

MONTGOMERY COMMUNITY COLLEGE

BOARD OF TRUSTEES

BY-LAWS

Revised 11-13-2024

MONTGOMERY COMMUNITY COLLEGE

BOARD OF TRUSTEE 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 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 is responsible 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. 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. Membership is determined in accordance with General Statute 115D-12. [G.S. 115D-12](#) The Board shall consist of thirteen trustees. Four Trustees are appointed by the Montgomery County Commissioners. Four Trustees are appointed by the NC House of Representatives upon the recommendation of the Speaker of the House. Four Trustees are appointed by the NC Senate upon recommendation of the President Pro Tem. The President of the Student Government Association serves as an ex-officio non-voting member.
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. Pursuant to NC General Statute 115-19(b), the Board may declare vacant the office of a member who does not attend three (3) consecutive, scheduled regular meetings without justifiable excuse.
4. The Board may also declare vacant the office of a member who, without justifiable excuse, does not participate within six months of initial appointment, in a trustee orientation and education session sponsored by the North Carolina Association of Community College Trustees.

5. 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. The Board's Chair shall make this report with a request for the appointment of a replacement.
6. Individual members of the Board of Trustees may be removed by the Board of Trustees for cause pursuant to G. S. 115D-19. Should the State Board of Community Colleges have sufficient evidence that any trustee 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 Chairman, unless the Chairman is the offending member, in which case the other members of the Board shall be notified. Upon receipt of such notice there shall be a meeting of the Board of Trustees 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 of Trustees. If the charges are, by an affirmative vote of two-thirds of all members of the Board, found to be true, the Board of Trustees shall declare the office of the offending member to be vacant. Nothing in this section shall be construed to limit the authority of the Board to hold a hearing as provided herein upon evidence known or presented to it, regardless if the Board received notice from the State Board of Community Colleges.
7. No person who has been employed full-time by Montgomery Community College within the prior five years and no spouse or child of a person currently employed full-time by Montgomery Community College shall serve on the Board of Trustees.

Section 3. Office of Record

The Board's office of record shall be Montgomery Community College, [1011 Page Street, Troy, NC 27371].

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 30th day of June.
2. The Chair, Vice-Chair and Secretary shall be elected by the Board of Trustees from its membership.
3. The Chair, Vice-Chair and 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 employed by the Board and shall service as the Executive Officer of the Board.

Section 2. The Chair of the Board of Trustees

The Chair 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-Chair of the Board of Trustees

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

Section 4. The Secretary of the Board of Trustees

1. The Secretary of the Board shall preside in the absence of the Chair and Vice-Chair, perform all duties of the Chair with full authority during the absence or disability of the Chair and Vice-Chair, and shall discharge any other functions delegated to him/her by the Board.
2. The Board of Trustees designates the Executive Assistant to the President as the Recording Secretary. The Recording Secretary aids the Board Secretary in the performance of duties.
3. The Recording Secretary shall:
 - a) Keep an accurate record of the proceedings of the Board.
 - b) Have custody of official records and documents of the Board.
 - c) Prepare and maintain an indexed compilation of by-laws and amendments thereto, a copy of policies, procedures, and regulations of the Board, and amendments thereto.
 - d) Issue, upon direction by the Chair, notice of all meetings of the Board to members of the Board, the President, and the public.

ARTICLE 3

Powers and Duties of the Board of Trustees

- Section 1. The powers, duties, and responsibilities of the Board of Trustees shall be congruent with those specified in Chapter 115D-20 of the General Statutes of North Carolina. (Appendix #1)
- https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_115d/GS_115d-20.pdf
- Section 2. The powers, duties, and responsibilities of the Board of Trustees shall be congruent with those policies and procedures specified in the North Carolina Community College State Board Code. Section 300 identifies the primary authority of the Board of Trustees. *Please note: Other policies within the State Board Code may reference additional duties of the Trustees.* (Appendix #2)
- <https://www.nccommunitycolleges.edu/about-us/state-board/state-board-code/>
- Section 3. The powers, duties, and responsibilities of the Board of Trustees shall be congruent with those policies and procedures specified by the appropriate Regional Accrediting Body. (Appendix #3)
- <https://sacscoc.org/app/uploads/2024/01/2024PrinciplesOfAccreditation.pdf>

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 Chair shall appoint a minimum of four trustees to each committee. The Chair of the Board of Trustees shall serve as an ex-officio, voting member.
- Section 2. Limitation of Authority of Committees
- If the Board, in a regular or special meeting, authorizes a committee to act on a matter referred to it, the Chair 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
- Committees shall have other functions, regular and special, as the Board may authorize.

