific purposes of training an individual for full or part-time employment, upgrading the skills of persons presently employed and retraining others for new employment in occupational fields.
  - 2. Community Service. Community Service Courses consist of single courses that focus on an individual's personal or leisure needs rather than occupational or professional employment.
  - 3. Self-Supporting Programs. Self-Supporting Programs are specific courses of interest requested by the community or which serve a special need for the community and College.
  - 4. Basic Skills Programs. Basic Skills Programs provide courses for students seeking a high school diploma equivalency, general education development, or other specific types of education services including adult basic education, English as a second language and compensatory education.
  - 5. Customized Training Programs. Customized Training Programs address company-specific training customized for job growth, technology investment or productivity enhancement.
  - 6. Human Resources Development Programs. Human Resources Development Programs provide skill assessment services, employability skills training and career counseling to unemployed and underemployed adults.
  - 7. Learning Laboratory Programs. Learning Laboratory Programs consist of self-instruction using programmed texts, audio visual equipment and other self-instructional materials.

8. The Small Business Center Program provides training, counseling and referral services especially designed in context and delivery modes for existing and prospective small businesses.

Adopted: September 9, 2019

Legal Citation: 1D SBCCC 200.3

The College has developed an Accountability and Integrity Plan for Workforce Continuing Education (the “Plan”). The Plan reviews the programs provided to ensure that occupational training is relevant to the workforce, responsive to training needs and is responsible for state funds.

The Plan is monitored and reviewed at least once per year and as needed by the Continuing Education Accountability and Integrity Team. Results of the annual review will be shared with the Board at the January Board Meeting. The Board will review and approve the Plan every three (3) years or sooner if revisions are made to the currently approved Plan. The Continuing Education Division will share class visitation reports with the Board each semester (Fall, Spring and Summer).

**I. On-Site Visits to Each Class**

- A. The instructor’s supervisor, or a designated representative as approved in writing by the senior continuing education administrator, will make at least one visit each semester to fifty (50) percent of all off-campus and distance education (defined in C below) continuing education classes (excluding self-supported and community service classes) and will maintain written documentation for such visits. These visits will be unannounced.
  - 1. Classes which meet twelve (12) hours or less may be excluded from a visit by a college representative.
  - 2. Twenty-five (25) percent of the on-campus classes require visitation and documentation as noted above.
- B. The senior continuing education administrator or his/her designee will visit a ten percent (10%) sample of randomly selected off-campus continuing education classes each semester with no pre-notification of these visits and will maintain written documentation of each visit. The designee must be approved in writing by the College President. The registration period will not count as an official visit.
- C. An off-campus class is defined as any class not to be held in college owned or leased property or held in a center which is not under the supervision of a resident supervisor or director who is on-site during the entire period the instruction is taking place. A distance education class is defined as a class that is offered through distance education technology (including information highway, Internet, and telecourses) and which does not physically meet on campus for at least half of the time scheduled. For Internet courses for which it is not possible to physically visit the class, visitation should be conducted electronically, using a system that allows the instructor’s supervisor and senior continuing education officers to log on and check the activity in the class. System Office Program Auditors must also have

access to this system so that they may do unannounced class visits for these classes as well.

- D. For those classes identified as distance education or nontraditional delivery, student attendance in class or in an orientation session, or the submission of a written assignment, examination, or project is the basis for determination of class membership at the ten percent (10%) point of the class.

## **II. Student Membership Verification**

- A. Each individual student upon enrollment in any continuing education class will sign the class registration form, roster receipt form or attendance sheet. Any registration or roster receipt forms that, by necessity, have the participants listed by the instructor must include the student's mark (X) and be counter-signed by the instructor. Continuing Education office personnel will review these forms and check on any problem or questionable situations.
- B. In situations where the class does not meet physically (such as Internet or other distance education courses), one of the following two criteria is required for student membership verification:
  - 1. Evidence of payment of the applicable registration fee by the student. This evidence must link a specific student's payment to the specific class paid for.
  - 2. In cases where no registration fee is paid electronic certification by the student, such as an electronic signature on an email, will be required for student membership verification in the course.

## **III. Instructor Verification**

- A. A random selection of continuing education instructors being paid during a designated month each semester (the month will be designated at random by the Business Office) will come to the Business Office and personally sign for and receive their checks. Exception: Any instructor whose home is fifty (50) or more miles from the main campus may be verified by visual check by the Business Office when filling out initial contracts and other business office paperwork.
- B. In instances when the above verification process is not practical, the Business Office will telephone the instructor to verify his/her teaching the course, correctness of address and correctness of social security number.
- C. Documentation is kept on file in the Business Office.



#### **IV. Institutional Approval Processes for Conducting a Continuing Education Class**

- A. The senior continuing education administrator shall be responsible for approving the establishment/offering of all continuing education classes. No class may start without prior approval.
- B. All classes will be evaluated by the senior continuing education administrator or his/her designee to ensure that they contain educational objectives consistent with the role and mission of the North Carolina Community College System and the College.
- C. The President may further document the validity of continuing education classes. No class may operate without the approval of the President indicated on individual contracts signed by the President or his/her designee.

#### **V. Institutional Responsibility for Accuracy in Reporting Practices in Continuing Education Programs**

- A. The senior continuing education administrator will report each semester/session's internal audit results to the Vice President of Instruction during the subsequent semester/session. The Vice President will make internal checks to determine that all classes being offered are legitimate educational experiences and the internal audit procedures are being followed. The Vice President will report this information to the College President and Board.
- B. An up-to-date master schedule, including days, times, and locations, will be maintained for all continuing education classes. Directions to all off-campus classes will be on file in the Continuing Education office.
- C. The President shall report to the Board the results of each audit report submitted by the state program auditor.

Adopted: September 9, 2019

Legal Citation: 1D SBCCC 300.4(a)(1)-(4)

The College recognizes that some courses requested by the community, or which serve a special need, are not supported by state revenues and membership hours produced from the classes are not counted towards full-time equivalent calculations. When these circumstances exist, it may be necessary to offer certain classes on a self-supporting basis. Therefore, the College shall develop guidelines for appropriate self-supporting classes that meet the standards of the State Board of Community Colleges and the College's mission. Guidelines for the establishment and use of self-supporting fees are in Policy 6.1.3.

Adopted: September 9, 2019

Legal Citation: 1D SBCCC 200.3(2)(c)

The College shall provide customized training programs for companies experiencing job growth, productivity enhancement needs, or creating technology investment to support the community and State's economic development. The College shall administer the training program with consultation and assistance from the North Carolina Community College System Office Economic Development staff.

Before a business or industry becomes qualified to receive assistance under the customized training program, the President of the North Carolina Community College System shall determine that:

- A. The business is making an appreciable capital investment;
- B. The business is deploying new technology;
- C. The business or individual is creating jobs, expanding an existing workforce or enhancing the productivity and profitability of operations within the State; and
- D. The skills of the workers will be enhanced by the assistance.

Adopted: September 9, 2019

Legal Citation: N.C.G.S. § 115D-5.1; 1D SBCCC 500.98

The College shall monitor the quality and viability of all its programs and services. Each curriculum program, each program area within continuing education, including Basic Skills, occupational extension, and community service, and each service area shall be reviewed at least every five (5) years to determine program strengths and weaknesses and to identify areas for program improvement. The program review process shall be consistent with the requirements of the regional accrediting agency.

The College shall publish its data on all performance measures annually in its electronic catalog or on the internet and in its printed catalog each time the catalog is reprinted.

Legal Reference: 1B SBCCC 400.98  
Adopted: September 9, 2019

The President and/or his/her designee shall determine the courses and programs of instruction needed to meet the educational needs of the people in the College's service area and shall determine the effectiveness and efficiency of the programs and services in meeting these needs.

All new programs offered by the College must be approved by the Board of Trustees, the North Carolina Community College System Office, the State Board of Community Colleges and SACSCOC where appropriate. All approved programs and courses should be contained in the College's Catalog. Any programs' continued operation is dependent upon adequate state funds and sufficient enrollment in the program.

The President shall develop procedures for the implementation of this Policy.

Adopted: September 9, 2019

Having updated and relevant curriculum courses and programs is critically important to the success of both the College and its students. For any curriculum issues not otherwise mandated by the North Carolina State Board of Community Colleges (“State Board”) or by another controlling entity, as it becomes necessary to introduce new courses and programs, the following Procedures shall be followed.

- A. Instructional employees directly involved in teaching a particular class or within a particular program shall assist in the development of new curricula and in the review of anticipated changes to existing curricula.

Annual meetings shall be held in each academic division for recommending changes in the curricula within that academic division. Instructional employees directly involved with instruction in the curriculum are responsible for preparing written course descriptions and outlines for each new course offered as well as initial feasibility studies, and are encouraged to make requests to the Dean or designee for any new course or curriculum deemed useful to the College and its students.

- B. The Vice President for Instruction<sup>1</sup> (“Vice President”) shall act as the coordinator for curriculum development and shall work with Dean or designee in conducting further feasibility studies, consulting with industry and business representatives concerning course content and length, as well as other activities necessary to develop a curriculum application.
- C. After the Vice President has made an initial review, and after consultation with the Dean or designee, the Vice President may submit the request to the College’s Instruction and Student Services Committee, a group of College administrators and curriculum personnel appointed by the President. Upon review, the Committee shall present its recommendation to the Vice President. The Vice President shall determine if the requested change is substantive. If the requested change is minor (e.g., replacing a course in a program of study), the Vice President may make the necessary change. If the requested change is substantive, or if it involves a new program, the Vice President may present his/her recommendation to the President. Prior to making a recommendation to the President, the Vice President shall ensure that the State Board, all accreditation bodies, and the Board’s policies are followed in the development of a curriculum proposal including providing notice to other community colleges.
- D. The President and Vice President of Instruction shall examine the fiscal aspects of proposed curricula or changes in existing curricula and ascertain that the budgetary requirements are within the College’s fiscal capabilities. All new curricula must be approved by the President before it is submitted to the Board.

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<sup>1</sup> Or other appropriate administrator

- E. The Vice President shall present the request to the Board or a Board committee regarding the nature of the request, the results of the feasibility study and any other pertinent information requested. The full Board must formally approve the request prior to submission to the North Carolina Community College System Office (“System Office”).
- F. The College may officially offer the curriculum for credit after it has been approved by the State Board. The Vice President for Instruction is responsible for all reporting to the System Office and State Board and SACSCOC as required.
- G. The continued operation of any curriculum at the College is dependent upon adequate state funds and a sufficient enrollment to make it financially feasible to continue. The College reserves the right to discontinue any program if sufficient funds are not available. In addition, the College shall terminate a curriculum program when there has been no enrollment for (3) three years. The College may request a one-year extension of a curriculum program upon justification of the potential for employment opportunities and student enrollment. The Vice President shall present the extension request to the Board or a Board committee regarding program termination. The full Board must formally approve the extension request prior to submission to the System Office. If the College plans on terminating a curriculum program, the President or designee shall inform the System Office President by submitting a termination notice. The System Office President shall have the program removed from the College's program approval list.

Adopted: September 9, 2019

Legal Citation: 1D SBCCC 400.6

The College may enter into a written instructional service agreement with other community college within the North Carolina Community College System. The service agreement must be drawn in conformance with the State Board Code.

The Board hereby delegates to the President the authority to approve and sign Level I and II service agreements. The Board shall approve any Level III service agreements and they shall be signed by the Board Chair.

Notification of termination of an agreement shall be sent to the System Office prior to the effective termination date.

Adopted: September 9, 2019

Legal Citation: 1D SBCCC 400.7



The Vice President for Instruction<sup>1</sup> shall supervise the College's academic advisory system. Academic advisors are College employees who help students plan and complete their academic goals. Academic advisors shall assist students with course selection and requirements for the program of study.

Academic advisors can offer students opportunities to enhance their education by making them aware of the various resources available to them throughout the College community. Academic advisors play an important role in the educational progress of advisees, by continually monitoring and evaluating their progression, as well as helping them clarify their educational goals and values.

Academic advisors shall be familiar with the Board's policies and procedures as well as other academic issues including, but not limited to: grading, course pre-requisites and the College's academic program offerings.

Adopted: September 9, 2019

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<sup>1</sup> Or another appropriate administrator.

**I. Academic Terms**

The curriculum calendar year is divided into three academic terms:

- A. Spring Term: January 1 – May 15
- B. Summer Term: May 16 – August 14
- C. Fall Term: August 15 – December 31

**II. Beginning and End Date for Academic Terms**

The Board of Trustees (“Board”) shall approve the beginning and end date for each academic term within the timeframes set forth in Section I, unless an exception is granted by the System Office President. The System Office President may grant an exception if it does not result in an overlap with another academic term, the ten percent (10%) point of all course sections falls within the corresponding academic term reporting period, and the exception does not negatively impact the College’s ability to meet data reporting requirements.

The academic semester for credit courses shall be designed so that classes may be scheduled to include the number of instructional hours shown in the College catalog and the approved curriculum program of study compliance document, and reported for FTE purposes. Instructional hours include scheduled class, laboratory and clinical sessions. Length of semesters or courses may vary as long as credit and membership hours are assigned consistent with requirements contained in the State Board Code. If necessary to meet the needs of particular constituents (e.g., courses provided at high schools, military bases, prisons, or at the specific request of business), without an exception by the System President, the College may schedule curriculum course sections that fall outside the academic term beginning and end dates, as defined by the Board. If such course sections cross academic term reporting periods, FTE enrollment shall be reported consistent with the provisions of the State Board Code.

Date: September 9, 2019

Legal Citation: 1G SBCCC 100.1, 200.93; CC17-017

The College shall follow the requirements and provisions for calculating and reporting FTEs for curriculum, continuing education and other applicable classes/programs, as prescribed in the State Board Code.

Adopted: September 9, 2019

Legal Citation: SBCC, Title 1, Chapter G, Subchapter 100; [CC17-017](#).

The College will endeavor to offer programs that meet the needs of the local community. When possible, all courses will enroll numbers of students adequate to maintain overall fiscally sound program support. This statement does not imply that all classes will have break-even numbers but that the average of all occupational programs will be sufficient to maintain the College's prevailing fiscal stability. When the inability to maintain sound funding is caused by lack of enrollment, program adjustments will be made.

Adopted: September 9, 2019

College classes that are missed or not held for any reason, including inclement weather, natural disasters or other emergencies, should be rescheduled or the instruction should be made-up by some other alternative. Alternatives include: extra class sessions, extended class sessions, online session, individual conferences or others approved by the Vice President of Instruction.

The Vice President of Instruction may schedule make-up days whenever the College is closed beyond four (4) days/evenings due to inclement weather, natural disasters or other emergencies. Instructors will be responsible for making-up instruction by an approved alternative for the first four (4) days.

Instructors who miss class because of educational leave, College business, illness, or other personal emergencies shall make arrangements for class instruction with the Vice President of Instruction (or designee). Instruction should be made up by an approved alternative.

Instruction made-up by an approved alternative for reasons of inclement weather, natural disasters, or other emergencies, illness, personal emergency leave, or educational leave assignments, must be approved by the Vice President of Instruction (or designee) and documented on the instructors' Class Attendance Report to be turned in at the end of the term. Instruction should be made up at a time convenient to the majority of students. No punitive action may be taken against students who are unable to attend make up sessions for legitimate reasons. Students enrolled in dual-enrollment/innovative high school programs shall be excused from classes and offered appropriate alternative assignments when public schools are not in session.

All Continuing Education classes will be rescheduled and documented on the Class Attendance Report. Classes should be made up when convenient to the majority of students. There are no approved alternative methods to make up Continuing Education classes.

Adopted: September 9, 2019

The College acknowledges the ownership rights associated with intellectual property and requires students and employees to adhere to all applicable state and federal laws.

Intellectual property may be defined as any intellectual or creative works that can be copyrighted, trademarked or patented. Such works may include but are not limited to literary, musical, dramatic or artistic works, computer software, multimedia presentations, brand marks or inventions.

### **I. Works Made for Hire**

The College recognizes that the "works made for hire doctrine" applies to College employees. Under this doctrine and this policy, a work made for hire is defined as a work prepared by any employee within the scope of his or her employment. Other works created under the terms of an agreement between the College and a creator may also be deemed works made for hire under that agreement. Works made for hire include any materials that may receive protection under federal patent, copyright, or trademark law. The College retains its ownership of works made for hire and all rights incidental to that ownership except as stated below.

This policy does not include independent works by employees that were not created within the scope of employment and without College support.

### **II. Academic Exception for Copyrightable Works**

The College recognizes an academic exception to the works made for hire doctrine. Unless otherwise determined by the College prior to the creation of the Work, it is the College's policy that employees own and retain the copyright, and all rights incidental to that ownership, to works created for traditional academic purposes regardless of any use of College resources used in making the work.

This exception applies only to works that may be legally registered in the United States Copyright Office, including but not limited to, textbooks, scholarly monographs, trade publications, maps, charts, articles, novels, nonfiction works, supporting materials, artistic works, syllabi, lecture notes, educational software and multimedia. Employees, however, may not use College resources to commercialize or publish a work without written approval from College administration.

For any creative work that falls under this exception, the employee grants and the College retains a perpetual, royalty-free, non-exclusive right to use the work for educational, research and marketing purposes.

This exception does not apply to trademarks, inventions or patent ownership.

### **III. Student Works**

Except as stated herein, the College recognizes that students retain ownership of intellectual property submitted in fulfillment of academic requirements. By enrolling in the College, the student gives the College a perpetual, non-exclusive, royalty-free license to mark, modify, and use, any work as may be required by the process of instruction, or for other educational, research or marketing purposes.

This section does not apply to class or lab notes created by a student.

The College shall retain the ownership of all patentable inventions created by a student in fulfillment of academic requirements under the following conditions: the development of the invention involved substantial use of College resources, including use of facilities, time, and/or other resources.

### **IV. Other Agreements**

In support of its mission, the College, an employee or a student may voluntarily enter into other agreements for ownership of intellectual property or the sharing of royalties. In these instances, the written agreement is controlling, not this policy.

In the case of a work created under the provisions of a grant, the terms of the grant will determine the ownership and all rights incidental to the ownership of the property created, not this policy.

All revenue derived by the College from the creation and production of intellectual property shall be used for educational and research purposes that directly support the College's mission.

### **V. Dispute Resolution**

- A. Prior to creating works using College resources, employees and students should direct intellectual property ownership questions to the appropriate Vice President.
- B. Employees. If issues related to ownership of intellectual property arise and cannot be resolved informally, College employees may seek resolution through Policy 3.3.8 – Employee Grievance Policy. Prior to initiating litigation, both parties will participate in voluntary mediation before a neutral third-party mediator and will equally share the cost of such mediation.

- C. Students. If issues related to ownership of intellectual property arise and cannot be resolved informally, College students may seek resolution through Policy 5.3.6 – Student Grievance Policy. Prior to initiating litigation, both parties will participate in voluntary mediation before a neutral third-party mediator and will equally share the cost of such mediation.

Adopted: September 9, 2019



Live client projects are defined as:

- A. Educational programs in which students, as part of their educational experiences and as part of the instructional course requirements, repair or remodel non-college owned personal or real property; or
- B. Educational programs that construct structures that are sold, produce goods that are sold, or provide services for a fee, such structures, goods or services being the normal and necessary product of learning activities of students.

Live client projects are intended to be used exclusively as an educational and learning activity for students and shall not be used as a revenue generating activity nor compete with commercial businesses.

The President is hereby delegated to develop procedures that are consistent with the State Board Code for live client projects.

Adopted: September 9, 2019

Legal Citation: 1H SBCCC 300.1

**I. Approval for Live Projects**

**A. Program Based Live Client Projects**

For College programs that have a clinical/lab component which are open to the public a routine part of the curriculum and program, the Dean or designee responsible for the program shall make an annual report at the end of each semester to the Vice President of Instruction regarding live client projects. The Vice President is authorized to approve the continued use of live client projects for these programs.

**B. Specific Live Client Projects**

If an instructor desires to implement a specific or new live client project, the instructor shall provide a written summary of the project to the Dean or designee for review. The Dean or designee shall review and provide written recommendation to the Vice President for Instruction. The Vice President is authorized to approve specific or new live client projects.

**II. Client Selection**

Preference and selecting for clients for live projects shall be given to current students, employees and Trustees. When, however, it becomes necessary to solicit outside clients in order to provide students with enough experience to carry out the desired live project, the instructor responsible for the live project shall adopt specific, written criteria for selecting outside clients. The criteria must be approved in advance by the Vice President for Instruction and shall not be inconsistent with the State Board Code. The course instructor has discretion on whether or not to undertake a project on the basis of whether or not it fits in with the course curriculum.

**III. Client Charges**

Under State Board Code, the College is authorized to charge clients for goods and services produced through live projects. For live projects involving repair or remodeling non-College owned personal and/or real property, the owner of the property shall supply or pay for all parts required. For live projects involving the construction for structures that are sold, produced goods that are sold, or services that are provided, the College shall charge the client for the value of the structures, goods and/or services.

**IV. Use of Live Client Project Receipts**

All costs that otherwise would not have been incurred absent the live client project shall be supported by funds from the College's account that receives the live client project receipts

and shall not be supported from State funds. These costs include, but are not limited to: supplies and materials used in producing the good or service; additional personnel required to serve clients; specialized equipment; liability insurance; and other costs directly related to the live client project as distinguished from an instructional program that does not produce income. In the context of construction live client projects, these costs include, but are not limited to: all building materials; land; land improvements; amounts paid to subcontractors for work not performed by College students or employees; any actual interest paid on construction loans or financing arrangements provided for by a partnering third-party entity; and any legal fees and closing costs that may be required. Live client project receipts may also be used to supplement instructional costs of those programs engaging in live client projects. The instructor responsible for the live project shall maintain detailed records so that the College may prepare annual financial statements and a complete audit of the account may be made after the close of the fiscal year.

- A.** Where federal programs are involved, federal regulations do not permit goods to be sold. In such programs, goods produced may be used for the benefit of the College or donated to another nonprofit charitable organization, educational agency or institution.
- B.** For live projects that involve the repair of equipment purchased with State funds or Federal surplus property, the repair of this equipment and its sale as surplus shall follow the State Division of Purchase and Contract regulations. The proceeds of such sales shall be deposited with the State Board of Community Colleges and credited to the College's equipment budget.
- C.** The College may use a combination of State funds and live client project receipts to support costs associated with providing services to patrons, such as cosmetology and dental hygiene services.

**V. Construction Live Projects**

- A.** The College shall not engage in live client construction projects that repair or remodel property for companies or individuals that are in the construction business, unless the property undergoing repair or remodeling is used in the usual course of the business and is not being resold.
- B.** For construction live client projects where a permanent building is constructed on the College's campus or on property owned by the College, the College shall follow all requirements of the General Statutes in acquiring the building materials and any subcontracted work, as well as in disposing of the building and property. College employees on the College's permanent payroll are permitted to perform construction or repair work as long as project costs do not exceed the maximum thresholds established in G.S. 143-135. A project cannot be subdivided to evade the provisions of G.S. 143-135.

**VI. Liability Issues**

- A.** Prior to entering into any live client projects, the instructor for the live project must obtain all the appropriate signatures on the Live Client Project Agreement Form<sup>1</sup>. The participating clients must sign the form, acknowledging the waiving of all liability for work, projects and services provided by the College. The participating clients shall assume any and all risk, as well as all future liability, for the live client project when the College declares the students/instructor(s) involvement terminated and the live client project finished.
- B.** For any live projects conducted off-campus, prior to the project beginning, the participating client must provide documentation of liability insurance covering the College's Trustees, employees, students and agents in an amount no less than half of one million dollars, from an insurance company authorized to conduct business in North Carolina.

Adopted: September 9, 2019

Legal Citation: 1H SBCCC 300.1

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<sup>1</sup> Will need to create a new form if not already in use. Campbell Shatley is happy to either assist or help create a form.

- A. Overall responsibility for seeing that instructional materials are timely ordered rest with each Dean or designee for their academic department.
- B. Instructors will order instructional materials utilizing the system developed by the College in partnership with the bookstore vendor. At least every four (4) years, the Board shall review the College's mark-up on textbooks and other instructional materials sold through the bookstore to determine if the mark-up is appropriately balanced between affordability for students and other priorities identified by the Board.
- C. Requests for textbooks and other instruction materials are to be made as soon as possible after the next semester schedule is completed. All requests should specify the course in which the textbooks are to be used.
- D. Program Director/Chairperson will be responsible for acquiring textbooks and other instructional materials for adjunct faculty.
- E. Where possible, instructors should be mindful of the cost of instructional materials for students.

Adopted: September 9, 2019

Legal Citation: 1H SBCCC 300.3

When books and book-like media (i.e., audio visual materials, CD's, electronic resources and other learning resources of durable nature) ("Instructional Material") originally purchased from State or federal funds are no longer useful to the College, the College shall dispose of the Instructional Material as follows:

1. Destroying locally, through standard recycling methods or disposed of by the College through a local sale;
2. Disposing of through a profit-sharing arrangement with a company that resells and recycles Instructional Material;
3. Disposing of through donations to non-profit, tax-exempt organizations, (including the College's Foundations) or tax-supported agencies or institutions; or
4. Disposing of through a public bid sale by the State Surplus Property Agency.

The College shall maintain records and receipts of each sale for auditing purposes. The College shall use any receipts generated from the sale of surplus Instructional Material to purchase additional Instructional Material.

Adopted: September 9, 2019

Legal Citation: 1H SBCCC 400.2

When employing instructional personnel, the College shall adhere to the following criteria:

1. The College shall employ instructional personnel to meet Southern Association of Colleges and Schools' Commissions on Colleges criteria.
2. The College shall determine appropriate teaching and non-teaching loads for instructional personnel to meet Southern Association of Colleges and Schools' Commissions on Colleges criteria.
3. Programs which have additional agency credential requirements will ensure that instructional personnel will meet agency requirements. Examples include, but are not limited to, Emergency Services Training.

Adopted: September 9, 2019

Legal Citation: 1C SBCCC 300.97

Field trips are considered a very important aid in the communication of knowledge, ideas, and understanding to students. Instructors are encouraged to plan and make use of this teaching aid.

The following regulations should be observed:

**A. Planning**

1. Field trips are to be planned in advance, with pre-instruction, post-discussion and evaluation being of prime importance in the planning.
2. The industry, business or destination visited should be engaged in practices which demonstrate something related to the subject matter being covered in the course.
3. All arrangements are to be made by the instructor in advance of the trip.
4. Transportation shall be arranged by the instructor. Students must bear the cost of transportation unless travel is being otherwise arranged by the College in advance.
5. When students on a field trip are to miss classes taught by other instructors at the College, prior approval is to be obtained from the instructors involved. Instructors may exchange class meeting times to make up hours lost if approved.
6. An approved Field Trip Form must be submitted and approved by the Dean or designee and appropriate Vice President at least five (5) days prior to the field trip.
7. Field trips that include minors require additional documentation and approval.

**B. Use of Program Area Travel Funds**

1. Each program area will be assigned a travel budget for the fiscal year. The Dean or designee is responsible for coordinating and regulating the use of these funds. All requests for use of the funds should be directed to the Program Director/Chairperson prior to the planned trip. Requests for travel reimbursement from State funds, which do not have prior approval by the Program Director/Chairperson and the appropriate Vice President, will not be honored.



2. For in-state travel, out-of-state travel, or other special action, a Travel Authorization Form must be submitted along with the Field Trip Form.

Adopted: September 9, 2019

All College classroom instructors shall adhere to the following provision in carrying out job duties and employment responsibilities.

- A. Promptness – Punctuality is a valuable habit desired by all employers. College employees can help to develop this habit in their students by meeting with their scheduled classes or other meetings at the time designated and by insisting that students also arrive on time. If an instructor fails to meet his/her class within fifteen (15) minutes past the designated starting time, students are to sign their names on a roll and are then excused.
  
- B. General Housekeeping – Prospective students, student employers and numerous other interested individuals routinely visit the College. It is important that all employees be active in helping to maintain an orderly and well-organized appearance. The proper attitude toward clean and orderly classrooms, shops, labs and other workspaces can be passed on to the student by their instructor's attitude and actions.

Employees can aid the custodial staff by ensuring that:

- 1. Smoking and the use of smokeless tobacco products are prohibited in all College buildings and on campus. Food is not allowed in posted areas.
  
  - 2. Paper and other materials which accumulate during the day are picked up prior to leaving the classroom.
  
  - 3. All tools are locked in their proper storage place at the end of each class or day and all equipment is secured properly.
  
  - 4. Furniture is left in an orderly appearance. In general, disarrangement of a classroom because of teaching activities shall be corrected by the students in the class under the supervision of the instructor in charge.
  
  - 5. All labs are secured according to established departmental procedures.
- C. Discipline – Effective discipline must be maintained in all learning environments. Each instructor has the responsibility of handling any discipline problems that arise in class. Extreme cases are to be immediately referred to the appropriate Vice President. Upon request by the instructor, administrators will serve as mediators in extreme or reoccurring disciplinary issues. The College will not condone prolonged disruptive activities by students or groups of students. Student disciplinary matters shall be dealt with pursuant to College policy.

- D. Professional Appearance – Instructors should always present an appropriate professional image in accordance with the College's policy on Professional Dress.
- E. Safety – Every instructor should maintain a proper attitude toward safety. The instructor's attitude and habits toward safety have a profound influence on the habits and attitudes formulated by the students. It is extremely important that the following safety regulations be utilized by all instructors:
1. Safety rules and regulations specific for each program of instruction must be posted on laboratory and shop bulletin boards.
  2. The instructor should demonstrate proper procedures for the use of dangerous equipment. Hazards should always be pointed out in advance. This aspect of safety training is to be utilized prior to any student being allowed to use equipment and machinery.
  3. The instructor must always be present in shops and laboratories when machinery or equipment is being used by students. In the event the instructor must leave the area, another instructor should be placed in charge, or the shop should be locked.
  4. Jewelry or loose clothing should not be worn when operating moving equipment. If neckties are worn, they should be of the bow or breakaway type.
  5. Unauthorized students are prohibited from using equipment and machinery.
  6. Long hair must be tied at the back and placed under a hat or some type of covering while working in any of the vocational shops.
  7. North Carolina law requires that personal protective equipment (“PPE”) be worn by students, teachers and visitors to the instructional area where any of the following activities are conducted:
    - a. Working with hot solids, liquids or molten metal.
    - b. Milling, sawing, turning, shaping, cutting or stamping of any solid materials.
    - c. Heat-treating, tempering, or kiln firing of any metal or other material.
    - d. Welding of any type.
    - e. Repairing or servicing any vehicle.

- f. Using caustic or explosive chemicals or materials.
  - g. Any other class or lab where PPE is required to ensure the safety of students and employees must be worn.
  - h. Storage of classroom materials shall adhere to all OSHA and regulatory standards.
8. Any visitor to a classroom, shop or laboratory, must be accompanied by a College employee.
  9. Student's children are not to be left unattended anywhere on campus and are not permitted to attend classroom sessions unless approved by the Vice President of Instruction.
  10. Special permission must be obtained from the instructor before visitors will be allowed to attend a class or lab session.
- F. Equipment and Furniture – It is the instructor's responsibility to see that the equipment and furniture for each area is maintained. Abuse of equipment or furniture will not be tolerated and reported. Longer life and better care may be derived from equipment and furniture if the instructor will utilize the following practices:
1. Stress the importance and cost of equipment and furniture.
  2. Emphasize that there is a proper tool or piece of equipment for each job.
  3. Demonstrate and utilize recommended preventative maintenance methods. This includes keeping equipment clean and serviced.
  4. Emphasize that equipment and furniture are not to be loaned or removed from the premises for any purpose. Special consideration may be given to this regulation when pre-arranged field trips or other conditions warrant the use of equipment away from the College. Prior approval and prior arrangements must be made with the appropriate administrator.
  5. Report and/or repair damaged or broken equipment whenever possible. Damage, loss and stolen equipment should be reported to the Business Office immediately. New equipment must be checked and processed by the Business Office prior to its disbursement to classrooms or laboratories. Thereafter, the instructor in charge of each area shall be responsible for the accountability and care, of the equipment and furniture in that area.

Adopted: September 9, 2019

The College shall obtain and maintain regional accreditation by the Southern Association of Colleges and Schools' Commissions on Colleges and appropriate program accreditation as determined by the College.

Adopted: September 9, 2019

Legal Citation: 1B SBCCC 400.96

As a SACSCOC requirement for membership, the College is required to comply with the current Substantive Change Policy for SACSCOC Accredited Institutions (the “Policy”). The College is required to notify SACSCOC of changes in accordance with the Policy and, when required, seek approval prior to the institution of changes.

**I. Substantive Change Definition**

Substantive change is a significant modification or expansion of the nature and scope of an accredited institution. Under federal regulations, substantive change includes:

- A. Any change in the established mission or objectives of the institution;
- B. Any change in legal status, form of control, or ownership of the institution;
- C. The addition of courses or programs that represent a significant departure, either in content or method of delivery, from those that were offered when the institution was last evaluated;
- D. The addition of courses or programs of study at a degree or credential level different from that which is included in the institution’s current accreditation or reaffirmation;
- E. A change from clock hours to credit hours;
- F. A substantial increase in the number of clock or credit hours awarded for successful completion of a program;
- G. The establishment of an additional location geographically apart from the main campus at which the institution offers at least 50% of an educational program;
- H. The establishment of a branch campus;
- I. Closing a program, off-campus site, branch campus or institution;
- J. Entering into a collaborative academic arrangement that includes only the initiation of a dual or joint academic program with another institution;
- K. Acquiring another institution or a program or location of another institution;
- L. Adding a permanent location at a site where the institution is conducting a teach-out program for a closed institution; and

- M. Entering into a contract by which an entity not eligible for Title IV funding offers 25%, or more, of one or more of the accredited institution's programs.

In addition, the Policy lists additional substantive changes, both institutional and programmatic, that must be reported prior to implementation.

## **II. Reporting Substantive Changes**

### **A. Institutional Substantive Changes**

Any major change to the College's operations or structure should be assessed in relation to the Policy. Once a change has been identified and an anticipated date of implementation has been estimated, the President's Office and SACS Liaison will work together in submitting the requisite notice to SACSCOC, prior to implementation of the change.

### **B. Program Substantive Changes**

Each year, the SACS Liaison will meet with Program Managers and Department Chairs to identify any program changes that may meet the definition of "substantive change". Any changes that are in progress, planned for the future, or anticipated to be required at some later date will be identified.

Once a change has been identified and an anticipated date of implementation has been estimated, the SACS Liaison will work with the program involved, the Vice President of Academics, and the President's Office in order to submit the required notification to SACSCOC.

## **III. Dissemination of Substantive Change Policy**

The College recognizes the importance of timely identifying potential substantive changes so that SACSCOC may be notified within the required time frames.

Each semester, the SACS Liaison will review the Policy, and this Procedure, with the President's Administrative Council and the Academic Affairs Committee.

## **IV. Cataloging Substantive Changes**

The SACS Liaison will maintain an electronic and hard copy history of notifications sent to SACSCOC and responses from SACSCOC. Electronic copies will also be provided to departments or programs involved in the change.

The College will comply with the directives of the SACSCOC upon notification of submitted changes.

Adopted: September 9, 2019

Legal Reference: 1B SBCCC 400.96; [SACSCOC Policy Statement](#) (December 2016)



The College does not discriminate on the basis of race, color, religion, gender, gender expression, age, national origin, disability, marital status, sexual orientation, genetic information or military status in any of its activities or operations.

## **I. Open Door Admissions**

Except as otherwise specified herein, the College maintains an open-door admission policy to all applicants who are legal residents of the United States and who are high school graduates or are at least eighteen (18) years of age. The College shall not solicit or use information regarding the accreditation of a secondary school located in North Carolina that a person attended as a factor affecting admission to the College or to any program of study, loans, scholarships or other educational activity at the College unless the accreditation was not conducted by a State agency. For purposes of this Policy, the term “accreditation” shall include certification or any other similar approval process. Student admission processing and placement determination shall be performed by College officials. Admission requirements for an emancipated minor shall be the same as for an applicant who is eighteen (18) years old or older. Non-emancipated minors may be admitted and allowed to attend the College pursuant to 1D SBCCC 200.95.

The open-door policy does not mean there are no restrictions on admission into specific College programs. Students shall be admitted into specific College programs when they demonstrate aptitude for these programs as determined by personal interest, academic background, placement tests and/or personal interviews. If an academic deficiency exists, applicants will be given an opportunity to remove the deficiency by taking preparatory work.

For more specific information regarding certain admissions criteria, see Procedure 5.1.1.1.

## **II. Admissions Denials**

### **A. Basis for Denials**

1. Suspension/Expulsion from another Educational Entity.

If the College suspends or expels a student for non-academic disciplinary purposes, the College shall record the suspension or expulsion in the student's educational record. Upon receipt of a written request signed by the student and subject to all applicable privacy laws, the College shall, in accordance with the student's request, inform other colleges and universities of the term and circumstances of the student's non-academic disciplinary suspension or expulsion, if any. The College reserves the right to refuse admission to any applicant during any period of time that the applicant is

under a period of suspension or expulsion from another educational entity for non-academic disciplinary reasons.

