



# Policy and Procedure Manual

Roanoke-Chowan Community College is an Affirmative Action/Equal Opportunity employer. The College does not discriminate against students, faculty, or staff on the basis of race, color, gender, creed, age, disability, marital status, sexual orientation, veteran status, or national or ethnic origin in admission to, or access to, or employment in its programs and activities.

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The Trustees of Roanoke-Chowan Community College 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 Trustees are authorized to do all things necessary and proper to organize and operate Roanoke-Chowan Community College consistent with laws and State Board rules and regulations.

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

Adopted: 6.25.2024

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



The following are the official By Laws for the Roanoke-Chowan Community College Board of Trustees.

Adopted: 6.25.2024

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

ROANOKE-CHOWAN COMMUNITY COLLEGE BOARD OF TRUSTEES  
BY-LAWS

Approved 2.27.2024

Roanoke-Chowan Community College provides accessible, affordable, and high-quality education, workforce training, and lifelong learning.

**ARTICLE I. RESPONSIBILITY AND MEMBERSHIP**

**Section 1. Jurisdiction and Responsibility**

- (a) The Board of Trustees of Roanoke-Chowan Community College is a body corporate established under the provisions of Chapter 115D of the General Statutes of North Carolina, and it possesses all of the powers of a body corporate for the purposes created by or that may exist under provisions of the law.
- (b) As the legal governing board of Roanoke-Chowan Community College, the Board of Trustees is the principle policy maker with operations oversight under provision of certain General Statutes, rules of the State Board of Community College Code, and “Standards” of the Southern Association of Colleges and Schools Commission on Colleges.
- (c) The Board of Trustees has the responsibility for the development, operation, and governance of the College in accordance with the provisions of law and the policies of the State Board of Community Colleges.
- (d) 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.
- (e) The official title of the Board of Trustees, and the corporate name of the institution, shall be "The Board of Trustees of Roanoke-Chowan Community College."
- (f) This Board shall maintain its address at Roanoke-Chowan Community College in Ahoskie, North Carolina.

**Section 2. Membership**

- (a) Roanoke-Chowan Community College, pursuant to Chapter 115D of the General Statutes of North Carolina, shall be governed by a Board of Trustees consisting of thirteen (13) members which includes the president of the Student Government Association as an ex-officio, non-voting member. Appointments to the Board of Trustees will be made in accordance with the law.

- (b) All terms shall be four (4) years and shall commence and expire as set forth in law, with the exception of the President of the Student Government Association, who shall serve for the respective term of office.
  - (1) All Board of Trustee members, except the President of the Student Body, shall be residents of Hertford County or a county contiguous to Hertford County.
  - (2) 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 that group and in the manner in which regular selections are made.
  - (3) As required by North Carolina law, trustees are required to attend an ethics education presentation approved by the North Carolina State Ethics Commission within six (6) months of being appointed or re-appointed and refresher sessions every two years thereafter. Trustees are also required to file with the Commission a Statement of Economic Interest.

**Section 3. Removal of Trustees**

In accordance with N.C.G.S. 115D-119, the Board of Trustees may declare vacant the office of a member for cause. Cause includes inability to discharge duties, disreputable conduct, failure to attend three (3) consecutive scheduled meetings, and failure of a newly appointed Board member to participate in, without justifiable reason, an orientation session sponsored by the N.C. Association of Community College Trustees. The Board of Trustees shall notify the appropriate appointing authority of any vacancy.

**Section 4. Office of Record**

The Board of Trustees shall maintain its office of record on the campus of Roanoke-Chowan Community College.

**ARTICLE II. OFFICERS AND THEIR DUTIES**

**Section 1. Election and Term of Office**

- (a) The corporate officers of the Board of Trustees shall be the Chairperson, the Vice-Chairperson, and the Secretary.
- (b) At the first meeting after July 1 of each year, the Board of Trustees shall elect from its membership a Chairperson, who shall preside at all Board meetings, and a Vice-Chairperson, who shall preside in the absence of the Chairperson.
- (c) The Secretary, who need not be a member of the Board of Trustees, shall be elected annually by the Board of Trustees.

- (d) The Chairperson and Vice-Chairperson shall be elected for a one-year term and shall be eligible for re-election by the Board of Trustees, if otherwise eligible.

**Section 2. The Chairperson of the Trustees, Duties**

The Chairperson shall appoint the members of and serve as an ex-officio voting member of all committees of the Board of Trustees, preside at all meetings of the Board of Trustees, special meetings of the Board of Trustees, and discharge all other functions delegated by the Board of Trustees.

The Chairperson shall make a good-faith effort to assist public servants within the College or on the Board in monitoring their personal, financial, and professional affairs to avoid taking any action that results in a conflict of interest with respect to any matters coming before the Board at that time. (N.C.G.S. 138A-15)

**Section 3. The Vice-Chairperson of the Trustees**

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

**Section 4. The Secretary of the Trustees**

- (a) The Board of Trustees shall elect a Secretary.
- (b) The Secretary or designee shall:
  - (1) Keep an accurate record of all meetings of the Board of Trustees.
  - (2) Issue, upon direction by the Chairperson, notice of all meetings of the Board of Trustees to members of the Board of Trustees.
  - (3) Maintain a record of attendance of members at all Board meetings, both regular and special called.

**Section 5. The President of the College**

- (a) 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.
- (b) The President shall attend and participate, without a vote, in all meetings of the Board of Trustees, except where their absence is justified or expressly desired by a majority of the Board of Trustees during a closed session meeting of the Board of Trustees.

- (c) The President shall be responsible for all administrative and managerial aspects of the development and operation of the College.
- (d) The President shall submit recommended policies and public policy decisions to the Board of Trustees when requested to do so by the Board of Trustees, when the President deems it to be in the best interests of the College, or when otherwise required by law.
- (e) The President shall recommend all educational programs and co-curricular programs deemed to be in the best interest of the citizens of the community 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 and policies of the State Board of Community Colleges.
- (f) The President may appoint lay advisory committees for particular programs of the College as required by the State and in consultation with the Board of Trustees.

### **ARTICLE III. POWERS AND DUTIES OF THE BOARD OF TRUSTEES**

#### **Section 1. Duties of the Board of Trustees**

The Board of Trustees shall:

- (a) Establish the basic qualifications, terms, and conditions under which it will elect a President. The election of the President is subject to the approval of the State Board of Community Colleges.
- (b) Purchase all land required for the College and the rights-of-way 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 of Trustees as to the amount of land to be taken and the necessity, therefore, shall be conclusive.
- (c) Apply the standards and requirements for admission and graduation of students and other standards established by the State Board of Community Colleges.
- (d) 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.
- (e) Provide all or part of the instructional services for the institution by contracting with other public or private education institutions according to regulations and standards adopted by the State Board of Community Colleges.

- (f) To perform such other acts as may be necessary or proper for the exercise of the foregoing specific powers, including the adoption and enforcement of policies.
- (g) To perform any other duties or obligations outlined in N.C.G.S. 115D-20.

**Section 2. Ethics, Conflict of Interest, and Undue Influence**

Members of the Board of Trustees will, in accordance with North Carolina law and the policies of the State Board of Community Colleges, discharge their duties in the best interests of the College and public and avoid any conflict of interest or any appearance of a conflict of interest. Trustees shall adhere to the North Carolina State Government Ethics Act to exercise their authority honestly and fairly, free from impropriety, threats, favoritism, and undue influence, and follow standards for ethical conduct and conflicts of interest. Trustees shall make known at each Board of Trustees meeting any conflict or potential conflict with matters coming before the Board for consideration and then refrain from any undue participation in the said matters.

No person who has been employed full time by the community college within the prior five years and no spouse or child of a person currently employed full time by the Community College shall serve on the Board of Trustees (N.C.G.S. 115D-12(b)(1)). Trustees are also prohibited from obtaining a direct benefit from any contract or procurement in which they are involved on behalf of the College. This prohibition includes influencing or attempting to influence, for personal benefit, anyone in the College who is involved in making a contract or procurement decision. In addition, Trustees are prohibited from soliciting or receiving any gift, reward in exchange for recommending, influencing, or attempting to influence the award of a contract or procurement decision.

**ARTICLE IV. COMMITTEES**

**Section 1. Types of Committees and Methods of Appointment**

The Board of Trustees may establish such standing committees and such ad hoc committees as it deems necessary to secure and protect the College's welfare. The Chairperson shall appoint the members of all committees. The Chairperson and President shall serve as ex-officio members of all committees.

**Section 2. Limitations of Committees**

If the Board, in regular or special meetings, authorizes a committee to act on a matter referred to it, the Chairperson of the Committee shall report to the Board of Trustees the action taken and the action of the Committee shall be deemed final; otherwise, committee action shall be reported as a recommendation for consideration and action by the Board of Trustees at a regular or special meeting.

**Section 3. Standing Committees**

- (a) The Executive Committee shall consist of the Chairperson of the Board, the Vice-Chairperson of the Board, chairperson of each standing committee, the Board secretary, and the President. The Committee will have control and direction of all officers and committees of the Board and of the College during the interval between meetings of the Board.
- (b) The Building and Grounds Committee shall be an ad hoc committee as needed.
- (c) The Finance Committee shall consist of four members of the Board of Trustees to include the Chairperson of the Board, who shall serve as an ex-officio member with voting privileges, and the College President, who shall serve as a non-voting member. The Board secretary shall serve as secretary. The Finance Committee shall, subject to applicable standards of the State Board of Community Colleges, have the following regular function:
  - (1) To carry out, or require to be carried out, studies relating to sites, buildings, and grounds.
  - (2) 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.
  - (3) To make recommendations to the Board regarding the fiscal policies of the College.
  - (4) 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.
  - (5) To receive, study, and recommend to the Board, with modifications it deems appropriate, any special or unusual expenditures of any type recommended by the President.
  - (6) To receive, study, and recommend to the Board, such action it deems appropriate on any reports on the budget, purchasing, and accounting functions required by it, or presented to it, by the President.
  - (7) To recommend to the Board policies and decisions regarding investment of any surplus or restricted monies.
  - (8) To recommend to the Board policies and decisions regarding the receipt and disposition of any monetary bequests, gifts, grants, and donations, and the care of all College securities.
  - (9) To represent the Board before the County Commissioners 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.

- (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 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 receive and examine the audit of the College books and make such recommendations to the Boards as it may deem appropriate.
  - (13) At each meeting of the Board, the Finance Committee may submit a report of its activities since the last meeting of the Trustees, with such suggestions and recommendations as it shall deem expedient for the best interests of the College.
  - (14) The Finance Committee shall have such other functions, regular and special, as the Board may authorize.
- (d) The Personnel Committee shall consist of four members of the Board of Trustees, the College President as a non-voting member, and the Chairperson of the Board of Trustees who shall serve as an ex-officio member with voting privileges. The Board secretary shall serve as secretary. The Personnel Committee shall, subject to applicable standards of the State Board of Community Colleges, have the following regular functions:
- (1) To establish the guidelines and procedures for the Presidential evaluation process, including (1) designing and updating the evaluation instrument; (2) establishing time frames for the process, and (3) submitting required evaluation information to the North Carolina Community College System and State Board of Community Colleges.
  - (2) To function as an appeals board as pertaining to faculty, staff, and/or student grievances. Requests for hearings shall be made in writing to the Committee Chair stating the nature of the grievance. Such requests shall be made within 10 days after all administrative remedies have been exhausted. Findings and recommendations of the Personnel Committee shall be referred to the Board of Trustees for final action.
  - (3) At each meeting of the Board, the Personnel Committee may submit a report of its activities since the last meeting to the Trustees, with such suggestions and recommendations as it shall deem expedient for the best interests of the College.
  - (4) The Personnel Committee shall have such other functions, regular and special, as the Board may authorize.



- (e) The Policies and Procedures/Quality Assurance Committee shall consist of three members of the Board of Trustees, the College President as a non-voting member, and the Chairperson of the Board of Trustees who shall serve as an ex-officio member with voting privileges. The Board secretary shall serve as secretary. The Policies and Procedures/Quality Assurance 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 academic and student affairs policies and programs of the College.
  - (2) To receive, study, and recommend to the Board, with such modifications as it deems appropriate, the President's recommended curriculum, non-academic, and student services programs for meeting the educational and training needs of the community.
  - (3) To receive, study, and recommend to the Board, with such modifications as it deems appropriate, any special or unusual program requests recommended by the President.
  - (4) To receive, study, and recommend to the Board, with such modifications as it deems appropriate, the establishment of new programs in response to local and regional labor market needs and student demand.
  - (5) To recommend to the Board, with modifications as it deems appropriate, policies necessary to govern student behavior and any penalties for non-compliance.
  - (6) To recommend to the Board, with modifications as it deems appropriate, policies for managing loan default.

## **ARTICLE V. MEETINGS**

### **Section 1. Regular Board of Trustees Meetings**

Regular meetings of the Roanoke-Chowan Community College Board of Trustees shall be held at least six (6) times a year. The Board of Trustees shall determine a schedule of Regular Meetings at its first meeting after July 1 of each year.

### **Section 2. Other Meetings**

- (a) **Special Meetings:** The time, place, and specified purpose(s) of special meetings shall be established by the Chairperson or by the President. Public notice must be posted 48 hours prior to the date and time of special called meetings per N.C.G.S. 143-318.12(b)(2).

- (b) **Electronic Meetings:** The Board of Trustees may conduct a meeting by use of conference telephone or other electronic means per N.C.G.S. 143-318.13(a). The Board of Trustees shall provide a location and means whereby members of the public may listen to the Meeting, and the notice of the Meeting shall specify the time and location.
- (c) **Closed Session Meetings:** The Board of Trustees may meet in closed session, pursuant to N.C.G.S. 143-318.11(a).

### **Section 3. Notice of Meetings**

All members of the Board of Trustees and the President shall be notified 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. Public notice of any meeting of the Board shall be given as required by State law and Board policy.

### **Section 4. Quorum**

Seven voting members of the Board of Trustees in actual 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 of Trustees. A Trustee may participate by remote or electronic access following state law.

### **Section 5. Agenda**

- (a) The President of the College will provide the Chairperson with a list of those items to be presented to the Board of Trustees with their recommendations and copies of any documents to be presented as information or for action by the Board of Trustees shall be provided to all Trustees. The Chairperson shall receive agenda items from the President, Board members, and from all other sources at least forty-eight (48) hours prior to the meeting for which they were prepared.
- (b) In emergencies, the Chairperson, on the request of the President or members of the Board of Trustees, may add items to the agenda regardless of the date he/she receives such items.

### **Section 6. Parliamentary Rules**

The most recent edition of Roberts' Rules of Order shall be followed in conducting the meetings of the Board, unless otherwise provided by the Board.

## **ARTICLE VI. POLICIES**

### **Section 1. General Provisions**

By an affirmative vote of a majority of all the members of the Board of Trustees, the Board of Trustees may make or amend such policies as may be authorized by 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 to each member of the Board of Trustees and the President a copy of all current Trustees' by-laws and policies.

## **Section 3. Conflicting Authority**

In the event of conflict between these by-laws, the Corporate Charter, and the Laws of the State of North Carolina, the Laws of the State of North Carolina shall have primary precedence, and the Corporate Charter shall have penultimate precedence.

# **ARTICLE VII. MISSION STATEMENT**

## **Section 1. College Mission Statement**

Roanoke-Chowan Community College, a member of the North Carolina Community College System and located in Hertford County, is a public, two-year institution of higher education offering associate degrees, diplomas, certificates, college and career readiness, and customized business and industry training in a variety of delivery modes promoting public service, transfer, and workforce development for a diverse student body, leading them to contribute to the vitality of an increasingly global community.

## **Section 2. Review of College Mission Statement**

The Board will periodically review its mission statement, usually every three years, to make sure it is current, comprehensive, and accurately guides the institution's operations.

# **ARTICLE VIII. COLLEGE PRESIDENT**

## **Section 1. General Powers of the President**

The president shall be elected to hold office at the pleasure of the Board. The president is charged by the Board with the full responsibility and authority for the operation of the College pursuant to federal and state statutes, Board of Trustees Policies, and Administrative Procedures of the College. The president has the authority to employ and evaluate new full-time personnel.