Section 4. Finance and Facilities Committee

The Finance and Facilities 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, grants, and donations, the care of 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 expenses of the college.
9. To recommend to the Board policy to govern the receipt, security depositing, accounting, and expending of trust and non-trust funds pertaining to the college, in accordance with the law and the State Board of Community Colleges' regulations.
10. To recommend to the Board appropriate bonding policy to govern college employees entrusted with funds of all kinds.
11. To receive and examine the audit of the college books and make such recommendations to the Board as it may deem necessary.
12. From time to time, it shall be the Finance and Facilities Committee's responsibility, at their discretion, to study the general cost-effectiveness of various Montgomery Community College operations, to ensure 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.
13. To serve as liaison between the Board of Trustees of Montgomery Community College and Montgomery Community College Foundation, Inc.

14. Review and approve new financial assistance programs for curriculum students upon recommendation of the college's Curriculum & Student Services Committee and the President.
15. To carry out, or require to be carried out, studies relating to sites, buildings, and grounds.
16. To recommend to the Board, the college's campus planner and architect, following consultation with the President.
17. To recommend for inclusion in planning architectural, and construction contracts appropriate provisions for the protection of the interests of the college.
18. To recommend to the Board, after consultation with the President, a Facility Master Plan and architectural plans for construction.
19. To recommend to the Board the call for bids on college construction and the awarding of contracts for renovations in excess of the amount established by the Board of Trustees.
20. To make recommendations to the Board, after consultation with the President, regarding plans and programs for maintenance of the campus and its property and regarding the beautification of the campus.
21. To recommend to the Board adequate insurance coverage of buildings and their contents, and for other facilities.
22. To recommend to the Board of Trustees the securing or granting of easements and rights-of-way.

Section 5. Personnel Committee

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) Policies that will maximize quality instruction for the students at Montgomery Community Colleges.
 - b) Policies that will constantly improve the quality of staff and faculty by both hiring practices and internal self-improvement programs.
 - c) Policies that will ensure that Montgomery Community College is truly an "Equal Opportunity" employer.
 - d) Policies that foster the improvement of employee morale and a general sense of well-being among the staff and faculty of Montgomery Community College.
 - e) Policies regarding the process for termination, discipline, reduction in force, and non-renewal of employees.
2. To receive from the President recommendations for the establishment of new employee positions. To act upon these recommendations and forward this action to the Board.

3. To serve as a committee to hear personnel who have made written requests for a hearing, in accordance with the Board's policies.

Section 6. Curriculum and Student Services Committee

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 have the responsibility of ensuring that the equipment at Montgomery Community College is adequate for the operation and that equipment on hand for educational purposes represents the best and latest models available for such purposes insofar as permitted by budgetary requirements.
3. Establish and recommend requirements for special admission criteria for curriculum programs (i.e. those not stipulated by the North Carolina Community College System).
4. Take action, when necessary, regarding student extracurricular activities and problems.
5. To serve as a committee to hear students who have made written requests for a hearing, in accordance with the Board's policies.

Section 7. Legislative and Institutional Status Committee

The Legislative and Institutional Status 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.

7. To recommend to the Board the necessary activities for the college to be accredited by the Southern Association of Colleges and Schools, or other appropriate accreditation organization.
8. To recommend to the Board the necessary activities for the college to be licensed by the appropriate licensing agencies.
9. To recommend to the Board the continuous updating of the By-Laws of the Board, to include the responsibilities of the committees.
10. To coordinate accreditation activities between the staff and the Board of Trustees.

ARTICLE 5

Meetings

Section 1. Regular Meetings

On an annual basis, the Board of Trustees shall schedule the time and place of its regular meetings.