2. Safety Concern.

The College reserves the right to refuse admission to any applicant if it is necessary to protect the safety of the applicant or other individuals. When making a safety determination, the College may refuse admission to an applicant when there is an articulable, imminent and significant threat to the applicant or other individuals. When refusing admission based on safety concerns, the Director of Enrollment (“Director”) shall document:

- a. Detailed facts supporting the rationale for denying admission;
- b. The time period within which the refusal to admit shall be applicable and the supporting rationale for the designated time period; and
- c. The conditions upon which the application was refused and if the applicant would be eligible to be admitted in the future.

3. Residency for Distance Learning.

The U.S. Department of Education regulation 600.9 State Authorization requires that if an institution is offering distance education in a state where it is not physically located, the institution must meet individual state requirements for offering distance or correspondence education within that state. The College participates in the National Council for State Authorization Reciprocity Agreement (NC-SARA), a voluntary, regional approach to state oversight of postsecondary education.

Admission of applicants residing outside of North Carolina to an on-line degree, diploma, certificate program or individual on-line courses offered by the College is dependent on the College’s ability to secure authorization from the applicant’s state of residence. As a NC-SARA participating institution, the College is authorized to offer distance education courses in states that are also participating in NC-SARA.

State authorization does not affect the cost of attending the College. Tuition requirements, including those for out-of-state students, still apply. This requirement does not apply to non-credit continuing education courses.

4. Undocumented Immigrants.

An undocumented immigrant is any immigrant who is not lawfully present in the United States. The College shall not admit undocumented immigrants unless all of the following conditions apply:

- a. The undocumented immigrant attended and graduated from a United States public high school, private high school or home school that operates in compliance with State or local law.
- b. The undocumented immigrant must comply with all federal and state laws concerning financial aid.
- c. The individual shall not be considered a North Carolina resident for tuition purposes and must be charged out-of-state tuition regardless of whether the individual resides in North Carolina.
- d. When considering whether to admit the individual into a specific program of study, the College shall take into account that federal law prohibits states from granting professional licenses to undocumented immigrants.
- e. Students lawfully present in the United States shall have priority over any undocumented immigrant in any class or program of study when capacity limitations exist.
- f. An admitted undocumented student will not be permitted to register for a class or program of study or be placed on a waiting list until the conclusion of the last published registration date for the term.

5. Readmissions.

The College reserves the right to refuse readmission to a former student who has unsettled financial obligations at the College or who has not complied with previous disciplinary requirements. For readmission concerning Health Science Programs, see Procedure 5.1.1.2.

6. Criminal Justice Education and Training.

The College requires students enrolled in courses mandated under N.C.G.S. § 17C and 17E, the North Carolina Criminal Justice Education and Training Standards Commission or the North Carolina Sheriffs' Education and Training Standards Commission to be sponsored by law enforcement agencies until completion of the program. The student must be sponsored by a law enforcement agency to be admitted into the program. Failure to have such sponsorship shall result in an admission's denial.

7. Non-Criminal Justice Education and Training Firearm Courses.

Except for courses governed by Criminal Justice Education and Training, if the College has a program that requires students to possess a firearm, prior to admission, the student must provide proof of eligibility to possess

firearms. For purposes of this Policy, “firearm” means a handgun, shotgun or rifle that expels a projectile by action of an explosion; “proof of eligibility” means: i) a current, valid State-issued permit to purchase a firearm; ii) a current, valid State-issued concealed carry permit from North Carolina; iii) a current, valid State-issued concealed carry permit from a state with a reciprocal concealed carry agreement with North Carolina; iv) proof of an exemption from permit requirements pursuant to N.C.G.S. § 14-415.25; or v) a background check to determine whether the applicant can lawfully possess a firearm in North Carolina pursuant to N.C.G.S. §§ 14-269.8; -404(c); -415.1; -415.3; and -415.25.

### **B. Appeal for Admissions Denials**

If an applicant is denied admissions to the College for any of the reasons specified in Section II(A)(1)-(7), within five (5) calendar days following the receipt of the reasons specifying the denial, the applicant may file a written appeal with the Director for a reconsideration. The written appeal shall contain the applicant’s reasons why he/she should be admitted and shall include any supporting documentation. The Director shall also meet with the applicant and provide the applicant an opportunity to respond. Within ten (10) calendar days from receipt of the applicant’s written appeal, the Director shall make his/her determination and provide the applicant with a written response.

If the applicant does not agree with the Director’s determination, within five (5) calendar days following the receipt of the Director’s determination, the applicant may file a written appeal with the President. The President shall conduct an “on the record review” and shall make a determination within ten (10) calendar days after receipt of the applicant’s written appeal. The President’s decision is final.

### **III. Registration**

Registration is complete when all fees are paid or deferred by the Business Office and the student is issued a receipt. It is the responsibility of the instructor to ensure that each of his/her students is actually attending the correct class and section number.

Adopted: January 8, 2020

Legal Reference: 1D SBCCC 200.95 and 400.2; NC Community College Written Memoranda CC10-026 (issued 7/12/10)

Admission to the College does not guarantee immediate acceptance to the curriculum program desired by the applicant. Admission to certain programs may have additional specific entrance requirements. Students may have to complete basic skills or developmental level courses before being accepted into their desired academic curriculum program.

The Vice President for Student Services<sup>1</sup> administers all admissions requirements and enforces all College admission policies and procedures.

## **I. Curriculum Programs**

### **A. Diploma and Degree Seeking Applicants**

For curriculum diploma and degree seeking applicants, all applicants must:

1. Submit a completed application for admission.
2. Provide an official high school transcript or an official GED score from a regionally accredited institution. These transcripts must include the date the diploma was awarded, the type of diploma and have the institution's official seal. It must be mailed or electronically transferred from the issuing institution or agency. Current applicants who are high school seniors should submit a transcript showing work through the end of the first semester of the senior year. A final official transcript must then be submitted upon high school graduation, and before enrollment, to be fully accepted. Applicants who have completed an associate's degree or higher from a regionally accredited post-secondary institution may submit college transcripts with conferred degree awarded in lieu of high school transcripts.
3. Complete the College's placement test to determine if developmental courses are required before enrollment into college level math or English. If a student is placed into developmental English or math, these courses should be completed during the first two semesters of enrollment.

Placement test minimum scores ("cut scores") are determined by the North Carolina Community Colleges Developmental English/Reading and Math Redesign committees and approved by the North Carolina Community College Board of Trustees. Cut scores are evaluated on an annual basis.

Test scores are considered valid for a period of five (5) years. When more than five (5) years passes between the time of placement testing and enrollment in applicable course, the student should retest.

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<sup>1</sup> Or another appropriate administrator.

Students who complete the College's placement test are allowed on one retest session on the Reading and English assessment, WritePlacer essay or NC DAP math assessment per year within thirty (30) days of the initial test. Students will be placed according to the most recent test score or highest score obtained. Students who elect to retest will be charged a \$5 fee per test. Students may not retest while enrolled in a pre-college course or after an unsuccessful completion of the course. Once students begin the pre-college sequence, they must complete it as outlined in their educational plan prior to enrolling in the gateway English or math courses.

Students may waive the placement testing requirements under the following conditions:

- a. Documentation of acceptable SAT or ACT scores. To be enrolled directly into first level curriculum English or math course, students would need to have a score of 500 on the applicable (Writing or Critical Reading, and/or Math) portion of the SAT, or a minimum of 18 on ACT English or 22 on ACT Reading, or a minimum of 22 on ACT Mathematics. SAT and ACT examinations must have been taken within the last three (3) years.
  - b. Results of NC-DAP placement tests taken at another North Carolina Community College System institution, which have been taken within the preceding five (5) years and meet the College's scores.
  - c. Transfer credit.
  - d. Credit by examination.
4. Returning students who are eligible for readmission and who have not been enrolled at the College for two (2) academic semesters must submit a new admission's application and update residency classification prior to registration. The student is required to meet the curriculum requirements in effect at the time of readmission according to the current College catalog.

Students who have been placed on academic or disciplinary suspension must fulfill the terms of their suspension before being considered for readmission. Students on disciplinary suspension must also submit a letter to the Vice President requesting readmission.

The College reserves the right to deny readmission to a former student, including a student who has unsettled financial obligations at the College or who has not complied with previous disciplinary requirements. All of the student's debts to the College must be paid in full before registering for courses.

**B. Non-Degree Seeking Applicants**

Non-degree seeking students are those students who enroll in one or more courses but do not desire to graduate from one of the established curricula. The student may register for any course which is open to all students and does not require a prerequisite. However, if a student plans to register for a course that requires a prerequisite course, the student must submit an official transcript from a regionally accredited institution showing completion of this requirement with a grade of “C” or better prior to registering. An applicant who plans to enroll in mathematics and/or English courses must satisfactorily complete the College placement test requirement. Students may not register for courses in a program that has a waiting list or restricted admission (such as nursing).

Non-degree seeking students are not eligible for financial aid or veterans benefits nor are they permitted to earn any degree, diploma or certificate awarded by the College.

**II. Continuing Education Programs**

For applicants seeking admission to a continuing education program, all applicants must complete the College’s continuing education registration process and pay the applicable tuition and institutional fees.

**III. Certificate Programs**

For applicants seeking admission to a certificate program, all applicants must complete the College’s certificate program registration process and pay the applicable tuition and institutional fees. Students who change from certificate programs to diploma or associate degree programs must complete the additional requirements for admission to those programs.

**IV. Provisional Admissions**

In certain situations, an applicant may be provisionally accepted by the College and permitted to register prior to completion of all admissions requirements. Students who are admitted on a provisional basis must complete all admission requirements within the first semester of attendance. Failure to complete the provisional requirements could result in the student being denied continued admissions for the next semester.

Adopted:

**I. Enrollment of High School Students (non-degree seeking)**

The College provides seamless opportunities for high school students to get a head start with their college education by enrolling in eligible pathways through Career and College Promise (“CCP”). Enrollment in identified courses is available to students enrolled in public and private schools (including home schools) through articulation agreements between the school system and the College and approved by the North Carolina Community College System Office.

**II. CCP Overview**

CCP provides seamless dual enrollment educational opportunities for eligible North Carolina high school students to accelerate completion of college certificates, diplomas and associate degrees that lead to college transfer or provide entry-level job skills. The College offers the following CCP pathways aligned with the K-12 curriculum, career and college ready standards adopted by the State Board of Education:

- A. Core 44 College Transfer Pathway, leading to a college transfer certificate requiring the successful completion of thirty (30) semester hours of college transfer courses, including English and mathematics, for qualified junior and senior high school students;
- B. Career and Technical Education Pathway, leading to a certificate or diploma aligned with one or more high school Tech Prep Career Clusters; and
- C. Cooperative Innovative High School Pathway.

Tuition is waived for CCP students; however, all CCP students taking classes on-site at the College or online through the College must purchase their own textbooks and supplies required for their classes. Transportation for high school students will not be provided by the College.

The College will develop specific and uniform admission’s criteria and program requirements for CCP enrollment.

**III. Exclusive College Programs for Minors**

Unless they are participating in a CCP program, the College cannot offer enrollment options for students who are under the age of sixteen (16) unless they have earned a high school diploma.



Adopted:

Legal Reference: N.C. Session Law 2011-145, § 7.1A(a)-(l); Article 15, Part 9, Chapter 115C of the N.C.G.S. – Cooperative Innovative High School Programs; 1D SBCCC 200.95

## I. Health Science Programs Admissions

All inquiries for admission into Health Science programs should be directed to the Admissions Office. Admission to a Health Science Program is a competitive process. Interested students are advised to attend an information session at least two semesters prior to their planned enrollment.

Students applying for admission into the Emergency Medical Science, Associate Degree Nursing, Practical Nursing, Radiography, Respiratory Therapy or Surgical Technology programs<sup>1</sup> must:

- A. Meet all general admissions requirements as outlined in College policy and procedures.
- B. Complete any developmental course work with a “C” or higher before making application to a health science program.
- C. Have cumulative grade point average of 2.8 or higher in related and general education course work for the health science program of interest.
- D. Adhere to the submission timelines specified in the Health Science admissions procedure. Provisional approval may be offered to applicants based on fulfillment of all admission requirements and criteria by the specified deadline. Final approval for admission will be made by the appropriate Health Science Program Director.

## II. Essential Functions Needed for Completing Health Science Programs

The following guidelines are utilized in admitting qualified students. The activities identified below are examples of physical and emotional activities which a student in the Health Science Program must be able to perform for the successful completion of the program. If an applicant believes that he or she cannot meet one or more of the standards without accommodation or modification, the applicant should consult Counseling and Career Services.

- A. **Critical thinking:** Health Science students shall possess critical thinking ability sufficient for clinical judgment.

*Example:* Students must be able to identify cause and effect relationships in clinical situations, develop or participate in development of nursing care plans.

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<sup>1</sup> Remove or include other applicable programs

- B. **Ethical behavior:** Health Science students will provide services with respect for human dignity and uniqueness of the client unrestricted by consideration of social or economic status, personal attribute, or the nature of health problems.

*Example:* Students will care for clients assigned regardless of race, religion, or diagnosis.

- C. **Legal behavior:** Health Science students will provide care within the scope of practice as stated in the NC NURSING PRACTICE ACT or guidelines for respiratory therapy, radiography and surgical technology.

*Example:* Students in the nursing program will learn to assess the patient's physical and mental health.

- D. **Interpersonal skills:** Health Science students shall possess interpersonal abilities sufficient to interact with individuals, families, groups, etc. from a variety of psychosocial cultural backgrounds.

*Example:* Students shall establish rapport with clients and health care team members.

- E. **Communication skills:** Health Science students shall possess communication abilities sufficient for verbal and nonverbal interaction with others.

*Example:* Students shall be able to explain treatment procedures to clients/family, document client responses, and report to other responses to nursing care.

- F. **Mobility:** Health Science students shall possess physical abilities sufficient to move from room to room and maneuver in small spaces, stand and walk for extensive periods of time.

*Example:* Students will be able to move around in client's room, move from room to room, move in small work areas, and administer CPR.

- G. **Motor skills:** Health Science students shall possess gross and fine motor skills sufficient to provide safe and effective nursing care.

*Example:* Students shall be able to calibrate equipment, position clients, administer injections, insert catheters.

- H. **Hearing skills:** Health Science students shall possess auditory ability sufficient to monitor health needs and collect data.

*Example:* Students shall be able to hear alarms, listen to heart and breath sounds, and hear a cry for help.

- I. **Visual skills:** Health Science students shall possess visual ability sufficient for observation and data collection.

*Example:* Students shall be able to observe color of skin and read scale on a syringe.

- J. **Tactile skills:** Health Science students shall possess tactile ability sufficient for data collection.

*Example:* Students shall be able to detect pulsation and feel skin temperature.

- K. **Weight-bearing:** Health Science students shall possess the ability to lift and manipulate/move 40-50 pounds.

*Example:* Students shall be able to move equipment, position patients.

### III. Health Science Readmission

All inquiries for readmission to Health Science programs should be directed to the appropriate Dean<sup>2</sup>. Applicants applying for Health Science program readmission must meet all general admissions requirements as outlined in the College's policies and procedures. Upon receipt of required documentation, all inquiries for readmission will be reviewed and determined by the Dean. Applicants must meet current admission requirements. All requests for readmission must adhere to the timelines specified in the Health Science admissions procedures.

Applicants seeking readmission within twelve (12) months of exiting a program must request readmission ninety (90) before the start of the semester for planned enrollment. Positions must be available in the class at the time of request for readmission, which will not require the hiring of additional instructional or clinical personnel.

Upon notification, applicants have the option to appeal their readmission denial within five (5) business days. The applicant must submit the appeal in writing to the Vice President for Student Services<sup>3</sup>. The Vice President will make a decision within five (5) business days and provide a decision in writing to the student. The decision of the Vice President is final.

Adopted:

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<sup>2</sup> Or applicable Administrator.

<sup>3</sup> Or applicable Administrator.

The North Carolina Basic Law Enforcement Training (“BLET”) is a State accredited program designed to prepare entry level individuals with the cognitive and physical skills to become certified police officers and deputy sheriffs.

To be accepted into the College’s BLET program, students must meet the following criteria:

1. Must complete a BLET application.
2. Must be at least 20 years of age or older.
3. Must be a citizen of the United States of America.
4. Must be a high school graduate or have earned a high school equivalency (high school diplomas earned through correspondence enrollment are not recognized toward educational requirements).
5. Must provide a medical examination report, properly completed by a physician licensed to practice medicine in North Carolina, a physician's assistant, or a nurse practitioner, to determine the applicant’s fitness to perform the essential job functions of a criminal justice officer.
6. Must take a standardized reading comprehension test and score at the tenth-grade level or higher within one year prior to entrance into the BLET program.
7. Must provide a certified criminal record check for local and state records for the time period since the applicant had become an adult and from all locations where the applicant has resided since becoming an adult. An Administrative Office of the Courts criminal record check or a comparable out-of-state criminal record check will satisfy this requirement.
8. Must have not been convicted of a felony or:
  - i. a crime for which the punishment could have been imprisonment for more than two years; or
  - ii. a crime or unlawful act defined as a "Class B misdemeanor" within the five year period prior to the date of application for employment unless the applicant intends to seek certification through the North Carolina Sheriffs' Education and Training Standards Commission; or
  - iii. four or more crimes or unlawful acts defined as "Class B Misdemeanors" regardless of the date of conviction; or

- iv. four or more crimes or unlawful acts defined as "Class A Misdemeanors" except the trainee may be enrolled if the last conviction occurred more than two years prior to the date of enrollment; or
  - v. a combination of four or more "Class A Misdemeanors" or "Class B Misdemeanors" regardless of the date of conviction unless the individual intends to seek certification through the North Carolina Criminal Justice Education and Training Standards Commission.
9. Every individual who is admitted as a trainee in the BLET program shall notify the BLET of all criminal offenses which the trainee is arrested for or charged with, pleads no contest to, pleads guilty to or is found guilty of, and all Domestic Violence Orders (N.C.G.S. § 50B) which are issued by a judicial official and which provide an opportunity for both parties to be present.

The notifications must be received by the College within thirty (30) days of the date the case was disposed of in court.

Adopted:

Reference: NCDOJ Basic Law Enforcement Training

New Student Orientation is held each semester for new and returning students who have not been enrolled within the last year. The orientation is designed to help make the transition to College as smooth as possible. The orientation process is designed to accomplish the following:

- A. Acquaint students with campus regulations;
- B. Introduce students to key personnel on campus;
- C. Advise students of college support services;
- D. Provide academic information; and
- E. Acquaint students with college survival skills.

Adopted:

- A. Course work transferred or accepted for credit toward an undergraduate degree must represent collegiate course work relevant to the degree with course content and level of instruction resulting in student competencies at least equivalent to those of students enrolled in the College's undergraduate degree program.
- B. Any such earned credit must meet the minimum College academic standards of a grade of "C" or better and must parallel the content of similar courses offered. The maximum amount of credit allowed to be transferred is seventy five percent (75%) of the College's curriculum. Any course taken at a North Carolina Community College System institution will be accepted for the equivalent course except as specified herein.

For all others, the following criteria will be considered in determining the acceptability of the transfer course work:

- 1. Accreditation of the school by a regional or national accrediting body recognized by the United States Department of Education. Accreditation does not guarantee acceptance of transfer credit.
  - 2. Equivalency of course descriptions, outcomes and analysis of course level, content, quality, comparability, and degree program relevance. It shall be the student's responsibility to provide documentation of this equivalency, which may include, but is not limited to, syllabi, course catalogs, course outcomes, etc.
  - 3. Use of recognized guides, such as those published by the American Council on Education, the American Association of Collegiate Registrars and Admissions Officers and the National Association of Foreign Student Affairs.
  - 4. If the school was not accredited by a regional or national accrediting body recognized by the United States Department of Education at the time the course was taken, additional documentation will be required. It shall be the student's responsibility to provide any additional documentation requested.
  - 5. For skills-based courses, particularly those in the advanced technology programs, demonstration of student skills may be a component of the evaluation process. Decisions related to the possible need for a demonstration of skills will be made by the appropriate faculty member(s) and Dean, in consultation with the Vice President of Instruction.
- C. The responsibility for determining transfer credit from other colleges and universities rests with the Director of Enrollment. When there is doubt about the appropriateness of transfer credit or when a student wishes to appeal a transfer credit decision, the transcript will be referred to the appropriate faculty member(s) and Dean, whose decision will be final. In



such cases, the Dean will note the decision in the student's academic file. Time limits may be imposed in certain situations, such as for allied health program courses. Student Services and the appropriate Dean will maintain a list of courses that have time limits for transfer.

- D. When a student transfers from a postsecondary institution to the College, the following steps will be implemented:
1. The student completes the Residency Determination Service process (if not completed at previous school), submits an application for admission, and provides an official high school or high school equivalency transcript and an official transcript from any other postsecondary institution. The student should allow at least one month for the transcript evaluation process prior to registering for classes.
  2. The Director of Enrollment evaluates the transcript and credit is accepted in accordance with the College's program offerings and the procedure stated herein. No credit for a course with a grade lower than a "C" may be transferred. The Director will consult with the appropriate faculty member(s) and/or Dean if there are questions about the transferability of credit.
  3. The student is given placement test(s), if applicable.
  4. The student continues with registration procedure.

The College recognizes the following additional opportunities for awarding transfer credits:

1. College Board Advanced Placement Program ("AP"): College course credit may be granted to students who pass the AP examinations with a score of three, four or five. Students must submit a College Board AP score report to the Enrollment Office for consideration of granting college credit.
2. College-Level Examination Program ("CLEP"): College course credit may be granted to students who participate in CLEP Subject Examinations and achieve the minimum passing score as recommended by the American Council on Education. Students must submit a CLEP transcript to the Enrollment Office for consideration of granting college credit.
3. Educational Experiences in the Armed Services: Servicemen and veterans may be awarded college credit for training they received through military service. Students seeking credit for military training must submit a Joint Services Transcript ("JST"), an academically accepted document approved by the American Council on Education ("ACE"), to validate a service member's military occupational experience and training along with the corresponding ACE college credit recommendations. When the College receives an official copy of a JST, the Director of Enrollment will review and apply appropriate course credit. The Vice

President of Student Services will be consulted if there is need for further discussion regarding proposed course credit.

4. Non-curriculum to Curriculum Transfer Credit: Non-curriculum course work from the College related to curriculum instruction may be transferred or accepted for credit towards curriculum courses in specific programs. The student must request that the Director of Enrollment review his/her Continuing Education or other non-curriculum work for possible transfer credit. Students must have earned a minimum letter grade of a “C”, passed the final assessment with a proficiency of 70% or better, or successfully passed the applicable credentialing exam. Continuing Education grades of S or P will be considered for credit. The appropriate Dean for each division will approve non-curriculum course material prior to curriculum credit being officially granted. Proficiency examinations may be required before transfer credits are awarded for CEUs (Continuing Education Units). Faculty teaching courses for which CE to CU credit may be awarded must meet all SACSCOC credential requirements.

Adopted: January 8, 2020

Advanced placement is offered to students who, because of their demonstrated abilities, are qualified to accelerate their studies. To earn advanced placement, a student may take a proficiency examination in most subject areas which he/she can demonstrate a mastery of theory and practical application. Information on courses and/or subject areas that are not suitable nor allowable for proficiency exams may be obtained from the Enrollment Office. Under no circumstances will credit be given when the challenge examination grade is less than "C". Total credits earned by examination and/or transfer credit cannot exceed seventy-five (75) percent of the program requirements.

The following persons will not be permitted to take proficiency examinations:

1. Persons who have taken the proficiency examination previously.
2. Persons who have either been previously enrolled in and/or dropped from the course.
3. Persons who were enrolled in and failed the course.

For credit by examination, full-time students enrolled in sixteen (16) credit hours or more are exempt from additional tuition charges; however, students enrolled in less than sixteen (16) credit hours must pay the Business Office the tuition required by the state for each semester hour credit; this fee is not refundable. A registration form must be completed for the Director of Enrollment. After approval has been obtained to take a proficiency examination. Any exceptions to the above procedures and requirements must be approved by the Vice President of Student Services. Exceptions will be made only under rare circumstances.

Adopted: January 8, 2020

- I. **Visual skills:** Health Science students shall possess visual ability sufficient for observation and data collection.

*Example:* Students shall be able to observe color of skin and read scale on a syringe.

- J. **Tactile skills:** Health Science students shall possess tactile ability sufficient for data collection.

*Example:* Students shall be able to detect pulsation and feel skin temperature.

- K. **Weight-bearing:** Health Science students shall possess the ability to lift and manipulate/move 40-50 pounds.

*Example:* Students shall be able to move equipment, position patients.

### III. Health Science Readmission

All inquiries for readmission to Health Science programs should be directed to the appropriate Dean<sup>2</sup>. Applicants applying for Health Science program readmission must meet all general admissions requirements as outlined in the College's policies and procedures. Upon receipt of required documentation, all inquiries for readmission will be reviewed and determined by the Dean. Applicants must meet current admission requirements. All requests for readmission must adhere to the timelines specified in the Health Science admissions procedures.

Applicants seeking readmission within twelve (12) months of exiting a program must request readmission ninety (90) before the start of the semester for planned enrollment. Positions must be available in the class at the time of request for readmission, which will not require the hiring of additional instructional or clinical personnel.

Upon notification, applicants have the option to appeal their readmission denial within five (5) business days. The applicant must submit the appeal in writing to the Vice President for Student Services<sup>3</sup>. The Vice President will make a decision within five (5) business days and provide a decision in writing to the student. The decision of the Vice President is final.

Adopted:

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<sup>2</sup> Or applicable Administrator.

<sup>3</sup> Or applicable Administrator.

The College provides the opportunity for all students to apply for certain types of financial aid programs and scholarships. The College (or the College's Foundation in case of scholarships) administer these programs in accordance with all applicable laws, rules and regulations. Requirements and critical dates for applying and receiving financial aid and scholarships are outlined in the College's catalog and on the College's website.

Adopted: January 8, 2020

**I. ATTENDANCE REQUIREMENTS**

The following attendance requirements shall apply to all College students:

- A. Students are expected to attend and be on time for all scheduled classes and labs. Students should refer to the course syllabus for individual course attendance requirements. At the instructor's discretion, students may make up work missed. When students must be absent, it is vital that they remain in contact with their instructors.
- B. Any student who has not attended at least one face-to-face class meeting or completed one assignment/activity for an online class prior to or on the ten percent (10%) point of the class will be reported by the instructor as "never attended." A student who has never attended a class by the ten percent (10%) date is no longer enrolled in the class and will not earn credit or receive a tuition refund for the course. Under extenuating circumstances, a student who has never attended by the ten percent (10%) date may petition for reinstatement in the class to the Vice President of Instruction.
- C. Any student who has been absent for two consecutive weeks in a 16-week term or one week in shorter academic terms may be administratively withdrawn from the course. A student in an online, hybrid, or blended course may be administratively withdrawn following two consecutive weeks in a 16-week term (or one week in shorter academic terms) of missed assignments, missed attendance (for hybrid/blended), and/or lack of communication with the instructor regarding course participation. Consistent with policies establishing attendance in online courses, logging into a course site but failing to perform the aforementioned actions does not constitute attendance. A grade of "W" will be assigned for any course from which the student is administratively withdrawn.

Under extenuating circumstances, a student may petition, in writing, the Vice President of Instruction, for reinstatement in the course upon demonstrating the capacity and likelihood of satisfactorily completing requirements as indicated on the course syllabus. The Vice President, upon consultation with the instructor and/or Dean/Program Head, will make a decision regarding reinstatement into the class. Reinstatement will only be considered when the absence was due to unforeseeable and uncontrollable circumstances. Tuition refunds or credits will not result from an administrative withdrawal.

- D. A student's absence while participating in a College-sponsored or approved activity will be considered an excused absence for participating students. Such excused absences will not be considered in the student's class attendance for drop purposes, nor will excused absences be included in the determination of a grade for

“participation” of which class attendance is a part. The responsibility for making up class work rests entirely with the student. All assignments, tests, labs, class time and final exams to be missed due to College sponsored or approved activity will be rescheduled prior to the excused absences or otherwise rescheduled at the discretion of the instructor.

- E. A student must be present for at least eighty percent (80%) of a curriculum class to be counted in attendance for that class. Some classes/programs have stricter attendance requirements than the 80% minimum. Information on attendance requirements will be included on the course syllabus.

In instances of extraordinary circumstance, the Vice President, with recommendation of the appropriate Dean/Program Head, may grant exceptions to the minimum attendance requirements.

- F. The College provides reasonable accommodations, including a minimum of two (2) excused absences each academic year, for religious observances required by the faith of the student. Such reasonable accommodations must be requested in accordance with the procedures for this Policy and include the opportunity for the student to make up any tests or other work missed due to an excused absence for a religious observance. An accommodation request imposes responsibilities and obligations on both the College and the student requesting the accommodation. College faculty are required, as part of their responsibility to their students and the College, to adhere to this Policy and ensure its full and fair implementation by reasonably accommodating students’ religious practices or beliefs. Regardless of any accommodation that may be granted, College students are responsible for satisfying all academic objectives, requirements and prerequisites as determined by their instructor and the College.

1. Academic year: The sequence of fall, spring and summer semesters.
2. Reasonable accommodation: Any change in an academic course or program of study with respect to the way tasks or responsibilities are customarily done that enables a student to observe his/her religious practice or belief without creating an undue hardship.
3. Religious practice or belief: A practice or observance that is sincerely held within the tenants of that religious belief.
4. Undue hardship: An accommodation that would require significant expense or difficulty for the College or would result in the inability of the student to perform an essential function of his or her course/program of study. The determination of undue hardship is dependent on the facts of each individual situation.

Adopted: January 8, 2020

Legal Reference: N.C.G.S. § 115D-5(u); 1B SBCCC 500.99; 1G SBCCC 200.93



- A. A full-time student is a student enrolled in a given semester with twelve (12) or more semester hours of credit. A part-time student is a student enrolled with fewer than twelve (12) semester hours of credit. A freshman is a student who has completed less than half the required credit hours of an associate degree program and a sophomore is a student who has completed more than half the required credit hours of an associate degree program.
- B. Part-time students may enroll for individual curriculum courses. Credit earned by such students may be applied to a degree, diploma or certificate depending upon the level of such work.
- C. Special credit students who do not wish to apply for a degree, diploma, or certificate program may enroll for individual curriculum courses upon completion of an application for admission only. Special credit students who later wish to enroll in a program of study must complete all admission requirements and declare a program of study. Credit earned as a special credit student may be applied to program requirements, if appropriate.

Adopted: January 8, 2020

Legal Reference: IG SBCCC 100.1

1. A student must complete the Religious Accommodation Form and turn it to his/her - instructor(s) prior to the consensus date (10% point) for the class. A student who submits the Form after the census date must show good cause for the late submission and the late submission itself may be taken into account in determining whether the student has a religious practice or belief requiring accommodation and whether granting the request would create undue hardship.
2. The instructor and the student should discuss what a reasonable accommodation should include in all given cases. At a minimum, reasonable accommodations must provide that the student who is absent on days of examinations or class assignments due to a religious observance will have an opportunity to make up the work, without penalty, unless granting the make-up opportunity would create undue hardship.
3. If the instructor and student agree upon a reasonable accommodation, the accommodation is then documented and shall be implemented.
4. If the instructor denies the student request for a reasonable accommodation, or only agrees to provide an accommodation that is unsatisfactory to the student, the student and the instructor will meet with the Department Chair. If the parties cannot reach a consensus, the student may file a written grievance directly to the Vice President for Academic Affairs (“Vice President”) within five calendar days after the meeting with the Department Chair. The Vice President shall meet with the student, instructor and Department Chair and hear from all parties regarding the student’s requested accommodations and make a written determination regarding the student’s request. The student may appeal the Vice President’s decision to the President without five (5) calendar days of receipt of the Vice President’s written determination. The President will conduct an “on the record” review and, at the President’s discretion, hear from the parties. The President will render a final decision. Where a timely request is made by the student but denied by the instructor, the grievance process shall be expedited as much as reasonably possible to ensure that a student pursuing a religious accommodation is not unduly disadvantaged by the passage of time.
5. Excused absences from classes or examinations for religious observances will not be counted against any mandatory attendance requirements, but they do not relieve students from responsibility for any part of the course work required during the period of absence. The instructor may appropriately respond if the student fails to satisfactorily complete any alternative assignment or examination.

Adopted: January 8, 2020

The College shall allow any enrolled student who is in the United States Armed Forces who has received temporary or permanent re-assignment as a result of military operations and a National Guard service member placed onto State active duty status during an academic term to be given an excused absence for the period of time the student is on active duty.

- A. The College shall provide the student the opportunity to make up any test or other work missed during the excused absence.
- B. The College shall give the student the option, when feasible, to continue classes and coursework during the academic term through online participation for the period of time the student is placed on active duty.
- C. The College shall give the student the option of receiving a temporary grade of "incomplete" or "absent from the final exam" for any course that the student was unable to complete as a result of being placed on State active duty status; however, the student must complete the course requirements within one (1) semester following their return from action service to avoid receiving a failing grade for the course.
- D. The College shall permit the student to drop, with no penalty, any course that the student was unable to complete as a result of being placed on State active duty status.

Adopted: January 8, 2020

Legal Reference: 1B SBCCC 500.1

The College is committed to the principle that regular and punctual class attendance is essential to the student optimizing his/her scholastic achievement and that it is the responsibility of the student to attend class regularly without being tardy. Students who attend the College must attend eighty percent (80%) of the time scheduled for a regular class meeting to be counted present when the class meets.

Tardy shall be defined as a student entering class after the roll is checked or after instruction has begun, and it shall also be defined as a student leaving class early regardless of reason. Thus, if a student is in class for eighty percent (80%) of the time but less than one hundred percent (100%) of the meeting time, then that student shall be counted tardy. For the purpose of maintaining class attendance, faculty shall count three (3) tardies as one (1) absence.

Adopted: January 8, 2020

# Student Religious Accommodations Form

(Page 1 of 2)

In compliance with state and federal laws, College students are eligible for reasonable accommodations, including a minimum of two excused absences each academic year, for religious practices or beliefs that are required by the student's faith. This form should be submitted to your instructor(s) no later than the census date (10% point) for the class. A student who submits this form after the census date must show good cause for the late submission and the late submission itself may be taken into account in determining whether the student has a religious practice or belief requiring accommodation and whether granting the request would create undue hardship. Excused absences from classes for religious observances do not relieve students from responsibility for any part of the coursework required during the period of absence. **Please submit one form per class.**

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## Student and Class Information

Student Name: \_\_\_\_\_ Student ID#: \_\_\_\_/\_\_\_\_/\_\_\_\_/\_\_\_\_/\_\_\_\_/\_\_\_\_/\_\_\_\_

Instructor Name: \_\_\_\_\_ Course (Prefix, Number, Section): \_\_\_\_\_

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## Request Information

A reasonable accommodation for a religious observance is any change in a course or program of study with respect to the way course/program responsibilities are customarily done that enables a student to observe his/her religious practice or belief without imposing undue hardship on the College. Please provide the following information (if necessary, attach additional sheets for any of the information requested below):

**What specific class accommodation(s) do you request (e.g., excused absence, rescheduling of an exam, or other class requirement)?**

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**Please identify your religious practice or belief and state how the requested accommodation enables you to participate in your religious practice or belief.**

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**Please list the dates of the requested accommodation within the academic semester.**

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## Student Signature/Additional Documentation

In signing below, I verify that the above information is complete and accurate to the best of my knowledge, and I understand that any intentional misrepresentation contained in this request may result in disciplinary action. I acknowledge that the College may request additional documentation to verify my religious practice or belief and the appropriateness of the requested accommodation.

Student Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# Request for Excused Absence for Religious Observance

(Page 2 of 2)

## FOR INSTRUCTOR USE ONLY

Student Name: \_\_\_\_\_ Date of Student's Request: \_\_\_\_\_

Select one of the following two options:

### Option 1: Accommodation Approved

What specific accommodation will be provided?

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Approved dates or type of accommodation:

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Instructor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### Option 2: Accommodation Denied

Please specify the reason for the denial (e.g., requested accommodation requires significant expense or undue hardship on the College, Department, and/or Instructor, including a significant interference with the essential functions of the course/program of study):

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*Note: If there is no consensus on a reasonable accommodation, the student may request a meeting with the Instructor and Department Chair. For further appeal rights, consult Procedure 5.2.1.2 – Student Religious Accommodations.*

Instructor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Instructors:** Return the completed form to the student within five business days of the date the student submitted this form to you. Keep a copy in your or your department's files, as required by your department.

**I. Student Voluntary Withdrawal from Course(s)**

**A. Ten Percent (10%) Census Date**

1. On-cycle sections (a regularly scheduled course section offered consistent with an academic period): A student may withdraw from an on-cycle section for a partial refund on or before the official ten percent (10%) census date of the semester. On-cycle sections are typically 16-week fall or spring semesters and 8-week summer semesters.
2. Off-cycle sections (a regularly schedule course section that is not offered consistent with an academic period): After an off-cycle course section has begun, a student may withdraw from the section for a partial refund on or before the ten percent (10%) census date of the section. Off-cycle sections operate on a shorter time span than what is typical for the semester. Fall or spring off-cycle sections might include 12-week or 8-week sessions. Summer off-cycle sections might operate on a 4- or 6-week basis.