## **Section 2. General Duties of the President**

The president shall report to the Board for information purposes the employment all full-time employees monthly. The president shall establish a table of organization for the College. The president shall prescribe the titles and assign the duties of all personnel in the College. Other specific duties of the president can be found in the president's job description.

## **Section 3. General Responsibilities of the President**

The president shall ensure that Roanoke-Chowan Community College complies with the accreditation process and standards of the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) and of other Roanoke-Chowan Community College programs that seek special accreditation.

The president shall keep the Board of Trustees informed of approved accrediting organizations and the status of accreditations. The president shall ensure that the Board of Trustees is involved in any accreditation process in which Board of Trustees participation is required. The president shall provide the Board of Trustees with a summary of any accreditation report and any actions taken or to be taken in response to recommendations in an accreditation report. The president shall appoint an accreditation liaison. The duties of the accreditation liaison are to:

1. Direct efforts related to reaffirmation, reporting substantive changes, and meeting other requirements to maintain compliance with the Principles of Accreditation.
2. Review board policies to maintain inclusion of SACSCOC standards and changes. (January)
3. Conduct monthly audits of Board of Trustee meeting minutes for compliance.
4. Meet with the Board of Trustees two times per semester to inform them of SACSCOC updates.
5. Maintaining effective communication between the institution and SACSCOC staff.
6. Manages the dissemination of information about SACSCOC policies and procedures to the College community.
7. Attend SACSCOC meetings/conferences and/or related accreditations activities.
8. Performs all other duties as assigned by the dean of institutional services and the college president.

## **ARTICLE IX. AMENDMENTS**

### **Section 1. Adoptions of Amendments**

Amendments to these bylaws may be proposed by any member of the Board of Trustees at any meeting of the Board and may be amended at the same meeting by a unanimous vote. The by-laws may be amended by a majority vote provided notice is given at the preceding meeting.

### **Section 2. Record of Amendments**

A record of amendments to these by-laws shall be maintained by the Secretary to the Board as a permanent and integral part of this document. Following any amendment to the by-laws, the Secretary to the Board shall file a copy of the previously existing by-laws for archival purposes and prepare a current copy reflecting the amendment. The by-laws shall be kept open and made available for public inspection.

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.

Adopted: 6.25.2024

Legal Reference: N.C.G.S. § 115D-14

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.

Adopted: 6.25.24

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

In accordance with N.C.G.S. §§ 14-234, 115D-26, 133-32 and Chapter 138A and in order to avoid conflicts of interest, the appearance of a 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.

**C. Reporting Requirements**

Any Board members or employees 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 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.

**E. Contracts with Non-Profits**

A Board member who is also a director, officer, or governing board member of a nonprofit organization will not (1) knowingly vote on, participate in deliberations on, or administer any contract with that nonprofit; (2) influence or attempt to influence the deliberation or vote of others on any such contract; or (3) solicit or receive any gift, reward, or other benefit in exchange for recommending, influencing, or attempting to influence the award of such contract in violation of G.S. 14-234.3. A Board member must notify the Chair of any potential conflict under this section and, if the Board votes on the matter, a Board member with a conflict under this section may not participate in the debate or vote on the matter. Once the Board member’s recusal is recorded in the minutes of the Board, the Board may approve the contract.

Any contract entered into in violation of this section is void.

**F. Appearance of a Conflict**

Board members and employees shall make every effort to avoid even the appearance of a conflict of interest. An appearance of conflict exists when a reasonable person may conclude from the circumstances that a Trustee or employee’s ability to protect the public interest, or perform public duties, is compromised by familial, personal, or financial interests. An appearance of conflict may exist even in the absence of a true conflict of interest.

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

Adopted: 6.25.24

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

Cross Reference: Policy 3.4.1 – Conflict of Interest (duplicate)



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, when otherwise determined necessary due to operational and/or management issues, or when in the College's best interest, 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 conditions (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 Board's policies.

Adopted: 6.25.2024

Legal Reference: N.C.G.S. § 115D-20

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.** Unless otherwise determined by the Board, the Board shall hold a regular meeting on the fourth Tuesday of each month, excluding July and December. The Board shall maintain a copy of the schedule for its regular meetings on its website and a hard copy shall be filed with the Board’s Secretary and shall be posted in a centralized location on campus. If the schedule is revised, the Board’s Secretary shall cause to have the website updated and revise the posted copy of the schedule as soon as possible. Any changes to the regular meeting schedule, except for the cancellation of a meeting, shall require seven (7) days’ notice before the day of the first meeting held under the revised schedule.

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.

Officer shall be elected at the Board’s annual meeting, which shall be the first meeting after July 1 of each year.

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. If there is a bulletin board with Board meeting schedules, the special called meeting notice must be posted there at least 48 hours prior to the special called meeting. If no bulletin board is used, the Board’s Secretary shall post the notice on the door of the Board’s meeting room at least 48 hours prior to the special called meeting. If, 48 hours prior to the meeting, the public

does not have access to either the bulletin board or interior door of the Board's meeting room because the building is closed (e.g., if the special called meeting occurs on Monday but the building is closed over the weekend), the Board's Secretary shall post the notice on the front of the exterior door to the building where the Board's meeting room is located.

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 notice shall also be posted on the College's website prior to the scheduled time of the meeting.

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

3. **Emergency Meeting.** In the event of an unexpected circumstance for which the Board's immediate consideration is required 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 minutes 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)(1)-(9) 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 minutes 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, unless otherwise overruled by a majority of Trustees present. 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 five (5) business days before the meeting. Each Board member will receive a copy of the proposed agenda four (4) 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.** Seven (7) voting members of the Board in actual attendance at meetings 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.

Adopted: 6.25.2024

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

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 College 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.

The attorney-client privilege may only be waived by an affirmative vote of a majority of the Board of Trustees. Any waiver of the attorney-client privilege shall be waived to the narrowest extent possible and only in respect to the specific subject matter for which the Board votes to waive the privilege.

Adopted: 6.25.2024

The attorney-client privilege as interpreted by the Courts of North Carolina and the United States of America represents a fundamental protection of the clients of the attorney such as Roanoke-Chowan Community College. The Board finds that best interests of the Board of Trustees and citizens of our service area can, in most cases, be best served by preserving the attorney-client privilege to the full extent possible. The attorney-client privilege may only be waived by the client. Roanoke-Chowan Community College does not want to waive the attorney-client privilege inadvertently or without careful deliberation and good reason. Roanoke-Chowan Community College recognizes that North Carolina Public Records Act and Open Meetings laws may require production from time to time of materials that could be subject to the attorney-client privilege. Roanoke-Chowan Community College wishes to comply with and abide by the provisions of the North Carolina Public Records Acts and the Open Meetings Laws and adopts this resolution for that purpose.

### **Waiver of the Board's Attorney Client Privilege**

Roanoke-Chowan Community College, staff, and Board Attorney shall follow the following policy regarding waiver of the Board's attorney-client privilege:

1. The Board's attorney-client privilege shall not be deemed waived absent an affirmative vote by a majority of the Board of Trustees to expressly waive the privilege made in open or closed session at a duly held meeting of the Board of Trustees.
2. Any waiver of the Board's attorney-client privilege pursuant to such a vote shall be deemed to waive the privilege to the narrowest extent possible and only with respect to the precise subject matter or information for which the privilege is expressly waived.
3. Disclosure of information subject to the attorney-client privilege by the Board's members, officials, employees, agents, independent contractors, or attorneys shall not be deemed a waiver of the Board's attorney-client privilege unless expressly waived in the manner required by this policy.
4. Disclosure of information subject to the attorney-client privilege pursuant to any act of the North Carolina General Assembly, including, but not limited to the Public Records Act and Open Meetings Laws, the United States Congress, or any other legislative or rulemaking body to which jurisdiction the Board is subject or pursuant to the order of any court of competent shall not be deemed a waiver of the attorney-client privilege.
5. The President, in consultation with the Board Attorney, or the Board Attorney may disclose any information when reasonably required to do so pursuant to the North Carolina Public Records Act or the North Carolina Open Meetings Law if the Board Attorney reasonably believes that doing so will not materially prejudice the Board in any ongoing or future litigation. Such a disclosure shall not be deemed to be a waiver of the Board's attorney-client privilege unless and until expressly waived in the manner required by this policy.
  - a. A copy of this policy may be introduced at any trial or other proceeding and may be used to support any objection by the Board to the consideration, introduction or admission of any information subject to the attorney-client privilege unless the party opposing the Board's objection proves that the privilege has been expressly waived in the manner required by this policy.
  - b. This policy applies retroactively to all prior disclosures of information subject to the attorney-client privilege by the Board's members, officials, employees, agents,

independent contractors, or attorney unless the privilege has been expressly waived in the manner required by this policy.

- c. This policy shall be construed so as to waive the Board's attorney-client privilege to the least extent possible.
- d. If any word, phrase, language, section, or other portions of this policy are held invalid by a court of competent jurisdiction, then all remaining words, phrases, language, sections or other portions of this policy shall remain in full force and effect.
- e. All other policies previously adopted by the Board which are inconsistent with this policy are hereby revoked.

**General Authority:** Adm. Code 2 (C) .0209

**Revised:** 08-07-90; 06-22-92; 02-22-05

**Editorial Changes:** 05-19-03; 11-30-23



**ROANOKE-CHOWAN  
COMMUNITY COLLEGE**      **BOARD OF TRUSTEES AND  
GOVERNANCE**      **POLICY  
1.8**  
**EXPECTATIONS OF TRUSTEES AND  
REMOVAL**

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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.

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, as defined in law and College Policy 3.4.1, 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.

**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 consecutively 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 give the member an opportunity to provide information on why the member has failed to meet either requirement.

- B. Upon notification from the State Board of Community Colleges that sufficient evidence exists that a member of the Board of Trustees is not discharging the duties of the office or is guilty of immoral or disreputable conduct, the Board shall meet to investigate the allegations provided by the State Board. The Board may request assistance from the Board's attorney or another professional to investigate the matter. The member in question shall be provided proper notice of any hearing in which the Board intends to consider the allegations and the member shall be given the opportunity to address the Board regarding the allegations. The hearing shall take place in open session and any decision by the Board shall be recorded in the minutes and made in open session. If the charges against the member are found to be true by a two-thirds vote of the members of the Board, the Board shall declare the office vacant.

The Board of Trustees may initiate its own investigation into a member's actions upon receipt of sufficient information 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.

Reference: N.C.G.S. §115D-19

Adopted: 6.25.2024

The purpose of the presidential evaluation is to improve the quality of Roanoke-Chowan Community College and the process of evaluation is intended to stimulate the leadership and productivity of the President. In addition, it is to enable the Board of Trustees to assess the performance of the President so as to:

- Close the gap between presidential authority and accountability,
- Ensure that the Board and the President concur on mutually agreed-upon goals toward which the College is moving,
- Identify strengths and weaknesses of the President and the College, and
- Define the scope and role of the office and the President's performance in it.

Evaluation of the President shall be conducted annually. The annual evaluation is to be completed prior to June of each fiscal year.

### **Process of Evaluation**

Prior to the month of June, the Personnel Committee of the Board of Trustees shall meet to review, revise, and discuss the evaluation instrument. The President shall have input on the revision of the evaluation instrument and shall receive a copy of the final instrument to be used for the rating period.

The President shall submit to the Personnel Committee college objectives for the coming fiscal year in conjunction with the yearly budget prior to June 30. These objectives shall become a part of, and attached to, the *Presidential Evaluation Form*.

It is required that each member of the Board perform an evaluation. Trustee evaluation of the President shall be a two-part process: (a) a self-evaluation done by the President and (b) an evaluation conducted by each Board member, using the *Presidential Evaluation Form*. Also, the comment section of the *Presidential Evaluation Form* may be used by both the Board members and the President to record any comments related to the ratings given.

After the completion of the evaluation instrument by Board members, the Board Chairperson, the Personnel Committee Chairperson, and the Board Secretary shall tally all ratings on a *Total Evaluation Results Form*. A meeting shall be held among the Board Chairperson, the Personnel Committee Chairperson, and the President to compare the self-evaluation ratings with the Board members' ratings. If there are differences which cannot be reconciled, the President may provide evidence to support his or her self-ratings.

During this meeting, the President shall be informed of agreed upon activities or a plan of action for progress and growth during the period between evaluations. The Board Chairperson, the Personnel Committee Chairperson, and the President shall sign the Board's *Total Evaluation Results Form* following the interview.

The Board Chairperson shall notify in writing the Chairperson of the State Board of Community Colleges prior to June 30 of each year that the evaluation of the President has been completed.

**General Authority:** Adm. Code 2(C) .0209

**Revised:** 08-07-90; 06-22-92; 02-22-05

**Editorial Changes:** 05-19-03; 11-30-23

The Board is committed to assessing its own performance as a Board in order to comply with the mandate of Standard 4.2g of the SACSCOC Principles of Accreditation which requires that the governing board defines and regularly evaluates its responsibilities and expectations (Board Self-Evaluation); ensure that the Board and its individual members are carrying out their roles/responsibilities in an effective and efficient manner; identify strengths and areas of improvement in the Board's functioning; evaluate its role in monitoring its fiduciary responsibilities as guardians of the public trust for the continued success of the college; evaluate the Board's relationship with the president and its ability to work together toward a common goal; and evaluate its performance on organizational leadership, setting and monitoring policy, improving community relations, and advocacy for the College and its students.

### Process of Evaluation

The Board shall select an instrument that assesses the following categories:

- Leadership
- Policy making and monitoring
- Fiduciary oversight
- Community relations
- Advocacy for the college
- President and board relationship

The Board Self-Evaluation period is to be completed annually before the president's evaluation. The Board Self-Evaluation timeline is as follows:

- March—Members to be given the instrument to complete before the April Board meeting
- April—Results tabulated
- May—Publicly discuss process and outcomes at the May Board meeting
- The result of the Self-Evaluation shape Board goals for the next academic year

**General Authority:** SACSCOC Principle of Accreditation: 4.2g

**Revised:** 09-04-19

**Editorial Changes:** 11-30-2023

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. All visitors to instructional areas must have the instructor's prior approval. Visitors unfamiliar with the campus should report to the College's information center.
- B. All visitors to laboratories, shops, or other potentially hazardous areas must be escorted by a College employee.

**II. Minor Children**

- A. Minor children are defined as children under the age of eighteen (18).
- B. Students and College employees are encouraged to make child care arrangements to reduce interruption of the educational process and avoid possible injury to a minor. Supervisors are responsible and accountable for ensuring that minor children on campus adhere to College policies and procedures. Should employees require time to resolve their childcare situation, they are required to leave work and use the appropriate leave.
- C. Minor children are allowed in offices on the campus for short, occasional visitations, when accompanied by a responsible adult. In addition, instructors have the discretion to make infrequent exceptions regarding the care of minor children due to temporary, unforeseen emergencies. In these cases, minor children must remain in the classroom under their parent/guardian's direct supervision and are not allowed to sit in the hallway or be unsupervised in other locations on campus.
- D. Minor children are not allowed on campus when the child has a contagious condition or is too ill to be sent to the regular childcare location or school. Minor children may not enter shops, labs or other hazards areas.

**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: 6.25.2024

When it becomes necessary to notify a student in a class, which is in session, that the student needs to address some immediate issue (i.e., family emergency, legal issue, safety issue, etc.), the following procedure should be used by any party, including security and law enforcement agencies, that needs to address the student.

The party seeking the student should go to the secretary's office in the department or program for the class the student is attending. The secretary should notify the department dean/chair of the issue, if he or she is available. If the department dean/chair is not available, the appropriate Vice President should be notified. If none of those individuals are available, the secretary may assume responsibility for the process.