Section 2. Special and Emergency Meetings

The Board may hold special meetings as required. The Chair or President may call a special meeting when needed to transact business between regular meetings. Any four Trustees may also direct the President to call a special meeting.

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.

Special and emergency meetings should be limited to circumstances that require the transaction of business prior to the next regular Board meeting.

Section 3. Notice of Meetings

Except for emergency meetings, members and officers of the Board and the President shall be notified in writing by the Recording Secretary or President 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 notice may be by electronic means. The individual Trustee may waive notice of meetings.

Emergency meetings may be called and noticed pursuant to state law.

Section 4. Quorum

Seven members of the Board of Trustees in attendance at meetings shall constitute a quorum for the transaction of business. Except as provided here or elsewhere in these By-Laws, a simple majority of those present and voting shall be required to transact the Board's business; except a majority vote of all Trustees shall be required in the following circumstances:

1. Adopting, amending or repealing policy for the college
2. Adopting, amending or repealing rules/By-Laws affecting the college or the Board
3. Electing a President of the college or other decisions affecting the President's employment.

If a Board member cannot attend a Board meeting in person, the Board member may attend via telephone, video conferencing, or other electronic means, and attendance through these means shall be counted the same as being physically present.

Section 5. Power to Vote

All members of the Board of Trustees in attendance at a meeting, except the Student Government representative, may vote on all matters coming before the Board for consideration. Only 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

The President of the college will provide the Chair with a list of 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 Chair 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.

Board and Committee meeting agendas shall include:

1. Call to Order/Roll Call
2. Approval of the Agenda
3. Board of Ethics Reminder
4. Approval of the Minutes
5. Board Presentation (as scheduled)
6. Committee Reports (as necessary)
7. Other

In addition, the Board meeting shall also include:

1. Report by the SGA President
2. Report by the President
3. Report by the Board Chair
4. Adjournment

In emergencies, the Chair, at 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. Parliamentary Rules

[Robert's Rules of Order](#), newly revised, shall guide the Board in conducting meetings, except when inconsistent with these By-Laws or Board policy, unless otherwise provided by the Board.

Section 8. Closed Session

Closed sessions may be held during regular meetings of the Board, but only those matters stipulated in [G.S. 143-318.11](#) may be considered. A general accounting of the discussion held during the session shall be made by the Chair. Unless otherwise allowed or required by law, any action by the Board taken in a closed session is recorded in a regular session. Attendance in a closed session of the Board shall be permitted to every member of the Board and any person authorized by the Board.

ARTICLE 6

Administration

Section 1. The President of the College

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. The President shall have full authority and responsibility for the operation of the college under the policies, 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. The Board shall at all times exercise its control of the college through the President. The general duties of the President shall include:

1. 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.
2. The President shall be responsible for all administrative and managerial aspects of the development and operation of the college.
3. 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 interest of the college to do so.
4. The President shall recommend, in the following board fields, all educational programs and co-curricular programs which he/she deems to be in the best interests of 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) General curricula for associate degree programs.

- b) Organized curricula for the preparation of technicians.
 - c) Courses and curricula in vocational, trade and technical specialty areas.
 - d) Courses and programs in general adult education.
- 5. The President shall appoint lay-advisory committees for particular programs of the college where needed.
 - 6. The President shall advise all committees at the request of the Chair of the Committee.
 - 7. The President shall advise the Board on the financial and budgetary needs of the college and shall recommend items to be included in the current expense and capital outlay budgets.
 - 8. The President shall discharge any other functions which the Board may delegate to him/her.
 - 9. The President, as part of the Annual Presidential Evaluation, 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.

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

ARTICLE 8

Amendment to the By-Laws

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.

ARTICLE 9

Conflict of Laws

In the event that any provisions of these By-Laws shall be deemed in conflict with North Carolina Statute or the State Board of Community College Code, State law and/or the Code shall control and such provision shall be null and void but the remaining provisions not in conflict with State law or the Code shall remain in full force and effect.

§ 115D-20. Powers and duties of trustees.