For more information on tuition/fee refunds, see Policy 6.1.4 – Tuition/Fee Refunds. In the case of withdrawal on or before the official ten percent date (10%) date, the withdrawn course(s) will not be included on the transcript.

**B. Seventy Five Percent (75%) Date**

At any point prior to the seventy five percent (75%) date of the semester, a student may voluntarily withdraw from his/her courses. A student withdrawing prior to the seventy-five percent (75%) date will receive a grade of “W” for each course dropped.

If a student withdraws after the seventy-five percent (75%) date, the instructor will initially determine if the grade received will be a “W” or a “F.” If the instructor has requested the grade of “F” but there are extenuating circumstances (i.e., medical, job relocation, etc.) that have contributed to a student’s decision to withdraw after the seventy-five percent (75%) date, the Vice President of Student Services (“Vice President”) may override the instructor’s grade request and assign the grade of “W.” The option to override the grade of “F” will be discussed with the appropriate instructor prior to either grade being posted to the student’s transcript. The Vice President may require supporting documentation from the student to justify the decision to grant a “W.”

It is the student's responsibility to officially withdraw from course(s) if he/she cannot meet the requirements of the course. The student should first consult his/her instructor or advisor before withdrawing. Students receiving financial aid should also consult a financial aid advisor before withdrawing. Withdrawing from a course could substantially delay the completion of the student's program of study and may impact future financial aid eligibility. To officially withdraw, the student must submit a completed withdrawal form to the Enrollment Office.

Students who stop attending any course must officially withdraw from the course in order to ensure that they will not receive a "FA," a grade indicating that the student has failed the course based on attendance issues. In the case of an official withdrawal submitted by the established deadlines, the student will receive a "W" which will not impact the grade point average but will appear in the student's official transcript.

All applicable deadlines will be published in the College's official calendar.

## **II. Student Involuntary Withdrawal from Course(s)**

- A. Students who register for a course and do not attend classes prior to ten percent (10%) will be dropped by the instructor.
- B. A student must be present for at least eighty percent (80%) of a curriculum class to be counted in attendance for that class. Some classes/programs have stricter attendance requirements than the 80% minimum. Any student who exceeds the number of allowable absences based on the attendance policy for that class will be unofficially withdrawn from the class by the instructor; a grade of "FA" will be assigned. Students who officially withdraw from a class prior to the seventy-five percent (75%) point of the semester may receive a grade of "W" rather than "FA" if approved by the Vice President, after consultation with the instructor. Information on attendance requirements will be included on the course syllabus.
- C. Students may be involuntarily withdrawn from courses for disciplinary reasons subject to the student discipline policies.
- D. Students may be involuntarily withdrawn from courses where their continued presence creates a threat to the health and safety to self and/or others. A student may appeal the decision through the grievance process.

Adopted: January 8, 2020



Any individual may audit a College class based on the following:

- A. The individual pays the normal tuition and fees. However, any person who is at least 65 years old may audit non-self-supporting occupational extension courses without the payment of any required registration fee or tuition provided the individual meets the other criteria listed herein. A student may be charged local fees associated with the courses.
- B. Auditing students do not take tests or examinations; they do not receive grades, credit or financial aid; and they cannot later change the “audit” to credit.
- C. Students auditing a course must meet the same course prerequisite and attendance standards as all other students in the course. Auditing a course will not meet the prerequisite of any sequential or higher-level course.
- D. Auditing is subject to open seats in the course; a student who audits a course shall not displace other students seeking to enroll in the course for a grade and credit.
- E. Students who audit a course and withdraw or are dropped from the course will be issued a grade of “W.”
- F. Students who desire to audit must inform their instructor at the first class session. Students must notify the Director of Enrollment during the first week of the semester. Audits appear on the grade report as “AU.”

Adopted: January 8, 2020

Legal Reference: 1D SBCCC 700.1; S.L. 2017-57

**I. Student Evaluation.**

Methods of evaluation of a student’s work may differ widely from class to class and among faculty members. Evaluation instruments or methods should reflect the objectives of the College and the course being taught. Students will be informed during the first week of class of the requirements for the course, methods of evaluation and the way their final grade will be determined. Each instructor determines the relative value of each evaluation instrument to be used.

**II. Grading System.**

A letter grade is used to indicate the quality of a student's work in a course. Grade points are assigned for each letter so that a grade point average can be calculated. The grading system is as follows.

<b>Grade</b>	<b>Explanation</b>	<b>Quality points per credit hour</b>
A (90-100)	Outstanding	4
B (80-89)	Above average	3
C (70-79)	Average	2
D (60-69)	Passing	1
F (Below 60)	Failure	0
FA (Below 60)	Failure due to non-attendance	0
AP	Advanced Placement	0
AU	Audit of a course	0
CE	Credit by proficiency exam	0
CR	Credit (used for developmental DMA/DRE courses)	0
CT	Credit by transfer	0
I	Incomplete	0
IP	In progress	0
NG	No grade issued by instructor	0
P	Passing (developmental courses)	0
P1	Passing Tier 1 – transition courses	0
P2	Passing Tier 2 – transition courses	0
P3	Passing Tier 3 – transition courses	0
R	Re-enroll (used for developmental DMA/DRE courses)	0
RA	Re-enroll (due to non-attendance of DMA/DRE courses)	0

S	Satisfactory progress	0
SR	Senior citizen audit	0
TP1	Transfer credit of Tier 1 – transition courses	0
TP2	Transfer credit of Tier 2 – transition courses	0
TP3	Transfer credit of Tier 3 – transition courses	0
U	Unsatisfactory Progress	0
W	Official or Administrative Withdrawal	0
*	An asterisk immediately following a grade indicates that the grade was not included in the totals for GPA calculation.	0

Marks of AU, CE, and CT are not considered as credit hours attempted nor are quality points awarded. The marks of CE and CT will result in the recording of proper credit hours according to the course's assigned value.

A grade of incomplete (I) grade will be given when circumstances justify additional time to complete the course. A grade of incomplete not removed by the end of the succeeding term will be changed to an “F” unless the instructor grants additional time. A grade of incomplete will not be considered for credit hours attempted until the grade is changed by the instructor or is reverted to an “F” due to lack of proper action by the student. The student will be informed of variations in the grading system during the first week of class. Exception: Special Credit students may be given a grade of W (withdrawal) on the course(s) without officially withdrawing.

Adopted: January 8, 2020

**I. Student Expectations of Faculty**

The College faculty pledges to provide the highest level of service possible to all of its students all of the time. To this end, it is reasonable for students to expect that faculty will:

- A. Provide a syllabus that outlines the content and objectives of the course and spells out the instructor's grading and attendance policies.
- B. Be a professional who will treat each student respectfully, equally and honestly.
- C. Start class on time, be prepared and use effective teaching strategies to promote learning of the subject material activities for the full time allotted for all classes.
- D. Strive to create a positive environment in which students may pursue learning.
- E. Be accessible and approachable.
- F. Provide timely and consistent feedback regarding student progress.
- G. Provide reasonable assistance on an individual basis as may be necessary and appropriate.
- H. Preserve the academic integrity of the course.

**II. Faculty Expectations of Students**

The College is an institution for adult learning. It is a partnership between instructors with the desire to teach and students with the desire to learn. To this end, faculty believe it is reasonable to expect that students will:

- A. Treat other students and faculty with respect and treat the classroom as a professional environment.
- B. Accept the challenge of collegiate studying, thinking, and learning.
- C. Anticipate that the level and quantity of work in some courses will exceed prior experiences.
- D. Be informed about instructors' policies presented in the course syllabus, as well as the College's policies and procedures.
- E. Attend all classes, except when emergencies arise.

- F. Adhere to class start times and end times that are prescribed.
- G. Be an active participant in class.
- H. Study course material routinely.
- I. Refrain from any behavior that may distract others.
- J. Silence all cell phones, pagers and other communications devices in every class.
- K. Use the Internet for valid, academic purposes while in any campus computer lab.
- L. Transact personal business with the instructor (such as asking him or her to sign forms) before instruction begins or after class.
- M. Do not compromise or surrender your integrity, ethics or morals.

Adopted: January 8, 2020

This Policy shall apply to grade appeals unrelated to issues pertaining to the Code of Student conduct. The grade appeal process applies only to final course grades. In the event a student appeals a grade that prevents progression in a program, the student will be allowed to enroll and attend the following semester pending the outcome of the appeal. For sequential classes that have a clinical component, the student will be allowed to take the academic coursework, but will not be allowed to participate in the clinical component of the class until the appeal is over. If the grade is upheld, the student will be administratively dropped from the course and refunded the tuition.

- A. If a student is dissatisfied with his or her grade, the student must first meet with the instructor who assigned the grade and request that the instructor review the basis for the grade. In cases where the student is unable to meet in person with the instructor, the student may contact the instructor by letter or email. If the disagreement about the grade is resolved in this discussion, grade change action, where needed, must originate through the instructor. If the instructor is no longer employed at the College, the student may proceed to step two.
- B. If the student is still dissatisfied with the instructor's determination, the student may present his/her case in writing to the appropriate Dean or Program Head. The Dean/Program Head will make a written determination and provide it to the student.
- C. If the student remains dissatisfied, a final review may be made by the Vice President of Instruction, in consultation with the Vice President of Student Services and/or all individuals involved. If the grade is declared invalid and set aside, the student may be given a comprehensive examination by the department involved to establish a grade.

The right to contest a grade expires at the end of the term following the one in which the grade was assigned. The time limit will be waived only in unusual circumstances.

Adopted: January 8, 2020

Each student is expected to maintain satisfactory academic progress toward a degree, diploma or certificate. At the end of each term, a student's term and cumulative GPA are reviewed. Special standards of progress for Associate Degree Nursing, Dental Assisting, Medical Assisting, and Practical Nursing students are published in the respective handbooks for these majors. Special standards are also in place for the Gunsmithing program; the standards are published in the program handbook. Standards for students enrolled in any of these programs supersede standards for students enrolled in other programs at MCC

- A. **Academic Alert:** If a student's GPA falls below 2.0, the student will be placed on academic alert. Academic alert is a non-punitive intervention that serves to alert the student, the counselors, and instructors to potential academic issues. Students on academic alert must discuss their academic status with their faculty advisor or other designated college representative. If the term GPA improves at the end of the next term, the student returns to a good standing status.
  
- B. **Academic Probation:** A student whose term GPA remains below a 2.0 for two consecutive terms will be placed on academic probation. Students on academic probation are required to consult with the counselor or other designated college representative and may be required to reduce their course load, repeat courses, or register for foundational studies classes to strengthen their educational background. Students failing to see a counselor or designated college representative by the end of the term in which they are notified of probationary status will not be allowed to reenroll for the next term. Students may remove themselves from academic probation by reestablishing the minimum GPA standing for credit hours attempted.
  
- C. **Academic Suspension:** A student whose term GPA remains below a 2.0 for a third consecutive term will be placed on academic suspension for one term. Students on suspension may register for Continuing Education courses, but may not register for curriculum courses during the suspension period unless approved by the counselor after consultation with the student's program advisor. At the discretion of the counselor and with concurrence of the advisor, students may request a waiver of the one term suspension to continue their studies. The counselor and advisor will review the reasons for the request and determine if a waiver is justified. Suspended students who request and receive approval to register must adhere to the requirements established by the counselor.

Adopted: January 8, 2020

The primary purpose of prerequisites and corequisites is to ensure that students possess the necessary skills to be academically successful for subsequent coursework. While successful completion of prerequisites/corequisites is the traditional way students demonstrate readiness, in exceptional circumstances, students may acquire requisite skill or knowledge through other means. In such cases, prerequisites/corequisites may be waived with appropriate approvals and permission by the Vice President of Student Services. Documentation of the approved waiver will be maintained on file.

Adopted: January 8, 2020

Legal Reference: 1D SBCCC 400.97; Numbered Memo CC06-269



**I. REPEATING COURSES**

**A. Curriculum Courses**

Curriculum courses with earned grades of “D” or “F” may be repeated. Courses with earned grades of “C” or higher may be repeated as long as repetition of the course does not conflict with other established policies. When courses are repeated, the highest earned grade and hours will be computed in the cumulative grade point average. The first course (grade and hours) will be shown on the transcript and will not be included in the cumulative grade point calculations.

**B. Extension Education Courses**

Students may enroll in extension education courses as many times as necessary to accomplish their individual educational/training goals provided they continue to show progress, do not prohibit others from participating, are willing to pay fees, and do not violate North Carolina Community College System policy. Extension Education programs/courses are designed to enable participants to progress, at their individual achievement rates, in gaining knowledge and skills in specific educational areas.

**II. COURSE SUBSTITUTIONS**

When it is determined to be in the best interest of the student’s declared educational objective, appropriate courses may be substituted for other courses for graduation purposes. Necessary course substitutions within the major field (courses reflecting the prefix of the student’s major curriculum) require the approval of the Vice President of Instruction (“Vice President”). Course substitutions from curriculums outside the student’s major area, which have been made for the purpose of addressing the general education or related course requirements, must be approved by the department Dean or Program Head. The Vice President and/or appropriate Dean must notify the Director of Enrollment in writing of all applicable course substitutions on an individual student basis.

Adopted: January 8, 2020

The following is an overview of basic student rights. For more specific information concerning these and other rights, students are directed to review the specific policy or procedure dealing with the issue of concern. The provisions and language contained in specific policies and procedures control over this Policy.

- A. Students are free to pursue their educational goals. The College shall provide appropriate opportunities for learning in the classroom and on the campus. Student performance will be evaluated solely on an academic basis and not on opinions or conduct in matters unrelated to academic standards. For more information regarding attendance and academic standards, see policies contained in the Policy Manual, Section 5.2 – Attendance and Academics.
- B. Students have the right to freedom of expression, inquiry and assembly without restraint or censorship, subject to reasonable and non-discriminatory rules and regulations regarding time, place and manner. For more information, consult Policy 2.3.5 – Campus Free Speech, Distribution of Material and Assembly.
- C. Students have the right to inquire about and to propose improvements in policies, regulations and procedures affecting the welfare of students through established student government procedures, campus committees and College offices.
- D. The Family Educational Rights and Privacy Act of 1974 (“FERPA”) provides safeguards regarding the confidentiality of and access to student records and the College shall adhere to the FERPA laws and regulations. Students and former students have the right to review their official records and to request a grievance if they challenge the contents of these records. No records shall be made available to unauthorized personnel or groups outside the College without the written consent of the student involved or if a legal exception applies. For more information, consult Policy 5.4.3 – Student Records – FERPA.
- E. No disciplinary sanctions, other than temporary removal from class or activity (only for duration of said activity) may be imposed upon any student without due process. For more information concerning student due process rights with respect to disciplinary situations, consult Policy 5.3.2 – Student Code of Conduct.
- F. Students have the right to voluntarily withdrawn from courses under certain criteria. For more information, consult Policy 5.2.2 – Withdrawal from Courses.
- G. Students have the right to be free from discrimination, harassment and sexual violence while attending the College and accessing the College’s programs and opportunities. For more information, consult Policy 5.3.4 – Discrimination and Harassment.

Adopted: January 8, 2020

The College makes every effort to maintain a safe and orderly educational environment for students and staff. Therefore, when, in the judgment of College officials, a student's conduct disrupts or threatens to disrupt the College community, appropriate disciplinary action will be taken to restore and protect the sanctity of the community.

Students are expected to conduct themselves in accordance with generally accepted standards of scholarship and morality. The purpose of these standards is not to restrict student rights but to protect the rights of individuals in their academic pursuits.

The following regulation sets forth offenses for which disciplinary proceedings may be initiated. Violation of one or more of the following code provisions may result in one of the sanctions described in Procedure 5.3.2.1 – Discipline and Appeals Procedures for Academic-Related Violations and/or Procedure 5.3.2.2 – Discipline and Appeals Procedures for Non-Academic Related Violations.

#### **I. Academic-Related Violations**

- A. **Plagiarism** – The intentional theft or unacknowledged use of another's work or ideas. Plagiarism includes, but is not limited to: a) paraphrasing or summarizing another's words or works without proper acknowledgement; b) using direct quotes of material without proper acknowledgment; or c) purchasing or using a paper or presentation written or produced by another person. If a student is uncertain about what constitutes plagiarism, he/she should discuss with the class instructor.
- B. **Cheating** – Using notes or other material on an exam or class work without permission from the class instructor; receiving information from another student during an exam; obtaining a copy of an exam or questions from an exam prior to taking the exam; submitting someone else's work as one's own; or having someone take one's exam and submitting it as his/her own.
- C. **Aiding Acts of Academic Dishonesty** – Providing information to another student when it is known, or when there is a reasonable expectation of knowing, that the student intends to use the information for cheating or other deceptive purposes.

#### **II. Non-Academic Related Violations**

- A. **Theft and Property Damage** – Students shall not steal or damage College property or another individual's property. Students who are caught stealing or damaging said property will be required to make restitution and may be eligible for civil or criminal prosecution as well as College discipline.
- B. **Trespass to Property** – Students are trespassing if in an unauthorized area of the College campus; present on the College campus after closing hours (without

permission); or remaining on the College campus after having been directed to leave by a College official.

- C. **Drugs and Alcohol** – Students shall not unlawfully possess, use, be under the influence of, manufacture, dispense, sell or distribute alcohol, illegal or unauthorized controlled substances or impairing substances at any College location. For more specific information, see Policy 5.3.5 – Students – Alcohol and Drugs on Campus. In addition, students may not use tobacco of any form or e-cigarettes on campus.
- D. **Lewd and Indecent Behavior** – Students shall not engage in lewd or indecent behavior, including public physical or verbal action or distribution of obscene material based on reasonable community standards. The conduct must be objectively severe or pervasive enough that a reasonable person would agree that the conduct constitutes lewd and/or indecent behavior.
- E. **Mental/Physical Abuse** – Students shall not mentally or physically abuse any person on the College premises or at a College-supervised function, including verbal or physical actions which threaten or endanger the health or safety of any such persons.
- F. **Assault** – Students shall not assault or threaten to assault another person for any reason whatsoever. Assault includes a demonstration of force, unlawful physical touching or striking.
- G. **Sexual Harassment and Sexual Violence.** Students shall not engage in sexual harassment and/or sexual violence. For more specific information and definitions of prohibited activities, consult Procedure 5.3.4.1 – Sexual Harassment and Sexual Violence.
- H. **Unlawful Discrimination.** Students shall not engage in unlawful discrimination. For more specific information and definitions of prohibited activities, consult Procedure 5.4.3.2 – Unlawful Discrimination.
- I. **Communicating Threats** – Students shall not verbally, in writing, through a third party or by any other means threaten to physically injure another person or that person’s child, sibling, spouse or dependent, or willfully threaten to damage the property of another.
- J. **Bullying** – Students shall not intimidate or threaten with harm any other individual. Bullying is defined as any pattern of gestures or written, electronic or verbal communications, or any physical act or any threatening communication that takes place on the College premises or at any College sponsored function that: (a) places a person in actual and reasonable fear of harm to his or her property; or (b) creates, or is certain to create, a hostile environment by substantially interfering with or impairing a student’s educational performance, opportunities or benefits or a College’s employee's ability to perform the essential functions of his/her job.

- K. **Disorderly Conduct and Disruption** – Students shall not obstruct or disrupt any teaching, research, administration or disciplinary proceedings, or other College activities, including public service functions, and other duly authorized activities on or off College premises. Students shall not occupy or seize, in any manner, College property, a College facility or any portion thereof for a use inconsistent with prescribed, customary, or authorized use. Students shall not participate in or conduct an assembly, demonstration or gathering in a manner which threatens or causes injury to person or property; which interferes with free access to, ingress or egress of College facilities; which is harmful, obstructive or disruptive to the educational process or institutional functions of the College; hold rallies, demonstrations, or any other forms of public gathering without prior approval of the College based on reasonable time, place and manner restrictions; remain at the scene of such an assembly after being asked to leave by a representative of the College staff.
- L. **Possession of Weapons** – Students may not have a weapon of any kind, including but not limited to, a knife, stun gun or any firearm in their possession on campus or at any College-affiliated activities or events except handguns as allowed by N.C.G.S. § 14-269.4. Handguns are permitted under these circumstances: a) the person has a concealed handgun permit that is lawfully issued; b) the handgun is in a closed compartment or container within the person’s locked vehicle; c) a person may unlock the vehicle to enter or exit the vehicle provided the handgun remains in the closed compartment at all times; and d) the vehicle is locked at all times.
- M. **Tampering with Fire Alarms** - Setting off a fire alarm or using or tampering with any fire safety equipment, except with reasonable belief in the need for such alarm or equipment, may result in disciplinary action.
- N. **Gambling** – Students may not gamble on campus or at any College-affiliated activities or events.
- O. **Traffic Violations** – Students shall not violate College regulations regarding the operation and parking of motor vehicles.
- P. **Providing False Information** – Students shall not present to the College or its employees false information as part of an investigation, inquiry, hearing or in other matters related to College activities; neither may a student knowingly withhold information which may have an effect on their enrollment or their status with the College.
- Q. **Disobedience/Insubordination** - Failure to comply with instructions of College officials acting in performance of their duties may result in disciplinary action. Failure to adhere to the terms of any disciplinary action already in place may result in additional reprimands.

- R. **Financial Impropriety** – Financial impropriety such as failure to pay College-levied fines, failure to repay College-funded loans, misuse or failure to properly account for club or student organization funds, or the passing of worthless checks, drafts or orders to College officials may result in disciplinary action.
- S. **Public Laws** – Violations of any federal, state or local laws occurring while on campus may lead to legal actions as well as College discipline. Violations of federal, state or local laws occurring off campus may result in disciplinary action if the student’s continued presence on campus constitutes a threat to the safety and order of the campus.
- T. **Failure to Report Criminal Activity** - Failure to inform the College, in writing, within five (5) days after he or she is convicted for violation of any federal, state, or local criminal drug statute or alcoholic beverage control statute where such violation occurred while on a College location may result in disciplinary action. For more information, see Policy 5.3.5 – Student Alcohol and Drugs on Campus.
- U. **Unauthorized Access to College Records** – Students may not access, view, copy or change official College records without expressed authority to do so.
- V. **Animals on Campus** – Students may not have an animal of any kind on campus. This includes animals left within a vehicle. Service animals are permitted and any student with a service animal should report the use of a service animal to the College’s Disability Services Coordinator. For more information regarding service animals, see Policy 5.4.5 – Service Animals and Other Animals on Campus
- W. **Improper Use of the College Network/Technology** – Students are prohibited from engaging in any activities prohibited under Policy 7.2 – Internet and Network Acceptable Use.
- X. **Violation of Policies and Procedures** – Students are expected to be familiar with the College’s policies and procedures. Students may be disciplined for failure to follow the College’s policies and procedures.
- Y. **Violations of Normal Classroom Behavior** – Not complying with reasonable rules issued by an instructor, causing disruption in the classroom or being disrespectful to classmates or the instructor may result in disciplinary action. The conduct must be objectively severe or pervasive enough that a reasonable person would agree that the conduct is disruptive or disrespectful not based on content or viewpoint discrimination.
- Z. **Student Assessment Team** – Not complying with a recommendation or directive of the Behavioral Intervention Team pursuant to Policy 5.3.3 Behavioral Intervention may result in disciplinary action.

Adopted: January 8, 2020

## **I. OVERVIEW**

The Vice President for Student Services (“Vice President”) is responsible for implementing student discipline procedures for academic dishonesty. The College is committed to providing an excellent educational experience for all students. Academic integrity is an essential component to this level of education. The academic penalty for academic-related violations should be clearly stated by the instructor in each course syllabus and review at the beginning of the first class meeting.

These procedures only apply to academic-related violations, outlined herein and defined in Policy 6.3.2 – Standards of Student Conduct. For non-academic violations, see Administrative Procedures 6.3.2.2.

## **II. SANCTIONS FOR VIOLATIONS**

The following sanctions may be imposed for academic violations:

- A. Re-complete the assignment;
- B. Additional course work;
- C. Loss of credit for the assignment; or
- D. Loss of credit for the class.

## **III. INSTRUCTOR’S INVESTIGATION AND DETERMINATION**

### **A. INSTRUCTOR’S INVESTIGATION**

An instructor suspecting an incident of an academic-related violation shall follow these steps to address the concern:

1. The instructor suspecting the alleged violation shall first present concerns to the student and provide an opportunity for the student to explain or refute the concerns.
2. The student will be allowed to comment on the evidence or to present evidence to clarify the issue in question.
3. Based on the evidence presented and the student’s comments, the instructor shall determine whether or not an academic-violation has occurred. This determination will result in one of the following findings:



- a. An academic-related violation did not take place and the issue is resolved.
- b. An act of academic dishonesty did occur in the instructor's opinion.

**B. INSTRUCTOR'S DETERMINATION**

The instructor will communicate his/her findings via email to the student's official College email address within five (5) business days of the initial meeting with the student. If an email address is not available, the instructor shall send his/her written findings to the student's mailing address on record with the College. The findings must contain, with specificity, the evidence supporting the instructor's determination. The instructor shall also inform the student of the imposed academic sanctions. The sanction will remain in place unless modified or overturned on appeal.

**IV. APPEAL PROCEDURES**

**A. APPEAL TO THE VICE PRESIDENT**

1. A student who disagrees with the instructor's decision may appeal to the Vice President. This appeal must be submitted in writing within three (3) business days of receipt of the instructor's decision and describe, with specificity, why the student believes the instructor's findings to be in error.
2. The Vice President will conduct an "on the record review" examining the instructor's written findings and student's written appeal. The Vice President may require the student, the instructor and any other necessary party to provide additional documents as needed, including written statements, or provide written clarification to submitted documents.
3. After considering the evidence presented, the Vice President will affirm, modify or overturn the instructor's decision.
4. The Vice President will inform the student via the student's official College email address of the decision within ten (10) business days of the receipt of the student's appeal. If an email address is not available, the instructor shall send his/her written findings to the student's mailing address on record with the College.
5. The Vice President's decision is final.

Adopted: January 8, 2020

## **I. OVERVIEW**

The Vice President for Student Services (“Vice President”) is responsible for implementing these Procedures.

These Procedures apply to non-academic violations defined in Policy 5.3.2 – Student Code of Conduct. For academic-related violations, see Procedure 5.3.2.1 – Discipline and Appeal for Academic Violations. For issues regarding sexual harassment and sexual violence, see Procedure 5.3.4.1 – Sexual Harassment and Sexual Violence and for issues related to other forms of unlawful discrimination, see Procedure 5.3.4.2 – Unlawful Discrimination.

## **II. SANCTIONS FOR VIOLATIONS**

The following sanctions may be imposed for non-academic violations:

- A. Reprimand. A reprimand is written communication which gives official notice to the student that any further disciplinary offense will carry heavier penalties because of this prior infraction.
- B. Disciplinary Probation. Disciplinary probation results in loss of good standing and becomes a matter of record. While on disciplinary probation, the student will not be eligible for initiation into any local or national organization and shall not receive any College award or other honorary recognition. The student may not occupy a position of leadership or responsibility with any College or student organization, publication or activity. This sanction prohibits the student from officially representing the College or participating in any extracurricular activities including intramural competitions. Disciplinary probation will be in effect for not less than two (2) semesters including the current semester. Any further disciplinary offenses while under disciplinary probation will result in the student’s immediate suspension.
- C. Restitution. Restitution is paying for damaging, misusing, destroying or losing property belonging to the College, College employees or students. Restitution may take the form of financial payment or appropriate service to repair or otherwise compensate for such damages.
- D. Withholding Academic Records and/or the Right to Register. Withholding transcripts, diplomas or the right to register or participate in graduation ceremonies is imposed when a student’s financial obligations are not met or the student has a disciplinary case pending final disposition.

- E. Temporary Suspension. Temporary suspension is the exclusion from all College property and all College activities pending the resolution of a disciplinary proceeding.
- F. Disciplinary Suspension. Discipline suspension is the exclusion from all College property and all College activities for a specified period of time. This sanction is reserved for those offenses warranting discipline more severe than disciplinary probation. A student under disciplinary suspension must receive specific written permission from the Vice President before returning to campus. Disciplinary suspension appears on the student's academic transcript.
- G. Expulsion. Expulsion is dismissing from the College. The student may be readmitted to the College only with the approval of the President. Expulsion appears on the student's academic transcript.
- H. Group Probation. Group probation is given to a College club or other organized student group for a specified period of time. If group violations are repeated during the term of probation, the charter may be revoked or activities restricted.
- I. Group Restriction. Group restriction is removing College recognition during the semester which the offense occurred, or for a longer period (usually not more than one other semester). While under restriction, the group may not seek to add members, hold or sponsor events in the College community or engage in other activities as specified.
- J. Group Charter Revocation. Revocation is the removal of College recognition for a group, club, society or other organization for a minimum of two (2) years. Re-charter after that time must be approved by the President.

In addition to the above stated sanctions, the College may require counseling. The student may be required to attend one or more counseling sessions with a licensed professional counselor. The student may be required to complete counseling before returning to the College after a period of suspension or expulsion. The student must provide written documentation from the licensed professional that the requirement has been met. Additionally, if required by the Vice President, the student must also provide a statement from the licensed professional that the student is able to return to class based on his/her professional judgment. The student may be referred to the College's licensed professional counselor at no charge or elect to use his/her own licensed professional counselor and bear the cost.

### **III. IMMEDIATE REMOVAL FROM CAMPUS**

If an act of misconduct threatens the health, safety or well-being of any member of the academic community and/or seriously disrupts the function and good order of the College, an instructor will immediately notify any College Vice President or Dean who will immediately meet with the student and direct the student to cease and desist such conduct and advise the student that failing to cease and desist will result in an immediate removal

from campus. If the student(s) fails to cease and desist, or if the behavior is such that the student(s) needs to immediately be removed from campus, the College Vice President or Dean may then immediately have the student(s) removed from campus.

The College Vice President or Dean invoking the removal shall notify the Vice President in writing of the student involved and the nature of the infraction as soon as possible but no more than one (1) working day following the incident. Upon receipt of the College Vice President or Dean's written notice, the Vice President shall meet with the student as soon as possible to allow the student to present his/her side. If, in the Vice President's opinion, the student behavior threatens the health, safety and well-being of the College community, the Vice President shall place the student on temporary suspension pending the outcome of the disciplinary matter. Temporary suspension may be imposed only: (a) to ensure the safety and well-being of members of the College; (b) to ensure the student's own physical or emotional safety and well-being; or (c) if the student poses a direct threat of disruption or interference with the normal operations of the College.

#### **IV. DISCIPLINARY PROCEDURES**

In order to provide an orderly system for handling student disciplinary cases in accordance with due process and justice, the following procedures will be followed:

##### **A. Incident Report**

Any College employee or student may file written charges with the Vice President against any student or student organization for violations of the Student Code of Conduct. The individual(s) making the charge must complete and submit an Incident Report within five (5) business days of the incident given rise to the alleged violation.

##### **B. Investigation and Determination**

The Vice President shall conduct an investigation into the charges and allegations. Within ten (10) business days after receipt of the incident report, the Vice President shall complete his/her investigation of the charges and shall meet with the student (or student representative(s) on behalf of a student organization), present the results of the investigation and provided the student (or student representative(s)) with an opportunity to present his/her side. After discussing the alleged infraction with the student, the Vice President may act as follows:

1. Drop the charges;
2. Impose a sanction; or
3. Refer the student(s) to a College office or community agency for services.

All disciplinary actions should be progressive in nature and should take into account the totality of the situation; however, depending on the severity of the infraction, even first time offenses could result in suspension or expulsion.

**C. Notification**

The Vice President shall provide the student with his/her written decision and instructions governing the appeal process. Such notice shall be given in person or sent to the student's College email address or mailing address of record.

**VI. DISCIPLINARY APPEAL PROCEDURE**

**A. Appeal to the Disciplinary Review Committee**

A student who disagrees with the Vice President's decision may request an appeal before the Disciplinary Review Committee ("Committee"). This request must be submitted in writing to the Vice President within three (3) working days after receipt of the Vice President's decision. The Vice President shall refer the matter to the Committee together with a report of the nature of the alleged misconduct, the name of the complainant, the name of the student(s) against whom the charge has been filed, and the relevant facts revealed by the Vice President's investigation. The Vice President's decision is not tolled pending an appeal.

**1. Committee Composition**

Membership of the Disciplinary Review Committee shall be composed of the following:

- a. Three faculty/staff members appointed by the President.
- b. Three student members appointed by the Student Government Association and approved by the President.
- c. One administrator appointed by the President to serve as Committee Chairperson who will vote only in case of a tie.
- d. At least two faculty/staff members and two students plus the Chairperson must be present in order for the Committee to conduct business.
- e. Committee members will serve one (1) year from the beginning of fall semester through summer semester with replacements appointed by the President or SGA if necessary.

**2. Committee Hearing Procedures**

- a. Pre-Hearing Procedural Responsibilities of the Vice President – The Committee must meet within ten (10) working days of receipt of the student's request for a hearing. At least five (5) working days prior to the date set for the hearing, the Vice President shall send notification to the student(s) with the following information:

- i. A restatement of the charge or charges.
- ii. The time and place of the hearing.
- iii. A statement of the students' basic procedural rights.
- iv. A list of witnesses that the Vice President or designee plans to present.
- v. The names of the Committee members.

At least two (2) days prior to the hearing, the student(s) will provide the Vice President with a witness list and whether or not the student will be represented by legal counsel. Failure to notify the Vice President regarding legal counsel could result in the hearing being continued until such time that the College can have its legal counsel present. Should the College's legal counsel attend, he/she shall serve as the procedural officer for the hearing.

- b. The following due process rights shall apply to the Committee hearing:

- i. The right to counsel. The role of the person acting as counsel is solely to advise the student(s). The counsel shall not address the Committee.
- ii. The right to produce witnesses on one's behalf.
- iii. The right to request, in writing, the President to disqualify any member of the Committee for prejudice or bias. (The request must contain reasons). A request for disqualification, if made, must be submitted at least three (3) working days prior to the hearing. If such disqualification occurs, the appropriate nominating body shall appoint a replacement to be approved the President.
- iv. The right to present evidence.
- v. The right to know the identity of the person(s) bringing the charge(s).
- vi. The right to hear witnesses on behalf of the person(s) bringing the charge(s).
- vii. The right to testify or to refuse to testify without such refusal being detrimental to the student.

- c. The following hearing procedures shall apply:

- i. Hearings before the Committee shall be confidential and shall be closed to all persons except the following:
  - The student(s)
  - Counsel(s)
  - Committee Members
  - Vice President, or designee

- ii. Witnesses shall only be present in the hearing room when giving their testimony.
- iii. The Vice President, or designee, shall present evidence and witnesses to support his/her decision. Committee members may ask questions to the witnesses.
- iv. The student(s) will then have an opportunity to present evidence and witnesses. Committee members may ask questions to the witnesses.
- v. Each side will have an opportunity to make a short, closing argument. The hearing will be audio recorded. Recordings will become the College's property and access to the recordings will be determined by the Committee Chairperson. All recordings will be filed in the office of the Vice President. The Chairperson shall establish the record at the close of evidence.
- vi. Upon completion of a hearing, the Committee shall meet in closed session to affirm, reverse or modify the Vice President's decision.
- vii. Committee decisions shall be made by majority vote.
- viii. Within two (2) working days after the hearing, the Chair shall notify the student(s) and Vice President, in writing, with the Committee's decision.

**B. Appeal to the President**

If the Vice President or student disagrees with the Committee's decision, either may request an appeal to the President. This request must be submitted in writing to the President within three (3) working days after receipt of the Committee's decision.

The President will conduct an "on the record review" of the record presented to the Committee. The President shall provide a written decision to the student and Vice President within ten (10) business days from receipt of the student's appeal.

**V. Student Voluntary Withdrawal**

If a student is accused of violating the Student Code of Conduct and voluntarily withdraws prior to the conclusion of the disciplinary matter without the consent of the Vice President, the student will not be allowed to re-enroll to the College unless reasonable re-entry restrictions, as determined by the President, are satisfied. For students who withdrew prior to a determination regarding alleged misconduct that threatened the health, safety or well-being of any member of the academic community and/or seriously disrupted the function and good order of the College, in addition to other reasonable re-entry restrictions, the student must provide proof from a psychiatrist or licensed psychologist, at the student's expense, that the student no longer poses a direct threat.

Adopted: January 8, 2020

**I. Purpose of Student Conduct Review**

The College has an obligation to provide a safe place for its students to learn and a safe place for its employees to work. When any College employees or students have a concern about a student’s potential to have a negative consequence on the safety of College employees, other students or themselves, they are encouraged to report the matter to the Vice President of Student Services (“Vice President”). If warranted, a Behavioral Intervention Team (“BIT”), a cross-functional multidisciplinary group focused on prevention and early-intervention for students exhibiting concerning behaviors, may be used to address the situation. The following procedures are outlined to guide this process.