The responsible party should go to the classroom, politely knock on the door, call the instructor into the hall and tell the instructor that the student needs to be excused from the class to deal with a critical issue. The instructor should call the student out of class and tell him/her that s/he needs to address the issue. If there is a safety issue or a legal issue, security may accompany the responsible party to the classroom but should remain in the background out of sight of the students in the classroom.

Every effort should be made to not embarrass the student. Also, any interruption or disruption of the class should be kept to a minimum. Once the student is out of class, all parties should return to the secretary's office and address any issues pertaining to the student in a private setting.

Adopted: 6.25.2024

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

Adopted: 6.25.2024

**I. Purpose**

To provide for an orderly evacuation of a College facility during an emergency, the following plan and operating procedures have been adopted.

**A. Evacuation and Emergency Escape Procedures**

In the event of an alarm sounding or other notice of evacuation, all persons including students, faculty, staff and visitors should leave the building by the closest available exit in an orderly manner. Emergency evacuation routes are posted in the facilities.

**B. Accountability for Students**

Faculty should take attendance at the beginning of each class so that all persons may be accounted for after an evacuation. The instructor should evacuate the class and bring the roster to account for all students. It is preferable that doors are closed but not locked, as classrooms are evacuated and the instructor ensures that the classroom is empty. The instructor should regroup the class at the evacuation site. Any student(s) unaccounted for should be reported to emergency response personnel immediately.

**C. Accountability for Employees**

Supervisors or designees should account for the employees in their immediate work area or department. Any employee(s) unaccounted for should be reported to emergency response personnel immediately. Since supervisors are responsible for accounting for employees, it is imperative that work groups reassemble in the designated evacuation site after evacuation.

**D. Evacuation Sites**

The primary evacuation site should be utilized when possible. However, an alternate site is designated in case the primary site is unsuitable due to smoke/wind conditions or other factors.

Building Name	Primary Evacuation Site	Alternate Evacuation Site
Jernigan Building	Front Lawn	Jernigan Building Auditorium
Freeman Building	Parking Lot B	Student Services Multi-purpose Room
Freeland Building	Parking Lot D2	Community Room
Davis Center	Parking Lot D4	Community Room
Young Building	Modlin Road	Student Services Multi-purpose Room



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Student Services Building	Parking Lot H	Student Services Multi-purpose Room
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**E. Rescue and Medical Duties**

Appropriate county emergency response personnel, including fire and rescue department personnel, shall perform rescue and medical duties. College employees are neither trained nor required to perform rescue and medical duties. Nothing in this Policy should be interpreted as restricting employees from providing first aid or rescue assistance on a volunteer basis.

**F. Evacuation of Persons with Disabilities**

In the event of a building evacuation for buildings with multiple floors, persons with mobility impairment who may be on an upper floor must use their own discretion to determine if using the elevator is more of a risk than waiting for rescue personnel to reach them. If person(s) with mobility impairment cannot access or chose not to access the elevator, they should go to designated area(s) located on each of the upper floors so that emergency personnel can access their location quicker. The locations of all designated areas shall be maintained in an emergency evacuation protocol and be readily available for emergency response personnel.

College faculty and staff cannot be required to lift or carry a person with a mobility impairment. This is not required as it is beyond the Office of Civil Rights' definition of "minor assistance" and is a "service(s) of a personal nature" which is not required by the American with Disabilities Act. This is not to imply that College employees are prohibited from offering this type of assistance during an emergency. If a person with mobility impairment does not utilize a wheelchair but could benefit from assistance during an evacuation, office or computer lab chairs with rollers are readily available in every building.

The College shall develop an emergency evacuation protocol for persons with disabilities and shall make sure that appropriate College personnel are trained based on the protocol requirements.

**G. Fire Drills and Mobility Impaired Individuals**

A person with mobility impairment may request advance notification of planned fire drills so that the individual can decide whether evacuation during the drill is advisable or would possibly pose a risk of injury. In this case, mandatory participation is not required for a person with mobility impairment. To request advance notification, the person with a documented mobility disability must notify the Disability Services Coordinator, who will provide the Campus Resource Officer with a list of such persons requesting advance notification, once the person has requested the early alert service. The Campus Resource Officer will notify the persons by telephone, in person, or by e-mail prior to the drill.

Adopted: 6.25.2024

**I. INTRODUCTION**

In order to be prepared for a bomb threat, the following procedures have been established to: determine how and by whom a bomb threat will be evaluated; establish a chain of command for bomb threat situations; describe the procedures to be followed if facilities are to be evacuated; assign responsibility for searching facilities; and provide updates to key administrative staff on appropriate responses to bomb threats.

**II. PROCEDURES**

**A. If a Bomb Threat is Received:**

1. If the bomb threat is received by anyone other than the switchboard operator, the individual should gather and record as much information as possible and then contact the security immediately. The security officer will immediately notify the President. If the President is not immediately available then the operator shall notify the Executive Vice President and if that person is not immediately available, then Vice President is to be notified. If none of the individuals in the chain of command are available, the switchboard operator shall call 911.
2. The President, or in his/her absence, the next available administrator, shall evaluate the threat and determine the appropriate action to be taken. The building(s) may be searched and/or evacuated, if necessary. The administrator in charge shall notify and issue instructions to the following personnel: security personnel; maintenance; and emergency services (911 dispatch).

**B. If Facilities are to be Evacuated:**

1. Evacuation notices will be announced by network email, telephone and messenger.
2. College employees shall assist in clearing the buildings of people and then exit themselves.
3. The switchboard operator and maintenance personnel will remain on campus and remain in radio contact with security.
4. Maintenance and/or custodial staff will assist emergency response personnel to search and clear buildings, if requested.
5. All students, and those employees not required to remain on campus, should evacuate the campus and remove their vehicles.
6. The President or administrator in charge shall determine when the College shall return to normal operations. Employees and students will receive an email blast when the College is set to reopen.

Adopted: 6.25.2024

In the event of a critical incident, individuals should use the following procedures:

1. To the extent possible, move to a safe location, contact 9–1–1 and provide as much information as possible (e.g., description of incident, person(s) involved, if you or others are injured). If able, also contact the College’s main switchboard or send out an e-mail to notify as many people as possible.
2. “Lockdown” classroom or office, turn out lights and move away from windows or doorways and take cover utilizing any solid objects that could offer protection.
3. If you have, or learn, more information, contact 9–1–1 or the College’s main switchboard (only make additional contacts if you have additional or updated information).
4. Keep calm and make sound decisions. Remain in lockdown until you receive notification from College officials or law enforcement that all is clear.
5. In the event the campus is being evacuated, consult Procedure 2.1.2.1 – Campus Evacuation Plan.

Adopted: 6.25.2024

The College is committed to providing students, faculty and staff a safe and healthy work environment. As required by federal and state laws and regulations, the College's written Hazard Communication Program and Chemical Hygiene Plan shall be available to all employees, their designated representatives, and local, state and federal occupational safety and health authorities.

A written copy of the written Hazard Communication Program and the Chemical Hygiene Plan, as well as an inventory of all chemicals on campus, and the safety data sheets for those chemicals, are located in the Office of the Security.

In complying with OSHA's Hazard Communications Standard, the College shall, among other things:

1. Develop a list of chemicals maintained on campus;
2. Label all containers that contain hazardous materials;
3. Keep Material Safety Data Sheets ("MSDS") and Safety Data Sheets ("SDS") on file and available on request; and
4. Implement a training program to ensure that all employees are familiar with the hazardous materials on campus.

In addition, the College shall not accept any donations of hazardous materials or chemicals. All hazardous materials and chemicals purchased by the College must be labeled with the following information:

1. Identity of the hazardous material/chemical;
2. Appropriate hazard warning; and
3. Name and address of the manufacturer, importer or other responsible party.

Adopted: 6.25.2024

Legal Citation: 29 CFR 1910.1200 and 29 CFR 1910 Subpart Z

Safety procedures shall always be enforced, especially in shop and laboratory facilities. The following guidelines shall be followed:

1. Course instructors shall always point out hazards in advance. This instruction shall be done as part of the regular teaching program with special emphasis placed on preventative approaches to hazards.
2. Instructors must always be present when shops and laboratories are being used.
3. For medical issues and reporting accidents, consult Policy 2.1.5 – Campus Medical Emergencies.
4. Instructors and students shall wear industrial quality eye protective devices during instruction involving any of the following conditions or activities:
  - a. Hot solids, liquids or molten metals.
  - b. Milling, sawing, turning, shaping, cutting or stamping of any solid materials.
  - c. Heat treatment, tempering or kiln firing of any metal or material.
  - d. Gas or electric arc welding.
  - e. Repair or service of any vehicle.
  - f. Caustic or explosive chemicals or materials.
5. The President may adopt other procedures consistent with this Policy.

Adopted: 6.25.2024

**I. Emergency Medical Assistance**

- A. The College has no facilities for medical treatment of employees or students. However, the College will have medical first aid kits located in each campus building.
- B. In the event of an emergency, College personnel and/or individuals present will contact emergency services by dialing 9-1-1 and request first responder services in the event of a medical emergency.
- C. All accidents involving College employees are to be reported to the executive director of human resources (“Administrator”) within one (1) business day. All accident report forms must be completed within two (2) business days.
- D. Students who are covered under student accident insurance should notify the dean of student services within one (1) business day. If the accident occurs in a classroom or lab, the appropriate employee should complete the College’s Student Accident Report Form. The Administrator will assist the student in making a claim to the insurance company. Students are also encouraged to report any acute medical conditions to the Registrar’s Office and to their instructors.
- E. If emergency medical services are required off campus, i.e., firing range, defensive driving course, etc., established emergency medical procedures for that location should be followed in conjunction with the aforementioned procedures.
- F. The following procedures should be followed if an accident occurs involving a College vehicle:
  - 1. Dial 9-1-1 if emergency services or an ambulance is needed;
  - 2. Contact the appropriate law enforcement agency to obtain a report;
  - 3. Obtain as much information as possible from any other parties involved in the accident; and
  - 4. Contact the Director of Public Safety.

Adopted: 6.25.2024

**I. PANDEMIC HEALTH EVENTS**

The College is committed to preparing for and responding to any public health outbreaks and/or epidemics that are uncontained and pandemic in nature. The College wishes to minimize the impact of a pandemic health event on students, faculty and staff by working with local, regional, state and national health officials.

To do this, College employees will strive to: (a) protect the health of students, faculty, staff and visitors on the College campus and extension sites; (b) communicate with the College community and the public during the duration of a pandemic event; (c) sustain necessary College operations and services as long as it is reasonable and safe to continue to do so; and (d) prevent the spread of the pandemic event within the College's facilities.

**II. OPERATION ASSUMPTIONS**

The following assumptions are made for purposes of this Policy:

- A. The Center for Disease Control; branches, divisions, or offices of the United States or North Carolina governments; or the local county health department has declared a pandemic health event.
- B. A declared pandemic health event results in travel restrictions, quarantine areas, school closures and public events/activities cancellations.
- C. The College will work with local authorities to coordinate locally-based response plans.
- D. It is reasonably expected that a pandemic outbreak may result in the closing of all College facilities for a period of time.

**III. PANDEMIC EVENT COORDINATOR**

The Director of Facilities will serve as the Pandemic Event Coordinator ("Coordinator"). The Coordinator will be responsible for the following:

- A. Coordinating all planning efforts.
- B. Organizing the Pandemic Event Response Team, scheduling its meetings and evaluating its performance.
- C. Reviewing and updating the pandemic event procedures with the Pandemic Response Team.
- D. Identifying and procuring resources for responding to a pandemic event.
- E. Monitoring pandemic status with local, state and national health agencies.



#### **IV. PANDEMIC EVENT RESPONSE TEAM**

The Coordinator will serve as the leader of the College's Pandemic Event Response Team ("Team"). The Team membership is as follows:

- Campus Safety & Security
- President of the College
- VP of Administration and Fiscal Services
- EVP of Instruction and Student Services
- VP Workforce and Institutional Advancement

#### **V. COMMUNICATIONS**

##### **A. COMMUNICATIONS TO THE PUBLIC**

1. The College's public relation's officer ("Spokesperson") will serve as the lead spokesperson for the College communicating with the media. The President will serve as alternate spokespersons and will coordinate all public communications with the College's Spokesperson. All other College employees should not attempt to speak for the College.
2. The College will utilize the notification procedures for a schedule interruption as outlined in Policy 2.1.11 and with direct contact to local daily newspapers. This will distribute information by area radio and television, daily newspaper, automated telephone attendant, and the College's website. Website information will include College plans and, if available, links to local, state, and federal agencies to help create awareness and educate people on the pandemic event, prevention strategies and general information for the public good.
3. The College's Spokesperson will conduct media briefings and issue news releases as necessary.

##### **B. COMMUNICATIONS TO EMPLOYEES**

1. The Spokesperson will communicate with employees by email, voicemail and the College's website. Timely information and updates will be sent and posted as available. Information on where to find up-to-date and reliable information about the pandemic event will be distributed when known.
2. The Human Resources Director and Spokesperson will communicate with employees about healthcare services and the need to maintain personal healthcare.

3. The Human Resources Director will contact employees about accounting for absences, leaves, compensation and any other personnel issues related to disruptions resulting from a pandemic health event.

### **C. COMMUNICATIONS TO STUDENTS**

1. The Spokesperson will communicate with students by student email, the College's website and the automated telephone attendant. Communications will include information about the pandemic health event, changes in course delivery, schedule changes, College closing/re-opening information and other information as needed.
2. The Spokesperson will distribute to students information from public health officials that might prevent or impact an outbreak of a pandemic health event.

## **VI. PREVENTION**

Upon notification that the potential outbreak of a pandemic health event is occurring within the United States, the Coordinator will immediately assemble the Team. The Team will review procedures, assign responsibilities and schedule the following actions:

- A. Set up prominent notices at all building entrances to instruct employees, students, and visitors not to enter campus buildings if they have any symptoms of the pandemic health event.
- B. Post informational notices around campus (building entrances, notice boards, conference rooms, and restrooms) to educate how to stop the spread of the pandemic health event through personal hygiene practices. Notices will include information concerning hand hygiene, covering coughs and sneezes, and appropriate student/employee spacing.
- C. Instruct housekeeping to obtain adequate supplies of tissues, hand sanitizing gels, disinfectant soaps, and disinfectant cleaning supplies.
- D. Distribute to all employees and students a pandemic health event fact sheet containing information regarding stopping the spread of the event and performing effective individual spacing.
- E. Instruct all shared work areas (desktops, tables, door knobs, stair rails, etc.) be cleaned with a disinfectant at least daily, and preferably more than once daily.
- F. Determine the impact of the pandemic health event on the number of plant operations staff available and alternative methods to sanitize the campus.
- G. Implement other appropriate actions required by the federal, State or local government.

Adopted: 6.25.2024

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.

Adopted: 6.25.2024

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

Cross Reference: Policy 3.4.3 – Weapons on Campus

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**

Unless specifically permitted by the College pursuant to Policy 2.2.5, 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**

Unless specifically permitted by the College pursuant to Policy 2.2.5, 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: 6.25.2024

## 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 Instruction and 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 Instruction and 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 Instruction and Student Services for inspection.

Adopted: 6.25.2024

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 – Campus Security Reporting Act – Clery Act



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 sworn officer/security 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 instruction and student services as soon as possible if a student is involved.

Adopted: 6.25.2024

## **I.      COMMUNICABLE DISEASE**

Communicable diseases, those that have serious effects on human health, can pose a threat to the College community. The College will take all reasonable measures to ensure the safety of members of the College community during global and local infectious disease events. “Communicable disease” is defined as an illness due to a specific infectious agent or its toxic products that arises through transmission of that agent or its products from an infected person, animal, or reservoir to a susceptible host, either directly, or indirectly through an intermediate plant or animal host, vector, or the inanimate environment. Examples of communicable disease include, but are not limited to, acquired immunodeficiency syndrome (AIDS), chicken pox, hepatitis, measles, tuberculosis, meningitis, mononucleosis, whooping cough, coronavirus, and other viral diseases that reach a pandemic level, and for purposes of this Policy only, those communicable diseases which constitute a disability pursuant to the Americans with Disabilities Act.