The trustees of each institution shall constitute the local administrative board of such institution, with such powers and duties as are provided in this Chapter and as are delegated to it by the State Board of Community Colleges. The powers and duties of trustees shall include the following:

- (1) To elect a president or chief administrative officer of the institution for such term and under such conditions as the trustees may fix. If the board of trustees chooses to use a search consultant to assist with the election process, the board of trustees shall select the search consultant through a competitive request for proposals process. A search consultant selected pursuant to this subdivision who is collecting a fee for the consultant's services shall not be (i) an employee of a State agency, department, or institution, an appointed member of a State commission or board, or an elected official whose responsibilities include oversight or budgetary aspects of the Community Colleges System, (ii) a lobbyist or lobbyist principal as defined in G.S. 120C-100, or (iii) a State-level community college board of trustees association or organization. A contract with a search consultant pursuant to this subdivision shall not be subject to Article 3C of Chapter 143 of the General Statutes. The election and reelection of a president or chief administrative officer shall be subject to the approval of the State Board of Community Colleges.
- (2) To elect or employ all other personnel of the institution upon nomination by the president or chief administrative officer, subject to standards established by the State Board of Community Colleges. Trustees may delegate the authority of employing such other personnel to its president or chief administrative officer.
- (3) To purchase any land, easement, or right-of-way which shall be necessary for the proper operation of the institution, upon approval of 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 General Statutes Chapter 40A. For the purpose of condemnation, the determination by the trustees as to the location and amount of land to be taken and the necessity therefor shall be conclusive.
- (4) To apply the standards and requirements for admission and graduation of students and other standards established by the State Board of Community Colleges. Notwithstanding any law or administrative rule to the contrary, local community colleges are permitted to offer the following programs:
 - a. Subject to the approval of the State Board of Community Colleges, local community colleges may collaborate with public school units and nonpublic schools to offer courses through the following programs:
 1. Repealed by Session Laws 2022-71, s. 3.2, effective July 8, 2022.
 2. Academic transition pathways for qualified junior and senior high school students that lead to a career technical education certificate, diploma, or State or industry-recognized credential and academic transition pathways for qualified freshmen and sophomore high school students that lead to a career technical education certificate or diploma in (i) industrial and engineering technologies, (ii) agriculture and natural

- resources, (iii) transportation technology, (iv) construction, or (v) business technologies.
3. College transfer pathways requiring the successful completion of 30 semester credit hours of transfer courses, including English and mathematics, for the following students:
 - I. Qualified junior and senior high school students.
 - II. Qualified freshman and sophomore high school students, if all of the following requirements are met:
 - A. The student is determined to be academically gifted, have a demonstrated readiness for the course material, and have the maturity to justify admission to the community college by (i) the community college president, (ii) the student's high school principal or equivalent administrator, and (iii) the academically gifted coordinator, if one is employed by the high school or local school administrative unit.
 - B. The student participates in academic advising focused on the implications of being admitted to college early with representatives from the high school and the community college.
 - C. The student's parent or guardian has given consent for the student to participate.
 - a1. Subject to the approval of the State Board of Community Colleges, local community colleges may collaborate with local school administrative units to offer cooperative innovative high school programs, as provided by Part 9 of Article 16 of Chapter 115C of the General Statutes.
 - b. During the summer quarter, persons less than 16 years old may be permitted to take noncredit courses on a self-supporting basis, subject to rules of the State Board of Community Colleges.
 - c. High school students may be permitted to take noncredit courses in safe driving on a self-supporting basis during the academic year or the summer.
 - d. High school students 16 years and older may be permitted to take noncredit courses, except adult basic skills, subject to rules promulgated by the State Board of Community Colleges.
 - e. Notwithstanding any other provision of this subdivision, qualified youth 15 years and older may be permitted to enroll in courses, including certification-eligible courses, in fire training pursuant to G.S. 95-25.5(n) and on a specialized course list approved by the State Board of Community Colleges in accordance with G.S. 115D-5(b)(2).
 - (5) To receive and accept donations, gifts, devises, and the like from private donors and to apply them or invest any of them and apply the proceeds for purposes and upon the terms which the donor may prescribe and which are consistent with the provisions of this Chapter and the regulations of the State Board of Community Colleges.
 - (6) To provide all or part of the instructional services for the institution by contracting with other public or private organizations or institutions in

accordance with regulations and standards adopted by the State Board of Community Colleges.