**II. Procedures for Conduct Review**

**A. Step One**

College employees or students who are concerned about a student displaying elevated levels of distress, disturbance, or dysregulation (e.g. suicidal thoughts or impulses, violent and aggressive impulses, depression, disruptive behavior, physical or sexual abuse) or displaying behavior that poses a direct threat to the health, welfare and safety of the College community are encouraged to contact the Vice President or the College Counselor.

**B. Step Two**

The Vice President, with assistance from the Counselor, will conduct a review based on the report. During the review, the following items, among other things, shall be considered: (a) the severity of the reported behavior; (b) whether the reported behavior represents a direct threat to the health, welfare and safety of the college’s community; (c) the student’s academic, attendance and discipline records; (d) whether this type of behavior has been reported in the past; and (e) whether or not the reported behavior, if true, violates the Code of Student Conduct.

When conducting the review, college staff may: (a) speak with the student; (b) gather additional evidence or information by interviewing members of the college community; (c) compile additional documentation; and (d) review other evidentiary sources.

Based on the result of the conduct review, the Vice President may: (a) treat the matter as a disciplinary action pursuant to Procedure 5.3.2 – Student Code of Conduct, if a violation is believed to have occurred; (b) make a written referral of his/her findings to the BIT for review; or (c) no further action is warranted. If a referral to the BIT is made, the student will be informed in writing concerning the referral; the student and the BIT will receive a copy of the review findings.



### **III. BIT Review and Determination**

#### **A. Membership**

Members of the BIT are:

1. Vice President of Student Services (Chair)
2. Counselor (Co-Chair)
3. Psychology Instructor
4. Campus Resource Officer
5. Director of Facilities
6. One at-large appointee by Vice President

#### **B. BIT Review**

If referred by the Vice President or Counselor, the BIT will review the concern to determine if the speech or behavior in question is creating, or may lead to, an unsafe environment and impede the success of the student in question. The BIT's report will be based on the nature of the behavior, the severity of the safety risk and the student's needs.

As a part of this evaluation, the BIT will review the Vice President's or Counselor's findings and may meet with the individual(s) bringing forth the concern, witnesses and the student in question. Further, the BIT may request or require that the student be evaluated by outside professional(s) to determine their suitability to be a student at the College. The student will have an opportunity to review any documentary evidence reviewed by the BIT and will be allowed to address the BIT and may be accompanied by an advocate; however, only the student will be allowed to address the BIT and not the advocate.

#### **C. BIT Determination**

Upon completion of the review, the BIT will submit their written findings and determination to the student and Vice President. The BIT may include, but is not limited to, the following recommendations in their findings:

1. No action required.
2. Propose a resolution to address miscommunication.
3. Propose an action plan to address concerning behaviors and support student success.
4. Refer student for an external psychological assessment.
5. Refer the matter to Policy 5.3.2 – Student Code of Conduct to initiate appropriate disciplinary action if a violation is believed to have occurred. The BIT is not authorized to suspend or involuntarily withdraw a student.

A student's failure or refusal to comply with determination of the BIT as administered by the Vice President of Student Services will constitute a basis to charge the student with an offense under Policy 5.3.2 – Student Code of Conduct and administer according to Procedure 5.3.2.2 – Discipline and Appeal Procedure for Non-Academic Violations.

All documentation associated with each concern addressed will be maintained in the student's permanent record.

**D. Incident Follow-up**

If warranted, the BIT, at its discretion, may require periodic follow-ups with the student. The desire and frequency of such follow-ups shall be included in the BIT's written determination. Failure by the student to participate in required follow-ups may be treated as a disciplinary infraction.

Adopted: January 8, 2020

The College is fully committed to providing a learning and work environment that is free from prohibited discrimination. The College does not practice or condone discrimination based on race, color, national origin, religion, sex, gender, gender identity or expression, pregnancy, disability, genetic information, age, political affiliation or veterans' status in the administration or in any of its academic programs and employment practices.

For issues related to sexual and gender harassment, discrimination and violence, see Procedures 5.3.4.1 – Sexual Harassment and Sexual Violence.

For issues related to all other types of unlawful discrimination and harassment, see Procedures 5.3.4.2 – Unlawful Discrimination and Harassment.

This is a cross reference to Policy 3.3.7

Adopted: January 8, 2020

Legal Reference: Title VII of the Civil Rights Act of 1964; The Americans with Disabilities Act of 1990; Section 504 of the Rehabilitation Act of 1973; The Age Discrimination in Employment Act of 1967; Equal Pay Act of 1963; Title II of the Genetic Information Nondiscrimination Act of 2008; Title IX of the Higher Education Amendments of 1972; Lily Ledbetter Act; NC Equal Employment Practices Act; NC Retaliatory Employment Discrimination Act; Jeanne Clery Disclosure Act of Campus Security Policy and Campus Statistic Act of 1990; Campus Sexual Assault Victim's Bill of Rights of 1992; Violence Against Women Act of 1994; Campus Sexual Violence Elimination Act of 2013.

The College strives to make its campuses inclusive and a safe and welcoming learning environment for all members of the College community. Pursuant to multiple federal and state laws and administrative regulations and pursuant to College policy, the College prohibits discrimination in its activities, services and programs based on sex, gender and gender identity<sup>1</sup>.

Title IX is a comprehensive federal law that prohibits discrimination on the basis of sex or gender in any federally funded education program or activity. Under Title IX, discrimination on the basis of sex or gender also includes sexual harassment, stalking, dating and domestic violence, or sexual violence, such as rape, sexual assault, sexual battery, sexual coercion. The College's Title IX Coordinator has oversight responsibility for handling Sexual Misconduct complaints and for identifying and addressing any patterns and/or systemic problems involving Sexual Misconduct. All allegations involving Sexual Misconduct should be directed to the College's Title IX Coordinator or, in the case of actions solely between employees, the College's Director of Human Resources. If the alleged incident involves both an employee and a student, the Title IX Coordinator shall take the lead but shall work cooperatively with the Director of Human Resources.

## **I. DEFINITIONS**

The following definitions shall apply to this Procedure and shall be collectively referred to herein as "Sexual Misconduct".

The definitions are not intended to operate as speech codes, promote content and viewpoint discrimination or suppress minority viewpoints in the academic setting. Indeed, just because a student's speech or expression is deemed offensive by others does not mean it constitutes discrimination or harassment.

In applying these definitions, College administrators shall view the speech or expression in its context and totality and shall apply the following standard: the alleged victim subjectively views the conduct as discrimination or harassment and that the conduct is objectively severe or pervasive enough that a reasonable person would agree that the conduct is discriminatory or harassing.

- A. Confidential Employee** – is not a Responsible Employee and is not required to report incidents of Sexual Misconduct to the College's Title IX Coordinator if confidentiality is requested by the student. Campus counselors are considered Confidential Employees. If a student is unsure of someone's duties and ability to maintain one's privacy, the student should ask the person before s/he speaks to him/her.

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<sup>1</sup> You may consider adding sexual orientation as well.

- B. Consent** – explicit approval to engage in sexual activity demonstrated by clear actions or words. This decision must be made freely and actively by all participants. Non-verbal communication, silence, passivity or lack of active resistance does not imply consent. In addition, previous participation in sexual activity does not indicate current consent to participate and consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent has not been obtained in situations where the individual: i) is forced, pressured, manipulated or has reasonable fear that they will be injured if they do not submit to the act; ii) is incapable of giving consent or is prevented from resisting due to physical or mental incapacity (including being under the influence of drugs or alcohol); or iii) has a mental or physical disability which inhibits his/her ability to give consent to sexual activity.
- C. Dating Violence** – crimes of violence against a person with whom the person has or had a social relationship or a romantic or intimate relationship.
- D. Domestic Violence** – crimes of violence against a current or former spouse or intimate partner, a person with whom the student shares a child in common, a person with whom the student cohabitates or has cohabitated as a spouse, a person similarly situated to the student as a spouse, a person who is related to the student as a parent, child or person who is related to the student as a grandparent or grandchild.
- E. Rape** – as stipulated by the Federal Bureau of Investigation’s (FBI) updated definition in the UCR Summary Reporting System means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

This definition includes any sex of victim or Perpetrator. Sexual penetration means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.

- F. Responsible Employee** – a College employee who has the authority to take action to redress sexual harassment/misconduct; who has been given the duty of reporting incidents of sexual harassment/misconduct or any other misconduct by students to the Title IX Coordinator or other appropriate designee; or who a student reasonably believes has this authority or duty. The College’s Responsible Employees include all College administrators (Deans, Directors, Coordinators and Vice Presidents). If a student is unsure of someone’s duties and ability to maintain one’s privacy, the student should ask the person before s/he speaks to him/her.

- G. Sexual Assault** – subjecting any person to contact or behavior of a sexual nature or for the purposes of sexual gratification without the person’s expressed and explicit consent.
- H. Sexual or Gender-Based Harassment** – unwelcome sexual advances, requests for sexual favors and other verbal, physical, or electronic conduct of a sexual nature that, from the perspective of a reasonable person, creates a hostile, intimidating, or abusive environment; involve verbal, physical, or electronic conduct based on a person’s sex, gender, or sex-stereotyping that, from the perspective of a reasonable person, creates a hostile, intimidating, or abusive environment, even if those acts do not involve conduct of a sexual nature; or include harassment for displaying what is perceived as a stereotypical characteristic for one’s sex or for failing to conform to stereotypical notions of masculinity and femininity, regardless of the actual or perceived sex, gender, gender identity, or gender expression of the person(s) involved.
- I. Stalking** – engaging in a course of conduct directed to a specific person that would cause a reasonable person to fear for his/her safety or the safety of others or suffer substantial emotional distress by placing that person in fear of death, bodily injury or continued harassment.
- J. Standard of Evidence<sup>2</sup>** – the College uses clear and convincing as the standard for proof of whether a violation occurred. In the student due process hearing and employee grievance process, legal terms like “guilt, “innocence” and “burden of proof” are not applicable. Student and employee due process hearings are conducted to take into account the totality of all evidence available from all relevant sources. The College will find the alleged Perpetrator either “responsible” or “not responsible” for violating these Procedures.

## **II. REPORTING**

### **A. Reporting to Local Law Enforcement.**

Individuals may report Sexual Misconduct directly to local law enforcement agencies by dialing 911. Individuals who make a criminal allegation may also choose to pursue College disciplinary action simultaneously. A criminal investigation into the matter does not release the College from its obligation to conduct its own investigation (nor is a criminal investigation determinative of whether Sexual Misconduct has occurred). However, the College’s investigation may be delayed temporarily while the criminal investigators are gathering evidence. In the event of such a delay, the College must take interim measures when necessary to protect the alleged Complainant and/or the College community.

Individuals may choose not to report alleged Sexual Misconduct to law enforcement authorities. The College respects and supports individuals’ decisions

regarding reporting; nevertheless, the College may notify appropriate law enforcement authorities if required or warranted by the nature of the allegations.

**B. Reporting to College Officials.**

**1. Students Complaints.**

The College's Title IX Coordinator oversees compliance with these Procedures and Title IX regulations. Questions about these Procedures should be directed to the Title IX Coordinator. Anyone wishing to make a report relating to Sexual Misconduct may do so by reporting the concern to the College's Title IX Coordinator.

The College's Title IX Coordinator is:

Dr. Natalie Winfree, Dean of Arts and Sciences

For Sexual Misconduct incidents between students and employees, the Title IX Coordinator will work in partnership with the Director of Human Resources to investigate and resolve the allegations.

**2. Employee Complaints.**

All reports of Sexual Misconduct incidents solely between employees should be reported to the Director of Human Resources.

The College's Director of Human Resources is:

Mrs. Melisa Bond, Director of Human Resources

**III. INITIAL INVESTIGATION**

As these Procedures apply to both students and employees as either the Complainant or the Respondent, the administrator receiving the incident report will determine if the case should be handled by: 1) the Title IX Coordinator (student/student); 2) the Director of Human Resources (employee/employee); or 3) both (student/employee). For incidents involving students and employees, the College will utilize the process for both the student investigation and the employee investigation sections as applicable.

**A. Student Investigation.**

1. Students filing complaints ("Complainants") are urged to do so in writing as soon as possible but no later than thirty (30) days after disclosure or discovery of the facts giving rise to the complaint. Complaints submitted after the thirty (30) day period will still be investigated; however,

Complainants should recognize that delays in reporting may significantly impair the ability of College officials to investigate and respond to such complaints. The Title IX Coordinator shall fully investigate any complaints and will, as needed and if the complaint also involves an employee, collaborate with the College's Director of Human Resources. During the course of the investigation, the Title IX Coordinator may consult with other relevant College administrators and the College Attorney.

2. During the investigation, the Title IX Coordinator shall meet with the Complainant and the alleged Perpetrator ("Respondent") separately and give each party an equal opportunity to provide evidence, including informing the Title IX Coordinator of any potential witnesses. Both parties will be given access to any information provided by the other in accordance with any federal or state confidentiality laws.
3. During the investigation process, the Title IX Coordinator may implement temporary measures in order to facilitate an efficient and thorough investigation process as well as to protect the rights of all parties involved. The temporary actions include, but are not limited to: reassignment of class schedules; temporary suspension from campus (but be allowed to complete coursework); or the directives that include no contact between the involved parties.
4. A confidential file regarding the complaint shall be maintained by the Title IX Coordinator. To the extent possible, the College will keep all information relating to the complaint and investigations confidential; however, to maintain compliance with the Clery Act, both parties will be informed of the outcome of any institutional proceedings under these Procedures.
5. The Title IX Coordinator shall make every effort to conclude the investigation as soon as possible but no later than thirty (30) calendar days. If the nature of the investigation requires additional time, the Title IX Coordinator may have an additional ten (10) calendar days to complete the investigation. The Title IX Coordinator shall notify the parties of this extension.
6. Upon making the complaint, Complainants will be immediately notified that they have the right to seek additional assistance from law enforcement and have the right to seek, among other things, judicial no-contact, restraining and protective orders. Complainants will also be notified of available counseling services and their options of changing academic situations and other interim protective measures.

**B. Employee Investigations.**



1. Employees filing complaints (“Complainants”) are urged to do so in writing as soon as possible but no later than thirty (30) days after disclosure or discovery of the facts giving rise to the complaint. Complaints submitted after the thirty (30) day period will still be investigated; however, Complainants should recognize that delays in reporting may significantly impair the ability of College officials to investigate and respond to such complaints. The Director of Human Resources shall fully investigate any complaints. During the course of the investigation, the Director of Human Resources may consult with other relevant College administrators and the College Attorney.
2. During the investigation, the Director of Human Resources shall meet with the Complainant and the alleged Perpetrator (“Respondent”) separately and give each party an equal opportunity to provide evidence, including informing the Director of Human Resources of any potential witnesses. Both parties will be given access to any information provided by the other in accordance with any federal or state confidentiality laws.
3. During the investigation process, the Director of Human Resources may implement temporary measures in order to facilitate an efficient and thorough investigation process as well as to protect the rights of all parties involved. The Director of Human Resources may suspend an employee with pay pending an investigation if such action is in the College’s best interest.
4. A confidential file regarding the complaint shall be maintained by the Director of Human Resources. To the extent possible, the College will keep all information relating to the complaint and investigations confidential; however, to maintain compliance with the Clery Act, both parties will be informed of the outcome of any institutional proceedings under these Procedures.
5. The Director of Human Resources shall make every effort to conclude the investigation as soon as possible but no later than thirty (30) calendar days. If the nature of the investigation requires additional time, the Director of Human Resources may have an additional ten (10) calendar days to complete the investigation and shall notify the parties of this extension.
6. Upon making the complaint, Complainants will be immediately notified that they have the right to seek additional assistance from law enforcement and have the right to seek, among other things, judicial no-contact, restraining and protective orders. Complainants will also be notified of available counseling services and other interim protective measures.

#### **IV. RECOMMENDATION AND APPEAL**

**A. Students.**

1. After the investigation is complete, the Title IX Coordinator will put forward a recommendation of finding, based on the Standard of Evidence, and sanctions, if warranted. If the recommendation is accepted by both parties involved, the recommendation and sanction(s) will become effective. The Title IX Coordinator will submit to each party a final outcome letter that will include, but not limited to, the following:
  - a. Determination if the Respondent is responsible or not responsible for violating these Procedures.
  - b. Sanctions, if appropriate.
  - c. Whether monitoring of academic schedules is needed between the parties to ensure that the individuals involved are not in classes together (the Title IX Coordinator will assist in this process).
  - d. Short-term College counseling services available to each party.
  
2. If the Title IX Coordinator's recommendations are not accepted by either the Complainant or the Respondent, both may appeal and request a formal hearing. If the Title IX Coordinator recommends sanctions that s/he cannot impose (i.e., expulsion), the matter shall automatically be set for a hearing. The President will preside over the hearing as the Presiding Officer. The process for the hearing is outlined below:
  - a. Prior to the hearing, the Complainant and the Respondent have the right to review all evidence, including written statements by the Respondent, the Complainant, or witnesses. Strict rules of evidence do not apply. The Standard of Evidence shall apply for the hearing.
  - b. Written notice including the date, time, and location of the hearing will be sent to all parties.
  - c. At the hearing, all pertinent parties have a right to speak and be questioned by the Presiding Officer. Cross-examination between parties is not permitted. The College will provide options for questioning without confrontation. Each phase of the hearing will be heard by both parties in separate rooms by use of a speaker phone.
  - d. The Complainant and the Respondent are allowed to be accompanied by an advocate. The advocate may not present on behalf of either party unless otherwise instructed to do so by the Presiding Officer. If the Complainant or the Respondent chooses to have an advocate who is an attorney, notification must be provided to the Presiding Officer at least three (3) College business days prior to the hearing date. In this case, the College Attorney will also be present.
  - e. Both parties have a right to a written notice of the hearing outcome.

**B. Employees.**

1. After the investigation is complete, the Director of Human Resources will put forward a recommendation of finding, based on the Standard of Evidence, and sanctions, if warranted. If the recommendation is accepted by both parties involved, the recommendation and sanctions will become effective. A final outcome letter will be submitted to the Complainant and Respondent that may include, but not limited to, the following:
  - a. Determination if the Respondent is responsible, not responsible, or if the decision is deemed inconclusive, or shared responsibility.
  - b. Sanctions, if appropriate.
  - c. Monitoring of academic schedules or workplace schedule if needed.
  - d. Short-term counseling services will be offered to each party.
  
2. If the Director of Human Resources' recommendations are not accepted by either the Complainant or the Respondent, both may appeal and request a formal hearing. If the Director of Human Resources recommends sanctions that s/he cannot impose (i.e., termination) the matter will automatically be set for a hearing. The President will preside over the hearing as the Presiding Officer. The process for the hearing is outlined below:
  - a. Prior to the hearing, the Complainant and the Respondent have the right to review all evidence, including written statements by the Respondent, the Complainant, or witnesses. Strict rules of evidence do not apply. The Standard of Evidence shall apply for the hearing.
  - b. Written notice including the date, time, and location of the hearing will be sent to all parties.
  - c. At the hearing, all pertinent parties have a right to speak and be questioned by the Presiding Officer. Cross-examination between parties is not permitted. The College will provide options for questioning without confrontation. Each phase of the hearing will be heard by both parties in separate rooms by use of a speaker phone.
  - d. The Complainant and the Respondent are allowed to be accompanied by an advocate. The advocate may not present on behalf of either party unless otherwise instructed to do so by the Presiding Officer. If the Complainant or the Respondent chooses to have an advocate who is an attorney, notification must be provided to the Presiding Officer at least three (3) College business days prior to the hearing date. In this case, the College Attorney will also be present.
  - e. Both parties have a right to a written notice of the hearing outcome.

**C. Sanctioning.**

The following sanctions may be imposed for those who have violated these Procedures.

1. Students
  - a. Verbal or Written Warning
  - b. Probation
  - c. Administrative withdrawal from a course without refund
  - d. Required Counseling
  - e. No Contact Directive
  - f. Suspension
  - g. Expulsion (President must impose)
  - h. Other consequences deemed appropriate
  
2. Employees
  - a. Verbal or Written Warning
  - b. Performance Improvement Plan
  - c. Required Counseling
  - d. Required Training or Education
  - e. Demotion (President may impose)
  - f. Suspend with or without Pay (President must impose)
  - g. Termination (President must impose)
  - h. Other consequences deemed appropriate to the specific violation

## **V. PROTECTION AGAINST RETALIATION**

The College will not in any way retaliate against an individual who makes a report of Sexual Misconduct in good faith or who assists in an investigation. Retaliation includes, but is not limited to: any form of intimidation, disciplinary action, reprisal or harassment. Retaliation is a serious violation and should be reported immediately. The College will take appropriate action against any employee or student found to have retaliated against another in violation of these procedures.

## **VI. PROVIDING FALSE INFORMATION**

Any individual who knowingly files a false report or complaint, who knowingly provides false information to College officials or who intentionally misleads College officials involved in the investigation or resolution of a complaint may be subject to disciplinary action including, but not limited to expulsion or employment termination. The College recognizes that an allegation made in good faith will not be considered false when the evidence does not confirm the allegation(s) of Sexual Misconduct.

## **VII. LIMITED IMMUNITY**

The College community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to College officials or participate in resolution processes because they fear that they

themselves may be accused of various policy violations. It is in the best interest of this College that as many Complainants as possible choose to report to College officials and that witnesses come forward to share what they know. To encourage reporting, the College offers Sexual Misconduct Complainants and witnesses amnesty from minor policy violations.

#### **VIII. EMPLOYEE AND STUDENT RELATIONSHIPS**

Romantic or sexual relationships between College employees and students are prohibited if the employee and the student have an academic relationship. Academic relationships include any activities in which the employee is a direct or indirect supervisor or instructor for the student, as in a classroom or lab, or is a sponsor for any College activity involving the student, including work study or organizational/club/sport activities. This prohibition shall continue until the student or the employee is no longer affiliated with the College. Employees engaging in inappropriate relationships will be subject to disciplinary action up to and including termination of employment. Students engaging in inappropriate relationships may be subject to disciplinary action up to and including expulsion.

Romantic or sexual relationships between College employees and students not in an academic relationship that impairs the College employee's effectiveness, disrupts the workplace/learning environment, and/or impairs the public confidence in the College will be subject to disciplinary action up to and including termination of employment or expulsion from the College.

#### **IX. SUSPENDING PROCEDURES**

In cases of emergency or serious misconduct, the College reserves the right to suspend this process and may enact appropriate action for the welfare and safety of the College community.

#### **X. STUDENT AND EMPLOYEE EDUCATION AND ANNUAL TRAINING**

All new students and all employees shall be required to participate in a primary prevention and awareness program that promotes awareness of Sexual Misconduct. This program will be held annually at the beginning of each fall semester.

At this annual training, students and employees must receive training in the following areas:

- A. Information about safe and positive options for bystander intervention skills;
- B. What "consent" means with reference to sexual activities.
- C. Risk reduction programs so students recognize and can avoid abusive behaviors or potential attacks;
- D. How and to whom to report an incident regarding discrimination, harassment and sexual based violence;

- E. The importance of preserving physical evidence in a sexual-based violent crime; and
- F. Options about the involvement of law enforcement and campus authorities, including the alleged victim's option to: i) notify law enforcement; ii) being assisted by campus authorities in notifying law enforcement; iii) declining to notify law enforcement; and iv) obtaining "no-contact" or restraining orders.

Each year, all students and employees will receive an electronic copy of these Procedures sent to their College email address of record. These Procedures will be maintained online in the College's website and a hard copy will be kept on file (in English and Spanish) in the Title IX Coordinator's office and the Director of Human Resources' office. Other translations will be made available upon request.

Adopted: January 8, 2020

Legal Reference: [Office for Civil Rights, Q&A on Campus Sexual Misconduct \(September 2017\)](#); [Office for Civil Rights, Dear Colleague Letter on Sexual Harassment \(Jan. 25, 2006\)](#); [Office for Civil Right Office for Civil Rights, Revised Sexual Harassment Guidance \(66 Fed. Reg. 5512, Jan. 19, 2001\)](#)

The College strives to make its campuses inclusive and a safe and welcoming learning environment for all members of the College community. Pursuant to multiple federal and state laws and administrative regulations and pursuant to College policy, the College prohibits discrimination in its activities, services and programs based on race, color, national origin, religion, pregnancy, disability, genetic information, age, political affiliation or veterans' status.

## **I. DEFINITIONS**

The following definitions shall apply to this Procedure and shall be collectively referred to herein as "Unlawful Discrimination".

The definitions are not intended to operate as speech codes, promote content and viewpoint discrimination or suppress minority viewpoints in the academic setting. Indeed, just because a student's speech or expression is deemed offensive by others does not mean it constitutes discrimination or harassment.

In applying these definitions, College administrators shall view the speech or expression in its context and totality and shall apply the following standard: the alleged victim subjectively views the conduct as discrimination or harassment and that the conduct is objectively severe or pervasive enough that a reasonable person would agree that the conduct is discriminatory or harassing.

- A. Discrimination:** any act or failure to act that unreasonably differentiates treatment of others based solely on their Protected Status and is sufficiently serious, based on the perspective of a reasonable person, to unreasonably interfere with or limit the ability of that individual to participate in, access or benefit from the College's programs and activities. Discrimination may be intentional or unintentional.
- B. Harassment:** a type of Discrimination that happens when verbal, physical, electronic or other behavior based on a person's Protected Status interferes with a person's participation in the College's programs and activities and it either creates an environment that a reasonable person would find hostile, intimidated or abusive or where submitting to or rejecting the conduct is used as the basis for decisions that affect the person's participation in the College's programs and activities.

Harassment may include but is not limited to: threatening or intimidating conduct directed at another because of the individual's Protected Status; ethnic slurs, negative stereotypes and hostile acts based on an individual's Protected Status.

- C. Protected Status:** race, color, national origin, religion, pregnancy, disability, genetic information, age, political affiliation or veterans' status.

- D. Standard of Evidence<sup>1</sup>** - the College uses the clear and convincing as the standard for proof of whether a violation occurred. In the student due process hearing and employee grievance process, legal terms like “guilt, “innocence” and “burden of proof” are not applicable. Student and employee due process hearings are conducted to take into account the totality of all evidence available from all relevant sources. The College will find the alleged Perpetrator either “responsible” or “not responsible” for violating these Procedures.

## **II. STATEMENTS OF PROHIBITION**

### **A. Prohibition of Retaliation.**

The College strictly prohibits punishing students or employees for asserting their rights to be free from Unlawful Discrimination. Retaliation against any person participating in connection with a complaint of Unlawful Discrimination is strictly prohibited. Reports of retaliation will be addressed through this procedure and/or other applicable College procedures. Retaliation includes, but is not limited to, any form of intimidation, punitive actions from authority figures or peers, reprisal (acts of vengeance) or harassment. Retaliation is a serious violation and should be reported immediately. The College will take appropriate disciplinary action against any employee or student found to have retaliated against another.

### **B. Prohibition of Providing False Information.**

Any individual who knowingly files a false report or complaint, who knowingly provides false information to College officials, or who intentionally misleads College officials involved in the investigation or resolution of a complaint may be subject to disciplinary action including, but not limited to expulsion or employment termination. The College recognizes that an allegation made in good faith will not be considered false when the evidence does not confirm the allegation(s) of Unlawful Discrimination.

## **III. REQUESTING ACCOMMODATIONS**

### **A. Students.**

Students with disabilities wishing to make a request for reasonable accommodations, auxiliary communication aids or services, or materials in alternative accessible formats should contact the College’s Office of Student Services located in Blair Hall. Information provided by students is voluntary and strict confidentiality is maintained. All requests for accommodations will be considered following the appropriate federal and state laws.

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<sup>1</sup> See the footnote in Procedure 5.3.4.1 – Sexual Misconduct. As stated therein, you can choose a “preponderance of evidence” or “clear and convincing” standard. Whatever you choose for Procedure 5.3.4.1 must also be the same here. Our recommendation is to use the “clear and convincing” standard.



The College will also provide reasonable accommodation of a student's religious beliefs/practices provided such expression/practice does not create a hostile environment for other students and employees and/or the accommodation does not cause an undue hardship for the College.

**B. Employees.**

Employees with disabilities wishing to make a request for reasonable accommodations, auxiliary communication aids or services, or materials in alternative accessible formats should contact the College's Office of Human Resources located in Blair Hall. Information provided by employees is voluntary and strict confidentiality is maintained.

The College will also provide reasonable accommodation of an employee's religious beliefs/practices provided such expression/practice does not create a hostile environment for other employees and students and/or the accommodation does not cause an undue hardship for the College.

**IV. REPORTING OPTIONS**

**A. Student Complaints.**

Any student wishing to make a report relating to Unlawful Discrimination may do so by reporting the concern to the College's Office of Student Services located in Blair Hall.

For Unlawful Discrimination incidents between students and employees, the Vice President for Student Services will work in partnership with the Director of Human Resources to investigate and resolve the allegations.

**B. Employee Complaints.**

Any employee wishing to make a report related to Unlawful Discrimination may do so by reported the concern to the College's Director of Human Resources located in Blair Hall.

**V. INITIAL INVESTIGATION**

As these Procedures apply to both students and employees as either the Complainant or the Respondent, the administrator receiving the incident report will determine if the case should be handled by: 1) the Vice President for Student Services, or designee (student/student); 2) the Director of Human Resources, or designee (employee/employee); or 3) both (student/employee). For incidents involving students and employees, the College will utilize the process for both the student investigation and the employee investigation sections as applicable.

**A. Student Investigation.**

1. Students filing complaints (“Complainants”) are urged to do so in writing as soon as possible but no later than thirty (30) days after disclosure or discovery of the facts giving rise to the complaint. Complaints submitted after the thirty (30) day period will still be investigated; however, Complainants should recognize that delays in reporting may significantly impair the ability of College officials to investigate and respond to such complaints. The Vice President shall fully investigate any complaints and will, as needed and if the complaint also involves an employee, collaborate with the College’s Director of Human Resources. During the course of the investigation, the Vice President may consult with other relevant College administrators and the College Attorney.
2. During the investigation, and if applicable to the complaint<sup>2</sup>, the Vice President shall meet with the Complainant and the alleged Perpetrator (“Respondent”) separately and give each party an equal opportunity to provide evidence, including informing the Vice President of any potential witnesses. Both parties will be given access to any information provided by the other in accordance with any federal or state confidentiality laws.
3. During the investigation process, the Vice President may implement temporary measures in order to facilitate an efficient and thorough investigation process as well as to protect the rights of all parties involved. The temporary actions include, but are not limited to: reassignment of class schedules; temporary suspension from campus (but be allowed to complete coursework); or the directives that include no contact between the involved parties.
4. A confidential file regarding the complaint shall be maintained by the Vice President. To the extent possible, the College will keep all information relating to the complaint and investigations confidential; however, to maintain compliance with the Clery Act, both parties will be informed of the outcome of any institutional proceedings under these Procedures.
5. The Vice President shall make every effort to conclude the investigation as soon as possible but no later than thirty (30) calendar days. If the nature of the investigation requires additional time, the Vice President may have an additional ten (10) calendar days to complete the investigation. The Vice President shall notify the parties of this extension.

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<sup>2</sup> The Complainant’s complaint need not necessarily be against a specific individual but could concern an action, policy, procedure or decision by the College that the individual believes constitutes Unlawful Discrimination.

6. Complainants will be notified of available counseling services and their options of changing academic situations and other interim protective measures.

**B. Employee Investigations.**

1. Employees filing complaints (“Complainants”) are urged to do so in writing as soon as possible but no later than thirty (30) days after disclosure or discovery of the facts giving rise to the complaint. Complaints submitted after the thirty (30) day period will still be investigated; however, Complainants should recognize that delays in reporting may significantly impair the ability of College officials to investigate and respond to such complaints. The Director of Human Resources shall fully investigate any complaints. During the course of the investigation, the Director of Human Resources may consult with other relevant College administrators and the College Attorney.
2. During the investigation, and if applicable to the complaint, the Director of Human Resources shall meet with the Complainant and the alleged Perpetrator (“Respondent”) separately and give each party an equal opportunity to provide evidence, including informing the Director of Human Resources of any potential witnesses. Both parties will be given access to any information provided by the other in accordance with any federal or state confidentiality laws.
3. During the investigation process, the Director of Human Resources may implement temporary measures in order to facilitate an efficient and thorough investigation process as well as to protect the rights of all parties involved. The Director of Human Resources may suspend an employee with pay pending an investigation if such action is in the College’s best interest.
4. A confidential file regarding the complaint shall be maintained by the Director of Human Resources. To the extent possible, the College will keep all information relating to the complaint and investigations confidential; however, to maintain compliance with the Clery Act, both parties will be informed of the outcome of any institutional proceedings under this Procedures.
5. The Director of Human Resources shall make every effort to conclude the investigation as soon as possible but no later than thirty (30) calendar days. If the nature of the investigation requires additional time, the Director of Human Resources may have an additional ten (10) calendar days to complete the investigation and shall notify the parties of this extension.

6. Complainants will be notified of available counseling services and other interim protective measures.

## **VI. RECOMMENDATION AND APPEAL**

### **A. Students.**

1. After the investigation is complete, the Vice President will put forward a recommendation of finding, based on the Standard of Evidence, and sanction(s) to both the Complainant and Respondent. If the recommendation is accepted by both parties involved, the recommendation and sanction(s) will become effective. The Vice President will submit to each party a final outcome letter that will include, but not limited to, the following:
  - a. Determination if the Respondent is responsible or not responsible for violating these Procedures;
  - b. Sanction;
  - c. Whether monitoring of academic schedules is needed between the parties to ensure that the individuals involved are not in classes together (the Vice President will assist in this process).
  - d. Short-term College counseling services available to each party.
2. If the Vice President's recommendations are not accepted by either the Complainant or the Respondent, both may appeal and request a formal hearing. If the Vice President recommends sanctions that s/he cannot impose (i.e., expulsion), the matter shall automatically be set for a hearing. The President will preside over the hearing as the Presiding Officer. The process for the hearing is outlined below:
  - a. Prior to the hearing, the Complainant and the Respondent have the right to review all evidence, including written statements by the Respondent, the Complainant, or witnesses. Strict rules of evidence do not apply. The Standard of Evidence shall apply for the hearing.
  - b. Written notice including the date, time, and location of the hearing will be sent to all parties.
  - c. At the hearing, all pertinent parties have a right to speak and be questioned by the Presiding Officer. Cross-examination between parties is not permitted. The College will provide options for questioning without confrontation. Each phase of the hearing will be heard by both parties in separate rooms by use of a speaker phone.
  - d. The Complainant and the Respondent are allowed to be accompanied by an advocate. The advocate may not present on behalf of either party unless otherwise instructed to do so by the Presiding Officer. If the Complainant or the Respondent chooses to have an advocate who is an attorney, notification must be provided

to the Presiding Officer at least three (3) College business days prior to the hearing date. In this case, the College Attorney will also be present.

- e. Both parties have a right to a written notice of the hearing outcome.

**B. Employees.**

1. After the investigation is complete, the Director of Human Resources will put forward a recommendation of finding, based on the Standard of Evidence, and sanctions to both the Complainant and Respondent. If the recommendation is accepted by both parties involved, the recommendation and sanctions will become effective. A final outcome letter will be submitted to the Complainant and Respondent that may include, but not limited to, the following:
  - a. Determination if the Respondent is responsible, not responsible, or if the decision is deemed inconclusive, or shared responsibility.
  - b. Sanction, if appropriate.
  - c. Monitoring of academic schedules or workplace schedule if needed.
  - d. Short-term counseling services will be offered to each party.
  
2. If the Director of Human Resources' recommendations are not accepted by either the Complainant or the Respondent, both may appeal and request a formal hearing. If the Director of Human Resources recommends sanctions that s/he cannot impose (i.e., termination) the matter will automatically be set for a hearing. The President will preside over the hearing as the Presiding Officer. The process for the hearing is outlined below:
  - a. Prior to the hearing, the Complainant and the Respondent have the right to review all evidence, including written statements by the Respondent, the Complainant, or witnesses. Strict rules of evidence do not apply. The Standard of Evidence shall apply for the hearing.
  - b. Written notice including the date, time, and location of the hearing will be sent to all parties.
  - c. At the hearing, all pertinent parties have a right to speak and be questioned by the Presiding Officer. Cross-examination between parties is not permitted. The College will provide options for questioning without confrontation. Each phase of the hearing will be heard by both parties in separate rooms by use of a speaker phone.
  - d. The Complainant and the Respondent are allowed to be accompanied by an advocate. The advocate may not present on behalf of either party unless otherwise instructed to do so by the Presiding Officer. If the Complainant or the Respondent chooses to have an advocate who is an attorney, notification must be provided to the Presiding Officer at least three (3) College business days prior

to the hearing date. In this case, the College Attorney will also be present.

- e. Both parties have a right to a written notice of the hearing outcome.

**C. Sanctioning.**

The following sanctions may be imposed for those who have violated these Procedures.