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 student or employee as having a communicable disease shall be strictly confidential and shall not be shared or disclosed to others without express permission from the student or employee.
2. Disclosure of medical information shall be made by the President, or his/her designee, 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 confidential student or personnel 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, 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, including AIDS.

#### **B. Immunizations<sup>1</sup>**

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<sup>2</sup>. 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.

The immunizations listed here are not meant to supersede more restrictive requirements for employment or participation in a specific College program or class, such as childcare, classes that lead to a medical degree or certificate, or clinical programs.

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<sup>1</sup> Optional Section

<sup>2</sup> May expand list of communicable disease

**C. Public Health Incidents**

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 or epidemic 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 testing and 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 Dean of Student Services 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.

**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: Amended February 2019; July 2021  
Legal Reference: 29 CFR §1910.1030; 10A NCAC 41A; 10A NC Administrative Code  
41A .0202 (4) (HIV) and 41A .0203(b)(3) (HBV); 1C SBCCC 200.94  
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 the necessary steps 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. Payroll deduction for time lost.

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

**B. LOSS OF INSTRUCTIONAL TIME**

Coursework for missed academic classes due to inclement weather or an emergency closing will be made-up in one of the following ways:

1. Rescheduling the course at a time convenient for the faculty and students;
2. Documenting make-up through the use of an alternate assignment; or
3. Altering or extending the semester calendar.
4. Clinical classes: Any clinical time missed due to inclement weather must be made up in order to meet the requirements of the various accrediting boards. The Dean of College Transfer and Health Sciences, Director of Allied Health, and Director of Nursing (for nursing and EMS) will work with the clinical agencies to reschedule any missed clinical time and submit a report to the Academic Affairs.

**C. CANCELLATION OR RESCHEDULING OF ORGANIZATIONAL ACTIVITIES**

When the College is officially closed, other groups or organizations meeting or working on campus will keep the same hours as the College faculty and staff. Cancellation or rescheduling of public performances held on campus for which tickets are pre-sold will be announced separately.

Adopted: 6.25.2024

Cross Reference: Policy 3.2.11



Every effort will be made to make announcements regarding adverse weather/emergency closings as early as possible. Decisions impacting day classes will be made by 6:00 a.m. or earlier if possible. Decisions about evening classes will be made by 2:00 p.m.

Early College (“EC”) students should follow the county/city schools’ schedule. However, if the College is open, EC students should make every effort to attend their College classes.

Announcements regarding closures, or delayed schedules, will be posted on the College’s website and on the following list of television/radio stations:

**Television** - WITN TV 7 (Washington); WAVY TV 10 (Virginia)

**Radio** – 98.3 FM and 99.3 FM or 970 AM

Several of these television/radio stations do not allow options to include situations that may occur, such as late openings and optional workdays for employees. Therefore, the College weather hotline will be utilized for all weather announcements. The College’s hotline number is (252)862-1200. Please call the number for additional information.

Adopted: 6.25.2024

Cross Reference: Procedure 3.2.11.1

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 or is a student.

Registered sex offenders are prohibited from entering College buildings, or sections of buildings, intended primarily for the teaching, use, or supervision of minors. The President may designate which buildings, or sections of buildings, are intended for the teaching, use or supervision of minors (i.e. day cares, early college).

Adopted: 6.25.2024

Amended: July 2021

Legal Reference: P.L. 106-386

**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 student and employees. Visitors, contractors and vendors 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: 6.25.2024

Legal Reference: N.C.G.S. § 115D-20.1

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 security officer.
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: 6.25.2024

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 matter. 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 Board hereby delegates to the President to develop procedures and a fee schedule to be used by parties who want to utilize the College's facilities.

Adopted: 6.25.2024

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>Fees</b>	<b>Equipment/Furniture Set-up</b>
<b>Classroom space</b>	<b>\$50/hour</b>	
<b>Multipurpose Room (GYM)</b>	<b>\$100/hour</b>	<b>\$100.00</b>
<b>Auditorium</b>	<b>\$75/hour</b>	<b>\$25.00</b>
<b>Community Room (Freeland 140)</b>	<b>\$75/hour</b>	<b>\$50.00</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>Fees</b>	
<b>Security (required for all events)</b>	<b>\$25/hour</b>	<b>*per officer</b>
<b>Custodial Staff (present during event)</b>	<b>\$15/hour</b>	<b>*per staff member</b>
<b>Custodial Clean-up</b>	<b>\$100</b>	
<b>Sound System</b>	<b>\$75</b>	
<b>Projector</b>	<b>\$50</b>	
<b>Projector Screen</b>	<b>\$50</b>	
<b>Laptop</b>	<b>\$50</b>	
<b>Presentation Clicker</b>	<b>\$25</b>	
<b>Presentation Station &amp; Projector</b>	<b>\$50</b>	

Adopted: 6.25.2024

Amended:

- 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.
1. 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.
  2. 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: 6.25.2024

Amended:

- A. **Use of Alcoholic Beverages Approval Required.** Alcoholic beverages may be permitted in College buildings or on College grounds only under special approval by the Board of Trustees provided, however, that student groups are never allowed to have alcoholic beverages on campus for any 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 facility.
  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: 6.25.2024

**I. Scheduling Facilities**

The President is authorized to develop procedures for scheduling College facilities for classroom and laboratory space for instructional purposes and rooms/facilities for non-instructional purposes.

**II. Keys to Facilities**

The President, Vice Presidents, Maintenance Supervisors and security personnel will be issued master keys for all facilities on the campus. Other employees will be issued keys, as needed, for individual offices, shops, classrooms, storage areas and laboratories.

No keys may be duplicated without prior written permission from the vice president of administrative and fiscal services. If an individual loses their key, s/he must immediately report the lost key to the facilities director. When an employee is leaving College employment, all keys must be returned in order to complete the employee's exit procedure.

Adopted: 6.25.2024

The College is committed to providing a sustainable workplace by reducing, reusing and recycling resources, and adopting sound institutional energy and water conservation practices to enhance the long-term well-being of the College.

The President shall develop procedures to implement this Policy.

Adopted: 6.25.2024

All plantings on the College's campuses shall be:

- A. Ecologically appropriate and reflect the College's desire to be a thoughtful steward of the natural resources under its protection;
- B. Regionally adapted and suitable for landscape microclimates, pest pressures and the soils of the campus;

Adopted: 6.25.2024



For equipment where ENERGY STAR® certification is available, the College will make procuring ENERGY STAR® rated products a priority if the additional cost is less than or equal to the resulting energy savings in a reasonable time. All purchased items must meet all North Carolina State Procurement Guidelines.

Adopted: 6.25.2024

The College is committed to responsible energy and water management in support of its sustainability Policy. Faculty, staff and students are encouraged to play a role in promoting efficient, reduced energy and water use. The College community will strive to make office spaces, classrooms and shared spaces more energy and water efficient. In working towards this goal, individuals are encouraged to use the following procedures:

- A. Use common-sense energy saving measures such as turning off lights and equipment when leaving a room.
- B. Follow Procedure 2.2.7.2 - Energy Star Certified Products when purchasing appliances, computer equipment and devices.
- C. Equipment should be set on energy saving settings such as “sleep mode” when not in use.
- D. All plug-in devices, such as printers and scanners, are to be turned off when not in use. Use of personal printers and other devices is prohibited (this excludes lap-tops used for educational purposes).
- E. Close windows and exterior doors to prevent loss of conditioned/heated air.
- F. Use energy-saving technologies (e.g., “smart” energy strips, timers, sensors) whenever possible.
- G. College maintenance is responsible for setting thermostats for all buildings. If your room or office is not comfortable, send in a maintenance request (recommended temperature setting is 70-76 degrees);
- H. In cold weather, open drapes or blinds to let in sun and close them at night. In warm weather, close drapes or blinds during the day and open them at night;
- I. Place a maintenance request for any leaky faucets or toilets. Students should make reports to their instructor or advisor who then in turn will place a maintenance request.
- J. Be proactive by submitting your ideas to the College administrators. When you see energy inefficiencies around you, contact the College administration to see how the problem can best be addressed.
- K. Carpooling, and biking is strongly encouraged along with driving fuel efficient and low emissions vehicles.
- L. Recycle, re-use, rethink, repair is encouraged.

- M. Make use of electronic media rather than printing.
- N. Help your coworkers to be more energy efficient.
- O. Remove bulbs in areas where overhead lighting is excessive.
- P. Set hot water temperatures at the minimum required.
- Q. When driving College vehicles, do not sit and idle while waiting for the driver/passenger.

Adopted: 6.25.2024

Maintenance work requests are to be submitted by employees in ServiceNow. If there is a budget expenditure involved or reason why the request cannot be handled expeditiously, the Director of Facilities will notify the appropriate employee.

Adopted: 6.25.2024

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## 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 or 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 (requesting a bit of guidance here for removal...I know we can't specify exact length and each case will be different but it would be nice to have some policy wording for back-up) 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: 6.25.2024

Amended: May 2018

**I. Standards for Participation in Construction Contracts**

All contracts formally or informally bid will be awarded to the lowest responsible, responsive bidder taking into consideration quality, performance, reliability and the time specified in the bids for performance of the contract. Prior to bidding, contractors may be required to prequalify. For all contracts valued at \$1,000 or more, the Board will ensure that each bidder it is not a restricted company identified on the state treasurer's list per N.C.G.S. § 147, Articles 6G and 6E (see Policy 6.3.12 – Companies that Boycott Israel and Iran Divestment List).

The Board may request bids for contracts to build using the following construction delivery methods: single prime, multi-prime, construction management at-risk, dual bidding, design build, design-build bridging and public-private partnership methods permitted by law.

**II. Bidding Methods****A. Formal Bidding Range (\$500,000 and greater)**

All construction and repair work requiring the estimated expenditure of \$500,000 or more will be advertised for bid and awarded using the formal bidding requirements pursuant to N.C.G.S. 143-129. Dividing contracts to lower the expenditure amounts to evade formal bidding requirements is prohibited. The Board authorizes the use of newspaper advertisement, electronic advertisement or both for formal bids; however, the President is authorized to determine which method will be used for a specific purchase or categories of purchases. Unless otherwise exempted, the President shall comply with all State Construction Office bidding requirements and shall receive approval from the State Board of Community Colleges before beginning any construction and repair work under this section.

**B. Informal Bidding Range (\$30,000 to \$500,000)**

Informal bids will be obtained for construction and repair contracts below \$500,000. The College will make a reasonable effort to obtain three (3) quotes. Quotations from contractors may be solicited by telephone, email and fax. A record must be kept of all bids received. For telephone quotes, a written log sheet will be completed by the person receiving the quote. Unless otherwise exempted, the President shall receive approval from the State Board of Community Colleges before beginning any construction and repair work under this section if the repair work is supported in part or in total by state funds.

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<sup>1</sup> Several community college have asked about open-ended contractors for small projects. This is an option; but, the limit must be less than \$30,000 per project. Otherwise, the selection must go through informal bidding.

The President may use the informal bidding method or solicit bid proposals and enter into Annual Service Agreements with contractors for a term of no more than two years in the following categories: a) roofing; b) HVAC; c) plumbing; and d) electrical. Annual Service Agreements are only applicable for projects costing less than \$30,000 and the College cannot divide projects to evade the bidding requirements.

The President is authorized by the Board to enter into such contracts within the price limitation. The contract must be reviewed by the Board's attorney and meet all applicable laws and Board policies.

### **III. Bonds for Construction Projects**

#### **A. Bid Bond**

For all projects in the formal bidding range, no proposal for construction or repair work may be considered or accepted by the Board unless at the time of its filing, the bid is accompanied by a deposit with the Board of cash, a cashier's check or a certified check on some bank or trust company insured by the Federal Deposit Insurance Corporation in an amount equal to not less than five percent (5%) of the bid. In lieu of making the cash deposit, a bidder may file a bid bond executed by a corporate surety licensed under the laws of North Carolina to execute such bonds, conditioned that the surety will, upon demand, make payment to the obligee upon said bond if the bidder fails to execute the contract in accordance with the bid bond. This deposit shall be retained if the successful bidder fails to execute the contract within ten (10) days after the award or fails to give satisfactory surety.

#### **B. Performance and Payment Bonds**

For all construction and repair contracts within the financial limits specified in N.C.G.S. 44A-26(a), the Board requires from all contractors or construction manager at risk a performance and payment bond for the entire value of the project.

### **IV. Participation by Women and Minority-Owned Businesses**

The Board will make a good faith effort to reach the State of North Carolina's verifiable percentage goal of ten percent (10%) participation in construction contracts by minority and female-owned businesses.

### **V. Authorization to Enter Construction Contracts**

The Board hereby delegates to the President the authority to enter into all construction and repair contracts in the informal bidding range that are not supported by State funds. At the next regularly scheduled Board meeting, the President will, as information items, update the Board regarding all contracts executed under this section. All State Construction documents and requirements will be used for informal contracts.

All construction and repair contracts in the formal bidding range must be approved by the Board. All construction and repair contracts in the informal bidding range that are supported in whole or in part by State funds must be approved by the Board. All State Construction documents and requirements will be used for formal contracts.

**VI. Change Order Authorization**

After a contract for construction or repair work has been awarded, the need may arise to amend the terms, conditions or specifications of the contract by a change order. Change orders may not be used or divided to evade bidding requirements.

**A. Change Orders Approved by the President**

Unless otherwise prohibited by statute or regulation, the President is authorized to approve change orders involving additive or deductive sums up to 10% so long as funding for the change order is available within the established project budget.

At the next regularly scheduled Board meeting, the President shall report to the Board all change orders that were approved by the President including those that do not impact the contract amount. The report will include the following information: (1) the contractor's name; (2) the project name; (3) a brief description of the change; (4) the contract amount, including amount(s) of any prior changes; and (5) the change order amount. The President is not required to report any proposed change order that was denied by the President.

**B. Change Orders Approved by the Board**

Change orders that involve amounts over the limit specified above or are more than the remaining funds in the project budget require Board approval. The President shall present all such proposed change orders that are recommended for approval to the Board at a Board meeting. The President is not required to present to the Board any change order not recommended for approval.

If, in the President's opinion, a change order requires expedited review, the President shall notify the Board Chair who will decide whether a special meeting must be called to address the proposed change order before the next Board meeting.

Adopted: 6.25.2024

Amended: May 2018

Legal Reference: N.C.G.S. §§ 44A-26; 143-128, -128.3 and -128.3; -128.4, -129; -133.3, -135.26; 147- Articles 6C and 6G; State Construction Manual

The Board may, with the prior approval of the North Carolina Community Colleges System Office, convey a right-of-way or easement for highway construction or for utility installations or modifications. When, in the Board's opinion, the use of any other real property owned or held by the Board is unnecessary or undesirable for the purposes of the College, the Board, subject to prior approval of the State Board of Community Colleges, may sell or dispose of the property. For purposes of this Policy, "dispose" means "lease, exchange or demolish". The Board may dispose of any personal property owned or held by the Board without approval of the State Board of Community Colleges. Personal property titled to the State Board of Community Colleges consistent with N.C.G.S. §§ 115D-14 and -58.5 may be transferred to another community college at no cost and without the approval of the Department of Administration, Division of Surplus Property.

Article 12 of Chapter 160A of the General Statutes shall apply to the disposal or sale of any real or personal property. Personal property also may be disposed of under procedures adopted by the North Carolina Department of Administration.

The proceeds of any sale or lease shall be used for capital outlay purposes, except, if real or personal property is donated to the College to support a specific educational purpose, the Board may use the proceeds from the sale or lease of the property according to the terms of the donation.

Adopted: 6.25.2024

Legal Reference: N.C.G.S. § 115D-15; N.C.G.S. Ch. 160A, Art. 12.

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: 6.25.2024

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

The College shall maintain an ongoing planning process. At a minimum, the College's 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.

Legal Citation: 1B SBCCC 400.2  
Adopted: 6.25.2024

The College follows 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's Administrative Council uses 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: 6.25.2024



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: 6.25.2024

- 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. 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.