- (7) 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 bylaws for the government and operation of the institution under this Chapter and for the discipline of students.
- (8) If a board of trustees of an institution provides access to its buildings and campus and the student information directory to persons or groups which make students aware of occupational or educational options, the board of trustees shall provide access on the same basis to official recruiting representatives of the military forces of the State and of the United States for the purpose of informing students of educational and career opportunities available in the military.
- (9) To encourage the establishment of private, nonprofit corporations to support the institution. The president, with approval of the board of trustees, may assign employees to assist with the establishment and operation of such corporation and may make available to the corporation office space, equipment, supplies and other related resources; provided, the sole purpose of the corporation is to support the institution. The board of directors of each private, nonprofit corporation shall secure and pay for the services of the State Auditor's Office or employ a certified public accountant to conduct an annual audit of the financial accounts of the corporation. The board of directors shall transmit to the board of trustees a copy of the annual financial audit report of the private nonprofit corporation.
- (10) To enter into guaranteed energy savings contracts pursuant to Part 2 of Article 3B of Chapter 143 of the General Statutes.
- (10a) To enter into loan agreements under the Energy Improvement Loan Program pursuant to Part 3 of Article 36 of Chapter 143 of the General Statutes.
- (11) To enter into lease purchase and installment purchase contracts for equipment and real property under G.S. 115D-58.15.
- (12) Notwithstanding the provisions of this Chapter, a community college may permit the use of its personnel or facilities, in support of or by a private business enterprise located on a community college campus or in the service area of a community college for the specific purposes set out in G.S. 66-58(c)(3a) and G.S. 66-58(c)(3d). The board of trustees of a community college must specifically approve any use of facilities or personnel under this subdivision. The State Board shall adopt rules to implement this subdivision, G.S. 66-58(c)(3a), and G.S. 66-58(c)(3d).
- (13) To enter into a public/private partnership in which all of the following conditions are met:
 - a. The agreement is approved in advance by the State Board of Community Colleges.
 - b. The board of trustees agrees to lease community college land to a private entity on condition that the entity construct a facility on the leased land.
 - c. The facility will be jointly owned and used by the private entity and the community college.

- d. The board of trustees is not authorized to lease the facility as lessee under a long-term lease or capital lease from the private entity as lessor.
 - e. The board of trustees is not authorized to finance its portion of the facility by entering into an installment contract or other financing contract with the private entity.
 - f. State bond funds shall not be used to pay for construction of that part of the facility to be owned and used by the private entity.
 - g. The provisions of G.S. 143-341(3)a. apply to the construction of a facility under this subsection.
- (14) To comply with the design and construction requirements regarding energy efficiency and water use in the Sustainable Energy-Efficient Buildings Program under Article 8C of Chapter 143 of the General Statutes.
 - (15) To strive to make available one hundred percent (100%) muscadine grape juice as a beverage option in the operation of the community college's vending facilities. (1963, c. 448, s. 23; 1979, c. 462, s. 2; c. 896, s. 13; 1979, 2nd Sess., c. 1130, s. 1; 1981, c. 901, s. 2; 1983, c. 378, s. 1; c. 596, s. 1; 1985, c. 191; 1987, c. 383, s. 2; 1993 (Reg. Sess., 1994), c. 775, s. 7; 1998-111, s. 1; 2001-368, s. 2; 2003-286, s. 1; 2005-247, s. 2; 2006-259, s. 21; 2007-476, s. 1; 2008-203, s. 2; 2009-119, s. 1; 2011-145, s. 7.1A(h); 2011-284, s. 82; 2011-391, s. 13(c); 2011-419, s. 2; 2013-310, s. 2; 2013-360, s. 10.9(a); 2015-241, s. 10.4; 2017-6, s. 3; 2017-57, ss. 9.7(a), 9.10(b); 2018-146, ss. 3.1(a), (b), 6.1; 2019-185, s. 1; 2022-69, s. 1(a); 2022-71, s. 3.2; 2023-63, s. 5(f); 2023-134, s. 6.10(d).)

Community colleges shall give priority admission and placement to transfer students who have been displaced due to a community college closing.

- (c) Before closing, the college shall file a copy of all student permanent academic and financial aid records with the Department of Cultural Resources in accordance with the records retention process.