1. Students.

- a. Verbal or Written Warning
- b. Probation
- c. Administrative withdrawal from a course without refund
- d. Required Counseling
- e. No Contact Directive
- f. Suspension
- g. Expulsion (President must impose)
- h. Other consequences deemed appropriate

2. Employees.

- a. Verbal or Written Warning
- b. Performance Improvement Plan
- c. Required Counseling
- d. Required Training or Education
- e. Demotion (President may impose)
- f. Suspend with or without Pay (President must impose)
- g. Termination (President must impose)
- h. Other consequences deemed appropriate to the specific violation

Adopted: January 8, 2020

The College is committed to providing each of its students a drug and alcohol-free environment in which to attend classes and study. From a safety perspective, the users of drugs or alcohol may impair the well-being of students, interfere with the College's educational environment and result in damage to College property.

## I. Prohibition

All students shall adhere to the following:

- A. All students are prohibited from unlawfully possessing, using, being under the influence of, manufacturing, dispensing, selling or distributing alcohol, illegal or unauthorized controlled substances or impairing substances at any College location.
1. *Controlled Substance* means any substance listed in 21 CFR Part 1308 and other federal regulations, as well as those listed in Article V, Chapter 90 of the North Carolina General Statutes. Generally, the term means any drug which has a high potential for abuse and includes, but is not limited to heroin, marijuana, cocaine, PCP, GHB, methamphetamines, and crack. This term also includes any drugs that are illegal under federal, state or local laws and legal drugs that have been obtained illegally or without a prescription by a licensed healthcare provider or are not intended for human consumption.
  2. *Alcohol* means any beverage containing at least one-half of one percent (0.5%) alcohol by volume, including malt beverages, unfortified wine, fortified wine, spirituous liquor and mixed beverages.
  3. *Impairing Substances* means any substance taken that may cause impairment, including but not limited to bath salts, inhalants, or synthetic herbs.
  4. *College Location* means in any College building or on any College premises; in any College-owned vehicle or in any other College-approved vehicle used to transport students to and from College or College activities; and off College property at any College-sponsored or College-approved activity, event or function, such as a field trip or athletic event, where students are under the College's jurisdiction.
  5. *Reasonable Suspicion* is the legal standard required before the College can require a student to take a drug or alcohol test. Some of the factors that constitute reasonable suspicion are: a) direct observation of drug use or possession; b) direct observation of the physical symptoms of being under

the influence of drugs; c) impairment of motor functions; d) pattern of abnormal or erratic conduct or behavior; or e) reports from reliable sources or credible sources (anonymous tips may only be considered if they can be independently corroborated).

- B. Student use of drugs as prescribed by a licensed physician is not a violation of Policy; however, individuals shall be held strictly accountable for their behavior while under the influence of prescribed drugs.
- C. Students may be required to be tested for substances, including controlled substances or alcohol, based on individualized, reasonable suspicion. The required observations for reasonable suspicion testing shall be made by an administrator, supervisor or other trained official and the person who makes the determination that reasonable suspicion exists shall not be the same person who conducts the test. This section does not apply to law enforcement officers serving the College through the local sheriff's department. Law enforcement officers must adhere to their normal standards when conducting a search.
- D. The College does not differentiate between drug users, drug pushers or sellers. Any student in violation of Section A herein will be subject to disciplinary action up to and including termination or expulsion and referral for prosecution.
- E. A student who violates the terms of this Policy will be subject to disciplinary action in accordance with Policy 5.3.2 – Standards of Student Conduct. At his/her discretion, the Vice President of Student Services may require any student who violates the terms of this Policy to satisfactorily participate in a drug abuse rehabilitation program or an alcoholic rehabilitation program sponsored by an approved private or governmental institution as a precondition of continued enrollment at the College.
- F. Each student is required to inform the College, in writing, within five (5) days after he/she is convicted for violation of any federal, state, or local criminal drug statute or alcoholic beverage control statute where such violation occurred while on or at a College location. Failure to do so could result in disciplinary action.
- G. In addition to this Policy, students employed by the College, including students employed under the College's Work Study Program, shall adhere to the requirements in Policy 3.4.4 – Alcohol and Drugs on Campus.

## **II. Drug and Alcohol Abuse Awareness Prevention Program**

The College operates a drug abuse awareness prevention program for all students and employees. Counseling, information, and referral services are provided by appropriate staff members. The Counselor is available to talk with anyone concerning drug/alcohol use and may be contacted directly or indirectly. Persons requesting anonymity may



telephone the Counseling Center for information without disclosing their names. Referrals to external agencies may be appropriate in some situations.

Drug/Alcohol prevention and intervention information is available in the Counseling Center. Persons are encouraged to go by and pick up this free information. The College may sponsor speakers who have expertise on drug and/or alcohol use and offer other activities to create awareness of the effects of drugs and alcohol, and how these behaviors affect learning and working.

Adopted: January 8, 2020

Legal Reference: 21 CFR Part 1308; 34 CFR 86; N.C.G.S. 90-86, *et seq.*

## **I. GRIEVANCE PROCESS OVERVIEW**

In order to maintain a harmonious and cooperative environment between and among the College and its students, the College provides for the settlement of problems and differences through an orderly grievance procedure. Every student shall have the right to present his/her problems or grievances free from coercion, restraint, discrimination or reprisal. This Policy provides for prompt and orderly consideration and determination of student problems and grievances by College administrators and ultimately the President.

A grievance is any matter of student concern or dissatisfaction with the College's control except: (a) student discipline matters regarding academic and non-academic violations (Policy 5.3.2 – Student Conduct); (b) discrimination and unlawful harassment, including sexual harassment and sexual violence (Policy 5.3.4 – Discrimination and Unlawful Harassment); (c) a grade appeal (Policy 5.2.5 – Grade Appeal); or (d) any other matter that has a specific grievance process outlined in that policy or procedure.

## **II. GRIEVANCE PROCESS**

### **1. Informal Grievance – Step One**

In the event the alleged grievance lies with an instructor/staff member, the student must first go to that instructor/staff member and attempt to informally resolve the matter. Both the student and instructor/staff member must have an informal conference to discuss the situation and document the attempts taken to resolve the grievance at this level. In the event that the student is unsatisfied with the resolution reached at the informal conference, he/she may proceed to Step Two within five (5) business days after the informal conference. Not proceeding to Step Two within the time period will result in the grievance not being heard and the matter being closed.

If the grievance concerns issues unrelated to a particular instructor/staff member (for example, an issue with College policy), the student can skip the informal process and proceed to Step Two.

### **2. Formal Grievance – Step Two**

If the grievance is not resolved at Step One (or, given the nature of the grievance, Step Two begins the process) the student may file a written grievance with the Vice President for Student Services (“Vice President”). The written grievance must contain, with specificity, the facts supporting the grievance and the attempt, if applicable, to resolve the grievance at the information level.

The Vice President (or, depending on the nature of the grievance, another

appropriate Vice President) shall review the written grievance and conduct whatever further investigation, if any, is necessary to determine any additional facts that are needed to resolve the grievance. The Vice President shall provide his/her written decision within ten (10) business days after receipt of the grievance.

In the event that the student is unsatisfied with the resolution reached by the Vice President, he/she may proceed to Step Three within five (5) business days after receipt of the Vice President's written determination. Not proceeding to Step Three within the time period will result in the grievance not being heard and the matter being closed.

**3. Appeal – Step Three**

If the student is not satisfied with the Vice President's determination, the student may appeal to the President. The appeal must be in writing, must provide a written summary of the specific facts and must contain any other documentation pertinent to the matter. The President will conduct an "on the record" review and conduct any further investigation that is necessary to ascertain the facts needed to make a determination. The President may, at his/her discretion, establish a committee to further investigate the matter and make a recommendation to the President.

At the conclusion of the investigation and not later than fifteen (15) business days after receipt of the student's appeal, the President shall provide a written decision to the student.

The President's decision is final.

Adopted: January 8, 2020

Pursuant to the Student Right to Know and Campus Security Act (the “Act”), the College is required to publicly disclose relevant graduation and transfer rate information for its students. The Act is a consumer information report designed for public access to relevant graduation and transfer information to enable students to make informed decisions regarding their college choice. The College makes available to currently enrolled as well as prospective students the graduation and transfer rate for the most recent cohort of entering students based on a one-year reporting period.

The Acts’ report is a cohort based study. The cohort is made up of students who enrolled as first-time college students who attended full-time (i.e., twelve [12] or more hours) and had declared themselves as degree seeking. The graduation and transfer rate for the cohort is calculated one year after the cohort's initial date of enrollment. These numbers can be misleading because many community college students attend part-time. Those students are not included in this report. Moreover, students with academic goals other than transfer or degree seeking students are not included in this report. Also, not included with the report are those students who leave school to serve in the armed services, an official church mission or with a recognized foreign aid service of the Federal government.

The report is updated annually and is available in the office of the Vice President of Student Services.

Adopted: January 8, 2020

Legal Reference: P.L. 101-542 – Student Right-To-Know Act

All academic calendars, grading policies, cost of attendance, refund policies and other information that directly affects students will be available in a timely fashion on the College's web site and/or in an official College publication.

Adopted:

Legal Reference: SACSCOC Standard 10.2

## I. POLICY OVERVIEW

The College is committed to providing a safe and secure environment for all members of the College's community and visitors. The College shall comply with the Crime Awareness and Security Act of 1990, as amended by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

## II. DEFINITIONS

- A. *Campus Security Authority* ("CSA") is a Clery-specific term that encompasses four groups of individuals and organizations associated with an educational institution:
1. A member of the educational institution's police department or campus security department;
  2. Any individual(s) who has responsibility for campus security but who does not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into the College's property);
  3. Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses. For purposes of this College, this individual is the Vice President of Student Services; and
  4. An official or someone who has significant responsibility for student and campus activities, including, but not limited to: student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on the College's behalf.
- B. *Clery Act Crimes* are the following crimes that must be reported by Campus Security Authorities to law enforcement and crimes that are listed in the College's Annual Security Report:
1. Murder/non-negligent manslaughter; negligent manslaughter; sex offenses (forcible and non-forcible); domestic and dating violence; stalking; robbery; aggravated assault; burglary; motor vehicle theft; and arson;
  2. Hate Crimes: any of the above-mentioned offenses, and any incidents of larceny-theft; simple assault; intimidation; or destruction/damage/

vandalism of property that was motivated by bias on race, religion ethnicity, national origin, gender, sexual orientation, gender identity or disability; and

3. Arrests and referrals for disciplinary action for weapons (carrying, possessing, etc); drug abuse violations and liquor law violations.

C. *College Property* is all the following property:

1. Campus Grounds, Buildings and Structures – Any building or property owned by or controlled by the College within the same reasonably contiguous geographic area and used by the College in direct support of, or in a manner related to, the College’s educational purposes; and any building or property that is within or reasonably contiguous to such buildings or property that is owned by the College but controlled by another person and is frequently used by students and supports College purposes.
2. Off-Campus and Affiliated Property – Any building or property owned or controlled by a student organization that is officially recognized by the College; or any building or property owned or controlled by the College that is used in direct support of, or in relation to, the College’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the College.
3. Public Property – All thoroughfares, streets, sidewalks, and parking facilities that are within the campus, or immediately adjacent to and accessible from the campus.

### **III. SAFETY AND REPORTING PROCEDURES**

The College encourages all members of the College community to report suspicious or criminal activity to law enforcement as soon as possible. Crimes may be reported anonymously. In the event of a crime in progress or at any time there is a risk of harm to persons or property, call 911.

In addition, CSAs have a legal obligation to file a report of suspected criminal activity with law enforcement and with the Vice President of Student Service’s Office to ensure statistical inclusion of all Clery Act Crimes in the College’s Annual Security Report when those crimes occur on or near College Property. Any individual identified by the College as a CSA shall receive notification of that designation and the requirement that the individual report information about Clery Act Crimes. Training will also be provided to all so designated persons. While CSAs must report any Clery Act Crime that comes to their attention, at the request of the victim, the victim’s identity may remain anonymous.

To promote safety and security at the College, and in compliance with the Clery Act, the College shall:

- A. Submit crime statistics to the United States Department of Education;
- B. Maintain a daily crime log (open to public inspection);
- C. Issue campus alerts to timely warn the College community when there is information that a Clery Act Crime has occurred that represents a serious or ongoing threat to campus safety;
- D. Issue emergency notifications upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. The College tests the emergency notification procedure bi-annually.
- E. Publishes and maintains an Annual Security Report containing safety and security related policy statements and statistics of Clery Act Crimes occurring on College Property. To prepare the Annual Security Report, the College collects, classifies and counts crime reports and crime statistics. The Annual Security Report is available on the College's website and hard copies are available through the Office of Student Services for inspection.

This is a cross reference to policy 2.18

Adopted: January 8, 2020

Legal Reference: 20 U.S.C. § 1092(f); 34 C.F.R. § 668.46; *The Handbook for Campus Safety and Security Reporting* (U.S. Department of Education, available at: <http://www2.ed.gov/admins/lead/safety/handbook.pdf>)

Cross Reference Policy 2.1.5



All student records must be current and maintained with appropriate measures of security and confidentiality. The College is responsible for complying with all legal requirements pertaining to the maintenance, review and release of records retained by the College.

## **I. COMPLIANCE WITH FERPA RIGHTS**

- A. The Family Educational Rights and Privacy Act (“FERPA”) provides students with certain rights to privacy of their educational records and rights of access by others to their educational records. College employees are expected to fully comply with this Policy.
- B. For purposes of this Policy, “student” means an individual who is or has been in attendance at the College. It does not include persons who have not been admitted, who have been admitted but did not attend the College or individuals enrolled solely in non-credit courses. “Attendance” starts when the individual matriculates or declares their intention to enroll at the College, whichever comes first.

## **II. ANNUAL NOTIFICATION OF RIGHTS**

The College shall provide every student with an annual notice of their rights under FERPA. The Vice President of Student Services or his/her designee is responsible for preparing and delivering this annual notice.

## **III. RIGHT TO INSPECT RECORDS**

- A. Students who want to inspect their educational records should direct that request to the individual and within the timeframe as designated in the annual notice. Records which are available for inspection shall be provided to the student during regular business hours.
- B. Students may obtain copies of their educational records if circumstances make on-site inspection impractical and the student is in good standing. When copies are provided, the student may be charged a reasonable fee for the actual copying expense.

## **IV. DIRECTORY INFORMATION**

- A. The College may release Directory Information without student consent. The College designates the following information as Directory Information:

1. Student's name;
  2. City of residence;
  3. Major field of study;
  4. Dates of attendance/enrollment; and
  5. Credentials earned and dates awarded.
- B. The Solomon Amendment is a federal law that requires institutions to release student recruitment information to military recruiters. This information includes the student's name, address, telephone number, age, major, class level, and degree awarded.
- C. Students who do not wish to have their Directory Information released to the individuals and organizations identified above shall comply with the "opt out" provisions designated in the annual notice.

## **V. RELEASE OF EDUCATIONAL RECORDS**

- A. The College will not release a student's educational records, aside from Directory Information, to any third-party unless the student consents to the release or a valid, legal exception applies.
- B. Disclosures may be made to school officials which include any of the following when that person has a legitimate educational interest in having access to the information: 1) any administrator, certified staff member, or support staff member (including health, medical, safety, and security staff) employed by the College; 2) a member of the College's Board of Trustees; 3) a contractor, consultant, volunteer, or other party to whom the College has outsourced services or functions, such as, but not limited to: an attorney, auditor, cloud storage provider, consultant, expert witness, hearing officer, law enforcement unit, investigator, insurer/insurance company adjuster, investigator, or any other claims representative, medical providers or consultants, or counselors/therapists, provided that the person is performing a service or function for which the College would otherwise use employees, is under the direct control of the College with respect to the use and maintenance of education records, and is subject to FERPA requirements governing the use and re-disclosure of PII from education records; and 4) a person serving on a committee appointed by the College, such as a disciplinary or grievance committee or other review committee.
- C. In compliance with Title IX, the College may disclose the final results of campus disciplinary proceedings in which a student respondent is charged with a violent crime or non-forcible sex offense. Upon the request of the complainant, disclosure may be made regardless of whether the respondent was found responsible. Disclosures to third parties may be made only if the student respondent is found responsible. Disclosure in this situation is limited to the name of the violator, the type of student code violation found to have occurred, and the sanction imposed by the College.

- D. The College shall release a student's educational records to the student's parents when requested by the parents and: i) the student is listed as a dependent on the parents' tax returns; ii) the student violated a law or the College's policies regarding drugs and alcohol and the student is under the age of 21; or iii) the disclosure is needed to protect the health or safety of the eligible student or other individuals in an emergency situation.

## **VI. CORRECTING RECORDS**

A student has the right to challenge an item in his/her records believed to be inaccurate, misleading or otherwise in violation of the student's privacy rights. The student may file a grievance pursuant to Policy 5.3.6 – Student Grievance beginning at Step Three. If the final decision is that the information in the record is, in the College's determination, not inaccurate, misleading or otherwise in violation of the privacy rights of the student, the Vice President of Student Services shall inform the student of the right to place a statement in the record commenting on the contested information in the record or stating why he/she disagrees with the College's decision.

## **VII. MISCELLANEOUS**

- A. Students who believe their rights have been violated may file a complaint with the Family Compliance Office, U.S. Department of Education, 400 Maryland Ave., SW, Washington D.C. 20202. Complaint must be filed within 180 days of the date of the alleged violation or the date the student knew or should have known of the alleged violation.
- B. A hold may be applied to the release of an official transcript, diploma or other information requested from an official record for a student who has an overdue indebtedness to the College. A hold may be applied for failure to comply with a disciplinary directive. Such a student continues to have the right to see and photocopy his official record upon request.
- C. The College shall only destroy student records in accordance with federal and state laws and regulations and as allowed by the Records Retention & Disposition Schedule for North Carolina Community Colleges. The College shall not destroy student records if there is an outstanding request, grievance or legal matter related to those records.

Adopted: January 8, 2020

Legal Reference: 10 U.S.C. § 983; 20 U.S.C. § 1232g; 34 C.F.R. pt. 99

**I. Student Records**

The College is required to maintain, at a minimum, current, complete and accurate records to show the following:

- A. An application for admission that includes the student's educational and personal background, age and other personal characteristics.
- B. Progress and attendance including date entered, dates attended, subjects studied and class schedule. This record shall be in a form which permits accurate preparation of transcripts of educational records for purpose of transfer and placement, providing reports to government services or agencies or for such other purposes as the needs of the student might require. Such transcripts shall be in a form understandable by lay persons and educators alike. The grading system on such transcripts shall be explained on the transcript form. Subjects appearing on the transcripts shall be numbered or otherwise designated to indicate the subject matter covered.
- C. All student enrollment agreements shall include at a minimum, the program of study, program tuition and fees, date programs are to begin, time period covered by the tuition payment and statement of or reference to the College's tuition refund policy.
- D. All student account ledgers shall include, at a minimum, monies owed and paid by each student, and refunds issued by the College.
- E. A copy of the student's high school transcript or certificate of high school equivalency or a signed, notarized attestation of either graduation from a public or private high school that operates in compliance with State or local law, graduation from a state registered home high school, or receipt of a certificate of high school equivalency, if the student provides the school with written evidence of the student's inability to obtain a copy of the student's high school transcript or certificate of high school equivalency or, for persons at least 18 years old who did not graduate from a public, private or state registered home high school or obtain a certificate of high school equivalency, demonstration of an ability to benefit as determined by any test instrument approved by the Department of Education.

**II. Inspection by State Board of Community Colleges**

- A. Students' records shall be open for inspection by properly authorized State Board officials.

- B. The College's financial records shall be open for inspection by properly authorized State Board officials.

Adopted:

Legal Reference: 2A SBCCC 400.11

The Family Educational Rights and Privacy Act ("FERPA"), a federal law, provides students with certain rights with respect to their education records. These rights are:

- A. The right to inspect and review your education records within forty-five (45) days of the day the College receives a request for access. You should submit to the College's Registrar a written request that identifies the record(s) you wish to inspect. The College's Registrar will make arrangements for access and notify you of the time and place where the records may be inspected. If the records are not maintained by the College's Registrar, the Registrar will advise you of the correct official to whom your request should be made.
  
- B. You have the right to challenge an item in your education records believed to be inaccurate, misleading or otherwise in violation of your privacy rights. You may file a grievance pursuant to Policy 5.3.6 – Student Grievance beginning at Step Three. If the final decision is that the information in the record is, in the College's determination, not inaccurate, misleading or otherwise in violation of the privacy rights of the student, the Vice President of Student Services shall inform the student of the right to place a statement in the record commenting on the contested information in the record or stating why he/she disagrees with the College's decision.
  
- C. The right to consent to disclosures of personally identifiable information contained in your education records. FERPA requires that the College obtain your written consent prior to the disclosure of any such information with certain exceptions. College officials with a legitimate educational interest are an exception and do not need your consent. For a complete list of the disclosures that may be made without your consent, see 34 CFR Part 99.31 – 99.39. Exceptions to disclosures include, but are not limited to:
  - 1. Organizations conducting studies;
  - 2. Health/safety emergencies;
  - 3. Under the U.S. Patriot Act;
  - 4. Federal, state and local authorities;
  - 5. Accrediting organizations;
  - 6. State, local or tribal welfare agencies;
  - 7. College officials with legitimate educational interest;

8. In response to subpoenas and court orders; and
  9. In response to a lawsuit where a student names the College as a party.
- D. A College official includes any of the following when that person has a legitimate educational interest in having access to the information:
1. Any administrator, certified staff member, or support staff member (including health, medical, safety, and security staff) employed by the College;
  2. A member of the College's Board of Trustees;
  3. A contractor, consultant, volunteer, or other party to whom the College has outsourced services or functions, such as, but not limited to: an attorney, auditor, cloud storage provider, consultant, expert witness, hearing officer, law enforcement unit, investigator, insurer/insurance company adjuster, investigator, or any other claims representative, medical providers or consultants, or counselors/therapists, provided that the person is performing a service or function for which the College would otherwise use employees, is under the direct control of the school district with respect to the use and maintenance of education records, and is subject to FERPA requirements governing the use and re-disclosure of personally identifiable information from education records; and
  4. A person serving on a committee appointed by the College, such as a disciplinary or grievance committee or other review committee.

A College official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

- E. The College may release Directory Information about you unless you have advised the College to the contrary. The College has designated the following information as Directory Information: name; address; telephone number; email address; major field of study; participation in officially recognized activities and sports; dates of attendance, grade level and enrollment status; and degrees, honors and awards received<sup>1</sup>.
1. The College shall only release Directory Information to individuals and organizations that demonstrate, in the College's opinion, a legitimate, education interest in the information or provide a direct service to the College; provided, however, the College shall release Directory Information to military recruiters in compliance with the Solomon Amendment unless you specifically restrict the release of your Directory Information.

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<sup>1</sup> Review Footnote #1 in Policy 5.4.3.

2. If you do not want the College to disclose your Directory Information described above from your education records to the recipients identified above without your prior written consent, you must submit a completed Student Release Form to the Office of Enrollment Management within fourteen (14) days of the beginning of the academic year or within fourteen (14) days of you enrolling in the College.
- 
- F. In compliance with Title IX, the College may disclose the final results of campus disciplinary proceedings in which a student respondent is charged with a violent crime or non-forcible sex offense. Upon the request of the complainant, disclosure may be made regardless of whether the respondent was found responsible. Disclosures to third parties may be made only if the student respondent is found responsible. Disclosure in this situation is limited to the name of the violator, the type of student code violation found to have occurred, and the sanction imposed by the College.
  - G. The College shall release a student's educational records to the student's parents when requested by the parents and: i) the student is listed as a dependent on the parents' tax returns; ii) the student violated a law or the College's policies regarding drugs and alcohol and the student is under the age of 21; or iii) the disclosure is needed to protect the health or safety of the eligible student or other individuals in an emergency situation.
  - H. You have the right to file a complaint with the U.S. Department of Education concerning alleged failures of the School District to comply with the requirements of FERPA. The name and address of the office that administers FERPA is the:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5901

Questions regarding student records should be directed to the College's Office of Enrollment Management.

Adopted:

Legal Reference: 20 U.S.C. § 1232g; 34 C.F.R. pt. 99



Each area of the campus that handles student records shall establish internal procedures to protect the security and confidentiality of student information, including hard copy and digital formats. The following guidelines must be followed when accessing confidential information and student records.

**I. Hard Copy Data**

- A. Student information with social security numbers and birth dates shall not to be placed on hard copy file folder labels (use student ID instead).
- B. Student information with social security numbers and birth dates should not be left unsecured at any time.
- C. File folders (hard copies) containing student information with social security numbers and birth dates must be kept in a locked drawer or a locked room with access only by appropriate personnel.
- D. Any documents containing student information that is confidential should be shredded before discarding.
- E. Interoffice mail containing sensitive student information shall be sent using a sealed, opaque envelope.
- F. Sensitive information shall be mailed First Class or using other traceable delivery service and using an opaque envelope with no markings that will distinguish it as sensitive information.

**II. Electronic Data**

- A. Electronic data shall be maintained by ITS and shall be backed up to a separate location daily. The only exception is that Distance Learning student course records are housed off-campus through Remote-Learner. These records do not contain student SSN and are also backed up daily by Remote-Learner.
- B. Electronic student and confidential information is only accessible to appropriate personnel in accordance with procedures approved by ITS.
- C. Access to information systems is only given to appropriate personnel upon permission by a staff member's supervisor. Permission records will be maintained by ITS.

- D. Personnel who have been granted authority to access student information will be issued an ID and password by ITS to access information systems.
- E. Each staff member is only to use his/her designated ID and password to access student and confidential information. Under no circumstances should an ID and password be shared or should a staff member access College information systems under an ID and password that has not been issued to him or her.
- F. Student information with social security numbers and birth dates shall not be distributed or transmitted through email or otherwise made accessible to users without authority to see this information.
- G. The student ID generated by the College's operating system will be used in place of the social security number for identification purposes and in all communications.
- H. ITS reserves the right to revoke all privileges to information systems if College Information Technology policies and procedures are not followed.
- I. Faxing of sensitive student information shall be done by first verifying the fax number. Once the number has been verified the intended recipient must be readily available to retrieve the information.

### **III. Student Communications**

- A. Students are required to create a unique password upon setting up their accounts in the College's information systems.
- B. Electronic communication with an active student should only be sent to that student's College email address. Communication with prospective students or past students may be sent to the student's personal email, but should not include any sensitive information (e.g., student grades).
- C. When communicating with students regarding technical support, registration, transcripts, financial aid and financial information, students should not be asked for a social security number or birth date in public/within hearing distance of other people.
- D. Two forms of authentication must be requested when verbally verifying student identification. Appropriate forms of authentication are the student College ID number, the last four digits of the social security number and birth date. Under no circumstances should a student be requested to verify his/her social security number through email.

**IV. Security Breach**

- A. Any security breach or loss of records should be reported to one's immediate supervisor immediately upon discovery of the breach/records loss.
- B. Any student that has had their sensitive information compromised shall be contacted within 24 hours via telephone. In the event that the student cannot be reached, the College will use the emergency contacts to try to establish communications with the student. After the College has exhausted these resources the next form of contact will be First Class mail or other traceable delivery service.
- C. While sensitive student information is in transport to the College, the information shall remain locked in the trunk or other secure area of the vehicle. If the vehicle does not have a secure location, the sensitive student information must not be transported until the information can be transported securely unless it will be transported with no stops that will require the vehicle to be left unattended.
- D. Any student information that is collected off-campus or after campus hours shall remain in the custody of the student, agency or business until the sensitive student information can be delivered to the College.
- E. With the exception of coursework to be graded, no College employee will have hard copies of sensitive student information in their possession overnight without prior approval from that employee's supervisor or the college president. Any digital records removed from campus should be encrypted and password protected.

Adopted: January 8, 2020

As a condition of enrollment at the College, the student grants the College a non-exclusive, perpetual, world-wide, royalty-free right and license to reproduce and publicly or privately display, distribute, or perform the student's work, in whole or in part, for the College's own educational purposes. This includes:

- A. The use of student work in order to demonstrate compliance with accrediting bodies.
- B. Research conducted by College personnel and presentation or publication resulting from such research.
- C. The use of student work in order to demonstrate student and instructor activities for the purposes of promoting the college and its endeavors.

Nothing herein permits the disclosure of a student's educational record, including student grades, nor can student work be presented in a personally identifiable manner without the student's exclusive permission. This license does not extend to commercialization of the work. Intellectual property created by the student for commercial purposes singularly or in cooperation with the College shall be governed by the Policy 4.2.1 – Intellectual Property.

Adopted: January 8, 2020

## I. OVERVIEW

In accordance with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and other applicable federal and state law, the College may be required to accommodate an otherwise qualified individual with a disability by making a reasonable modification in its services, programs or activities. This policy addresses the use of service animals and other animals on campus.

## II. DEFINITIONS

- A. **Emotional Support Animal** – an animal selected or prescribed to an individual with a disability by a healthcare or mental health professional to play a significant part in a person's treatment process (e.g., in alleviating the symptoms of that individual's disability). An emotional support animal does not assist a person with a disability with activities of daily living and does not accompany a person with a disability at all times. An emotional support animal is not a "service animal."
- B. **Service Animal** – an animal that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the handler's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. Service animals may or may not have been licensed by a state or local government or a private agency. Service animals are limited to service dogs and, in some cases, miniature horses.
- C. **Pets** – any animal that is not an emotional support animal or a service animal.

## III. ANIMALS ON CAMPUS

Pets are not permitted on campus and may not be left in vehicles on College property. There are occasions when a student or employee may need to bring an animal onto campus for the purpose of meeting an educational objective. Such requests should be made to the appropriate academic Dean prior to the animal being allowed onto campus. Subject to the rules set forth in section IV and V below, emotional support and service animals are permitted in any area of campus where employees or students are permitted, with a few exceptions for health and safety reasons (i.e., areas that must adhere to certain required

sanitation rules (campus culinary and health sciences programs and third-party clinical partners)).

#### **IV. PROCEDURES REGARDING SERVICE/EMOTIONAL SUPPORT ANIMALS**

##### **A. Responsibilities of the Service/Emotional Support Animal Owner/Handler**

###### **1. Registration**

###### **a. Service Animals**

Students and employees are not required to register service animals. However, they are strongly encouraged to notify the Counselor and Disability Services (students) or the Office of Human Resources (employees) if they intend to use a service animal on campus so that appropriate College officials are aware of the animal's presence and to assist with the service animal's access to areas within the College's campus. Logistical or physical accommodations within campus buildings or classrooms may be necessary to ensure that a service animal has the space necessary to assist its handler. In addition, there are other disability related academic accommodations a student handler may be eligible to request to ensure full access to the learning experience. Visitors with service animals are not required to register their animals.

###### **b. Emotional Support Animals**

After the College has made a determination that an emotional support animal is allowed on campus (see Section B.2), the student or employee must register the animal with the Disability Services Office (students) or the Office of Human Resources (employees).

###### **2. Care and Supervision**

a. The care and supervision of a service/emotional support animal is the responsibility of the animal's owner and/or handler. The handler must ensure the animal is in good health and has been inoculated and licensed in accordance with local regulations with the burden of proving licensure and inoculation on the person with a disability. Dogs must wear a rabies tag at all times.

b. The service/emotional support animal must be under the control of the handler at all times and may not be left alone. A service/emotional support animal must be restrained by a leash that does not exceed six (6) feet in length or other appropriate device dependent on the animal (i.e., carriers or cages). In situations where

a leash or other appropriate device interferes with a service animal's ability to perform its task or service, the service animal must remain under the control of the handler at all times.

- c. The owner and handler of the service/emotional support animal is responsible for any damage of personal or college property or any injuries to an individual caused by the service/emotional support animal.
- d. The handler must ensure the animal is "housebroken" and trained. The handler must clean up and remove all animal waste created by the animal both inside campus buildings and outdoor campus property.
- e. The service/emotional support animal may not disrupt the operation of the College or any class. Disruptions include but are not limited to: barking, growling, pacing/constant motion, foul odor, pawing and or sniffing of others. It is the assumption of the College that all service/emotional support animals on campus are "working" animals and therefore, should not be treated as a pet. There should be no petting by others and no handling by others.

## **B. Responsibilities of the College Community**

### **1. Service Animals**

If the need for a service animal is obvious, College officials may not question the presence of the animal on campus. If the need for a service animal is not obvious, College officials are permitted to ask the handler two questions:

- a. Is the animal required because of a disability?
- b. What work or task(s) has the animal been individually trained to perform?

At no time may a College official require a service animal to demonstrate the tasks for which they have been trained nor may they inquire as to the nature of the individual's disability.

If another person on campus has a covered disability under the ADA and it includes an allergic reaction to animals and that person has contact with a service animal, a request for accommodation should be made by the individual to the Director of Human Resources (if an employee) or the Counselor and Disability Services (if a student). All facts surrounding the concern will be considered in an effort to resolve the concern and provide reasonable accommodation for both individuals.

2. Emotional Support Animals

The determination of whether a student or employee with a disability is allowed to have an emotional support animal on campus shall be made on a case-by-case basis. Students and employees may request, as a reasonable accommodation for a disability, the need to have an emotional support animal on campus. The College is not required to grant reasonable accommodations that would result in a fundamental alteration of a program, create an unsafe environment or would constitute an undue burden. Any requests for a reasonable accommodation for an emotional support animal shall be directed to the Disability Service Office (students) or the Office of Human Resources (employees).

In determining request for accommodations for an emotional support animal, the consideration is: 1) does the person have a disability (i.e., a physical or mental impairment that substantially limits one or more major life activities); 2) does the emotional support animal perform tasks or services for the benefit of the person or provide emotional support that alleviates one of more of the identified symptoms for effects of the person's existing disability; and 3) is the request an undue burden on the College, does the request create an unsafe environment, or does it fundamentally alter a College program.

**C. Removal of Service/Emotional Support Animals**

The College has the authority to remove a service/emotional support animal from its facilities or properties if the animal becomes unruly or disruptive, unclean and/or unhealthy, and to the extent that the animal's behavior or condition poses a direct threat to the health or safety of others or otherwise causes a fundamental alteration in the College's services, programs, or activities. All cases for removal shall be decided on a case-by-case basis based on that specific situation. In appropriate situations, the College will use a progressive model beginning with a warning for a first offense and removal (either temporarily or permanently) for additional offenses. However, dependent on the severity of the situation, the first offense could result in a temporary or permanent removal.

It is a Class 3 misdemeanor "to disguise an animal as a service animal or service animal in training". N.C.G.S. § 168-4.5. In other words, it is a crime under North Carolina law to attempt to obtain access for an animal under the false pretense that it is a service animal.

Additionally, any employee or student who violates any portion of this procedure is subject to disciplinary action.



This is a cross reference to policy 3.4.8 and policy 2.2.6

Legal Citations:       The Americans with Disabilities Act of 1990 As Amended; Section 504 of  
                              the Rehabilitation Act of 1973

Adopted:                January 8, 2020

**I. Overview**

The College attempts to provide extracurricular activities for students since the College believes that such activities contribute to the overall growth and educational development of an individual. Students are expected to exhibit high standards of responsible citizenship during all College functions whether on or off campus. The Division of Student Services encourages and helps conduct a program of student activities. The student activity program is a part of the educational experience available to all students. Admission for all student activities shall be non-discriminatory.

**II. Student Government Association**

- A. The Student Government Association (“SGA”) is made up of representatives from the student body. The SGA coordinates and regulates student activities and serves as the student body’s official voice. The President of the SGA is a non-voting member of the College’s Board of Trustees.
- B. The SGA’s organizational documents shall be updated and shall be on file with the College’s Coordinator of Student Life & Recruitment (“Coordinator”). Any revisions to the SGA’s organizational documents shall be reviewed and approved by the College President.
- C. State funds cannot be used for athletics or other extracurricular activities; therefore, almost all student activities are established and maintained by SGA funds. SGA funds are derived from a portion of student activity fees. The SGA budget will be approved by the SGA and submitted to the Vice President of Student Services (“Vice President”) as early in the school year as possible for approval. Expenditures of funds must be approved by the Coordinator and the Vice President.

**III. Other Student Clubs and Organizations**

- A. The College maintains that extracurricular activities compliment the academic programs. Students are encouraged to participate in all phases of the student activities program as long as such participation is consistent with sound educational practices.
- B. The following criteria must be considered by clubs who seek recognition as an official College student organization:
  - 1. The organization must serve an area of student activity need;
  - 2. The membership provisions must not exclude anyone because of his/her race, color, religion, sex, gender, national origin, age, disability or sexual orientation;

3. The organization must agree to abide by the College's policies and administrative procedures;
  4. The organization's purpose must be compatible with the College's philosophy and educational objectives; and
  5. Such other reasonable rules and regulations required by the President.
- C. **Recognized Student Clubs and Organizations.** Only officially recognized student clubs and organizations shall be allowed to function on the College's campus. In order to achieve recognition, the applying club or organization must complete an official application, on file with the Coordinator, and receive approval by the SGA, the Vice President of Student Services and the College's administrative cabinet.

#### **IV. Fundraising**

The President, in consultation with the Vice President of Student Services and the Coordinator, shall establish rules and regulations regarding student clubs and organizations' fundraising activities. In addition to such rules and regulations, student clubs and organizations are limited as follows:

- A. **Raffles** - The North Carolina General Statutes consider raffles as a form of gambling and are generally unlawful in the state of North Carolina. However, there is an exception that allows two (2) raffles per year for each tax exempt non-profit organization. The total cash prizes offered or paid by any exempt non-profit organization may not exceed ten thousand dollars (\$10,000) in any calendar year.