Adopted: 6.25.2024

**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.<sup>1</sup>
- B. The speed limit on any College street, road, or alley shall be the maximum of 10 miles per hour.
- C. While on the College campus, all drivers shall comply with the Campus Security 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.
- D. 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.
- E. 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).
- F. 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.
- G. Temporary Parking Permits. Visitors – Visitors and clients doing business with the College may obtain a temporary parking permit. This permit is not valid for College employees or students. 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

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<sup>1</sup> The College may impose specific ordinances for driving on campus. This policy simplifies the process by adopting the statutory moving violations. Any rules, regulations or ordinances adopted in regard to the streets or roads on campus must be filed with the NC Secretary of State's Office. The Board of Trustees may also set the speed limit on campus.

placard to park in designated handicapped spaces.

## **II. Specific Provisions**

- A. Campus Resource Officers shall have the authority to issue citations for all moving violations and handicapped parking violations. For a complete list of all moving violations, see Chapter 20 of the North Carolina General Statutes. Such moving violations include, but are not limited to:
1. Reckless driving.
  2. Driving faster than the posted speed limit.
  3. Failure to obey traffic signs.
  4. Failure to yield right-of-way at pedestrian crossings.
  5. Following too closely.
  6. Driving while impaired or driving under the influence of alcohol or drugs.
  7. Failure to yield to emergency vehicles.
  8. Operating a vehicle that creates a safety hazard.
  9. Parking in a designated handicapped space without the proper license plate or placard.
- B. Campus Resource Officers and other College personnel authorized by the President shall have the authority to issue parking citations for violations including, but not limited to:
1. Parking in a restricted parking lot or zone.
  2. Parking on grass (unless a sign indicates permission).
  3. Blocking any legally parked vehicle.
  4. Affixing a parking decal to a vehicle other than that for which it was issued.
  5. Parking against traffic flow.
  6. Blocking or obstructing traffic, street, crosswalk, sidewalk, fire hydrant, building entrance or exit.
  7. Parking where protruding into a lane of traffic.
  8. Double parking.
  9. Parking on shoulder of road (unless a sign indicates permission)
  10. Failure of two-wheeled vehicles to park in designated areas.
  11. Parking a vehicle in any manner that creates a safety hazard.
  12. Leaving a vehicle on campus overnight without having prior permission and notifying Campus Resource Officers.

## **III. Citations**

The following system of citations shall be used.

- A. Moving and Handicapped Violations (Section II(A))

1. Campus Resource Officers have the legal authority to issue citations for all moving violations and handicapped parking violations. Citations shall carry a penalty or fine as set forth in Chapter 20 or Chapter 14 of the North Carolina General Statutes; if no fine or penalty is specified in statute, the fine shall be no more than one hundred dollars (\$100.00).
2. The Campus Resource Officer issuing the citation will advise the violator of the scheduled court date and procedure for payment of the fine.
3. In addition, employees and students are subject to disciplinary action pursuant to Board policy.

B. Parking Violations (Section II(B))

1. The first parking violation shall result in a citation placed on the vehicle and a five-dollar (\$5.00) fine per offense<sup>2</sup>. The fine must be paid within thirty (30) calendar days or the violator will lose his/her parking privileges until the fine is paid.
2. A second parking violation shall result in a citation placed on the vehicle and a five-dollar (\$5.00) fine per offense<sup>3</sup>. The fine must be paid within thirty (30) calendar days or the violator will lose his/her parking privileges until the fine is paid. Also, the violator will receive a follow-up letter that should s/he receive another parking citation, s/he will lose his/her parking privileges on campus for the remainder of the academic year.
3. A third parking violation will result in the vehicle's towing and loss of parking privileges on campus for the remainder of the academic year.
4. During the first two (2) class days of each semester, warning citations shall be issued for improper parking. Beginning with the third-class day, the rules outlined herein shall be enforced.
5. Student registration for new/additional courses or release of transcripts will be blocked until all parking tickets have been paid.
6. In addition, employees and students are subject to disciplinary action pursuant to Board policy.
7. All abandoned vehicles and vehicles blocking a drive, obstructing the flow of traffic, creating a safety hazard, parked in a fire lane, loading zone, or designated tow-away zone or for third parking offense violation are subject to tow-away or immobilization by a restraining device at the full expense of the owner.

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<sup>2</sup> G.S. 115D-21(c) permits up to \$25 per offense.

<sup>3</sup> G.S. 115D-21(c) permits up to \$25 per offense.

8. All proceeds of civil penalties collected shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with N.C.G.S. § 115C-457.2.

#### **IV. Appeal**

Individuals receiving a citation pursuant to Section II(B) may appeal in writing to the vice president of administrative and fiscal services within ten (10) calendar days of receipt of the citation. The vice president of administrative and fiscal services will review the matter and his/her decision shall be final.

Adopted: 6.25.2024

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 free expression, distribution of material and assembly.

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

Adopted: 6.25.2024

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: 6.25.2024



- 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 of 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 and does not discriminate in its educational programming.
- 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: 6.25.2024

- 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: 6.25.2024

- 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, or the President's designee. The seal may be used on publications and advertisements only by the President's expressed permission. The President or President's designee shall keep in custody the College Seal and shall authenticate true copies of decisions, acts, or documents where official signature are required by law.

Adopted: 6.25.2024

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: 6.25.2024

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**

The College’s overall records custodian is the executive assistant to the president and inquiries regarding the College’s records should be directed to this office; however, inquiries regarding student records should first be made to the Vice President for Instruction and Student Services and inquiries regarding personnel records should first be made to the Executive Director of Human Resources. For clarification as to electronic records, see Policy 7.3 – Electronic Records Retention.

**IV. 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.

**V. RECORD DISPOSITION**

Records may only be disposed of in accordance with the Schedule. Prior to the disposition of any record or record group after the applicable retention period, the records custodian will create and maintain a destruction log.

The President is authorized to adopt appropriate procedures to implement this policy.

Adopted: 6.25.2024

Legal Reference: N.C.G.S. §§ 121-5; 132-1 *et seq*;

Retention Schedule: <https://archives.ncdcr.gov/documents/colleges-north-carolina-community-college-system-retention-and-disposition-schedule>

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: 6.25.2024

The President shall establish procedures for all information and news events which are to be presented to the news media and general public, and shall designate a person or persons to be responsible for the preparation and dissemination of such materials.

Adopted: 6.25.2024



The Board of Trustees is authorized to do all the things necessary and proper to organize and operate the College consistent with G.S. 115D and the policies of the State Board of Community Colleges. The Board of Trustees of Roanoke-Chowan Community College shall make and approve policy. The President is responsible for the administration of the college and to administer and implement Board policy. The Board of Trustees of Roanoke-Chowan Community College delegates to the President the authority and responsibility to establish the internal organization for the proper operation and management of the College, and further authorizes the President to make changes in the internal organization as is deemed necessary for the good of the College.

**General Authority:**

**Revised:** 09-29-81; 06-19-00; 01-28-20

**Editorial Changes:** 12-01-23

The Board, upon recommendation of the President, shall employ or retain legal counsel or legal advisory, consultants, architects, and other professional advisory personnel.

**General Authority:**

**Revised:** 09-29-81; 06-19-00

**Editorial Changes:**

All personnel at Roanoke-Chowan Community College serve at the pleasure of the President, subject to contractual obligations. The duties and titles of employees are assigned by the President and may be changed as deemed necessary. It is the responsibility of all college personnel to carry out the duties assigned in their job descriptions, as well as any other duty assigned by the President or their supervisor, and to promote the College and its mission and purpose.

**General Authority:**

**Revised:** 09-29-81; 06-19-00

**Editorial Changes:** 05-19-03

Realizing that faculty are specialists in various fields and, therefore, perform diverse duties in relation to their specialties, the Board authorizes the President to develop general and specific duties that each faculty member is expected to fulfill. Responsibility for the overall quality of educational programs resides with the Vice President of Instruction and Student Services, with the faculty being held responsible for ensuring the quality of instructional delivery. The extent of the participation and jurisdiction of the faculty in curriculum programs must be clearly set forth and published in the faculty handbook.

**General Authority:** G.S. 115D

**Revised:** 09-29-81; 06-19-00; 11-23-04

**Editorial Changes:** 02-16-11; 05-22-18; 12-01-23

Employees shall not engage in selling educational materials to students, parents, other employees, or the Board.

**General Authority:**  
**Revised:** 09-29-81  
**Editorial Changes:**

Employees are expected to conduct their personal financial obligations in such a manner as to prevent the involvement of the College. Failure to comply with this policy may serve as grounds for investigation by the President or his designee and disciplinary action.

**General Authority:**  
**Revised:** 09-29-81  
**Editorial Changes:**

The President is authorized to establish rules and procedures regarding on-campus solicitation.

**General Authority:**

**Revised:** 09-29-81; 06-19-00

**Editorial Changes:**

The purpose of this procedure is to establish guidelines for on-campus solicitation. Solicitation involves personally and directly contacting students and employees for the purpose of selling goods/services for profit and/or tickets and chances to win goods/services. Requests by individuals, organizations or groups must be made in writing to the College's Vice President of Administrative and Fiscal Services at least one week prior to solicitation date. The Vice President of Administrative and Fiscal Services will determine the appropriateness of the request and advise the requester.

**(Adopted: 04-25-83) (Revised: 04-11-97; 09-19-01; 12-01-23)**



The President has the authority to request the removal from college facilities any person or persons who disrupt the orderly conduct of such facility. The President may designate employees to maintain order on college facilities and persons so designated may direct the persons referenced above to leave the campus or other college facility. Persons who remain on college grounds after being directed to leave will be subject to arrest, on or off the grounds, by any duly authorized peace officer.

**General Authority:**

**Revised:** 09-29-81; 06-19-00

**Editorial Changes:**

The President or designee will develop and submit to the Board for its review and approval a two-year calendar. The approved calendar will be displayed in appropriate publications.

**General Authority:**

**Revised:** 09-29-81; 06-26-00

**Editorial Changes:**

The Board may furnish an automobile for use of the President on official business.  
The Board will provide fuel and maintenance for the vehicle furnished to the President.  
The vehicle may be housed at the local residence of the President.

**THE POLICY DOES NOT ADDRESS A VEHICLE ALLOWANCE IF THE BOARD DOES NOT FURNISH THE PRESIDENT WITH A VEHICLE.**

**General Authority:**

**Revised:** 09-29-81; 06-26-00

**Editorial Changes:** 05-22-18

A budget for trustee travel will be established during the college's budget planning cycle. Budget considerations will be given for travel and related expenses which may occur, during a given year, but for which announcements have not yet been made. For state, regional, and national meetings, travel funds will be provided based on the availability of state funds. Generally, at least two trustees may attend meetings, with opportunities available for additional trustees to attend as the budget allows. Selection of trustees to attend meetings will be at the discretion of the Board. However, all new trustees are required to participate in Trustee training within six months of their appointment, as scheduled by the North Carolina Community College Trustees Association. The College will provide transportation, registration fees, meals, and lodging (for overnight meetings) in accordance with the guidelines for Travel, Transportation, and Allowances as outlined in the State Accounting Procedures Manual. Board members who go on a trip as part of the members' trustee duties are expected to attend the sessions provided at the training. Trustees who commit to going on a trip and back out after the College has already paid for or committed to pay for (in case of hotel rooms) the trustees' travel expenses will be required to compensate the College for those expenses unless the reason the trustee is unable to go on the trip is a board-approved reason.

**General Authority:**

**Revised:** 09-29-81; 06-26-00

**Editorial Changes:** 05-22-18

Every employee should be concerned with the well-being of other employees and with the well-being of students. An employee should respond immediately to anyone requiring emergency medical attention.

**General Authority:**  
**Revised:** 06-24-08  
**Editorial Changes:** 12-01-23

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As a result of the increasing instances of identity theft, the United States Congress passed the Fair and Accurate Credit Transactions Act of 2003 (FACTA). Public Law 108-159. This amendment to the Fair Credit Reporting Act dictated that the Federal Trade Commission (FTC) promulgated by the FTC (Red Flag rules) requires any financial institution and creditor that holds any type of consumer account or other account for which a potential risk of identity theft exists to create and implement a written Identity Theft Prevention Program in order to tackle identify theft associated with new and existing accounts. “Red Flags” refer to patterns, practices, or specific activities that could indicate identity theft. This Identity Theft Prevention Program is appropriate to our size and complexity and the nature and scope of the college’s activities.

Roanoke-Chowan Community College adopts this Identity Theft Prevention Program to enact reasonable policies and procedures to protect college employees, students, contractors and the college from damages associated with the compromise of sensitive personal information. This Program is intended to minimize the potential to steal the identity of someone associated with the college but also to prevent the college of being a source of false identity creation. The college will develop appropriate procedures to detect “Red Flags,” develop methods to prevent and mitigate identity theft, and develop plans of action once a “Red Flag” has been detected.

- DEFINITIONS

For purposes of the Program, the following definitions apply:

- A. Creditor – Any organization, including community colleges, which regularly:
  - 1. extends, renews, or continues credit; or
  - 2. arranges for someone else to extend, renew, or continue credit; or
  - 3. is the assignee of a creditor involved in the decision to extend, renew, or continue credit.
- B. Credit - Deferral of payment of a debt incurred for the purchase of goods services, including educational services.
- C. Customer – an employee, a student, a contractor (could be business or professional service agreement)
- D. Covered account – Every new and existing employee, student or contractor account that meets the following criteria is covered by this program:  
Business and personal accounts for which there is a reasonably foreseeable risk of identity theft or risk to the safety and/or soundness of the college from identity theft, including financial, operational, compliance, reputation, or litigation risks.
- E. Financial institution – Typically a bank, credit union, or other entity that holds for an individual an account from which the owner can make payments, and transfers.
- F. Identifying information – Information which alone, or in combination with other information, can be used to identify a specific individual. Identifying information includes name, social security number, date of birth, driver’s license number, identification card number, college or taxpayer identification number, unique electronic identification numbers, address or routing code, or certain electronic account identifiers associated with telephonic communications.
- G. Identity theft – A fraud attempted or committed using identifying information of another person without proper authority.

- H. Red Flag – A pattern, practice, or specific activity which indicates the possibility of identity theft.
- I. Sensitive information – Sensitive information includes the following items whether stored in electronic or printed format:
1. Personal Information – Sensitive information consists of personal information including, but not limited to:
    - Credit Card Information, including any of the following:
      - Credit Card Number (in part or whole)
      - Credit Card Expiration Date
      - Cardholder Name
      - Cardholder Address
    - Tax Identification Numbers, including:
      - Social Security Number (SSN)
      - Business Identification Number
      - Employer Identification Numbers
    - Payroll information, including, among other information:
      - Paychecks
      - Pay advices
      - Pay rates
    - Medical Information for any Employees or Customers, including:
      - Doctor names and claims
      - Insurance claims
      - Prescriptions
      - Any related personal medical information
    - Other Personal Information belonging to Customers, Employees and Contractors, example of which include:
      - Date of Birth
      - Address
      - Phone Numbers
      - Maiden Name
      - Alias
      - College ID Number
  2. Corporate Information – Sensitive corporate information includes, but is not limited to:
    - Company, employee, customer, vendor, supplier confidential, proprietary information or trade secrets.
    - Proprietary and/or confidential information, among other things, includes: business methods, customer utilization information, retention information, sales information, marketing and other Company strategy, computer codes, screens, forms, information about, or received from, Company’s current, former and prospective customers, sales associates or suppliers or any other non-public information. Proprietary and/or confidential information also includes the name and identity of any customer or vendor and the specifics of any relationship between and among them and the company
    - Any document marked “Confidential,” “Sensitive,” “Proprietary,” or any document similarly labeled.
    - The company personnel are encouraged to use common sense judgment in securing Confidential information to the proper extent. If an employee is uncertain of the sensitivity of a particular piece of information, he/she should contact their supervisor/manager.
- J. Service provider – Person providing a service directly to the financial institution or creditor.