History Note: Authority G.S. 115D-5; P.L. 102-325;

Eff. December 1, 1995.

SUBCHAPTER 300. BOARD OF TRUSTEES AUTHORITY

1B SBCCC 300.1 AUTHORITY

- (a) Each college within the system shall operate under the direction of a board of trustees, a corporate body, which derives its authority from the law and rules of the State Board.
- (b) All power and authority vested by law in the State Board which relates to the internal administration, regulation, and governance of any individual college of the community college system are hereby delegated to the board of trustees of such college with the following exceptions and reservations:
 - (1) Power or authority that is non-delegable as a matter of law;
 - (2) Power or authority in matters of systemwide or inter-college importance is reserved for determination by the State Board;
 - (3) The State Board reserves the right to rescind any power or authority as it deems necessary in accordance with G.S. 150B; and
 - (4) The governing authority of the State Board pertaining to the assurance of:
 - (A) fiscal accountability,
 - (B) program accountability, and
 - (C) satisfaction of state priorities.

Note: Substance of former 23 SBCCC 2A .0003 and 2B .0303 was incorporated into this Rule.

History Note: Authority G.S. 115D-3; 115D-5; 115D-8; 115D-12; 115D-25; 150B-22 through 150B-37;

Eff. September 1, 1993.

1B SBCCC 300.2 AUTHORIZATION

The boards of trustees of community colleges as bodies corporate are authorized to do all things necessary and proper to organize and operate colleges consistent with the law and the rules of the State Board.

History Note: Authority G.S. 115D-5; 115D-14;

Eff. February 1, 1976;

Amended Eff. September 1, 1993; December 1, 1984; September 30, 1977.

SUBCHAPTER 400. PROGRAM ACCOUNTABILITY

1B SBCCC 400.1 ACCREDITATION BY THE SOUTHERN ASSOCIATION

All colleges shall obtain and maintain regional accreditation by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC). The System Office shall provide biannually a report to the State Board listing any accreditation actions taken by SACSCOC with regards to a North Carolina community college. The System President, when requested, will provide assistance to colleges seeking regional accreditation.

History Note: Authority G.S. 115D-5;

Eff. [October 1, 2018](#)

1B SBCCC 400.2 COLLEGE PLANNING

Each community college shall maintain an ongoing planning process. At a minimum, college plans shall address program and facility needs; shall include the college's mission, goals and objectives, consistent with the mission of the System and with the State Board's priorities; and shall provide for evaluation of student outcomes.

SECTION 4: Governing Board

The institution's governing board holds in trust the fundamental autonomy and ultimate well-being of the institution. As the corporate body, the board ensures both the presence of viable leadership and strong financial resources to fulfill the institutional mission. Integral to strong governance is the absence of undue influence from external sources.

1. The institution has a governing board of at least five members that:

- (a) is the legal body with specific authority over the institution.
- (b) exercises fiduciary oversight of the institution.
- (c) ensures that both the presiding officer of the board and a majority of other voting members of the board are free of any contractual, employment, personal, or familial financial interest in the institution.
- (d) is not controlled by a minority of board members or by organizations or institutions separate from it.
- (e) is not presided over by the chief executive officer of the institution.

(Governing board characteristics) [CR]

2. The governing board

- a. ensures the regular review of the institution's mission. *(Mission review)*
- b. ensures a clear and appropriate distinction between the policy-making function of the board and the respective responsibilities of the administration and faculty to administer and implement policy. *(Board/administrative distinction and shared governance)*
- c. selects and regularly evaluates the institution's chief executive officer. *(CEO evaluation/selection)*

- d. defines and addresses potential conflict of interest for its members. (*Conflict of interest*)
 - e. has appropriate and fair processes for the dismissal of a board member. (*Board dismissal*)
 - f. protects the institution from undue influence by external persons or bodies. (*External influence*)
 - g. defines its responsibilities and regularly evaluates its effectiveness. (*Board self-evaluation*)
3. If an institution's governing board does not retain sole legal authority and operating control in a multiple-level governance system, then the institution clearly defines that authority and control for the following areas within its governance structure: (a) institution's mission, (b) fiscal stability of the institution, and (c) institutional policy. (*Multi-level governance*)