Student clubs and organizations are encouraged to use alternative methods of fundraising aside from raffles.

- B. **Food** – Unless clubs and organizations have prior, written permission from the President or designee, clubs and organizations may only sell pre-packaged food items, professionally prepared food items prepared by a permitted entity, pre-wrapped items and beverages in sealed containers and must comply with all local Health Department regulations. Examples of these items include bottled/canned soft drinks, pre-wrapped sub sandwiches, wrapped/package desserts, etc. Muffins or cookies must be pre-packaged. The sale of food prepared or assembled at point of sale, such items as tacos, hot dogs, chili, sandwiches, etc. is prohibited unless prior authorization by the President or designee. The sale of potentially hazardous foods as described in 15A NCAC 18A .2635(9) shall not be allowed.

Pursuant to N.C.G.S. § 130A-250(7), the College, as a tax-exempt entity, is exempted from temporary food establishment permitting requirements for preparing or serving food or drink, for pay, no more frequently than once a month for a period not to exceed two consecutive days.

Adopted: January 8, 2020

Legal Reference: N.C.G.S. §§ 14-309.15, 130A-250(7); 15A NCAC 18A .2635(9)

**I. Preface**

The College encourages and supports student participation in a wide variety of extracurricular activities designed to complement the classroom experience. The College Student Government Association (“SGA”) is responsible for promoting the general welfare of the College, encouraging student involvement in the governance of the SGA, providing avenues for input in institutional decision making and promoting communication between students, staff, and faculty. Composed of all currently enrolled curriculum students, the SGA provides direction, guidance, and oversight of the activity budget.

As a means of facilitating student involvement in campus decision making, students are encouraged and invited to participate in various standing committees, advisory committees, and *ad hoc* committees. The President of the SGA serves as an *ex officio* nonvoting member of the College’s Board of Trustees and well as other standing committees. To get involved in campus governance, students are encouraged to contact elected officers of the SGA or the faculty/staff advisor for the SGA.

**II. Student Government**

The SGA is composed of all curriculum students who are enrolled at the College. All SGA members are encouraged to be active participants in student affairs and to voice opinions and thoughts through their organization.

The President of the SGA is elected in April of each year. Other officers and representatives of the SGA are usually elected in September and provide leadership for the student body. The SGA sponsors athletic, social, and wellness activities that enhance student campus life. Students are involved in school affairs, with active participation on various advisory and ad hoc committees. Representatives of the SGA usually attend state conferences of the Student Government Association in the North Carolina Community College System. A budget governing the student activity fee for the following school year is recommended by the SGA in the spring. The budget usually covers special projects, student insurance, socials, and dances.

**III. Student Publications**

All student publications are governed and approved by the SGA and the College’s administration. Student publications must be reviewed by the Editorial Committee for Student Publications prior to publication and distribution. The Committee will consist of the following persons: SGA President, SGA Advisor, Chairperson of the English Department, and an Assistant Vice President in Educational Services appointed by the Vice President for Instruction and Support Services. Publications should follow the guidelines of standard English and MLA/APA documentation for sources. Misuse or abuse of such publications may cause termination or abolishment of an approved publication.

**IV. Athletics<sup>1</sup>**

Athletics are available on a limited basis at the College. A strong intramural program is encouraged. The College provides room for expansion and is adding to those activities requested that are within budgetary limits and College policy.

**V. Special Events**

The SGA may sponsor other activities such as socials, films, speakers, and related activities that are of interest to the students. When such occasions arise, students are notified in advance and are encouraged to participate.

Adopted: January 8, 2020

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<sup>1</sup> If applicable.

**I. TUITION AND FEES GENERAL REQUIREMENTS**

Tuition and fees shall be charged in accordance with state statutes and according to schedules established by the North Carolina State Board of Community Colleges (“State Board”) and/or the College’s Board of Trustees (“Board”). The State Board establishes a general and uniform semester tuition rate for curriculum students. The State Board establishes both a North Carolina resident rate and a nonresident rate. Whether a student is a resident for tuition purposes shall be established in accordance with N.C.G.S. § 116-143.1 and -143.3 (for purposes of Armed Forces personnel and their dependents). For more information concerning residency requirements, see Policy 6.1.2 – Tuition Residency Requirements. The rate for auditing a course is the same as taking the course for credit.

**II. TUITION AND REGISTRATION FEE WAIVERS**

The North Carolina General Assembly and the State Board have promulgated statutes and administrative regulations dealing with authorized groups of students with respect to tuition and registration fee waivers. For information concerning tuition and registration waivers, see N.C.G.S. §§ 115B-1, 115D-5, 1E SBCCC 800.2 and the North Carolina Community Colleges Tuition and Registration Fee Waiver Reference Guide on the website, [www.nccommunitycolleges.edu](http://www.nccommunitycolleges.edu).

To obtain a tuition and registration fee waiver, individuals must establish proof of eligibility as a member of an authorized group. To be eligible for a tuition or registration fee waiver, trainees enrolled in Basic Law Enforcement Training (BLET) courses must obtain a letter of sponsorship from a state, county, or municipal law enforcement agency prior to enrollment and uphold the terms of the sponsorship until completion of the BLET course. The College must maintain documentation of the sponsorship on file. The College shall not grant tuition and registration fee waivers to students enrolled in self-supporting courses. The College shall charge the student the self-supporting fee or use institutional funds to pay for the self-supporting fee on the student’s behalf.

Annually, the President shall report to the State Board the amount of tuition and registration fees waived by the College on behalf of individuals who are members of authorized groups.

**III. LOCAL FEES**

**A. Authorization**

Pursuant to 1E SBCC 700.1, the Board annually or as required adopts the local fees. The College shall deposit receipts derived from local fees in an unrestricted institutional account. The College will only use the local fee receipts for the purposes for which the local fee was approved. The President shall annually report all required local fees to the State Board. A list of current fees are located in procedure 6.1.1.1.

**B. Local Fee Waiver**

The following groups are exempt from the Student Activity Fee, the Instructional Technology Fee and the College Access and Parking Fee: 1) all students who are exempt from paying tuition and registration fees; 2) continuing education students, except as otherwise listed herein; and 3) individuals who participate only in meetings and seminars organized by the College (i.e., a group of people gathered for a one-time basis primarily for discussion under the direction of a leader or resource person).

Students will be required to pay applicable Specific Fees and Other Fees.

**C. Authorized Local Fees**

**1. Student Activity Fee**

Pursuant to 1E SBCCC 700.2, the Board establishes a Student Activity Fee as follows: to support student activities for curriculum students.

The Student Activity Fee receipts shall be used for the permissible activities and expenses listed in 1E SBCCC 700.2(b)(1)-(2) not to exceed the amount established by the North Carolina Community College Board of Trustees. The current amount is listed in the Student Fee Chart, Procedure 6.1.1.1

**2. Instructional Technology Fee**

Pursuant to 1E SBCCC 700.3, the Board establishes an Instructional Technology Fee not to exceed the amount established by the North Carolina Community College Board of Trustees. The current amount is listed in the Student Fee Chart, Procedure 6.1.1.1

The Instructional Technology Fee receipts shall be used to support costs of procuring, maintaining and operating instructional technology used primarily for instructional purposes and specialized instruction equipment necessary for hands-on instruction.

**3. Parking Fee**

Pursuant to 1E SBCCC 700.4, the Board establishes a Parking Fee for each academic semester for curriculum students. The Parking Fee receipts shall only be used to support costs of acquiring, constructing and maintaining the College's parking facilities, parking enforcement and security of College property. The current amount is listed in the Student Fee Chart, Procedure 6.1.1.1.



**4. Required Specific Fees**

Pursuant to 1E SBCCC 700.5, specific fees will be charged to students for select courses to cover academic costs for consumable goods or services that are specifically required for that course. Such academic costs include, but are not limited to: tools, uniforms, insurance, certification/licensure fees, e-text, labs and other consumable supplies. The specific fee rate must be based on the estimated cost of providing the good or service. The current amounts are listed in the Student Fee Chart, Procedure 6.1.1.1.

The Board hereby delegates to the President the authority, as necessary, to approve all specific fees under \$500 per course on an interim basis. Any specific fees over \$500 per course must be approved in advance by the Board. Any fees approved on an interim basis must be approved as part of the College's fee schedule by the Board during the next annual cycle. A list of all approved specific fees will be maintained in the College's business office and the President shall provide an annual report to the Board regarding such specific fees.

**5. Other Fees**

Pursuant to 1E SBCCC 700.6, other fees will be charged to students to support costs of goods or services provided by the College that are not required for enrollment. Examples include, but are not limited to: student health and other insurance fees; graduation fees; transcript fees; optional assessment fees; library/equipment replacement fees and fees to participate in a specific event or activity.

The Board hereby delegates to the President the authority, as necessary, to approve all specific fees under \$500 per course on an interim basis. Any specific fees over \$500 per course must be approved in advance by the Board. Any fees approved on an interim basis must be approved as part of the College's fee schedule by the Board during the next annual cycle. A list of all approved specific fees will be maintained in the College's business office and the President shall provide an annual report to the Board regarding such specific fees.

**IV. TUITION AND FEE DEFERMENT**

All students, after registering for courses for the specific term, must pay or establish a payment plan through a provider approved by the College on or before a specific date prescribed by the College that is on or before the first date of the course section. Students applying for financial aid that completed their application before the established deadline, and appear to be eligible for assistance, will be allowed to remain in their courses until their financial aid is processed. Students that did not apply for financial aid prior to the established deadline may establish a payment plan.

- A. Students wanting to enroll but lacking funds to pay tuition and fees must meet one of three criteria to defer their payment beyond the payment deadline set by the registrar's office:
  - 1. Must have applied for financial aid by the application deadline set by the financial aid office and, through preliminary review, appear to qualify for assistance;
  - 2. Must provide (or have their sponsor provide) documentation in writing from a valid third-party agency that the student may be sponsored by the third-party agency once a final review is complete; or
  - 3. Must enroll in a payment plan to satisfy the outstanding balance through a third-party provider contracted by the College. All balances must be paid before the last day of the semester.
  
- B. Students who have not completed all requirements by the financial aid office, not supplied a final authorization from their third-party agency or who fail to pay the balance owed by the end of the semester will be subject to the following restrictions until payment in full has been received or until assistance is granted to satisfy the account balance:
  - 1. Grades for the term shall be withheld;
  - 2. Transcripts shall not be released;
  - 3. Registration for future terms shall not be permitted; and
  - 4. Permission to participate in graduation shall be denied.
  
- C. Students with outstanding balances shall be notified by a Statement of Account showing the account balance and the nature of the charges and shall be dealt with pursuant to Policy 6.2.9 – Debt Collection.

Legal Reference: N.C.G.S. §§ 115B-1 *et al.*, 115D-5, -39, 116-143.1 and -143.3; 1E SBCCC 200.2, 700.1 – 700.6, 800.2; *NC Community College Tuition and Registration Fee Waiver Reference Guide*

Adopted: January 9, 2019

**2018 - 2019 STUDENT FEES**

CONTINUING EDUCATION		CURRICULUM	
\$5	Technology - Computer Classes (Computer Repair and Upgrade Classes)	\$5	Parking
\$35	Graduation Fee (GED/AHS)	\$16	Technology - Computer (per student per term)
*Fees for Heritage Crafts Continuing Education courses are listed in the advertised cost of the course. Fees are based on actual cost of the materials for the specific course (changed because of the courses are moving from self-supporting to Occupational Extension).		\$30	Activity Fee (Fall/Spring) \$27 Student Activity Fee; \$3 Student Ambassador Activity Fee
		\$5	Activity Fee (Summer) \$4 Student Activity Fee; \$1 Student Ambassador Activity Fee
		\$60	TEAS test fee (for ADN/PN program)
		\$5	Photo ID Replacement
		\$40	Graduation Fee
		\$5	(Each additional degree, diploma, and/or certificate)
Continuing Education Individual Class Fees		Curriculum Individual Class Fees	
\$75	NRA - Occupational NRA Classes, includes a meal	\$25	AHR 110 Intro to Refrigeration
\$36.60	CE Summer Gunsmithing (\$35 supplies and \$1.60 insurance)	\$85	DEN 102 Dental Materials
\$20	MIG – TIG Stick Welding (each course)	\$50	DEN 112 Dental Radiography
\$20	Bricklaying	\$25	ELC 112 DC/AC Electricity
\$5	Digital Photography	\$25	ELC 113 Residential Wiring
\$2	Pottery Lab (per class)	\$25	ELC 117 Motors and Controls
\$25	Taxidermy (per class)	\$50	GSM 111 Gunsmithing I
\$30-\$200	Fees for Heritage Crafts CE classes; specific fee dependent upon class taken	\$100	GSM 120 Gunsmithing Tools
	Fee dependent on cost of supplies for the specific course*	\$40	GSM 225 Gunmetal Refinishing
	Example:	\$15	MED 140 Exam Room Procedures I
\$30	Plaster class in pottery	\$15	MED 150 Lab Procedures I
\$75	Supplies for pottery, basket weaving, etc.	\$125	Medical Assisting AAMA Certification Exam Fee
\$100	Pottery salt glass firing class, basket weaving, etc.	\$50 for each course	PBT 100 Phlebotomy Technology, PBT 101 Phlebotomy Practicum
\$150	Bladesmithing	\$50	ADN/PN - Lab Simulation
\$200	Bladesmithing, jewelry making class	\$2000 (\$400/term)	ADN ATI Program fee
		\$1700 (\$850/term)	PN ATI Program fee
		\$15 for each course	TXY 110, 112, 114, 121, 122, 123, 131, 133
		When course is split, course fee is divided as well.	
		\$25	Book Fee for Career & College Promise (per course)
		\$36 for each course	PCC 110, 111, 130, 210, 211 (CU program currently inactive)
Continuing Education Student Accident & Liability Insurance		Curriculum Student Accident & Liability Insurance	
\$13	Liability Insurance - Allied Health (Nurse Aide, Phlebotomy, EMS)	\$13	Dental Assisting, Medical Assisting, Nurse Aide, Phlebotomy, & Practical Nursing students (per student per academic year)
\$1.60	Accident Insurance - Allied Health (Nursing Assisting, Phlebotomy, EMS)	\$1.60	Accident Insurance Fee (per student per term)

If a course is divided into parts (example: TXY 121AB + TXY 121BB = TXY 121) the course fee is divided as well (example: TXY 121AB fee = \$7.50 + TXY 121BB fee = \$7.50 for a total of \$15).

## I. DEFINITIONS

- A. *Domicile*: a person's fixed, and permanent home and place of habitation of indefinite duration (for an indefinite period of time); it is the place where he or she intends and is able to remain permanently and to which, whenever the person is absent, he or she expects to return. Domicile may be established by birth, law and/or choice.
- B. *Nonresident*: is a person who does not qualify as being domiciled in North Carolina.
- C. *Residence*: a place of abode, whether permanent or temporary. A person may have many residences but only one permanent residence.
1. *Permanent Residence*: the legal residence or domicile.
  2. *Temporary Residence*: one's abode for an undetermined or temporary duration.
- D. *Resident*: is a person who qualifies as being domiciled in North Carolina.

For more complete definitions of these and other terms, consult the North Carolina Residency Determination Service ("RDS") Guidebook. All the definitions contained in the [RDS Guidebook](#) are incorporated herein by reference.

## II. RESIDENCY STATUS

### A. Establishing Residency

Residency status of all applicants must be determined for the purpose of tuition assessment. Nonresidents are admitted under the same admission requirements as residents but are required to pay out-of-state tuition except for courses classified as self-supporting curriculum courses or continuing education courses.

To qualify as a resident, an applicant must have established a permanent residence in North Carolina and maintained that permanent residence for at least twelve (12) uninterrupted months immediately prior to his or her classification as a resident. The applicant must maintain his/her residence for purposes of maintaining a bona fide domicile rather than maintaining a mere residence for purposes of enrollment in an institution of higher education. All applicants for admission shall be required to make a statement as to his/her length of residence in the State. An applicant shall not be classified as a resident until s/he provides evidence related to his/her legal residence and its duration.

To determine whether a student has established a domicile in North Carolina, as opposed to a mere temporary residence, one must first determine if the student has

capacity to establish residency and then reach a conclusion about the intent of the student, as measured by objectively verifiable conduct of the student. The conduct of the student, taken in total, must demonstrate an intention to make North Carolina his or her permanent dwelling place. The determination of domicile does not depend on one fact or a required combination of certain circumstances. The determination is made based on all the facts and circumstances taken together and viewed as a whole showing by a preponderance of evidence (more likely than not) that some particular location is the student's domicile. Oftentimes, this evidence will include personal statements provided by the student regarding his/her intention to make a residence his/her domicile. While such statements are appropriate evidence to consider, there is no requirement that they be accepted at face value. Student's personal statements should be considered carefully but also cautiously even if there is no concrete evidence that the student is being untruthful. The student's conduct and actions taken toward establishing a domicile are generally of greater evidentiary value than personal statements, especially when the student's conduct and actions are inconsistent or in conflict with the student's statements of intent. Statements of a student's intent to take actions towards establishing domicile at some time in the future generally are not considered sufficient.

For a student to be classified as a resident, the balancing of all the evidence must show that there is a preponderance of evidence supporting the student's claim of domicile. To satisfy this requirement, more of the evidence than not must consist of a cluster, focus or accumulation of favorable information that the student established a domicile in North Carolina at a point in time at least 12 months prior to the domiciliary classification. Because there is almost always variation among cases and individuals, the domiciliary inquiry is more a function of reasonable review and balancing of the total circumstances of each individual case rather than a formulaic computation.

Each applicant for admission is required to complete the RDS application for initial consideration concerning residency before, during or after submitting an application for admission.

## **B. Special Rules for Domicile**

In addition to establishing a person's domicile as noted above, the determination of domicile and residence status for tuition purposes is also affected by special rules set out in North Carolina statutes. For some, but not all, of these special rules, eligible nonresidents remain classified as out-of-state students and are charged in-state tuition rates. For more specific information regarding these special results, consult the Manual.

These special rules impact the following categories of students:

1. Minors;
2. Members of the Armed Forces and their families;

3. Non-military federal personnel, volunteers and missionaries;
4. Non-U.S. citizens;
5. Prisoners/inmates;
6. Married persons; and
7. Special Exemptions for certain community college students:
  - i. Business-sponsored students - When an employer (other than the armed services) pays tuition for an employee to attend a community college and the employee works at a North Carolina business location, the employer shall be charged the in-state tuition rate.
  - ii. Business and military transferred families - A community college may charge in-state tuition to up to one percent (1%) of its out-of-state students (rounded up to the next whole number) to accommodate the families transferred into North Carolina by business or industry, or civilian families transferred into North Carolina by the military. A student seeking this benefit shall provide evidence of the following:
    - Relocation to North Carolina by the student and if applicable, the student's family, within the 12 months preceding enrollment;
    - Written certification by the employer on corporate letterhead that the student or some member of the student's family was transferred to North Carolina for employment purposes;
    - Certification of student's compliance with the requirements of the Selective Service System, if applicable; and
    - If a family member of the transferred individual is applying for this benefit, the family member must also establish the familial relationship with the transferred individual; live in the same residence as the transferred individual; and provide evidence of financial dependence on the transferred individual.
  - iii. Students sponsored by a non-profit entity - A lawfully admitted nonresident of the United States who is sponsored by a North Carolina non-profit entity is eligible for the in-state resident community college tuition rate. The student is considered to be "sponsored" by a North Carolina nonprofit entity if the student resides in North Carolina while attending the community college and the North Carolina nonprofit entity provides a signed affidavit

to the community college verifying that the entity accepts financial responsibility for the student's tuition and any other required educational fees. A North Carolina nonprofit may sponsor no more than five nonresident students annually under this provision. This provision does not make a person a resident of North Carolina for any other purpose.

- iv. N.C. public school graduates - Any person lawfully admitted to the United States who satisfied the qualifications for assignment to a public school under North Carolina law (G.S. 115C-366) and graduated from the public school to which the student was assigned shall be eligible for the State resident community college tuition rate.
- v. Refugees - A refugee who lawfully entered the United States and who is living in this State shall be deemed to qualify as a domiciliary of this State under G.S. 116-143.1(a)(1) and as a State resident for community college tuition purposes. While the refugee must live in North Carolina to be eligible for in-state tuition, the refugee is not required to be domiciled in North Carolina for the 12-month qualifying period.
- vi. Nonresidents of the United States - A nonresident of the United States who has resided in North Carolina for a 12-month (365 days) qualifying period and has filed an immigrant petition (Forms I-130, I-360, or I-140) with the United States Citizen and Immigration Service (USCIS) shall be considered a North Carolina resident for community college tuition purposes.
- vii. Federal law enforcement officers, firefighters, EMS personnel and rescue and life-saving personnel - Federal law enforcement officers, firefighters, EMS personnel, and rescue and lifesaving personnel whose permanent duty stations are within North Carolina are eligible for the State resident community college tuition rate for courses that support their organizations' training needs. The State Board of Community Colleges must approve the courses designed to support law enforcement officers, firefighters, EMS personnel, and rescue and lifesaving personnel's training needs prior to the college awarding the State resident community college tuition rate.

**C. Loss of Resident Status**

If a person has been properly classified as a resident for tuition purposes and enjoyed that status while enrolled at an institution of higher education in this state, a change in that person's state of residence does not result in an immediate, automatic loss of entitlement to the in-state tuition rate. Students in this situation are allowed a "grace period" during which the in-state rate will still be applicable

even though the student is no longer a legal resident of North Carolina. The grace period can apply under certain circumstances both to currently enrolled students as well as to students who are no longer enrolled or who have graduated.

1. Currently Enrolled Students

To qualify for the grace period if the student is currently enrolled, the student must satisfy the following conditions:

- i. The student must have been properly classified as a resident for tuition purposes on the basis of a valid finding that the student in fact was domiciled in North Carolina and had been for the required 12-month period prior to classification; and
- ii. At the time of change of legal residence to a state other than North Carolina, the individual must have been enrolled in an institution of higher education in North Carolina. “Enrolled” shall include both persons who are actually attending the institution during an academic term as well as those whose consecutive attendance of academic terms has been interrupted only by institutional vacation or summer recess periods. A person whose change in legal residence occurred during a period while not enrolled is not entitled to the benefit of the grace period.

The grace period extends for 12 months from the date of the change in legal residence, plus any portion of a semester or academic term remaining at the time the change in legal residence occurred. No change in applicable tuition rates resulting from the expiration of the basic 12-month grace period will be effective during a semester, quarter, or other academic term in which the student is enrolled; the change in tuition rates are effective at the beginning of the following semester, quarter, or other academic term. Once perfected, the grace period is applicable for the entire period at any institution of higher education in the State.

2. Students who are no Longer Enrolled

To qualify for the grace period if the student is no longer enrolled, the student must satisfy the following conditions:

- i. The student must have been properly classified as a resident for tuition purposes at the time the student ceased to be enrolled or graduated from an institution of higher education in this state; and
- ii. If the student subsequently abandons his/her domicile in North Carolina and then reestablishes domicile in this state within twelve (12) months of abandonment, the student may reenroll at an institution of higher education in this state as a resident for tuition



purposes without having to satisfy the 12-month durational requirement so long as the student continuously maintains his/her reestablished domicile in North Carolina at least through the beginning of the academic term for which in-state tuition status is sought.

It is important to note that a student may benefit from this particular grace period only once during his/her life. There is no such limitation on the grace period available to students who experience a change in residence status while still enrolled at an institution of high education in this state.

### **III. RECONSIDERATION AND APPEAL OF RESIDENCY DECISIONS**

If the student does not agree to the initial consideration concerning his/her residency status, the student may seek a reconsideration or appeal with RDS. For more information concerning the reconsideration and appeal process and deadlines, the student should consult with the [RDS Guidebook](#).

Legal Reference: N.C.G.S. §§ 115D-39; 116-143.1; N.C. Session Law 2015-241, Section 11.23; 1E SBCCC 300.2; *North Carolina Residency Determination Service Guidelines* (November 2016)

Adopted: January 9, 2019

**I. AUTHORITY TO CHARGE SELF-SUPPORTING FEES**

Pursuant to North Carolina law, the College is authorized to offer curriculum and continuing education course sections on a self-supporting basis and charge self-supporting fees to students who enroll in self-supporting course sections.

**II. SELF-SUPPORTING FEE RATES**

**A. Differing Rates**

The College may adopt different self-supporting fees for different courses and activities.

**B. Curriculum Self-Supporting Fee Rates**

The College must determine self-supporting fees for curriculum courses using one of two methods:

1. **Pro-Rata Share Method.** The amount charged to each student shall approximate the pro-rata share of the direct and indirect costs associated with providing self-supporting instruction. Unless the College can demonstrate a need for a higher rate, the College may estimate indirect costs by applying its federal indirect cost rate or a rate up to twenty-five percent (25%), whichever is higher, to the direct costs of providing the self-supporting activity. The amount charged to the student shall be calculated based on either: 1) the estimated costs of an individual self-supporting course section divided by the number of students expected to enroll in the course section; or 2) the estimated costs of a set of self-supporting course sections divided by the number of students expected to enroll in the set of course sections. Each student must pay the self-supporting fee even if the sum of the curriculum tuition and self-supporting fees charged to the student for the academic term exceeds the maximum tuition rate set by the State Board and academic term.
2. **Transparent Rate Method.** The College shall charge each student an amount consistent with the curriculum tuition rate based on residency status. The transparent rate method shall only be used if the receipts generated through this method can adequately support the direct and indirect costs of the self-supporting instruction.

**C. Continuing Education Self-Supporting Fee Rates**

The College shall set self-supporting fees for continuing education course sections at a level at or below the local market rate for the type of continuing education instruction provided.

### **III. USE OF SELF-SUPPORTING FEES**

#### **A. Deposit of Self-Supporting Fees**

The College shall deposit self-supporting fee receipts in an institutional unrestricted general ledger account. Any course section initially designated as self-supporting cannot be changed to a State-funded designation after the College collects any receipts for the course section.

#### **B. Use of Self-Supporting Fee Receipts**

Self-supporting fee receipts shall be used to support the direct and indirect costs of the self-supporting course sections. The College shall not use state funds for direct costs of self-supporting course sections. If a full-time curriculum instructor teaches a self-supporting course section, the College shall either: 1) pro-rate the instructor's salary based on the time allocated between state-funded and self-supporting course sections in the instructor's course load; or 2) reimburse State funds an amount equal to the number of instructional hours associated with self-supporting course section multiplied by the instructor's hourly rate of pay.

#### **C. Excess Receipts**

Specific fee receipts shall be used for the purpose for which they are charged. If self-supporting receipts exceed expenditures for the purpose for which they are charged, the College shall use excess receipts to support the costs of future self-supporting course sections, instruction, student support services, student financial aid (e.g. scholarships, grants, and loans), student refunds, student activities, curriculum development, professional development, promotional giveaway items, instructional equipment, and capital improvements and acquisition of real property.

Excess receipts shall not be used for any of the following purposes: supplemental compensation or benefits of any personnel, administrative costs, entertainment expenses, and fundraising expenses.

Legal Reference: N.C.G.S. §§ 115D-5; -39; 1E SBCCC 600.1 – 600.4

Adopted: January 9, 2019

**I. DEFINITIONS**

- A. *Academic Period* – an academic term or subdivision of an academic term during which the College schedules a set of course sections.
- B. *Non-regularly scheduled course section* – is any of the following: a) a class where a definitive beginning and ending time is not determined; b) a class offered in a learning laboratory type setting; c) a self-paced class; d) a class in which a student may enroll during the initial College registration period or at any time during the semester; or e) any class not meeting the criteria for a regularly scheduled class.
- C. *Off-cycle course section* – a regularly scheduled course section that is not offered consistent with an academic period.
- D. *Officially Withdraw* – the removal of a student from a course section by one of the following methods:
  - 1. The student notifies the authorized College official, as defined by the College’s published procedures for withdrawal, of the student’s intent to dis-enroll in a course section as outlined in the College’s published procedures for withdrawal; or
  - 2. The College removes the student from the course section because the College cancels the course section or for any other reason authorized by written College policy.
- E. *On-cycle course section* – a regularly scheduled course section that is offered consistent with an academic period.
- F. *Regularly scheduled course section* – is a class that meets any of the following criteria: a) assigned definite beginning and ending times; b) specific days the class meets is predetermined; c) specific schedule is included on the College’s Master Schedule or other official College documents; d) class hours are assigned consistent with the College’s catalog; or e) identified class time and dates are the same for all students registered for the class excluding clinical or cooperative work experience.

**II. CURRICULUM TUITION/FEE REFUNDS**

The College shall issue tuition refunds, using State funds, and fees only in the following circumstances:

**A. Refunds for On-Cycle Course Sections**

- 1. The College shall provide a one hundred percent (100%) refund to the student for both tuition and fees if the student officially withdraws or is

officially withdrawn by the College prior to the first day of the academic period as noted on the College calendar.

2. The College shall provide a one hundred percent (100%) refund to the student for both tuition and fees if the College cancels the course section in which the student is registered.
3. After an on-cycle course section begins, the College shall provide a seventy-five (75%) percent refund to the student for tuition only if the student officially withdraws or is officially withdrawn by the College from the course section prior to or on the ten percent (10%) point of the academic period.<sup>1</sup>

**B. Refunds for Off-Cycle Sections**

1. The College shall provide a one hundred percent (100%) refund to the student for both tuition and fees if the student officially withdraws or is officially withdrawn by the College prior to the first day of the off-cycle course section.
2. The College shall provide a one hundred percent (100%) refund to the student for both tuition and fees if the College cancels the course section in which the student is registered.
3. After an off-cycle course section begins, the College shall provide a seventy-five percent (75%) refund to the student for tuition only if the student officially withdraws or is officially withdrawn by the college from the course section prior to or on the ten percent (10%) point of the course section.

**C. Non-Regularly Scheduled Course Sections**

1. The College shall provide a one hundred percent (100%) refund to the student for both tuition and fees if the student officially withdraws or is officially withdrawn by the College prior to the first day of the non-regularly scheduled course section.
2. The College shall provide a one hundred percent (100%) refund to the student for both tuition and fees if the College cancels the course section in which the student is registered.
3. After a non-regularly scheduled course section begins, the College shall provide a seventy-five percent (75%) refund to the student for tuition only if the student officially withdraws or is officially withdrawn by the College from the non-regularly scheduled course section prior to or on the tenth (10<sup>th</sup>) calendar day after the start of the course section.

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<sup>1</sup> Alternatively, for on-cycle courses, the College could use the ten percent (10%) of the course section.

### **III. CONTINUING EDUCATION TUITION/FEE REFUNDS**

The College shall issue tuition refunds using State funds only in the following circumstances:

- A. The College shall provide a one hundred percent (100%) refund to the student for tuition and fees if the student officially withdraws or is officially withdrawn by the College from the course section prior to the first course section meeting.
- B. The College shall provide a one hundred percent (100%) refund to the student for tuition and fees if the College cancels the course section in which the student is registered.
- C. After a regularly scheduled course section begins, the College shall provide a seventy-five percent (75%) refund of tuition only upon the request of the student if the student officially withdraws or is officially withdrawn by the College from the course section prior to or on the ten percent (10%) point of the scheduled hours of the course section. This section applies to all course sections except those course sections that begin and end on the same calendar day. The College shall not provide a student a refund using State funds after the start of a course section that begins and ends on the same calendar day.
- D. After a non-regularly scheduled course section begins, the College shall provide a seventy-five percent (75%) refund of tuition only upon the request of the student if the student withdraws or is withdrawn by the College from the course section prior to or on the tenth (10<sup>th</sup>) calendar day after the start of the course section.

### **IV. OTHER REFUND CIRCUMSTANCES**

#### **A. Death of a Student**

If a student, having paid the required tuition and fees for a course section, dies prior to completing that course section, all tuition and fees for that course section shall be refunded to the estate of the deceased upon the College becoming aware of the student's death.

#### **B. Military Refund**

Upon request of the student, the College shall:

- 1. Grant a full refund of tuition and fees to military reserve and National Guard personnel called to active duty or active duty personnel who have received temporary or permanent reassignments as a result of military operations that make it impossible for them to complete their course requirements; and

2. Buy back textbooks through the Colleges' bookstore operations to the extent allowable under the College's buy back procedures.
3. The College shall use distance learning technologies and other educational methodologies, to the extent possible as determined by the College, to help active duty military students, under the guidance of faculty and administrative staff, complete their course requirements.

**C. Self-Supporting Tuition and Fees**

Refunds to students enrolling in self-supporting curriculum courses shall be regulated in the same manner as stated in Sections I and II. There shall be no refunds for self-supporting Continuing Education courses except in extenuating circumstances and with Presidential/Vice-Presidential approval.

Legal Reference: N.C.G.S. §§ 115D-5; -39; 1E SBCCC 900.1 – 900.5

Adopted: January 9, 2019

Active duty personnel serving in the Armed Forces may be eligible for Tuition Assistance (“TA”) administered through the U.S. Department of Defense. TA is awarded to a student based on the assumption that the student will attend for the entire period for which the assistance is awarded. When a student withdraws, the student may no longer be eligible for the full amount of the TA funds originally awarded. To comply with the U.S. Department of Defense policy, the College will return any unearned TA funds on a proportional basis through at least sixty percent (60%) portion of the period for which the funds were provided. Funds will be returned to the military service, not to the service member. If a service member stops attending due to a military service obligation, the College will work with the affected service member to identify solutions that will not result in a student debt for the returned portion.

TA eligibility will be recalculated for students who withdraw prior to completing sixty percent (60%) of the term. The official last date of attendance, as determined by the College’s attendance records, is used to determine the number of days completed. Recalculation of eligibility is based on the percentage of TA benefits earned using the following formula:

Number of days completed/Total days of the course (start to end dates) = Percent of TA earned

TA funds will be returned to the government within forty-five (45) days of determination of the withdrawal.

Legal Reference: Department of Defense Instruction 1322.25 – Voluntary Education Programs; College Memorandum of Understanding with Department of Defense<sup>1</sup>

Adopted: January 9, 2019

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<sup>1</sup> The College must have a MOU on file with the Department of Defense.



**I. Fiscal Year and Financial Statements**

In accordance with the North Carolina State Board of Community Colleges, the College's fiscal year will be July 1 through June 30.

The President or designee shall prepare and submit monthly expenditure reports and annual financial statements to the Board of Trustees ("Board") and, if otherwise required, to the appropriate state and county agencies.

**II. Budgeting Process**

**A. Preparation and Submission**

The President or designee shall be responsible for the preparation of the College's annual budget. The President shall develop procedures for soliciting budget recommendations from the appropriate College administrators and stakeholders. The President shall submit the proposed budget to the Board who shall approve the proposed budget.

The Board shall submit its proposed budget to the State Board in the format established in N.C.G.S. § 115D-54(b) on such date as determined by the State Board. The Board shall also submit to the County Commissioners for their approval that portion of the budget within the Commissioners' authority as established in N.C.G.S. § 115D-55(a).

Upon final approval by the State Board and Commissioners, the Board shall adopt its final budget. In the event that the final budget has not been adopted by the new fiscal year beginning on July 1, the Board, pursuant to N.C.G.S. § 115D-57, hereby authorizes the President to pay salaries and the College's other ordinary operating expenses for the interval between the beginning of the new fiscal year and the adoption of the new budget.

**B. Budget Amendments and Budget Transfers**

The President, or designee, shall report budget amendments to the Board in the monthly budget report at the next regular Board meeting. The Board hereby delegates to the President the authority to make inter-budget transfers as authorized in N.C.G.S. § 115D-58(c). The President, or designee, shall report budget transfers to the Board in the monthly budget report at the next regular Board meeting.

Legal Reference: N.C.G.S. §§ 115D-54 through -58

Adopted: January 9, 2019

**I. Fire and Casualty Insurance – College Buildings**

- A. For all College buildings and equipment and other contents therein that is State property, the College shall secure and maintain fire and casualty insurance as proscribed in N.C.G.S. §§ 115D-58.11(a).
- B. The County shall provide to the College the funds necessary to purchase such fire and casualty insurance.
- C. All insurance must be purchased from companies duly licensed and authorized to sell insurance in North Carolina.

**II. Liability Insurance**

- A. The College, on the Trustees' behalf, may purchase liability insurance to adequately insure the Trustees against any and all liability for any damages by reasons of death or injury to person or property proximately caused by the negligence or torts of the College's agents and employees when acting within the scope of their authority or the course of their employment.
- B. All insurance must be purchased from companies duly licensed and authorized to sell insurance in North Carolina or from other qualified companies to sell insurance as determined by the N.C. Department of Insurance.
- C. The College is authorized to pay as a necessary expense the lawful premiums of the retained liability insurance.

Legal Reference: N.C.G.S. §§ 115C-58.11 and -58.12

Adopted: January 9, 2019

The following categories of employees shall be bonded by a surety company authorized to do business in North Carolina at an amount, to be determined by the President, which sufficiently protects the College's property and funds:

1. All employees authorized to draw or approve checks or vouchers drawn on local funds;
2. All employees authorized or permitted to receive College funds from whatever source; and
3. All employees responsible for or authorized to handle College property.