- SCOPE – Activities Roanoke-Chowan Community College are involved that require compliance with the Red Flag Rules include:
  - A. Issuance of any scholarship which requires the recipient to sign a promissory note;
  - B. Maintaining an account for students from which the student can authorize payments for goods and services like books and supplies;
  - C. Provision of emergency loans to students;
  - D. Using debit cards;
  - E. Maintaining covered accounts for employees, students, and contractors;
  - F. Persons attempting to access academic or financial information.
  
- IDENTIFICATION OF RELEVANT RED FLAGS

Red Flag Category	Examples of Red Flags
Alerts, notifications, or other warnings received from the Attorney General’s Office, consumer reporting agencies, service providers, such as fraud detection services, or other entities used to collect data	A consumer reporting agency issues a fraud or active duty alert.
	A consumer reporting agency provides a notice of credit freeze in response to a request for a consumer report.
	A consumer reporting agency provides a notice of address discrepancy.
	A consumer report indicates a pattern of activity that is inconsistent with the history and usual pattern of activity of an applicant or customer, such as: <ol style="list-style-type: none"> <li>1) A recent and significant increase in the volume of inquiries;</li> <li>2) An unusual number of recently established credit relationships;</li> <li>3) A material change in the use of credit, especially with respect to recently established credit relationships; or</li> <li>4) An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.</li> </ol>
The presentation of suspicious documents	Documents provided for identification appear to have been altered or forged.
	The photograph/physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification.
	The Social Security Number has not been issued, or is listed on the Social Security Administration’s Death Master File.
	A report from Homeland Security indicates inconsistencies to what has been reported to the college.



Red Flag Category	Examples of Red Flags
	<p>Other information on the identification is not consistent with information provided by the person opening a new covered account or customer presenting the identification.</p> <p>Other information on the identification is not consistent with readily accessible information that is on file with the financial institution or creditor, such as a signature card or a recent check.</p> <p>An application appears to have been altered or forged, or gives the appearance of having been destroyed and reassembled.</p>
<p>The unusual use of, or other suspicious activity related to, a covered account</p>	<p>Shortly following the notice of a change of address for a covered account, the institution or creditor receives a request for a new, additional, or replacement card or a cell phone, or for the addition of authorized users on the account.</p> <p>Any student account is used in a manner commonly associated with known patterns of fraud patterns. For example: The customer fails to make the first payment or makes an initial payment but no subsequent payments.</p> <p>A covered account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:</p> <ul style="list-style-type: none"> <li>a. Nonpayment when there is no history of late or missed payments;</li> <li>b. A material increase in the use of available credit;</li> <li>c. A material change in purchasing or spending patterns;</li> <li>d. A material change in electronic fund transfer patterns in connection with a deposit account; or</li> <li>e. A material change in telephone call patterns in connection with a cellular phone account.</li> </ul> <p>A covered account that has been inactive for a reasonably lengthy period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors)</p> <p>Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's covered account.</p> <p>The college is notified that the customer is not receiving paper account statements.</p>

Red Flag Category	Examples of Red Flags
	<p>The college is notified of unauthorized charges or transactions in connection with a customer's covered account.</p> <p>A customer initiates multiple address changes over a short period of time.</p> <p>A customer is attempting to access information about a deceased student.</p> <p>The college is notified by a customer, a victim of identity theft, a law enforcement authority, or any other person that it has opened a fraudulent account for a person engaged in identity theft.</p>
<p>Notice from customers, victims of identity theft, law enforcement authorities, or other persons regarding possible identity theft in connection with covered accounts held by the college</p>	<p>A student, borrower, law enforcement personnel or service provider notifies the college of unusual activity related to a covered account. This includes discrepancies in the social security number to a student's name (provided typically by the NC Department of Revenue from debt set-off); address is not a valid address (provided typically by the NC Attorney General's Office), and/or payment plan provider having a discrepancy of data between college and responsible party.</p> <p>A student or customer does not know personal information that they should know, i.e. social security number, date of birth, student identification number.</p>
<p>Requests for access to information</p>	<p>A student attempts to change his or her address when an account for that student has been inactive for a prolonged period of time.</p>
<p>Students returning to school after a long period of time</p>	<p>A student wishes to register for courses and/or apply for financial aid when that student's account has been inactive for a prolonged period of time.</p>
	<p>All students who have had a break in enrollment (excluding summer session) are readmitted only after a current admissions application is received.</p>
<p>Student registration</p>	<p>R-CCC will perform verifications of students when registering to be assured that the correct student is being registered for courses. When a student registers for class when more than one student has same first and last name one or more of the following is required: picture ID, SSN, date of birth, address, and phone number required.</p>

Red Flag Category	Examples of Red Flags
	<p>To initiate a name change student must present a legal document (marriage certificate, divorce decree or social security card) with the student's new name.</p>

- DETECTING RED FLAGS

- A. Opening a Covered Account

- a. Admissions. Students may be admitted to the college in Student Services. Students must present a picture form of identification and their SSN before completing required forms. It should be stressed that students should provide their full name, maiden name if married, and other pertinent information to ensure the student is who they claim to be. Inconsistencies will be reconciled and if not reconcilable, actions must be taken in accordance with Section VIII.

All admission and financial data will be directly entered into Datatel using R-CCC computers or by entering financial aid data into a secure website. R-CCC needs to do verifications of students when registering to be assured that the correct student is being registered for courses. Issues that can exist include registering the incorrect student when multiple students are in the college database with the same name; use of an inactive account by someone other than the student to obtain financial aid and/or student benefits; and students attempting to register when they have been away from the college for a long period of time.

Financial Aid. Students are asked to submit their FAFSA electronically. Student signature and official transcripts are the only required documents used for identification. Students selected for verification by the Department of Education are required to provide additional documentation (financial records, income tax information, etc.).

- b. Hiring.

- i. Employees. All new employees will be requested to provide a SSN and picture identification. All new employees will be entered into the Homeland Security database within 5 days of hire. Inconsistencies will be resolved or referred to Section VIII.

- ii. Contractors. These are both Professional Service Contracts and individual firms that are contracted by the college. Every effort will be made to verify the individual and firms name to include Tax ID as appropriate.

- B. Existing Covered Account

- a. Hard Copy Distribution Every employee and contractor performing work for the company will comply with the following policies:

1. File cabinets, desk drawers, overhead cabinets, and any other storage space containing documents with sensitive information will be locked when not in use.
2. Storage rooms containing documents with sensitive information and record retention areas will be locked at the end of each workday.
3. Desks, workstations, work areas, printers and fax machines, and common shared work areas will be cleared of all documents containing sensitive information when not in use.
4. Whiteboards, dry-erase boards, writing tablets, etc. in common shared work areas will be erased or removed when not in use.

5. When documents containing sensitive information are discarded they will be shredded using a mechanical cross cut or Department of Defense (DOD) approved shredding device. Shred bins are labeled “Confidential paper shredding and recycling.” If you need any assistance in locating one of these bins, please contact a supervisor/manager.
- b. Electronic Distribution Every employee and contractor performing work for the company will comply with the following policies:
    1. Internally, sensitive information may be transmitted using approved company e-mail. All sensitive information must be password protected when stored in an electronic format with individuals designed for proper access.
    2. Any sensitive information sent external must be encrypted and password protected and only to approved recipients. Additionally, a statement such as this should be included in the email, “This message may contain confidential and/or proprietary information, and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited.
  - c. Dissemination of Sensitive Data. It is customary that certain information be provided to selected organizations as a way of performing day-to-day business. Any abnormal requests for sensitive data should initially be denied until the full justification of why the information is necessary is substantiated. It must also be determined that the individual/organization requesting the information is also substantiated and verified.
  - d. Working with Banks. Formal arrangements must be made with participating banks and financial institutions on the proper methods of communication and handling transactions. Only a small selected number of individuals will be on signature cards and these will be updated as individuals depart. Periodically meetings between bank officials and college officials will take place to ensure that working arrangements are fully understood. This includes electronic payroll processing, check and credit card transactions, lock box and various savings and checking accounts.
  - e. Third Party Agencies. The college coordinates with various agencies sponsoring students. These agencies range from Federal programs to local small businesses to family members of prospective students. The relationship between the third party and the student varies. However, it is not the college responsibility to provide sensitive information to the third parties even though they are sponsoring a student. It is the student’s discretion as to what type of information is passed on to third parties. Third Party Agencies should also be reminded periodically of their responsibility to keep student information confidential. Third party agencies that handle sensitive data for the college need to be evaluated no less than annually to ensure that they are in compliance with “red flag rules.”
  - f. Collection Agencies. In order for collection agencies to be effective they need sensitive information to do their job. The college will contract only with approved North Carolina Collection Agencies and will only provide information electronically in the prescribed format. Collection agencies requesting additional information will be challenged and reported.
  - g. Unauthorized breaches or attempted entry into our system. Any and all breaches or attempted breaches of the security system to gain access to covered accounts will be immediately investigated and a report submitted

to the Identity Theft Prevention Officer. The report will determine whether sensitive information was obtained and a listing of potential covered accounts identified.

R-CCC will perform routine diagnostics on firewalls and the security of electronic data portals.

Security scans to detect unauthorized or attempted access should be completed at regular intervals as well as unscheduled scans to detect breaches.

Physical access to where data is stored electronically is restricted to MIS and personnel approved by the President of the college.

R-CCC utilizes a firewall to prevent unauthorized internet users from accessing its private network connected to the internet.

The internal network is segmented into vlans to further limit who can access the server vlan and what servers they can access.

Employees accessing the Datatel server have passwords that must meet our password complexity policy in which these passwords are required to be changed every 45 days.

MIS employees have their desktops configured to lock after a specified time of inactivity to prevent unauthorized access to sensitive information.

Periodically the MIS security officer should review changes to sensitive information to determine unusual or repetitive activity.

Any laptop or computer that is reported missing containing access to the Datatel system will be immediately reported to the MIS security officer and the Identity Theft Prevention Officer. A determination will be made if obtaining that computer poses any threat and if so, appropriate actions will be made to prevent unauthorized entry.

- h. Transaction Processing. As a minimum when an individual is requesting a processing of any activity to their account including, but not limited to registration activity, financial aid processing, bookstore transactions, and business office payments/inquiries, as a minimum a picture ID and/or a college ID will be needed to verify a person's identity. When corresponding by phone or e-mail sufficient information exchange will be necessary to verify the individual's identity. R-CCC will maintain PCI compliant on portals where payments are taken electronically in an effort for prevention and mitigation of red flags.

- **PREVENTING AND MITIGATING IDENTITY THEFT**

- A. Opening a Covered Account

- a. When a person does not provide any identification or provides insufficient identification, the college should deny registration or financial aid until a picture identification and a valid SSN card is presented. The person may be required to obtain a picture identification card from the Department of Motor Vehicles.

- B. Existing Covered Account

- a. The college has identified the Dean, Finance & Administration as the Identity Theft Prevention Officer. In the event that suspected identity issues arise the Prevention Officer will be notified.
    - b. The college's bookstore buys back books from students at the end of the semester. The bookstore will verify the identity of the student obtaining the cash. This, in correlation with security reports of possible book thefts, could be used to identify if stolen books are attempted to be sold. If anything seems questionable regarding the student selling back the books, bookstore personnel need to be able to verify courses



- d. Actions to take in the event that fraudulent activity is discovered may also require revision to reduce damage to the company and its customers.
- **PROGRAM ADMINISTRATION**
  - A. **Program Oversight** The Board of Trustees is required to review and approve an Identity Theft Prevention Policy. The Board of Trustees designates that the Dean, Finance & Administration be designated as the Identity Theft Prevention Officer who is responsible for the oversight, development, implementation, and administration of the Identity Theft Prevention Program.
  - B. **Staff Training** The Identity Theft Prevention Officer will identify selected individuals to be trained in FERPA. Additionally, training should be conducted for individuals involved in managing or entering data in covered accounts and that periodic reviews are performed to ensure compliance with this policy. The training needs that include multiple records, multiple account managers, and adjunct professors will need to be included.
  - C. **Oversight of Service Providers** It is the responsibility of the company to ensure that the activities of all Service Providers are conducted in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft. A Service Provider that maintains its own Identity Theft Prevention Program, consistent with the guidance of the Red Flag Rules and validated by appropriate due diligence, may be considered to be meeting these requirements. Any specific requirements should be specifically addressed in the appropriate contract arrangements.

**General Authority:**

**Revised:** 06-23-09

**Editorial Changes:** 12-01-23

It is the responsibility of all employees to report unlawful or inappropriate actions or misconduct. The college is committed to protecting employees who report another employee's unlawful or inappropriate actions or misconduct. The college has established and follows internal procedures for enabling faculty and staff to make such reports with protection from retaliation, harassment, or adverse employment consequences because of a report made following this procedure.

Employees and anyone else providing services to Roanoke-Chowan Community College are encouraged to report either orally or in writing all evidence of any activity on the part of its current or former employees, trustees, or anyone else with whom Roanoke-Chowan Community College has a business relationship that may constitute:

- A violation of any state, federal, or local law, rule, or regulation applicable to the operations of Roanoke-Chowan Community College;
- Misappropriation or misuse of college resources;
- Substantial and specific danger to the employee's or public's health and safety; or
- An act of gross mismanagement, gross waste of public funds, or gross neglect of duty.

The College shall promptly investigate all alleged violations and provide a response to the person(s) reporting the violation (unless the report was submitted anonymously) within 30 calendar days after the close of the investigation.

Any employee who reports such violations as described above in good faith shall be protected from any retaliatory action including discharge, suspension, demotion, or any other adverse employment action. In addition, employees are also protected for refusing to carry out a directive which constitutes a violation as described above. Any alleged retaliatory actions shall be promptly investigated by the College.

Employees who commit any of the violations described above or retaliate against someone who, in good faith, has reported a violation shall be subject to disciplinary action up to and including termination of employment and/or criminal or civil prosecution. Likewise, any employee who knowingly or maliciously reports a violation or retaliatory action that has no factual basis shall be subject to disciplinary actions up to and including termination of employment.

These employee protections extend to violations reported both internally and to the "hotline" maintained by the North Carolina Office of the State Auditor. Roanoke-Chowan Community College will, to the extent possible and consistent with the need to conduct an adequate investigation, maintain confidentiality of reported violations.

This policy shall in no way affect the requirements of General Statute § 114-15.1 whereby employees and state agencies must report cases of damage, theft, embezzlement, or misuse of state-owned personal or real property to the State Bureau of Investigation.

**American Recovery and Reinvestment Act (ARRA)**

Roanoke-Chowan Community College adheres to the American Recovery and Reinvestment Act (ARRA) Whistleblower Protection policy for State and local government and contract employees, who report concerns about possible misuse of funds. The statute prohibits reprisals against whistleblowers, requires a Federal investigation of all complaints, and requires recipients to notify employees of their rights and remedies under ARRA.



College employees can report possible misuse of federal ARRA funds through the [www.Recovery.org](http://www.Recovery.org) website or by accessing the NC Office of Economic Recovery and Investment (OERI) whistleblower webpage at the following address: <https://www.oversight.gov/content/Where-Report-Fraud-Waste-Abuse-or-Retaliation>.

Employees can also report possible misuse of ARRA – State Fiscal Stabilization Fund (SFSF) to the US Department of Education’s Inspector General’s Hotline, which can be accessed here: <http://www2.ed.gov/about/offices/list/oig/hotline.html?src=rt>

**General Authority:**

**Adopted:** 01-25-11

**Revised:** 02-26-19

**Editorial Changes:** 12-01-23

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: 6.25.2024

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; 1C SBCCC 200.95

**I. FULL-TIME EMPLOYEES**

- A. The Board authorizes the President to hire all full-time College 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 three months. Supervisors review the employee's progress and performance during this period. If satisfactory performance is not attained, the College may extend the probationary period or not review the contract after the probationary period. 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 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. Although the College may employ someone between contract periods, any employment is terminable at the will of the College or the employee until a contract is fully executed by the employee and the College.