The College shall provide the funds necessary for the payment of the premiums of such bonds.

Legal Reference: N.C.G.S. § 115D-58.10

Adopted: January 9, 2019

The Board authorizes signature stamps for the Chair of Board of Trustees, President and the Vice President of Administrative Services. The Board authorizes the President to secure and maintain the signature stamps in a locked drawer or safe.

Legal Reference: N.C.G.S. § 115D-58.8

Adopted: January 9, 2019

All money regardless of source or purpose collected or received by a College officer, employee and/or agent shall be provided to the College's Cashier and deposited intact daily. Deposits shall be given to the Cashier in the College's Business Office prior to the end of the business day. The Cashier will provide to the officer, employee and/or agent a receipt for the money. All individuals shall physically deliver the money to be deposited to the Business Office and provide directly to the Cashier or a Business Office staff member. Individuals are prohibited from sending money to the Cashier through interoffice mail or leaving the money on the Cashier's desk.

Tuition and all revenues declared by law to be State moneys or otherwise shall be deposited pursuant to the rules of the State Treasurer.

Legal Reference: N.G.C.S. §§ 115D-58.9; 147-77

Adopted: January 9, 2019

- A. Club Advisors or designee are responsible for collecting funds and bringing to the Business Office to deposit in accordance with Policy 6.2.5 – Daily Deposits. All monies collected must be deposited by the end of the business day in which it was collected.
- B. The College will not accept checks without a preprinted name and address (starter or counter checks) or checks with an expiration date (credit card account checks).
- C. All deposits will be given to the Cashier. The Cashier will verify the deposit and print a receipt.
- D. Club Advisors or designees must verify that cash is available prior to spending.
- E. When making purchases, the Purchase Requisition Form must be completed and approved with the Advisors signature. The completed Purchase Requisition Form for expenses shall be submitted to Accounts Payable who makes an additional verification of funds. The requisition shall then be submitted to Purchasing for a Purchase Order.
- F. Once items have been received, the appropriate documentation (receiving and/or invoice) shall be forwarded to Accounts Payable for payment.

Adopted: January 9, 2019

The College's book of accounts shall be audited a minimum of once every two years or, if additional audits are necessary, as required by the State Board. The College may use state funds to contract with the North Carolina State Auditor or with a certified public accountant to perform the audit. The College shall submit the results of the audit to the State Board. The audit provides assurances that departments are complying with internal and external policies, procedures and regulations as well as verifying that financial statements and required reporting is completed in a timely and accurate manner.

Additionally, all state fund reports are submitted monthly to the North Carolina Community College System's finance office. These reports are reviewed and reconciled prior to the release of state funds for the subsequent months.

Nothing herein would prohibit the President, if he/she deemed it necessary, from requesting a special audit of the College's accounting records by an outside agency. The President is also authorized, as needed, to develop procedures regarding internal controls to ensure that there are adequate controls in place to promote efficiency and protect the College's assets.

Legal Reference: N.C.G.S. § 115D-58.16

Adopted: January 9, 2019

**I. Definitions**

- A. *Cash Balance* – amount equal to all moneys received into institutional funds minus all expenses and withdrawals from those accounts in an Official Depository of the College as approved by the Board.
- B. *Official Depository* – one or more banks, savings and loan associations or trust companies in North Carolina as approved by the Board.

**II. Selection of Depository**

**A. Deposits**

The Board shall designate one or more Official Depositories for the College's use. The College may deposit at interest all or part of the College's Cash Balance of any fund in an Official Depository. Moneys may be deposited at interest in any Official Depository in the form of such deposit accounts as may be approved for county governments. In addition, moneys may be deposited in the form of such deposit accounts as provided for a local government or public authority. Public moneys may also be deposited in Official Depositories in Negotiable Order of Withdrawal accounts where permitted by applicable federal or state regulations.

**B. Deposit Security**

The amount of funds on deposit in an Official Depository or deposited at interest shall be secured by deposit insurance, surety bonds, letters of credit issued by a Federal Home Loan Bank, or investment securities of such nature, in a sufficient amount to protect the College on account of deposit of funds made therein, and in such manner, as may be prescribed by rule or regulation of the Local Government Commission. When deposits are secured, no public officer or employee may be held liable for any losses sustained by the College because of the default or insolvency of the depository. No security is required for the protection of funds remitted to and received by a bank, savings and loan association, or trust company acting as fiscal agent for the payment of principal and interest on bonds or notes, when the funds are remitted no more than sixty (60) days prior to the maturity date.

**III. Investments**

The College's investment objective is to realize the highest earnings possible on invested cash. Pursuant to N.C.G.S. § 115D-58.6, the College may deposit all or a part of the Cash Balance of any fund in an Official Depository and shall manage the investments subject to the Board's restrictions. The investment program shall be so managed that investments and deposits can be converted to cash when needed. All investments shall be secured as provided in N.C.G.S. § 159-31(b). The Board shall appoint an Investment Committee ("Committee") as appropriate, which shall consist of a minimum of three (3) people who



have sufficient financial background to review and evaluate the College's investment options. These individuals should have experience in institutional or retail investment management with knowledge of fixed income and public equities. The Committee shall make recommendations to the Board on those investment options as well as monitor the performance of investments once made. With respect to investments, the Board shall discharge their duties with respect to management and investment of College funds as follows:

- A. Investment decisions shall be solely in the interest of the College and the students, faculty and staff.
- B. Investments shall be for the exclusive purpose of providing an adequate return to the College.
- C. Investments shall be made with the care, skill and caution under the circumstances then prevailing which a prudent person acting in a like capacity and familiar with those matters would use in the conduct of an activity of like character and purpose.
- D. Investment decisions shall be made impartially, taking into account the College's best interest, with special attention to conflict of interest or potential conflicts of interest.
- E. Investments shall incur only costs that are appropriate and reasonable.

Legal Reference: N.C.G.S. §§ 115D-58.6 and -58.7; 159-31(b).

Adopted: January 9, 2019

**I. Disbursement of State Money**

The deposit of money in the State treasury to credit the College shall be made in monthly installments, and additionally as necessary, at such time and in such manner as may be convenient for the operation of the community college system. Before an installment is credited, the College shall certify to the Community Colleges System Office the expenditures to be made by the College from the State Current Fund during the month.

The Community Colleges System Office shall determine whether the moneys requisitioned are due the College and, upon determining the amount due, shall cause the requisite amount to be credited to the College. Upon receiving notice from the Community Colleges System Office that the amount has been placed to the credit of the College, the College may issue State warrants up to the amount so certified. Money in the State Current Fund and other moneys made available by the State Board of Community Colleges shall be released only on warrants drawn on the State Treasurer, signed by the President and the Vice President of Administrative Services/ Chief Financial Officer.

**II. Disbursement of Local Money**

All local public funds received by or credited to the College shall be disbursed on checks signed by the President and the Vice President of Administrative Services/ Chief Financial Officer. The officials so designated shall countersign a check only if the funds required by such check are within the amount of funds remaining to the credit of the College and are within the unencumbered balance of the appropriation for the item of expenditure according to the College's approved budget. Each check shall be accompanied by an invoice, statement, voucher or other basic document which indicates, to the satisfaction of the signing officials, that the issuance of such check is proper.

Legal Reference: N.C.G.S. §§ 115D-58.3 and -58.4

Adopted: January 9, 2019

**I. Student Debt Collection**

Tuition and fees for all College students are due and payable prior to the beginning of each term. A student's registration will be subject to cancellation when prior term, past due charges have not been resolved before the current term. Students not paying or deferring current term charges by the due date may be subject to cancellation. Any unpaid balance on a student's account may prevent registration. In addition, transcripts and diplomas may be withheld until outstanding balances are paid.

Students who leave the College with unpaid balances are subject to collection actions. These actions will begin with a letter reminding the student of the unpaid debt and encouraging immediate payment, payment arrangements or other action to resolve the debt and avoid additional action. If the student fails to respond satisfactorily, a final letter will be sent. Next steps include referral to collection agencies, litigation where appropriate and actions pursuant to the NC State Offset Debt Collection Act ("SODCA") when applicable.

Uncollected student debts will be written off and expensed as bad debt once collection efforts have been exhausted. Writing off the account balance does not relieve the student's legal obligation to pay the debt. A record of the debt and the related student account holds are maintained along with SODCA and reporting until the debts are paid or collected. If the write-off debt is later collected, then the resulting funds will be recognized as a recovery of the write-off.

The President is hereby authorized to develop procedures consistent with this Policy.

**II. Non-Student Debt Collection**

Accounts receivable or uncollected billings that may be submitted for collection include, but are not limited to: salary overpayments, contract work completed by the College for which the College has not received payment, fees owed to the College, deposited checks returned unpaid for insufficient funds, and nonpayment for goods or services purchased from the College.

The President is hereby authorized to develop procedures consistent with this Policy.

Legal Reference: N.C.G.S. §§ 105A-1; 115D-5; -39

Adopted: January 9, 2019

The following Procedures shall be used for student debt collection:

**I. Enrolled Students**

1. As charges become past due, the student will be informed regarding holds impacting future registration, transcripts and diplomas. Such holds remain in place until the past due amount is resolved.

**II. Previously Enrolled Students**

2. The College shall send the previously enrolled student a letter informing the student of the terms of the debt and how to pay the debt.
3. If, after thirty (30) calendar days, there is no satisfactory response to the letter, the College shall send a second and final letter.
4. If, after thirty (30) calendar days there is no satisfactory response to the second letter a final letter is sent stating:
  - a) Refer the matter to one of the State approved collection agencies; and
  - b) Refer the matter to the North Carolina Department of Revenue pursuant to the Set-off Collection Act.

If the student is paying a debt in periodic payments satisfactory to the College, the account may be retained until the account is satisfied.

Adopted: January 9, 2019

**I. Scope of Procedure**

This Procedure shall be used for all College non-student accounts receivable. Accounts receivable or uncollected billings that may be submitted for collection include, but are not limited to: salary overpayments, contract work completed by the College for which the College has not received payment, fees owed to the College, deposited checks returned unpaid for insufficient funds, and nonpayment for goods or services purchased from the College.

**II. Age of Accounts and Collections of Past Due Billings**

- A. Current: An account that is invoiced but not due. For example, an account is invoiced April 1 but not due until April 30. The period from April 1 through April 30 is considered current.
- B. 1-30 days past due: In the above example, this period is from May 1 to May 30. The account is considered 30 days past due after May 30. The College will mail the first past-due letter (demand letter) to the debtor; make phone contact; and receive a promise to pay.
- C. 31-60 days past due: In the above example, this period is from May 31 to June 29. The account is considered 60 days past due after June 29. The College will mail the second and final demand letter to the debtor and send a confirmation letter for repayment.

**III. Assessment of Late Fees**

If, after thirty (30) days, there is no satisfactory response to the letter, the College shall apply a one-time late payment penalty fee of ten percent (10%) of the balance due (rounded to the nearest whole dollar).

**IV. Collection Techniques.**

- A. If, after sixty (60) days, there is no satisfactory response to the second letter, the College shall:
  - 1. Refer the matter to one of the State approved collection agencies; and
  - 2. Refer the matter to the North Carolina Department of Revenue pursuant to the Set-off Collection Act and the State Employees Debt Collection Act.
- C. The College reserves the right to take all appropriate legal action to collect the debt.

- D. If the debtor is paying a debt in periodic payments satisfactory to the College, the account may be retained until the account is satisfied.

**V. Use of Late Fees**

Any funds the College accrues as a result of late fees shall be used as follows:

- A. Applied towards any fees incurred by the College for the collection effort;
- B. Student aid; and/or
- C. Other expenditures of direct benefit to students.

Adopted: January 9, 2019

The President is hereby authorized to create procedures regarding the method of payment accepted by the College. Payment methods will include, but not be limited to; major credit cards, checks, or cash.

Adopted: January 9, 2019

**I. Tuition & Fees**

- A. In Person - Tuition and fee payments can be made in person using cash, check, money order or debit/credit cards at the Business Office. The College accepts the following credit cards: Visa, Mastercard, Discover, and American Express.
- B. Online - Secure online payments can be made using approved credit cards.
- C. By Mail - Payments by check or money order can be mailed to:

Montgomery Community College Business Office  
Attn: Cashier  
1011 Page Street  
Troy, NC 27371

The College cannot accept checks without a preprinted name and address (starter or counter checks) or checks with an expiration date (credit card account checks). Please make checks payable to Montgomery Community College. Checks must be written for the amount due. Checks may not be postdated.

When paying by check or money order by mail, include student's name on the check to ensure proper credit. Payments mailed are not considered received until posted to your account.

- D. By Phone - To protect student's financial security, the College will not accept credit card payments by phone or mail.

**II. Bookstore**

Payments can be made using cash, check, money order or accepted credit cards. The College cannot accept checks without a preprinted name and address (starter or counter checks) or checks with an expiration date (credit card account checks).

Please make checks payable to Montgomery Community College. Checks must be written for the amount due. Checks may not be postdated.

Adopted: January 9, 2019



The following procedure shall be observed regarding all non-sufficient funds (NSF) checks or drafts submitted as payment to the College.

1. Upon receipt of a NSF check, the College shall charge a \$25.00 fee to the writer of the check.
2. The College shall hold the check and notify the writer by certified mail of the returned check, requesting full payment, including fee, within ten (10) business days.
3. If a response to the request for full payment is not received within ten (10) business days, the College's Vice President of Administrative Services shall report the matter to the local authorities and take all legal action in regard to collecting the debt.

Adopted: January 9, 2019

In accordance with N.C.G.S. § 115D-20(9), the College Board of Trustees (“College Board”) hereby recognizes the legal authority of the Montgomery Community College Foundation, Inc. (“Foundation”) as a nonprofit 501(c)(3) corporation organized and operated exclusively for the College’s educational purposes.

The Foundation’s Board of Directors (“Foundation Board”) shall promote, establish, conduct and maintain activities on its own behalf and solicit and receive funds and other real property; it may invest, reinvest, hold, manage, administer, expand and apply such funds and property so long as such procedures and/or actions do not violate or otherwise infringe upon the College. College employees who are approached by prospective donors who wish to make gifts to the College should refer all such donors to the Foundation.

To the extent allowed by the Internal Revenue Code, the College Board shall have the ability to appoint a certain number of the Foundation Board and require that all changes to the Foundation’s By-Laws and Articles of Incorporation are approved by a majority vote of the College Board. The President may assign employees to assist with the Foundation and may make available to the Foundation corporate office space, equipment, supplies and other related resources.

The Foundation Board shall secure and pay for the services of a certified public accountant to conduct an annual audit of the Foundation’s accounts. The Foundation Board shall transmit to the College Board a copy of the annual financial audit report.

Legal Reference: N.C.G.S. § 115D-20(9)

Adopted: January 9, 2019

The College is responsible for ensuring that external or grant-funded projects adhere to all program regulations as established by the funding source or agency and to all College policies regarding management of restricted funds.

The President is authorized to adopt procedures consistent with the Policy.

Adopted: January 9, 2019



## Grant Procedure

**From Idea to Submission** - Taking great ideas for a grant forward and getting the project funded.

1. Complete a Grant Idea Form and submit to the Grant Writer. This form will be reviewed by the President's Cabinet for approval to proceed. If you know of a grant source, complete that section, otherwise the Grant Writer will assist in seeking grant sources.
2. If approved, you'll be working directly with the Grant Writer to begin the actual proposal writing process. You will need to name a Project Lead, which may be yourself or someone else, to spearhead the writing. The Grant Writer will ask the Project Lead to complete a second form, the Grant Writing Form, which get much of the fundamental information expected by funders. Please note that the Grant Writer will work in partnership with the Project Lead but may need assistance to create narrative specified by the grant.
3. The Grant Writer will compile the grant application in the required format, and send it out to the MCC Administration team for review and revision. In order to facilitate the review process, specific due dates for internal milestones will be set for the proposal creation. It is vitally important that the Project Lead pay close attention to those dates as will the Grant Writer.
4. The Grant Writer will be responsible for capturing final signatures, as well as the submission of the proposal and all ancillary documents, either by mail or electronic submission.

**From Award to Completion** - Once notification has been received that the grant has been won, the following

1. The Grant Writer will work with the Public Information Officer to prepare a press release.
2. The Project Lead will turn the project over to the parties responsible to carry out the project implementation. This may or may not be the Project Lead who facilitated the grant application process.
3. At this point, the Grant Writer will not be involved except to periodically monitor the project for compliance with the grantor's directives, such as reports, change requests, and final close out of the grant. The Grant Writer will establish a calendar for requesting Status Reports from the Implementation Lead. The Status Report Form is simple to complete and serves to keep the Grant Writer and the President's Cabinet informed as the project proceeds.
4. If any problems arise with the project or grant expenditures, the Grant Writer should be informed immediately. Having a successful track record for grant implementation and compliance is critical for obtaining future grants.



## Grant Idea Form

Complete this form prior to beginning the grant writing process. It should be signed by your Program Head or Immediate Supervisor, Dean, Vice President and the President. Once signed, return to the Grants Writer.

Type of Approval:  MCC Proposal     Partner Proposal

Type of Funding:  Federal     State     NCCCS     Local  
 Foundation     Corporation     Other

MCC Grant Administrator:			
Name and Signature of Faculty/Staff Responsible for Project:			
Department and Division:			
Email:		Phone Number:	
Grant Title:			
Project Description: (Purpose)			
Total Project Cost:		Total Funds Requested:	
List of Other Partners as Applicable:			
What will the funds be used for:			
Project Initiator:		Date:	
Name of Funding Source:			
Name of Submitting Organization:			
Proposal Due Date:		Grant Begin and End Dates:	
Is Match Required by MCC:		Match Amount	
Total Funds MCC will Receive:			
Date Funds to be Awarded:			
Commitment Required by MCC:			

Grant Writer:		Date:	
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Cabinet Approval to Proceed:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Date:	
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## Grant Writing Form

*Please answer the following questions after approval and prior to beginning the grant writing process.*

**1. What is the need for the project and the targeted area?**

**2. What are the project objectives and goals?**

**3. What are the expected outcome objectives?**

**4. How will the outcomes and goals be measured?**



## Grant Writing Form

5. Project evaluation- The process that will be used to conduct the evaluation.

6. What is the cost of this project? (Include equipment, supplies, salaries, in-kind, cash match, etc.) Prepare a detailed budget and budget narrative

Item	Type/Description	Amount

7. Prepare a timeline along with the tasks and milestones that will be completed and the person responsible.

Milestone	Person Responsible	Target Date

8. How will the project be sustained?



### Grant Writing Form

#### Required Approvals Below

I approve this proposal. It meets the following criteria

- Project requires new staff?
- Plans for this expansion are contingent on grant funding?
- Requirements for additional or renovated space and equipment are consistent with the institution's plans and available funds?

Program Head, Dean or Immediate Supervisor:		Date:	
VP of Instruction:		Date:	

I approve this proposal. It meets the following criteria

- All direct Costs are covered
- Provisions for increments, including personnel costs, are calculated for future years
- Indirect costs are identified, applied and appropriately budgeted.
- The proposed project complies with occupational safety and health laws
- Any and all security restrictions comply with institutional policy
- The proposal activity posts no special property, liability or other insurance questions
- Commitments for continuation of the grant funded activity beyond the life of the grant are planned and adequately budgeted

VP of Administrative Services:		Date:	
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I approve this proposal.

President:		Date:	
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Note: Signing this form indicates that you recommend this grant be written and submitted, on behalf of the above project, by the College or Foundation.

Rec'd in Grants Development Office:	
Board of Trustees Notification:	

Request Approved       Request Denied



In accordance with Policy 1.10 of the Montgomery Community College Policy Manual, the President and Vice President of Administrative Services/Chief Financial Officer shall ensure that the institution's finances are managed in accordance with all state, federal, and local laws and regulations. For additional information on sound fiscal management practices see Policy 1.10.

Legal Citation: 1A SBCCC 200.4

Cross Reference: Policy 1.10

Adopted: January 9, 2019

For all accounting procedures, the College follows the [Accounting Procedures Manual and Reference Guide](#), Section 1 Fiscal Procedures XIV Overhead Receipts.

Adopted: January 9, 2019

**I. Bookstore/General Store Operations**

All financial transactions pertaining to bookstore operations shall be accounted for in a proprietary institutional account and kept separate from all of the College's other activities. Markup of textbooks shall be reasonable and consistent with the markup prevailing among other North Carolina Community College's. Periodically, but at least every four years, the Board shall review the College's mark-up on textbooks and other instructional materials sold through the bookstore to determine if the mark-up is appropriately balanced between affordability for students and other priorities identified by the Board.

**II. Use of Bookstore/General Store Operating Revenues**

- A. Bookstore/General Store receipts shall first be used to support bookstore/general store operating expenses including, but not limited to: salaries and benefits of bookstore personnel, purchase of inventory, marketing, supplies, travel, equipment associated with the operation of the bookstore/general store, enhancement of the bookstore/general and bookstore/general facility support costs, such as, utilities, housekeeping, maintenance and security.
- B. Receipts in excess of the above operating expenses shall be transferred to the appropriate account and expended consistent with the following provisions:
  - 1. Funds may be used to support instruction, student support services, student financial aid (e.g. scholarships, grants, loans, Work Study), student refunds, student activities, giveaways to students, curriculum development, program improvement, professional development, instructional equipment, and capital improvements related to facilities associated with the bookstore/general store and student activities.
  - 2. Funds shall not be used to support any supplemental salary, benefit or other form of compensation for the College's President. Funds shall not be used to support administrative costs, promotional giveaways to individuals other than students, entertainment expenses, fundraising expenses, and capital improvements not allowed under (B)(1) above.

Legal Reference: 1H SBCCC 300.3

Adopted: January 9, 2019

Profits received from the College's operation for vending machines and other concession activities shall be deposited, budgeted, appropriated and expended for the following purposes:

- A. To support enterprises;
- B. For expenditures of direct benefit to students; and
- C. Other institution-related expenses authorized by the President.

Vending revenues and other concession profits will not be used for salaries.

Legal Reference: N.C.G.S. § 115D-58.13; 1H SBCCC 300.4

Adopted: January 9, 2019

**I. Disbursement of State Funds**

State funds expended by the College shall be disbursed through a disbursing account that the State Treasurer has established for the College. The signature of College officials that are authorized by the College's President to sign vouchers issued on State funds shall be maintained on file with the State Treasurer and the State Board. The State Treasurer will furnish signature cards for this purpose.

**II. Expenditure of State Funds**

State funds shall be expended consistent with the purposes for which the State Board allocated the funds. In the event that the College expends State funds for an unauthorized purpose, the College shall reimburse the State for the amount from non-State funds.

**A. Allowed Expenditures**

**1. Travel Expenses**

State funds may be expended for travel in accordance with Policy 6.3.4 – Financial Reimbursements.

**2. Accreditation Expenses and Dues**

- a. Accreditation expenses relative to Southern Association of Colleges and Schools Commission on Colleges may be paid from State funds within the College's current allotment. These expenses shall be limited to payment of travel, subsistence, lodging, and honorarium incurred by members of visiting committees, other bona fide representatives, and members of the staff of accrediting organizations.
- b. The College may pay from State funds the required annual dues of the Southern Association of Colleges and Schools Commission on Colleges, and such institutional association membership dues as the Board deems to benefit the College.
- c. The College may also pay from State funds the fees for accrediting individual programs offered by the College if the College's President determines that the accreditation provides value to graduates of the program.

**3. Campus Security**

The College may use up to a specific amount of State funds designated by the State Board for campus security. Under this authority, the College may:

- a. Hire security or campus police personnel;
- b. Contract for professional security services and other security-related services; and
- c. Purchase surveillance cameras, call boxes, alert systems, and other equipment-related expenditures, excluding vehicles.

**4. Employee Recognition**

The College may use State funds for purchases related to the recognition of employees for meritorious service through programs such as the one authorized by the State for State employees. In addition, State funds may be expended, not to exceed Fifty Dollars (\$50), for the purchase of a plaque or for the printing and framing of a certificate to recognize employee service or performance. The expenditure of State funds for these purposes is subject to the availability of funds within the College.

**B. Prohibited Expenditures**

**1. Athletics**

The College shall not use State funds to create, support, maintain, or operate an intercollegiate, club, or intramural athletics program. Athletic programs may only be supported by student activity fees or other non-State funding sources that are authorized for that purpose.

**2. Promotional Giveaways**

The College shall not use State funds to purchase promotional giveaway items or other gifts for any reason, including promotional giveaway items purchased for College marketing and advertising. “Promotional giveaway items” are items given to an individual or entity for less than fair market value that do not serve an instructional or institutional purpose. Items that serve “an instructional or institutional purpose” are those used for classroom instruction and daily, routine operations of the College not associated with marketing, advertising, recruiting, or fundraising.

**3. County Funded Items**

Unless otherwise authorized by law, the Colleges may not use State funds for those budget items listed in N.C.G.S. § 115D-32 that are the County’s responsibility to fund.

Legal Reference: N.C.G.S. § 115D-32; -58.3; 1H SBCC 200.3 through 200.11

Adopted: January 9, 2019

For all financial reimbursements, the College follows the North Carolina Community College System [Accounting Procedures Manual and Reference Guide](#), Section 1: Fiscal Procedures (the “Manual”). The Board hereby incorporates the Manual.

Consistent with the Manual, the Board of Trustees hereby delegates to the President the authority to establish the IRS business standard mileage rate as the reimbursement rate for official business travel or establish a rate lower than the maximum as a result of limited budget availability for travel.

Adopted: January 9, 2019

### **Travel, Transportation and Allowances**

The College follows all state guidelines in reimbursing employees for College-related travel. In accordance with state policy, the College requires that all travel reimbursement requests be filed for approval and payment within thirty (30) days after the travel period has ended. Travel period is defined as the calendar month during which the travel occurred.

Reimbursement may not be made for commuting between an employee's home and his or her duty station except for temporary or part-time continuing education instructors. Mileage will be reimbursed at the amount established by the College administration not to exceed the rate set by the IRS and the Office of State Budget and Management (OSBM).

When round trip mileage does not exceed 100 miles:

- Reimbursement for personal vehicle when no college car is available will be set at the federal rate. Reimbursement for personal vehicle when a college car is available will be set at 54% of the federal rate .30 cents per mile. If the destination is closer from the employees home and a personal vehicle is being used the employee will be reimbursed at the federal rate.
- When a college car is available and round trip mileage does not exceed 100 miles, reimbursement rate will be set at the Office of State Budget and Management (OSBM) rate
- When no college car is available and round trip mileage does not exceed 100 miles, reimbursement rate will be set at the Office of State Budget and Management (OSBM) rate of .30 cents per mile.

When round trip mileage does exceed 100 miles:

The reimbursement rate for personal vehicle is .30 cents per mile.

- When a college car is available and round trip mileage exceeds 100 miles, reimbursement rate will be set at .30 cents per mile.
- When a college car is not available and round trip mileage exceeds 100 miles the reimbursement rate will be set at the Office and State Budget and Management (OSBM) rate.

The College requires that all over-night, college-related, reimbursable travel be approved at least two weeks in advance by the employee's Vice President or supervisor and authorized by the appropriate Vice President.

Students who travel on official institutional business must be paid from funds supporting the particular organization or activity in which their participation requires travel.

Temporary or part-time continuing education instructors who travel more than 15 miles to or from a duty station for the purpose of teaching continuing education courses may be paid mileage expense if such expense is approved in advance and in writing by the President or the Vice President of Instruction.

Adopted: January 9, 2019



### **Operating College Vehicles**

College vehicles are provided for use by faculty and staff for conducting college business. To prevent scheduling conflicts, employees wishing to use the College vehicles should indicate MCC Vehicle under Travel Methods on the Travel Authorization Form which is routed to the Vice President of Administrative Services via the respective Vice President. Cars may not be reserved more than one month in advance of actual travel. The use of private cars is desirable if it is known that the vehicle shall be parked in an airport parking lot or other location for as much as two (2) days.

Students may use college cars only with the permission of the Vice President of Administrative Services. Normally, student use of college cars is limited to the SGA President. Other students may operate buses and vans when permission is granted by the Vice President of Administrative Services upon the request of a faculty or staff member and when the student user has turned in a completed Field Trip Authorization Form and has undergone a driving record check.

Spouses and children of institution employees may accompany them in institution cars if space is available and all travel is strictly for official institution business. Spouses may not operate college vehicles.

Adopted: January 9, 2019

For all accounting procedures, the College follows the North Carolina Community College System [Accounting Procedures Manual and Reference Guide](#), Section 2: Chart of Accounts (the “Manual”). The Board hereby incorporates the Manual.

Adopted: January 9, 2019

The Board is the official legal entity for the College. Unless otherwise delegated, the power to contract on the Board's behalf is solely vested with the Board. The College's size and complexity, however, is such that individual review by the Board of every agreement is neither feasible nor in the College's best interest. Therefore, certain delegations of contracting authority are appropriate within the following specified guidelines.

- A. Contacting Authority Delegation - the President is hereby expressly authorized and empowered to contract in the Board's name as follows:
  - 1. All full-time employment contracts shall be signed by the President. The President may designate Vice President/ Deans to sign part-time/temporary contracts.
  - 2. Capital Improvement Change Orders - The President and the Board Chair may jointly approve a capital improvement change order when, in the opinion of the President, the deferral of the change order until the next regular board meeting would cause a significant delay in the progress of the capital improvement project. All change orders thus approved shall be submitted to the Board for ratification at the earliest practical time.
  - 3. Service Agreements - The President and Vice President of Administrative Services/Chief Financial Officer shall have authority to execute service agreements.
  - 4. Instructional Agreements - The President is expressly authorized to sign all instructional agreements on the Board's behalf.
  - 5. Cooperative Agency Agreements - The President is authorized to sign all cooperative, interinstitutional and interagency agreements on the Board's behalf.
- B. Signatory Authority - Unless the authorizing action of the Board specifically provides otherwise, any contract approved by the Board shall be executed on the Board's behalf by either the Board Chair or the President.
- C. Custody of Contracts - The President is hereby designated as custodian of all Board contracts. He/she shall maintain on file in either the President's office or the Business Office one of every contract to which the Board is a party.
- D. Reporting - The President shall periodically report to the Board all contracts made pursuant to delegated authority.

Legal Reference: N.C.G.S. § 115D-14

Adopted: January 9, 2019

**I. N.C. Community College Purchasing and Equipment Procedures Manual**

The Board hereby incorporates the [N.C. Community College Purchasing and Equipment Procedures Manual](#) (“Manual”). The Manual shall control in the event of any inconsistencies with this Policy or any of the College’s purchasing procedures. The Board hereby authorizes the President to develop an internal purchasing manual consistent with this policy.

**II. Purchasing and Bidding**

Purchasing procedures are originated by the North Carolina Division of Purchase and Contract. Such procedures are sanctioned by N.C.G.S. § 143, Article 3 and § 115D-58.5.

- A. State Contract Items - Items on state contract may be ordered directly from the vendor subject to any restrictions on the contract certification.
- B. Non-Contract Items - Non-contract items of less than \$10,000 total order may be placed by the College without the oversight or approval of the Division of Purchase and Contract. Good purchasing practices mandate that competition is to be sought for all purchases. For small purchases, where the total order is \$5,000 or less, telephone or e-quotes should be obtained to establish competitive prices, unless the items are purchased off a state contract. A record of those quotes should be attached to the requisition. For the purchase of more than \$5,000 but less than \$10,000, a minimum of three written quotes must be obtained and attached to the purchase requisition, unless the items are purchased off state contract. If three written quotes cannot be obtained, users must attach a note explaining the circumstances.
- 3. Competitive Bid Items - Non-contract items over \$10,000 must be sent by requisition to the Division of Purchase and Contract for competitive bids.

Legal Reference: N.C.G.S. 115D-58.5; 1H SBCC 500.1 – 500.2

Adopted: January 9, 2019

The College shall conduct an annual inventory of capitalized assets. Spot checks may be made at intervals when deemed necessary or advisable. The College shall inventory non-capitalized high-risk assets at least once every two (2) years. The Vice President of Administrative Services shall be responsible for making sure that the inventory is completed.

Adopted: January 9, 2019

Any damaged, stolen or missing materials or equipment owned by the College must be reported to the Vice President of Administrative Services as soon as the discovery is made. A written report must be filed within twenty-four (24) hours of discovery of the loss. Conditions and circumstances leading to damage or loss should be included in the report, as well as actions proposed or taken to eliminate future losses.

Pursuant to N.C.G.S § 114-15.1, the President shall report possible violations of criminal statutes involving misuse of State property to the State Bureau of Investigation.

Adopted: January 9, 2019

When the College's equipment reaches the end of its useful life, becomes inoperable, becomes obsolete or is replaced, the College, without the approval of the State Board of Community Colleges, may use any of the following to dispose of said equipment:

1. Transfer the equipment to another community college.
2. Dispose of the equipment through the State Surplus Property Agency.
3. Sell or exchange the equipment (i.e., personal property) pursuant to Article 12, Chapter 160A of the North Carolina General Statutes.
4. Cannibalize or recycle the equipment (see page 73 of the [N.C. Community College Purchasing and Equipment Procedures Manual](#) entitled "Cannibalization of Equipment").

Should the capitalized asset be determined to have no useful value and cannot be traded, sold, cannibalized or recycled, it may then be discarded.

Legal Reference: N.C.G.S. §§ 115D-15; 160A-266 through -271

Adopted: January 9, 2019

Procurement Cards (“P-Cards”) may be used to complete transactions where the preferred state procurement method is not possible due to time or purchasing constraints. Utilization of P-Cards is limited. In order to use the College’s P-Card, a requisition must be submitted through Etrieve.

P-Cards shall be used for the following kinds of items.

1. Purchases of supplies or travel registration that cannot be bought with purchase order.
2. Hotel Reservations approved by the College President.
3. Emergency situations (broken equipment, etc.) that require immediate purchase.

P-Cards are not intended to circumvent the purchasing process. P-Card use shall be closely monitored. Any person using a P-Card without authorization will be personally responsible for reimbursing the College within twenty-four (24) hours the amount of the purchase.

In addition, refer to the College’s Purchasing and Procurement manual for detailed purchasing procedures.

Adopted: January 9, 2019



The Colleges affirms the State of North Carolina's commitment to encourage participation of historically underutilized businesses in the College's purchase of goods and services. The College prohibits discrimination against any person or business on the basis of race, color, ethnic origin, sex, gender, disability or religion.

The College has adopted the following verifiable percentage goals for participation in the College's contracts by women and minority-owned business: ten percent (10%) for participation by minority-owned, female-owned, disabled-owned, disabled business enterprises or non-profit work centers for the blind and severely disabled in the total annual value of all purchases of goods and services.

Legal Reference: N.C.G.S. §§ 143-128.2 through -128.4; *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989)

Adopted: January 9, 2019

Credit card processing at the College shall comply with the Payment Card Industry Data Security Standards (PCIDSS). The following security requirements have been established by the payment card industry and adopted by the College to ensure compliance with the payment card industry. These requirements apply to all employees, systems and networks involved with credit card processing, including transmission, storage or electronic and paper processing of credit card numbers.

**I. Authorized Employees**

Credit card processing for official college business is restricted to Business Office/Bookstore/General Store personnel only. No other College employees are authorized to process such information for any reason. College employees who process credit card information or who have access to this information will complete annual data security training.

**II. Procedures**

- A. Each College employee who processes credit card information must strictly adhere to the following:
1. Access to credit card information is restricted to Business Office personnel.
  2. System and desktop passwords must be regularly changed.
  3. Accounts should be immediately terminated or disabled for employees who leave employment with the College.
  4. Credit card information should not be stored in any format.
- B. Credit card information, including the card number, cardholder name, CVV code and expiration date should not be retained for any reason.
- C. Employees may not send or process credit card data in any insecure manner including transmitting such data via email, courier or instant messaging. Credit card information may not be left exposed to anyone.
- D. The College's Technology Department shall maintain additional procedures to ensure compliance with PCIDSS including:
1. Configuration of card processing procedures, including segmentation of local area networks and protection through deployment of firewalls.
  2. Logging control procedures.
  3. Wireless use procedures.

4. Encryption procedures.

Legal Reference: N.C. Community College Written Memoranda CC10-029 (issued 7/21/10)

Adopted: January 9, 2019

**I. POLICY OVERVIEW**

This Policy is intended to meet the requirements of the FTC “Red Flag Rule.” Identity theft is a fraud committed or attempted using the identifying information of another person without that person’s authority. The College shall undertake reasonable measures to detect, prevent, and mitigate identity theft in connection with the opening of a “covered account” or any existing “covered account,” and to establish a system for reporting a security incident.

**II. DEFINITIONS**

- A. Covered Account – A covered account is a consumer account designed to permit multiple payments or transactions. These are accounts where payments are deferred and made by a borrower periodically over time such as a tuition or fee installment payment plan.
- B. Creditor – A creditor is a person or entity that regularly extends, renews, or continues credit and any person or entity that regularly arranges for the extension, renewal, or continuation of credit. Examples of activities that indicate a college or college is a “creditor” are:
1. Participation in the Federal Perkins Loan program;
  2. Participation as a school lender in the Federal Family Education Loan Program;
  3. Offering loans to students, faculty or staff;
  4. Offering a plan for payment of tuition or fees throughout the semester rather than requiring full payment at the beginning of the semester.
- C. Identifying Information – Any name or number that may be used, alone or in conjunction with any other information, to identify a specific person including: name, address, telephone number, social security number, date of birth, government issued driver’s license or identification number, alien registration number, government passport number, employer or taxpayer identification number, student identification number, computer’s Internet Protocol address, routing code or financial account number such as credit card number, in combination with any required security code, access code, or password that would permit access to an individual’s financial account.
- D. Red Flag – A red flag is a pattern, practice or specific activity that indicates the possible existence of identity theft.
- E. Security Incident – A collection of related activities or events which provide evidence that personal information could have been acquired by an unauthorized person.

### **III. IDENTIFICATION OF RED FLAGS**

Broad categories of “Red Flags” include the following:

- A. Alerts – alerts, notifications, or warnings from a consumer reporting agency including fraud alerts, credit freezes, or official notice of address discrepancies.
- B. Suspicious Documents – such as those appearing to be forged or altered, or where the photo ID does not resemble its owner, or an application which appears to have been cut up, re-assembled and photocopied.
- C. Suspicious Personal Identifying Information – such as discrepancies in address, Social Security Number or other information on file; an address that is a mail-drop, a prison, or is invalid; a phone number that is likely to be a pager or answering service; personal information of others already on file; and/or failure to provide all required information.
- D. Unusual Use or Suspicious Account Activity – such as material changes in payment patterns, notification that the account holder is not receiving mailed statement, or that the account has unauthorized charges.
- E. Notice from Others Indicating Possible Identify Theft – such as the College receiving notice from a victim of identity theft, law enforcement or another account holder reports that a fraudulent account was opened.

### **IV. DETECTION OF RED FLAGS**

College employees shall undertake reasonable diligence to identify Red Flags in connection with the opening of covered accounts as well as existing covered accounts through such methods as:

- A. Obtaining and verifying identity;
- B. Authenticating customers; and
- C. Monitoring transactions.

A data security incident that results in unauthorized access to a customer’s account record or a notice that a customer has provided information related to a covered account to someone fraudulently claiming to represent the College or to a fraudulent web site may heighten the risk of identity theft and should be considered Red Flags.

### **V. SECURITY INCIDENT REPORTING**

College employees who believe that a security incident has occurred shall immediately notify his/her appropriate supervisor and the Vice President and Chief Financial Officer. Upon review of the incident, the Vice President and Chief Financial Officer shall determine

what steps may be required to mitigate any issues that arise in the review. In addition, referral to law enforcement may be required.

If there is a security breach, the College shall comply with all notice requirements contained in N.C.G.S. § 75-65

Legal Reference: Fair and Accurate Credit Transactions of 2003; FTC Regulations – Red Flag Rule; N.C.G.S. § 75-65

Adopted: January 9, 2019

**I. Definitions**

- A. A foreign national is a person who was born outside the jurisdiction of the United States, is a citizen of a foreign country, and has not become a naturalized United States citizen under United States law. This includes legal permanent residents.
- B. Foreign nationals are classified as either "Nonresident Aliens" or "Resident Aliens". Section 1441 of the Internal Revenue Code provides a separate tax system with a different set of tax rules and regulations for individuals deemed to be Nonresident Aliens. Colleges making payments to Nonresident Aliens are subject to different tax withholding, reporting and liability requirements.
  - 1. A Resident Alien's income is subject to tax in the same manner as a U.S. citizen. This means that their worldwide income is subject to U.S. tax and must be reported on their U.S. tax return. Income of Resident Aliens is subject to the graduated tax rates that apply to U.S. citizens.
  - 2. A Nonresident Alien's income is subject to federal income tax only on income which is derived from sources within the United States and/or income that is effectively connected with a U.S. trade or business. Nonresident Aliens are taxed according to special rules contained in certain parts of the Internal Revenue Code.

**II. Policy**

All North Carolina agencies, universities, community colleges and institutions have been tasked with the responsibility of withholding and reporting on payments to foreign national individuals and vendors in accordance with the IRS Code Regulations Section 1441 and policies established by the N.C. Office of the State Controller.

When the College identifies a foreign national or foreign vendor that will be compensated via payroll, accounts payable or student services, the appropriate department shall maintain a copy of evidentiary and supporting documentation such as I-9, W-8BEN, I-20, I-94, I-797, passport, and/or employment authorization card. The evidentiary and supporting documentation shall be provided to the Business Office. The Business Office will submit the supporting documentation to the Systems Office before payment is made.

If the Systems Office determines that payments made by the College to a foreign national or foreign vendor are taxable, the College shall withhold federal and/or state taxes as instructed by the System Office.

Legal Reference: [N.C. Community College Accounting Procedures Manual and Reference Guide: Fiscal Procedures](#)

Adopted: January 9, 2019

For all purchases and contracts valued at one thousand dollars (\$1,000) or more (“Impacted Contracts”), the Board is prohibited from purchasing and contracting with the following:

- A. Companies identified on the list of restricted companies, developed by the State Treasurer, that are engaged in a boycott of Israel (“Boycott List”).
- B. Companies identified on the list of restricted companies, developed by the State Treasurer, that are engaging in investment activities in Iran (“Iran List”).

Prior to awarding an Impacted Contract, the College will check the Boycott List and Iran List on the State Treasurer’s website to ensure that the company is not a restricted company. Any Impacted Contract made by the College with a restricted company on the Boycott List and/or the Iran list is void.

Legal Reference: N.C. Session Law 2017-193; N.C.G.S. 147, Articles 6E and 6G

Adopted: January 9, 2019



- A. Consistent with North Carolina's conflict of interest laws and Policy 1.4 – Conflict of Interest, employees may entertain associates and prospective students on the College's behalf with the President's prior authority. When granting authority, the President shall approve the type of entertaining and grant expense limits.
- B. Entertainment expenses will be paid or reimbursed if such expenses are directly related to the College's business and are approved in advance by the President. Employees who incur entertainment expenses not directly related to College business and/or without the President's approval will be personally liable for said expenses.
- C. To be approved by the President, the employee must submit documentation required by the Business Office. The documentation must contain a detailed itemization of the anticipated expenses to be incurred, the date, place and business reason for the entertaining and the names of those participating and their relationship to the College.
- D. Entertainment reimbursements claims must be accounted for separately from any other expense reimbursement claim. Receipts must be included with reimbursement claims.
- E. Business functions or entertainment involving the consumption of alcoholic beverages will not be reimbursed.

Adopted: January 9, 2019

## **I. OVERVIEW**

The College's technology systems include technology hardware, electronic mail and other forms of electronic communications, Internet access and use of computing devices. As the owner of property and services, the College has the right to monitor activities and to access information on the College's technology systems stored, sent, created or received by faculty, staff, students or other users. Any individual using the College's technology systems should not expect individual privacy in their use of the technology systems including, but not limited to, the use of the College's electronic mail system.

When using the College's technology systems, all users shall adhere to the College's information technology policies and procedures.

## **II. PUBLIC AND CONFIDENTIAL RECORDS**

Unless otherwise confidential by law, records generated using the College's technology systems are considered public records and must be maintained as public records pursuant to the College's policies and procedures. Student education records and certain personnel information are protected by law and are confidential. For more information concerning student records, see Policy 5.4.3 – Student Records and for information concerning personnel records, see Policy 3.3.1 – Personnel Files.

Employees may not download confidential student and personnel information onto a personally owned electronic device or onto another network unless authorized by the President or Chief Information Officer.

## **III. EMPLOYEE USE OF TECHNOLOGY SERVICES**

Employees using the College's technology hardware, software, or systems should adhere to the following guidelines.

- A. Employees shall adhere to Policy 7.2 – Internet and Network Acceptable Use Policy.
- B. All computing devices, including portable computing devices such as laptops or tablets, shall
  - 1. Use encryption or other measures to protect confidential information, including personal information, from unauthorized disclosure;

2. Be labeled with tamper-resistant tag, permanently engraved label or ID number, or both identifying the device as the College's property;
  3. Be used in compliance with all applicable security requirements for the College's computers; and
  4. Include password protection on such devices, if applicable. Applicable devices include:
    - Any device used to store, transmit or receive personally identifiable information on any person.
    - Any device used to store, transmit or receive confidential College information.
    - Any device used to store, transmit or receive student education and/or confidential personnel records or information.
- C. The College's mobile technology equipment, such as laptops and tablets, may be used at home by College personnel provided:
1. Use of the equipment at home will not interfere with the College's operational needs;
  2. Employee has obtained supervisor approval;
  3. Personnel return items to campus upon request for system maintenance, upgrades, inventory, and verification.
- D. The College's Information Technology Services Department ("ITS") maintains all of the College's technology equipment. ITS does not support the use and setup of the College's technology equipment on Internet, network and computing resources that are not owned and maintained by the College.
- E. The College recognizes that employees may occasionally receive personal email on College computers, use College equipment to complete an online course and for other personal reasons. Personal use of College computers and equipment is acceptable provided that employees adhere to the following:
1. Personal use may not interfere with the College's operational needs;
  2. Equipment may not be checked out solely for the purpose of personal use;
  3. Users understand that data stored on College equipment or sent using College email or other communication methods is not private;
  4. Users will adhere to all state and federal laws and the College's policies and procedures;

5. Equipment or information resources are not used for illegal, malicious or obscene purposes;
6. Equipment or information resources are not used to seek or exchange electronic information or software unrelated to one's job duties and responsibilities;
7. The College's data and information are not shared with unauthorized individuals;
8. All software copyright and licensing laws are followed;
9. Not use College email or passwords for non-college sites (e.g., social networking sites);
10. Not share sensitive College information or student details on social networking sites.
11. Equipment is not used for any political purposes, including nonprofit activities of a political nature.
12. Equipment is not used for private or personal for-profit activities. This includes personal use for marketing or business transactions, advertising of products or services, or any other activity intended to foster personal gain. Employees may not use College equipment or information resources in pursuit of private businesses operated by the employee or in pursuit of work for other agencies, colleges or businesses.
13. Printers and photocopy machines may not be used for personal use.

Adopted: November 13, 2019

Any College employee who wants to use personally owned electronic devices on campus can do so through wireless public access. When using personally owned equipment on the College's technology systems, employees are expected to adhere to all policies and rules regarding such use. The administration may create process and procedures regarding the approval process for an employee's personal electronic device in order to protect the integrity of the College's network and technology systems.

Adopted: November 13, 2019

**I. PURPOSE**

The College strives to provide information technology access in an environment in which access is shared equitably among users. This access is intended to be used in support of the College's research, educational and administrative purposes. College owned or operated computer resources are for the use of College employees, students and other authorized individuals. This Policy's purpose is to protect the College's technology users and computer resources and to ensure equitable access and proper management of these resources.

**II. ACCEPTABLE USE**

**A. Acceptable Activity**

The College's information technology resources are intended for the use of its students, employees and other authorized individuals for purposes related to instruction, learning, research and campus operations.

Internet/Intranet/Extranet-related systems, including but not limited to computer equipment, software, operating systems, storage media, network accounts providing electronic mail, internet browsing, and FTP, are the property of Montgomery Community College. These systems are to be used for business purposes in serving the interests of the College, and of our students, staff and faculty in the course of normal operations.

Users are expected to exercise responsible, ethical behavior when using all College computer resources. This Policy makes no attempt to articulate all required or prohibited behavior by users of the College's computer resources.

“Authorized Individual” shall mean any person, other than a student or employee, granted permission to access the College's network or allowed to use the College's information technology resources. Authorized Individuals are expected to adhere to this and other College policies when accessing the College's network and information technology resources.

**B. Unacceptable Activity**

Unacceptable activity includes, but is not limited to, the following:

1. Deliberately downloading, uploading, creating or transmitting computer viruses, malware, or other software intended to harm a computer or the College's network.

2. Destroying or modifying directory structures or registries or interfering or tampering with another individual's data or files.
3. Developing programs that infiltrate a computer or computing system, harass other users and/or damage software.
4. Attempting to obtain unauthorized computer access or privileges or attempting to trespass in another individual's work.
5. Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a server or account that the employee is not expressly authorized to access, unless these duties are within the scope of regular duties. For purposes of this section, "disruption" includes, but is not limited to, network sniffing, pinged floods, packet spoofing, denial of service, and forged routing information for malicious purposes.
6. Executing any form of network monitoring which will intercept data not intended for the employee's host, unless this activity is a part of the employee's normal job/duty.
7. Using another person's password or sharing of one's own password (users should not share their password with anyone and those who choose to do so are responsible for the outcomes resulting from the use of their password).
8. Storing sensitive and protected data unsecured on non-approved solutions including third-party hosted solutions and local mediums such as USB flash drives and portable hard drives
9. Committing any form of vandalism on equipment, communication lines, manuals or software, or attempting to defeat or circumvent any security measures or controls.
10. Consuming food and/or beverages in computer labs, computer classrooms, library or in any other areas, unless otherwise authorized.
11. Wastefully using finite resources such as large amounts of bandwidth including but not limited to, downloading music, television shows, software programs, and/or movies.
12. Connecting personal network devices on the College's wired network. Connecting unsanctioned products (software or hardware) to the College network or installing products for personal use. Special provisions may be made for visiting artists, lecturers, auditors and trainers at the discretion of the Director of Information Technology. Information Technology support

staff can offer assistance in gaining network access under these special circumstances, but the College cannot guarantee functionality and assumes no responsibility for configuration of or damage to non-college equipment.

13. Using the College's computer resources and Network to engage in disruptive, threatening, discriminatory or illegal behavior or behavior that violates the Code of Student and/or Employee Conduct.
14. Using a College computing asset to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws in the user's local jurisdiction.
15. Disclosing confidential student or personnel information to unauthorized third parties;
16. Violating copyright laws and/or fair use provisions through: a) illegal peer-to-peer file trafficking by downloading or uploading pirated or illegal material including, but not limited to, software and music files; and b) reproducing or disseminating Internet materials, except as permitted by law or by written agreement with the owner of the copyright;
17. Other activities that interfere with the effective and efficient operation of the College or its Network or activities that violate the College's Policies and Procedures.
18. Violations of the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the installation or distribution of "pirated" or other software products that are not appropriately licensed for use by Montgomery Community College.

### **III. RESERVATIONS OF RIGHTS AND LIMITS OF LIABILITY**

- A. The College reserves all rights in the use and operation of its computer resources, including the right to monitor and inspect computerized files or to terminate service at any time and for any reason without notice.
- B. The College makes no guarantees or representations, either explicit or implied, that user files and/or accounts are private and secure. No right of privacy exists in regard to electronic mail or Internet sessions on the College Network or College-owned hardware.



- C. The College is not responsible for the accuracy, content or quality of information obtained through or stored on the College Network.
- D. The College and its representatives are not liable for any damages and/or losses associated with the use of any of its computer resources or services.
- E. The College reserves the right to limit the allocation of computer resources.
- F. The College makes efforts to maintain computer resources in good working condition but is not liable for damages incurred by loss of service.
- G. College funds may not be used to purchase personal network access or products.
- H. The College shall not be liable legally, financially or otherwise for the actions of anyone using the Internet through the College's network or College's computers.

#### **IV. WIRELESS INTERNET ACCESS**

The College provides free wireless Internet access. Users of wireless access must abide by the Wireless Internet Access Guidelines and this Policy. Connection to the wireless network at any given time is not guaranteed. The College does not accept liability for any personal equipment that is brought to the College and, therefore, may not assist with configuration, installation, trouble-shooting or support of any personal equipment.

#### **V. ELECTRONIC MAIL**

The College provides free electronic mail accounts to certain College employees based on job responsibilities, as determined by the employee's appropriate Vice President, and to all students who are enrolled in a curriculum or continuing education program. The use of College-provided electronic mail accounts must be related to College business, including academic pursuits. Incidental and occasional personal use of these accounts is acceptable when such use does not generate a direct cost to the College or otherwise violate the provisions within this Policy.

The College will make reasonable efforts to maintain the integrity and effective operation of its electronic mail systems, but users are advised that those systems should in no way be regarded as a secure medium for the communication of sensitive or confidential information. Because of the nature and technology of electronic communication, the College cannot assure the privacy of an individual's use of the College's electronic mail resources or the confidentiality of particular messages that may be created, transmitted, received or stored.

##### **A. Unacceptable Activity**

1. The College email system shall not to be used for the creation or distribution of any disruptive or offensive messages, including offensive comments about race, gender, disabilities, age, sexual orientation, pornography, religious beliefs and practice,

political beliefs, or national origin. Employees who receive any emails with this content from any College employee should report the matter to their supervisor immediately.

2. Employees are prohibited from automatically forwarding College email to a third party email system. Individual messages which are forwarded by the user must not contain College confidential information.
3. Employees are prohibited from using third-party email systems and storage servers such as Hotmail, Yahoo, etc. to conduct College business, to create or memorialize any binding transactions, or to store or retain email on behalf of the College. Such communications and transactions should be conducted through proper channels using College approved documentation.
4. Sending unsolicited email messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material (email spam).
5. Unauthorized use, or forging, of email header information.

College officials do not routinely monitor electronic mail but may do so as the College deems necessary. The College may use software to monitor electronic mail for certain safety protocols. Students and employees should not have any expectation of privacy regarding their electronic mail addresses provided by the College. The electronic mail sent and received, on a College-provided e-mail account is the exclusive property of the College. Any user of the College's computer resources who makes use of an encryption device shall provide access when requested to do so by the appropriate College authority. The College reserves the right to access and disclose the contents of employees', students' and other users' electronic mail without the consent of the user. The College will do so when it believes it has a legitimate business or need including, but not limited to, the following:

- A. In the course of an investigation triggered by indications of misconduct or misuse;
- B. As needed to protect health and safety of students, employees or the community at large;
- C. As needed to prevent interference with the College's academic mission;
- D. As needed to locate substantive information required for College business that is not more readily available;
- E. As needed to respond to legal actions; and
- F. As needed to fulfill the College's obligations to third parties.

Electronic mail, including that of students, may constitute "educational records" as defined in the Family Educational Rights and Privacy Act ("FERPA"). Electronic mail that meets the definition of educational records is subject to the provisions of FERPA. The College may access, inspect and disclose such records under conditions set forth in FERPA.

North Carolina law provides that communications of College personnel that are sent by electronic mail may constitute "correspondence" and, therefore, may be considered public records subject to public inspection under the North Carolina Public Records Act.

Electronic files, including electronic mail, that are considered public records are to be retained, archived and/or disposed of in accordance with current guidelines established by the North Carolina Department of Cultural Resources or otherwise required by College policy 7.2.

## **VI. PRIVATE EMPLOYEE WEBSITES AND OTHER INTERNET USE**

When creating or posting material to a webpage or other Internet site, including social media, apart from the College's website or approved ancillary external site or page, employees should remember that the content may be viewed by anyone including community members, students and parents. When posting or creating an external website, students, faculty and staff are not permitted to use the College's name in an official capacity or use the College's marks, logos or other intellectual property.

Employees are to maintain an appropriate relationship with students at all times. Having a public personal website or online networking profile or allowing access to a private website or private online networking profile is considered a form of direct communication with students. Any employee found to have created and/or posted content on a website or profile that has a negative impact on the employee's ability to perform his/her job as it relates to working with students and the community or that otherwise disrupts the efficient and effective operation of the College may be subject to disciplinary action up to and including dismissal.

## **VII. VIOLATIONS**

Each individual is ultimately responsible for his/her own actions. For employees, failure to exercise responsible, ethical behavior will result in disciplinary action up to and including dismissal. Students may be sanctioned according to procedures described in the Code of Student Conduct and other users may be barred permanently from using College computers and network access and suspended or expelled.

Certain activities violate Federal and/or State laws governing use of computer systems and may be classified as misdemeanors or felonies. Those convicted could face fines and/or imprisonment.

Adopted: November 13, 2019

## **I. INTRODUCTION**

This Policy governs the College's retention of electronic records, including electronic mail ("email") and instant messages. The Policy is intended to provide guidance on the need for retention of electronic records and messages sent and received by College employees. The College will retain and destroy electronic records, including email and instant messages, in accordance with this Policy and the approved [Record Retention and Disposition Schedule](#) ("the Schedule") for community colleges adopted by the North Carolina Department of Cultural Resources and the North Carolina Department of Community Colleges. For the purposes of this Policy, the term "electronic records" is defined to include electronic mail and instant messages.

## **II. NORTH CAROLINA PUBLIC RECORDS ACT**

Electronic records made or received in connection with the transaction of public business are public records pursuant to the North Carolina Public Records Act, as defined by the North Carolina Public Records Act, N.C.G.S. § 132-1 *et seq.* Examples of electronic records that are public records include, but are not limited to: messages that include information about policies or directives, official business correspondence, official reports, or material that has historic or legal value.

Public records, including electronic records, may not be deleted or otherwise disposed of except in accordance with the Schedule. The content of the electronic record determines its retention requirement.

The content of the email, not the method or device in which it was sent, dictates whether the email is a public record. For example, if an employee has work email on his private, personal email account, that email remains a public record. For this purpose, employees are strongly encouraged to use only their work email address for work emails. In the event that an employee, however, does have work emails on their personal email accounts, they are responsible to properly maintain the email and, if necessary for retention purposes, transfer the email to another medium for proper retention.

## **III. ELECTRONIC RECORDS CUSTODIAN**

Because electronic messages can be sent and forwarded to multiple people, copies of the messages may exist in the accounts of multiple users. In most cases, the author, or originator, of the electronic message is the legal custodian and is responsible for maintaining the "record" copy. However, cases in which the recipient has altered the message (made changes, added attachments, etc.), or when the message is coming from outside the college; the recipient is the one responsible for retaining the message.

When the custodian of an electronic message leaves the employment of the College, it is the responsibility of the supervisor to ensure all public records remaining on the computer and in the messaging account are retained or disposed of appropriately.

The College additionally stores all email and instant messages as a fail-safe archive in the event of system failure or unlawful tampering. All messages which are sent or received using the College's email and instant messaging system are copied and retained by this system for (5) five years. This storage mechanism is intended as a safety measure and does not replace the individual employee's legal responsibility for retaining and archiving electronic messages in accordance with the state of North Carolina's record retention laws.

#### **IV. TYPES OF ELECTRONIC MESSAGES**

For retention purposes, email messages generally fall into the following two categories:

- A. Email of limited or transitory value. For example, a message seeking dates for a meeting has little or no value after the meeting. Retaining such messages serves no purpose and takes up space. Messages of limited or transitory value may be deleted when they no longer serve an administrative purpose.
- B. Email containing information having lasting value. Email is sometimes used to transmit records having lasting value. For example, email about interpretations of an agency's policies or regulations may be the only record of that subject matter. Such records should be transferred to another medium and appropriately filed, thus permitting email records to be purged.

#### **V. PROCEDURES FOR COMPLIANCE**

While the methods for reviewing, storing or deleting electronic records may vary, compliance with the retention requirements may be accomplished by one of the following:

- A. Retention of Hard Copy. Print the record and store the hard copy in the relevant subject matter file as would be done with any other hard-copy communication.
- B. Electronic Storage of records and email. Electronically store the record or email in a file, on a disk or a server so that it may be maintained and stored according to its content definition under this Policy.

#### **VI. LITIGATION HOLD**

A litigation hold is a directive not to destroy electronic records, including email, which might be relevant to a pending or imminent legal proceeding. The President may establish a committee to oversee and monitor litigation holds; such committee may contain a member of the Technology Department, the College's legal counsel and a member of the Administrative Team. In the case of a litigation hold, the committee shall direct employees and the Technology Department, as necessary, to suspend the normal retention procedure for all related records.

Adopted: November 13, 2019

Legal Reference: N.C.G.S. §§ 121-5; 132-1 *et seq*; [Records Retention & Disposition Schedule](#) (July 1, 2016)

Cross Reference Policy 2.3.8

It is the College's intent to provide efficient services for its employees, students and for the public. College officials and students are encouraged to use electronic means, especially electronic mail, when conducting College business when those means result in efficient and improved service.

The acceptance of electronic signatures in e-mails from college campus accounts is encouraged. An electronic signature is defined as any electronic process signifying an approval to terms, and/or ensuring the integrity of the document, presented in electronic format.

Students may use electronic signatures to register, check financial aid awards, pay student bills, obtain unofficial transcripts, update contact information, log into campus computers, complete forms, submission of class work, tests, etc. Employees may use electronic signatures for submitting grades, viewing personal payroll data, logging into campus computers, accessing protected data through the administrative computing system and custom web applications provided by the College, etc.

College user accounts are to be used solely by the student or employee assigned to the account. Users may not allow access to their accounts by other persons, including relatives or friends. All users are responsible for protecting the confidentiality of their account and for adhering to Policy 7.2 – Internet and Network Acceptable Use.

College employees are authorized to use an electronic signature to sign contracts, purchase orders, grant applications and other electronic documents to the same extent the employee is authorized to sign a hard copy of the document.

Adopted: November 13, 2019

## **I. COLLEGE SOCIAL MEDIA SITES**

The College recognizes that social media sites are useful technologies in communicating with College constituencies and in enabling transparent communication. All of the College's social media shall follow established procedures and shall be registered with the College's Public Relations Department. College employees shall exercise good, professional judgment when using official College social media sites to ensure that communications are appropriate, professional, maintain the security of the College's network and comply with local, state and federal laws and with the College's technology security procedures. All content generated on a College-operated social media site should support the mission of the College.

College employees whose responsibility it is to operate a social media account on behalf of the College shall be responsible for monitoring discussions and content added by third-parties, including comments. The College's Public Relations Department has the right to remove any post or comment on any social media account operated by the College. Additionally, posts made on social media sites must be ADA compliant, adhering to [Web Content Accessibility Guidelines 2.0 Level AA](#) (WCAG 2.0 AA). Employee administrators of social media sites must attend annual training regarding ADA compliance.

Social media accounts may be deactivated by the College's Public Relations Department due to non-use or non-compliance with the College's overall mission or goals.

Social media accounts controlled by the College are subject to records retention regulations.

## **II. EMPLOYEE'S PRIVATE SOCIAL MEDIA SITES**

When creating or posting material to a webpage or other Internet site apart from the College's website or approved ancillary external site or page (i.e., social media site), employees should remember that the content may be viewed by anyone including community members, students and parents. When posting or creating an external website, students, faculty and staff are not permitted to use the College's name in an official capacity or use the College's marks, logos or other intellectual property.

Employees are to maintain appropriate relationships at all times with students and members of the public. Having a public personal website or online social media profile or allowing access to a private website or private social media profile is considered a form of direct communication with students and members of the public. Any employee found to have created and/or posted content on a website or profile that has a negative impact on the employee's ability to perform his/her job as it relates to working with students and the community or that otherwise disrupts the efficient and effective operation of the College may be subject to disciplinary action up to and including dismissal.

## **III. Social Media Sites and Blogging**



1. Blogging by employees, whether using the College's property and systems or personal computer systems, is also subject to the terms and restrictions set forth in this Policy.
2. The College's Confidential Information policy also applies to blogging. As such, Employees are prohibited from revealing any Montgomery Community College confidential or proprietary information, or any other material covered by the College's Confidential Information policy when engaged in blogging.
3. Employees shall not engage in any blogging that may harm or tarnish the image, reputation and/or goodwill of the College and/or any of its employees. Employees are also prohibited from making any discriminatory, disparaging, defamatory or harassing comments when blogging or otherwise engaging in any conduct prohibited by the College's *Non-Discrimination and Anti-Harassment* policy.
4. Employees may also not attribute personal statements, opinions or beliefs to the College when engaged in blogging. If an employee is expressing his or her beliefs and/or opinions in blogs, the employee may not, expressly or implicitly, represent themselves as an employee or representative of the College. Employees assume any and all risk associated with blogging.

Adopted: November 13, 2019

## **I. PURPOSE**

The Digital Millennium Copyright Act of 1998 (“DMCA”) legally protects a copyright holder from the unauthorized use of his or her digital content. Unauthorized use means violating the user agreement or terms of use for the digital content. Illegally sharing and/or reproducing copyrighted materials such as music, videos, documents, software and photos is considered copyright infringement. The Higher Education Opportunity Act (“HEOA”) includes a provision directly related to DMCA.

HEOA holds higher education institutions accountable for student illegal peer-to-peer (“P2P”) file sharing occurring on College networks. Illegal P2P file sharing is downloading, also known as copying and/or saving, copyrighted material to a hard drive or any other storage device and/or sharing or making it available to other people without the consent of the copyright holder.

P2P applications are used to legitimately share digital content. However, P2P applications can expose the College to legal liabilities when illegal file sharing occurs. P2P applications can also present a security risk because a downloaded file may actually contain a virus or a malicious program that could target and infect other machines on the network, impact the performance of the network and compromise sensitive/confidential information.

The purpose of this Policy is to inform the College community on preventive measures that will help avoid legal liability and security risks resulting from illegal file sharing. This Policy applies to any individual using the College’s computer network.

## **II. POLICY**

Individuals using the College’s computer network will be held accountable for adhering to the following terms and conditions:

- A. Read the user agreement or terms of use for the following digital content in order to make sure you do not use nor share digital material illegally: documents, videos, and games located on the Internet; social networking sites (i.e. YouTube); purchased digital content (i.e., music, software); and peer-to-peer file sharing applications;
- B. Delete unauthorized copyrighted material from your electronic device (i.e. computer, tablet);
- C. Use a legal alternative to unauthorized downloading. The College does not endorse a particular product or service nor is it responsible for any cost or any technology related issues resulting from the use of the legitimate sources;

- D. Disable the file sharing feature for P2P software if you do not have permission to share the digital material (i.e., documents, movies, games, etc.) legally; contact the software vendor for technical support;
- E. Follow the P2P vendor's best practices for securing the computer used for P2P activity (i.e., anti-virus software, a vendor supported operating system, personal firewall, current version of P2P application, etc.); the [Federal Trade Commission](#)<sup>1</sup> also has P2P best practices; and
- F. For College-owned assets, P2P software can only be used to promote the College's mission, academic and business needs. Where applicable, P2P software is not allowed on machines that process and/or store confidential/sensitive data. The personal use of P2P applications on College-owned assets for recreational and leisure purposes is prohibited.

### **III. ENFORCEMENT**

Enforcement of this Policy shall include:

- A. Disclosure to students and employees on an annual basis;
- B. Monitoring network traffic and limiting network bandwidth; and
- C. Implementing other technology-based deterrents as needed.

In addition to employment and student discipline issued by the College in accordance with applicable policies and procedures (up to and including dismissal/suspension), individuals cited for unauthorized use may be subjected to civil and/or criminal damages such as monetary damages and potential prison time. According to the [US Copyright Office](#)<sup>2</sup>, monetary damages can range from \$200 to \$150,000 for each act. Criminal prosecutions may result in a fine of up to \$250,000 and a prison term of up to five (5) years for each act.

Adopted: November 13, 2019  
Cross Reference: Policy 7.2

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<sup>1</sup> URL Link should be fixed but here is the URL: <https://www.consumer.ftc.gov/articles/0016-p2p-file-sharing-risks>

<sup>2</sup> <https://www.copyright.gov/title17/92chap5.html#504>

The College is committed to taking reasonable measures to support the accessibility of its audio, visual, telecommunications and web-based technologies (“Digital Technology”) for use by students, employees and/or the general public. Students who seek an accommodation for Digital Technology should contact Counseling Services. Employees who seek accommodations should contact the College’s Human Resources office.

Undue burden and non-availability may qualify as an exemption from this Policy when compliance is not technically possible or is unreasonably burdensome in that it would require extraordinary measures due to the nature of the request or would fundamentally alter the purpose of the Digital Technology.

When conducting core academic and business activities using web content, the College shall make a good faith effort to align the web content with the guidelines of the most current version of [Web Content Accessibility Guidelines 2.0 Level AA \(WCAG 2.0 AA\)](#).

Adopted: November 13, 2019

Legal Reference: Americans with Disabilities Act of 1990, as amended.

## **I. PURPOSE**

The purpose for this policy is to establish the minimum requirements for maintaining a “clean desk” – where sensitive/critical information about our employees, our intellectual property, our students and our vendors is secure in locked areas and out of site. A Clean Desk policy is not only ISO 27001/17799 compliant, but it is also part of standard basic privacy controls.

A clean desk policy can be an important tool to ensure that all sensitive/confidential materials are removed from an end user workspace and locked away when the items are not in use or an employee leaves his/her workstation.

This policy applies to all Montgomery Community College employees and affiliates.

## **II. POLICY**

1. Employees are required to ensure that all sensitive/confidential information in hardcopy or electronic form is secure in their work area at the end of the day and when they are expected to be gone for an extended period.
2. Computer workstations must be locked when workspace is unoccupied.
3. Computer workstations must be logged out completely at the end of the work day.
4. Any Restricted or Sensitive information must be removed from the desk and locked in a drawer when the desk is unoccupied and at the end of the work day.
5. File cabinets containing Restricted or Sensitive information must be kept closed and locked when not in use or when not attended.
6. Keys used for access to Restricted or Sensitive information must not be left at an unattended desk.
7. Passwords may not be left on sticky notes posted on or under a computer, nor may they be left written down in an accessible location.
8. Printouts containing Restricted or Sensitive information should be immediately removed from the printer.
9. Upon disposal Restricted and/or Sensitive documents should be shredded in the official shredder bins or placed in the lock confidential disposal bins.
10. Whiteboards containing Restricted and/or Sensitive information should be erased.
11. Lock away portable computing devices such as laptops and tablets.

12. Treat mass storage devices such as portable hard drives or USB drives as sensitive and secure them in a locked drawer.
13. All printers and fax machines should be cleared of papers as soon as they are printed; this helps ensure that sensitive documents are not left in printer trays for the wrong person to pick up.

### **III. POLICY COMPLIANCE**

#### Compliance Measurement

Compliance verification of this policy will be completed through various methods, including but not limited to, periodic walk-thrus, business tool reports, internal and external audits, and feedback to the policy owner.

#### Exceptions

Any exception to the policy must be approved in advance by the CIO.

#### Non-Compliance

An employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

Adopted: November 13, 2019

**I. Mission**

The Montgomery Community College Library's mission is to provide access to information in a variety of formats and to serve as an integral part of the College's teaching, learning, research, and service to on-campus and distance education students, faculty, staff, and community in direct support of the College's mission.

**II. Objectives**

To accomplish the Library's mission, it shall continually work to:

- A. Build, with the collaboration of faculty, a collection of resources appropriate to the curriculum and to the College community's current and future needs.
- B. Utilize current technologies to provide a system of organization and physical access to the Library's collection and to sources beyond the collection.
- C. Design and deliver instruction and consultation about organization, content and use of learning resources that includes instruction that is user-based, on demand and customizable.
- D. Provide a functional, accessible, attractive, user-centered physical facility to support and increase the use of learning and information resources.

Adopted: November 13, 2019

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The Library Services Team affirms its support of intellectual freedom consistent with the official position of the American Library Association (ALA). The Library Services Team endorses the [Library Bill of Rights](#) and the [Intellectual Freedom Principles for Academic Libraries: An Interpretation of the Library Bill of Rights](#) as espoused by the ALA.

Adopted: November 13, 2019



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Books and other instructional material shall only be removed from the Library for legitimate educational reasons and subject to the limitations of the First Amendment to the U.S. Constitution. A committee of professional educators are in the best position to determine the appropriateness of the materials in the Library's collection.

If a complaint is made by a current student or faculty member, the following procedures will be followed:

- A. The complainant must file his/her objections in writing on the prepared questionnaire. The questionnaire is printed in the Library Handbook and a copy may be obtained in the Library. The completed questionnaire will be submitted to the Information Services Committee ("Committee") as a formal complaint.
- B. The questionable material will not be withdrawn until a final decision (including appeals) has been made on the complaint.
- C. Within ten (10) business days after receiving the completed questionnaire, the Committee will meet with the complainant to discuss the complainant's objection. The meeting will be a closed meeting with only the complainant and the Committee. After the meeting, the Committee will make a decision on the objection and provide written notification to the complainant within five (5) business days.
- D. The complainant may appeal the Committee's decision to the President in writing within five (business days) receipt of the written decision.
- E. The President shall conduct an "on the record" review of all previously submitted documents. If necessary, the President may solicit more documentation from the complainant and/or Committee. The President shall make a decision within thirty (30) business days after receipt of the complainant's appeal. The President's decision shall be final.

Adopted: November 13, 2019

Legal References: U.S. Const. Amend. I; N.C. Const. Art. I, §14; *Board of Educ. v. Pico*, 457 U.S. 853 (1982)

The selection of materials involves many people – students, faculty, staff, administrators and library professionals. The responsibility for coordinating the selection of instructional materials and making the recommendations for purchase rests with the professionally trained library personnel. The librarian has the specific responsibility for evaluating the existing library collection and using reports of reputable, unbiased, professionally prepared evaluations to assist in selection of new materials. If controversy arises concerning an item to be purchased or the priority of an item, the Information Services Team will make a purchasing recommendation.

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