The President is authorized to dismiss any full-time employee during that employee's probationary period for any reason deemed sufficient except for reasons related to the employee's race, religion, color, national origin, sex, gender, age, disability, genetic information, political affiliation, status as a covered veteran or if the decision is otherwise a violation of state or federal law ("Impermissible Grounds"). The President's decision is final and not subject to Board appeal unless the employee believes his/her dismissal was solely based on Impermissible Grounds. If the employee believes the President's decision was solely based on Impermissible Grounds, the employee may appeal to the Board pursuant to Policy 3.3.6 – Right of Appeal.

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

- A. The Board authorizes the President or the President's designee to hire all part-time and temporary 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 part-time and temporary College employees shall receive a letter of appointment and shall serve as at-will employees. Nothing in this Policy or in the employee's letter of appointment shall entitle the employee to an employment

contract. Personnel hired as part-time and temporary appointments do not earn benefits.

- C. The President is authorized to dismiss any part-time or temporary employee for any reason deemed sufficient except for Impermissible Grounds. The President's decision is final and not subject to Board appeal unless the employee believes his/her dismissal was solely based on Impermissible Grounds. If the employee believes the President's decision was solely based on Impermissible Grounds, the employee may appeal to the Board pursuant to Policy 3.3.6 – Right of Appeal.

#### EMPLOYMENT USING OTHER FUNDS

- A. All persons employed by Roanoke-Chowan Community College through the use of funds from other state and local sources, or who are assigned to the College and paid through other sources, are temporary employees. These individuals are hired for a fixed term for a specific purpose, and nothing written in the contract or by oral agreement is to state or imply that the employment will be continued beyond that term.
- B. Persons employed with funds from sources other than state and local cannot carry over any vacation time earned beyond the term of the contract.

#### 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. All College employees are expected to assume and perform all responsibilities and duties listed in their official Job Descriptions and as assigned to them by the President.
- 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 criteria.

Adopted: 6.25.2024

Legal Reference: G.S. 115D-20; G.S.128-15; 1D SBCCC 400.4; 1C SBCCC 200.94

General Authority:

General Authority:

Approved: 01-27-2009

Revised:

Editorial Changes: 12-6-23

**I. DEFINITIONS**

- A. Full-time Employee – any individual who occupies a College designated full-time position working 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. Full-time instruction employees receive contracts for nine (9) month periods within a fiscal year and may be contracted on a month-to-month basis per instruction needs.
- B. Part-Time Employee with Benefits – any individual who is employed for thirty to thirty-nine (30 – 39) hours per week for at least nine (9) months per year. All part-time employees with benefits positions are classified as either part-time curriculum or part-time non-curriculum.
- C. Part-time Employee – any individual who is employed less than 30 hours per week. All part-time positions are classified as either part-time curriculum or part-time non-curriculum.
- D. 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., less than one (1) year except in extraordinary situations). All full-time, temporary employees are classified as exempt or non-exempt. For purposes of the Affordable Care Act, 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.
- E. Part-time, Temporary Employee – any individual who is employed in a part-time position (i.e., less than 30 hours per week) but the job is temporary (i.e., less than one (1) year except in extraordinary situations).

**II. PROCEDURES**

The College shall use the following employment procedures when hiring new employees and creating new employment positions. Part-time curriculum, continuing and adult education instructors (both full and part-time) are excluded from these procedures. Those positions shall be employed based on the recommendation of the Dean, Coordinators, and Directors and approved by the appropriate Vice President.

**A. Verifying Staffing Needs and Employment Positions**

- 1. Verifying Staffing Needs. Verifying the need for new positions or the need to fill vacant positions will precede filling any position. To meet the College's needs, the President may transfer, promote, reassign or demote any College employee. Reclassifying and/or reassigning position responsibilities may be the most appropriate method in a particular situation

to satisfy the College's staffing needs. A reclassified and/or reassigned position does not necessarily constitute a position vacancy.

2. Employment Positions. All employment positions shall be included in the preliminary budget. During the school year, any new positions (or need to fill a vacant position) shall be approved by the President.

**B. Employment Positions**

1. Position Descriptions. All positions must have a position description which describes and communicates reporting relationships, position classification, and major parameters of the position, including responsibilities and associated tasks. The position description must also specify education and experience requirements. Experience in lieu of education may be used as a viable option for some positions as approved by the President. The salary range for each position will be determined according to the College's approved salary scale. Position descriptions shall be reviewed periodically and updated to reflect changes and adjustments in duties and responsibilities.

**For grant and specially funded positions**, the job announcement must include the funding source, the parameters, employment timeline, the pay range, benefits provided, contributions to retirement, FICA taxes, etc.

2. Position Vacancy Announcement. Upon determining that a vacancy exists, the administrator of a division shall complete a *Requisition in NEOED*, inclusive of the position description and minimum qualifications, and obtain the appropriate signatures.

An announcement of an open position will be generated for each position advertised by the College and posted either internally only or internally and externally. This announcement will contain the following:

- a. title of job;
- b. responsibilities of job;
- c. qualifications, both required and preferred, including:
  - i. education,
  - ii. work experience,
  - iii. work experience in lieu of education, if appropriate, and
  - iv. other qualities necessary for adequate performance;
- d. statements about salary and employment term;
- e. application instructions;
- f. deadline for accepting applications;
- g. proposed hiring date; and
- h. an equal opportunity employer statement.

In order to attract qualified applicants and ensure applicant pools meet EEO requirements and reflect the College's hiring goals, position announcements will be widely distributed.

3. Advertising Positions. Full-time curriculum and non-curriculum and part-time non-curriculum vacancies may be advertised internally and externally depending on the President's authorization. The President has the discretion to skip the advertising process in situations of urgency. Position vacancies shall be strategically advertised in newspapers, the College's website, NCCCS website (<http://www.nccommunitycolleges.edu>), Community College Personnel listserve, College email, and other mediums as appropriate. Vacancies shall be advertised and filled contingent upon need and funding.

### **C. Application Process**

1. Application. Applicants will be required to submit to the Human Resources Department a completed College Application for Employment and any other documentation specified in the position vacancy announcement. Applications will be archived to document the applicant pool and a database shall be maintained to provide affirmative action records for each position announcement.

Applications for employment are accepted online and in the Human Resources Department only during the advertised period. Applications received after the closing date of any position vacancy announcement may not be considered for the applicant pool and will be returned to the applicant with an explanation of the application process. Unsolicited applications and/or resumes should not be received and/or maintained by any department (excluding those for Continuing and Adult Education and part-time curriculum instructors); these applications should be forwarded to the Human Resources Department so that a response may be sent to the applicant. Applications which are incomplete or those on which the applicant has written "see resume" shall not be considered; all applications must be signed by the applicant to be valid.

2. Screening Applicants. The hiring manager for the department with the vacancy shall review and screen all full-time and part-time applications. Only qualified applicants, as defined in the position vacancy announcement, will be considered for an interview. In the event the announcement generates no qualified applicants, and/or no qualified minority applicants, the position description and the position vacancy announcement will be reviewed and the position will be re-advertised for one week.

A screening and advising committee ("Committee") will then review the pool of qualified applicants and select those to be interviewed. The Committee will give the names of candidates to be interviewed to the



Human Resources Department for review. If it is determined the list of proposed interviewees is not representative of the pool, the Human Resources Department will recommend to the Hiring manager that the Committee review the applicants a second time.

3. Interviewing Candidates. Unless otherwise directed by the President, interviews shall be conducted by the Committee. For employment positions at the Director level or above, the President may chair the Committee or be involved in interviewing the top three candidates. Interviews must be adequately planned and involve a diverse group of employees. Interviews for part-time non-curriculum positions will also be conducted by the Committee.

The College's Executive Director of Human Resources will be responsible for informing the Committee members of their responsibility during the screening and review process, and appropriate interview procedures and expectations for conducting a non-discriminatory interview. The Chairperson of the Committee will be responsible for submitting required documentation related to the interview and recommendation process. Applicants typically have one interview with Committee but may be asked to interview with a second Committee, administrators, faculty and/or other groups.

All full-time curriculum and non-curriculum exempt position applicants will be required to complete their "Philosophy" on community college education included in each application packet. Any applicant may be asked to respond to written questions or demonstrate certain skills necessary for the position. For instance, an instructor could be asked to prepare and teach a portion of a class or a secretary could be asked to demonstrate their skill with an applicable software package.

#### **D. Selecting and Hiring Candidates**

Committee recommendations concerning qualifications and capabilities, including application data on all of the candidates interviewed for consideration, will be forwarded to the Human Resource Department, indicating the top three candidates in rank order. The Human Resource Department will conduct reference checks, background checks, verify transcripts and prepare an offer package for signature by the President. The President has the right to accept or decline the recommendation.

Upon the President's approval, the Executive Director of Human Resources will make an offer of employment to the prospective employee. New employees will normally start their employment on the first day of the month following the employment offer. The Human Resources Department will conduct New Employee Orientation every January and August.

The President, or designee, will ensure that the following actions are taken:

1. For all full-time employees, provide information to the Board of Trustees for ratification at the next Board meeting.
2. Transmit the official employee notification letter to the candidate outlining salary, working conditions, terms of employment, etc.
3. Instruct the Human Resources Department to prepare letters of appointment for the President's signature; the new employee shall sign the letter of appointment before starting work.
4. Prepare and file the personnel folder in the Human Resources Department.
5. The Human Resources Department will assist new employees with completing necessary employment forms.

**E. Duties and Responsibilities**

1. Administrator/Supervisor Responsibilities:
  - a. Obtain or verify the position identification with the Human Resources Department and provide correct budget information needed to establish the position.
  - b. Review and/or recommend revisions to the official Position Description or develop a new position description if necessary.
  - c. Complete the Requisition and obtain necessary signatures.
  - d. Discuss with the Human Resources Department the employment process to determine if additional advertising is advisable (i.e., University/College placement offices, trade journals, professional organizations, etc.).
  - e. Prepare and submit to Human Resources a memorandum, with the names of recommended members for the Committee. Regarding the Committee: i) the supervisor typically is chair; ii) the Committee is made up of three to four additional members; and iii) the Committee includes a cross-section of College employees (full-time or part-time employees).

Part-Time Employees

- a. The hiring manager must ensure that a part-time contract is completed for the position. Adjunct curriculum faculty contracts are completed by the administrative assistant of the EVP of Academic and Student Affairs;
- b. Adjunct continuing education faculty contracts are completed by the Dean of Continuing Education/Workforce Development and approved by the Vice President, Workforce and Institutional Effectiveness.

- c. All part-time staff contracts should use the part-time staff contract template, which is found in the HR Teams site. The original contract must be submitted to the Executive Director of HR prior to the person beginning their part-time position.

Under no circumstances should a person begin work until all HR paperwork is complete (background check, contract, I-9 forms, and credentials).

2. Committee Chair:

- a. After obtaining approval of the Committee members, the chair shall contact the members acknowledging their participation on the Committee and establish the initial meeting date and time.
- b. Establish and inform the Human Resources Department of the meeting date and time so that the committee receives instruction on the process and signs the Confidentiality form.
- c. Request Committee members set appointments with the Human Resources Department to review applications and determine who they recommend as candidates to be interviewed.
- d. Determine by consensus those applicants to be interviewed. For full-time curriculum positions, identify alternate applicants to be interviewed in case final review of credentials does not meet specified minimum requirements. Also, please confirm the applicant meets 3.7.1 SACS guidelines.
- e. Submit a list with names of candidates to be interviewed to Human Resources for review and approval. Qualified minorities or other appropriate applicants may be added to the interview list by the President based on feedback from Human Resources.
- f. Submit a list of questions which will be asked of all candidates to Human Resources for review and approval.
- g. Provide each applicant with a copy of the position description.
- h. Interview applicants using the approved list of questions and refrain from asking “non-job related” questions or questions that might be considered discriminatory. If, as a result of an improper question, the applicant shares information that could be construed as being discriminatory on the questioner’s part:
  - i. Do not write the information down.
  - ii. Do not pursue the subject.
  - iii. Verbally reinforce that the question and answer were not job related and cannot be used in considering the candidate for employment.
- i. Establish the date and time of the teaching demonstration if applicable.
- j. Complete the *Interview Profile Sheet* and *Teaching Demonstration Evaluation* (if applicable) for each applicant.

- k. Determine the rank order of applicants interviewed and provide to the Human Resources department.
- l. Establish with the President's office a date and time for an interview with the President with the top candidate.
- m. Once the President has approved the candidate, the Chair should notify HR

3. Human Resources Responsibility

- a. *Approve the Requisition.*
- b. Ensure that the position has been established and verify the budget information.
- c. Determine the salary range from the official College salary plan.
- d. Review the list of questions to be asked in the interview if requested.
- e. Perform checks of references, transcript and background.
- f. Prepare the employment package for the President's signature.
- g. Make an offer of employment and determine the applicant's employment starting date.
- h. Prepare *Offer Letter* and appointment letters for the President's signature.
- i. Obtain appointment letters with employee signature.
- j. Facilitate "New Hire Orientation" for full-time employees.
- k. Notify all applicants of the outcome of the employment process.

Adopted: 6.25.2024

Editorial Changes: 8.27.24

## **DRESS CODE**

The appearance and conduct of R-CCC employees are of utmost importance when establishing a positive image for education in the community and for presenting a good example for the students. It is important that all R-CCC employees' attire be professional, neat, and appropriate for the work being done. Common sense and good judgment regarding appearance should always be exercised and this dress code serves to define basic expectations and guarantee consistency across the college.

This policy is not intended to preclude any department policies requiring employees to wear a uniform, lab coat, gloves, specific shoes, protective wear or other items needed to comply with internal policies or safety and external regulatory requirements.

Please see the below dress code policy, effective February 1, 2022. The dress code applies to full-time and part-time employees.

### **Acceptable Attire**

- Business attire or uniforms are always acceptable.
- All directors, coordinators, and supervisors are to dress professionally (shirts, ties, slacks, suits, dresses, etc.).
- Good grooming and neatness are required at all times.

### **Casual Fridays**

**The following clothing stipulations only apply on Fridays.**

R-CCC T-shirts or sweatshirts only. All other T-shirts and sweatshirts are prohibited. Denim, jeans (Jeans must be dark rinse, clean and free of rips, tears and fraying, no jeggings, and may not be excessively tight or revealing.) Sneakers, tennis shoes (Sneakers are permitted for Nursing instructors on days of clinical, PE instructors on days in the gym for class, maintenance staff, or with doctor's note.)

### **Unacceptable Attire**

1. Cutoffs
2. Athletic wear, sweats, workout clothes (P.E. instructors on days in the gym for class)
3. Tee shirts with or without logos are unacceptable.
4. Bare Feet

5. Shorts
6. Spandex or Lycra such as biker shorts
7. Tank tops, tube tops, halter tops with spaghetti straps
8. Underwear as outerwear
9. Beach wear
10. Sunglasses (in offices, meetings, classrooms- unless note from physician)
11. Midriff length tops
12. Off-the-shoulder tops
13. Caps, hats, head wraps (in offices, meetings, classrooms, except for religious beliefs)
14. Flip-flops/Crocs
15. Clothing with profanity, nude, or semi-nude pictures or graphics

### **Definitions**

Professional attire is defined as suits, ties, dress shirts/blouses, dress slacks, and business skirts/dresses.

Business casual attire is defined as slacks, khakis, polo and cotton shirts, golf shirts, skirts and dresses, turtlenecks, sweaters, and loafers.

Casual attire is defined as jeans, capris, tee shirts, sweatshirts, casual skirts/dresses, athletic shoes, and sandals.

### **Enforcement**

While on the job and in situations where one may represent the college, it is expected that employees will exercise good judgment and professionalism in appearance and action. An employee unsure of what is appropriate should check with a supervisor, manager, or the Human Resources Department. Supervisors are held accountable and responsible for enforcing this policy, including meeting with employees whose appearance does not follow the policy and/or causes a safety risk. Employees who disregard this policy may be asked to go home for a change of clothing and will be required to use personal leave or leave without pay for the period absent from work. Repeated violations of the dress code will result in disciplinary action up to and including termination.

Adopted: 2022

**I. EMPLOYMENT CLASSIFICATIONS**

- A. Full-Time Employee – any individual who occupies a College designated full-time position working 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. Full-time curriculum employees receive contracts for nine month periods within a fiscal year and may be contracted on a month-to-month basis per instructional needs.
- B. Part-Time Employee with Benefits – any individual who is employed for 30 to 39 hours per week for at least nine months per year. All part-time employees with benefits positions are classified as either part-time curriculum or part-time non-curriculum.
- C. Part-Time Employee – any individual who is employed for less than 30 hours per week. All part-time employee positions are classified as either part-time curriculum or part-time non-curriculum.
- D. 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.
- E. Part-Time, Temporary Employee – any individual who is employed in a part-time position (i.e., less than 30 hours per week) but the job is temporary (i.e., generally less than six months except in extraordinary situations).
- F. Emergency Appointment - Periodically circumstances occur beyond the College's control where it becomes necessary to make a faculty or staff appointment to a position without going through a formal search. An example is when a staff member or faculty member suddenly vacates their position before their contract period has ended due to unforeseeable circumstances. When such staffing needs arise within the College, they require a quick hire or "emergency appointment". Emergency appointments fall under the category of full-time temporary hires and should not exceed a year's duration, unless otherwise approved by the President. Full-time temporary appointees are not eligible to participate within the state retirement system; however, the college has the discretion of providing health care benefits on an individual basis. Once sufficient time has lapsed, not to exceed twelve months from making an emergency appointment, if the college decides to keep the position in question, a formal search shall be done according to the normal process for searches and hires.

## **II. WORKLOADS**

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

Adopted: 6.25.2024

General Authority:

Revised: 12-5-23

Editorial Changes:



**I. WORKING HOURS**

Full-time curriculum positions shall work a minimum of forty (40) hours each week and are expected to be scheduled on campus at least thirty (30) hours a week with a minimum of five (5) office hours per week and a minimum of four (4) hours per day on campus on scheduled workdays.

Scheduled workdays are defined as those days during which class is in session or days designated by the College for other College business such as meetings, professional development, planning, etc.

**II. WORKLOAD**

Full-time curriculum teaching loads during the academic year shall include such combinations of distance learning, day, evening and weekend classes as the College's needs require. A Cooperative Education course shall not count for more than one (1) lecture hour and a 099 course shall not count at all in computing faculty teaching load. Distance education courses shall have the contact hour value as set forth in the NCCCS Common Course Library.

The normal teaching load for all full-time curriculum members shall be at least eighteen to twenty (18 – 21) lecture hours and eighteen to thirty (18 – 30) contact hours per semester. When the number of lecture hours falls below fifteen (18) hours because of the number of clinical or laboratory hours involved, the number of contact hours should be increased to bring the teaching load to a minimum of twelve (12) lecture hours (utilizing the standard of three (3) clinical hours equal one (1) lecture hour, three (3) laboratory hours equal one (1) lecture hour, or two (2) laboratory hours equal one (1) lecture hour, depending upon the nature of the course taught as set forth in the NCCCS Common Course Library, or to a maximum of thirty (30) contact hours).

<b>Program Category</b>	<b>Faculty Load</b>
College Transfer/General Education/Public Services (except Cosmetology)	18-21 non-concurrent contact hours a minimum of five office hours
Business and Vocational Technologies	18-21 non-concurrent contact hours a minimum of five office hours
Health Technologies	18-21 non-concurrent contact hours a minimum of five office hour
Vocational/Industrial Technologies	24-26 non-concurrent contact hours a minimum of two office hours
Cosmetology	24-26 non-concurrent contact hours a minimum of two office hours

Teaching loads shall be calculated for the academic year. Compensation shall not be made for a teaching load in excess of normal except when the compensation has been requested, approved by the Academic Dean, and authorized by the Vice President of Instruction and Student Services. Excessive teaching assignments, committee assignments, outside employment, and other activities which would encroach upon the teaching effectiveness of any faculty member should be minimized. Full-time Curriculum members are encouraged, but not required, to conduct research and participate in community service activities.

Any underload shall be dealt with by adding additional responsibilities to an employee's workload, including non-curriculum courses, as approved by his or her Academic Dean and the Vice President of Instruction and Student Services. Teaching loads may also be adjusted by the College to take into consideration such factors as the use of instructional assistance, team teaching or the use of non-traditional instructional delivery systems. Additions to curriculum employee workloads including committee assignments, special assignments, curriculum development of a new program or a new course in a program and/or the complete revision of an existing course or program shall be analyzed by the Program Coordinator or Academic Dean. When the additional duties are deemed to be above and beyond what is normally expected of a curriculum employee, then a reduced teaching load or extra remuneration should be offered to the employee to compensate for the additional work.

Adopted: 6.25.2024

Legal Reference: 1D SBCC 400.4 (Recodified Nov 2017)

Part-time curriculum employees (adjunct faculty members) shall be limited to teaching a maximum of three-quarters of a full teaching load during a semester. Determination of the maximum number of hours for a part-time curriculum employee is calculated by taking three-quarters of a full-time teaching load defined in Procedures 3.1.3.1 – Full-Time Curriculum Working Hours and Workload. In extreme circumstances, a part-time curriculum employee may be allowed to exceed the maximum teaching load for one semester per academic year with the permission of the Vice President of Instruction and Student Services.

In no event may part-time curriculum employees work more than 29 hours per week inclusive of prep time, meetings, and other College duties, without expressed, written permission. For purposes of preparation time, the Vice President of Instruction and Student Services, in consultation with the department heads and Deans, may set the number of hours for preparation time for each class taught by a part-time curriculum employee.

Adopted: 6.25.2024

**I. FULL-TIME, NON-CURRICULUM EMPLOYEES**

**A. Exempt Employees**

1. The College's administrative offices are open for business hours from 8:00 a.m. to 5:00 p.m., Monday through Thursday 8:00 a.m. to 3:00 p.m. Friday. Other hours of operation may exist in order to meet customer needs.
2. Full-time, non-curriculum employees who are exempt from the Fair Labor Standards Act ("Act") may also be required to perform work over and above their assigned forty (40) hour work week when such duty is determined to be in the College's best interest

**B. Non-Exempt Employees**

1. Non-exempt College employees will be assigned, in writing, a standard forty (40) hour work week by their immediate supervisor. The immediate supervisor will keep a copy of the assignment and one copy will be filed in the employee's personnel file. Employees will be required to keep and complete weekly timesheets.
2. The College will not pay overtime compensation to non-exempt employees who work in excess of forty (40) hours per week. In approved instances, the College shall, however, provide compensatory time in lieu of overtime pay. Non-productive time off such as vacation, holiday, inclement weather, bonus and sick days will not be counted as actual time worked for the purpose of calculating compensatory time. Furthermore, when a non-exempt employee works more than one (1) non-exempt job for the College, any compensatory time will be calculated based on the combined hours worked.

See Policy 3.1.4 – Compensatory Time.

**II. PART-TIME, NON-CURRICULUM EMPLOYEES**

Part-time, non-curriculum employees with benefits shall not work in excess of thirty-nine (39) hours per week unless there are special circumstances requiring extended hours for a short duration of time. Work in excess of thirty-nine (39) hours per week requires written authorization from the supervisor and the appropriate Vice President.

Part-time, non-curriculum employees shall not work in excess of twenty-five (25) hours per week unless there are special circumstances requiring the extended hours for a short

duration of time. Work in excess of twenty-five (25) hours per week requires written authorization from the supervisor and the appropriate Vice President.

Adopted: 6.25.2024

Legal Reference: The Fair Labor Standards Act of 1938

Cross Reference: Policy 3.1.4 – Compensatory Time

**PROCEDURE:**

**Exempt Positions:**

An Exempt position is a distinction made under the Fair Labor Standards Act for those employees who work in positions that are exempt from the Act's minimum wage and overtime pay provisions. In order for a position to be exempt, that position would have to meet the executive, administrative, or professional classification provisions described in 29 Code of Federal Regulations 541.1, 541.2, 541.3, and other applicable federal regulations. Faculty members are considered exempt employees.

**Non-exempt Positions:**

A non-exempt position is a position that does not meet the executive, administrative, or professional classification. The employees in these positions are subject to the minimum wage, overtime pay, and record keeping provisions of the Fair Labor Standards Act. A record of the number of hours worked each workday and the total hours worked each workweek must be kept under the record-keeping requirements of the Act.

Time sheets (RCCC 603) are to be completed daily by each employee in a non-exempt position. On the last workday of each month the non-exempt employee is responsible for signing and submitting his/her time sheet to his/her immediate supervisor.

Adopted: 6.25.2024

**I. DEFINITION**

An interim position is a temporary job that fills a gap within the organization until a permanent person can be hired.

**II. PROCEDURE**

The college shall use the following procedures when hiring or appointing an interim employee in a vacant position.

**A.** No one will remain in an interim position more than 6 months prior to a decision having to be made to either move the individual back to their previous position or allow them to apply for the vacant position.

a. Current employees moving into an Interim position will receive a monthly stipend for their additional duties if they are moving into an administrative role in the following amounts:

- |                |            |
|----------------|------------|
| i. Coordinator | \$500.00   |
| ii. Director   | \$750.00   |
| iii. VP        | \$1,000.00 |

**B.** All positions will need to be posted on AppOne for a period of no less than 5 calendar days. VPs can make the determination whether the job will be posted Internally or External.

**C. Application Process**

a. Applicants will be required to submit to the Human Resources Department a completed College Application for Employment and any other documentation specified in the position vacancy announcement.

Applications will be archived to document the applicant pool and a database shall be maintained to provide affirmative action records for each position announcement.

b. Only qualified applicants, as defined in the position vacancy announcement, will be considered for an interview. In the event the announcement generates no qualified applicants, and/or no qualified minority applicants,

the position description and the position vacancy announcement will be reviewed and the position will be re-advertised for one week.

- c. Interviewing Candidates. Unless otherwise directed by the President, interviews shall be conducted by the Committee. For employment positions at the Director level or above, the President may chair the Committee or be involved in interviewing the top three candidates.

#### **D. Selecting and Hiring Candidates**

Upon the President's approval, the Executive Director of Human Resources will make an offer of employment to the prospective employee. New employees will normally start their employment on the first day of the month following the employment offer.

Adopted: 6.25.2024



Compensatory time will be granted to a full-time, non-curriculum, non-exempt employee 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, in writing, 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)<sup>1</sup> 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

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<sup>1</sup> We intentionally set this number low. The maximum is 240 hours. The problem is that you don't want non-exempt employees banking large amounts of compensatory time and then using it all at one time. The better business practice is to make sure that supervisors keep a close watch on compensatory time and, where reasonably appropriate, have employees use that time within a reasonable time after they accrued it.

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: 6.25.2024

Legal Reference: 1C SBCCC 200.94; The Fair Labor Standards Act of 1938, as amended.

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.

The College may 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. Retirees are subject to a mandatory six (6) month waiting period before re-employment may occur. A retiree of the Teachers' and State Employees' Retirement System ("TSERS") is subject to earnings limitations, as established by TSERS. Further, the College shall not arrange post-retirement employment with any person currently employed by the College, or other TSERS-participating agency or local government. A retiree may only be employed in an interim, part-time, temporary, or fee-for-service position and may not be employed in a position that requires membership in TSERS.

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.

**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: 6.25.2024

Legal Reference: 1C SBCCC 300.4

- 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 an amorous, physical or romantic relationship without the benefit of marriage that live in the same house. <sup>1</sup>
- 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."

Adopted: 6.25.2024

Legal Reference: 1C SBCCC 200.98

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<sup>1</sup> This last group, people in an amorous relationship living in the same house, is optional.

Roanoke Chowan Community College's employment salary plan is a market-based plan which supports and fosters a performance driven culture. The salary plan provides for salaries for all employees, which will attract and retain qualified individuals. The goal is to provide salaries on the basis of the external market, internal equity and individual performance.

The President is hereby authorized to develop salary plans for non-curriculum and curriculum employees consistent with this Policy.

Adopted: 6.25.2024

**I. SALARY PLAN – NON-CURRICULUM PERSONNEL**

**A. Overview**

1. The salary plan is applicable to all non-curriculum personnel. The plan provides for salaries which will attract and retain qualified individuals. The goal is to provide salaries on the basis of the external market, internal equity, and individual performance.
2. The plan establishes the following: a) an appropriate classification system for College positions; and b) a salary range for each position which will result in equitable treatment of employees within the College and assist in attracting and retaining qualified personnel.
3. The plan is based on the following: a) a job description for each position defining the major responsibilities and the minimum requirements; b) establishment of a salary range for each grade; c) analysis of the positions and assignment to pay grades and respective salary ranges in accordance with internal equity and how the market values the jobs; and defined administrative responsibilities for implementing the pay guidelines.

**B. Salary Plan Administration**

1. The President has ultimate authority and responsibility for the salary plan including distribution of salary adjustments and salary administration changes. Any exceptions to, or major revisions in, the plan must be approved by the President or the President's designee.
2. To provide the opportunity for proper objectivity, coordination and control of classification and salary matters, the Executive Director of Human Resources will have ongoing responsibility for the direction and administration of the salary plan and will: a) be responsible for maintaining and updating the plan; b) evaluate all positions for appropriate placement in the salary structure; and c) ensure the College has job descriptions for all non-curriculum positions.
3. All management personnel have responsibility for being fully educated on the salary plan so as to interpret policy fairly for their employees. Managers should: a) communicate with employees regarding the salary plan and work with the Executive Director of Human Resources on program guidelines and individual pay issues; b) evaluate their employees with regard to their performance; and c) work with the Human Resources department to update position duties when changes have occurred and address any potential impact on compensation.

**C. Annual Salary Schedule Review and Individual Salary Increases**

1. Each year the President will recommend whether or not the salary structure will be revised and, if so, the amount based on market and budgetary factors.
2. As part of this process, data will be reviewed relative to market trends and the College will strive to revise the salary ranges annually to keep pace with market conditions. If the structure is adjusted, the range minimums and maximums will increase by the same amount. Range adjustments are normally effective on July 1 of each year.
3. The College will decide how much to budget for employee salary increases each year based on the amount appropriated by the state legislature and the College's budget.
4. If budgeted for, employees who fulfill the requirements of the job will be eligible to receive a salary increase. Employees subject to an individual performance development plan will not be eligible to receive increases until performance objectives have been met (*see* Performance Management Guidelines for additional information).
5. Employees having questions or concerns about their individual salary, including the increase, should speak with their immediate supervisor. If there are further concerns, the matter should be discussed with the department head prior to discussion with the Executive Director of Human Resources.

**D. Salary Determination or Adjustments**

1. New Appointment
  - a. New employees will be placed between the minimum and first quartile of their respective salary range. Appointments above the first quartile may be recommended by the Executive Director of Human Resources with Presidential review and approval.
  - b. Exceptions for salaries above the first quartile of the salary range must be documented. The request shall provide appropriate documentation indicating the rationale for hiring above the first quartile. Consideration for such a request shall be based upon factors such as the qualifications of the candidate, number of qualified applicants identified, length of time in recruiting for the position, the difficulty in filling the position and/or other market issues. When determining the starting salary for a new hire, consideration will also be given to the current salaries of other

employees in the same or comparable jobs who possess similar qualifications.

2. Promotion. The salary of an employee promoted to a position in a higher grade will be adjusted as set forth in the relevant salary plan.

In instances where an employee's job duties may significantly expand or increase to the point that the position is reassigned to a higher pay grade, the amount of the increase will be adjusted as set forth in the relevant salary plan

3. Demotion. When an employee moves, either voluntarily or because of a performance related reason, from a higher graded position to one assigned to a lower pay grade, the salary will normally be decreased. The College will evaluate each situation on a case-by-case basis and strive to maintain salary at an equitable level. Decreases in salary will be determined on a case-by-case basis based on the specific circumstances and budget limitations. However, in no case shall the salary be above the maximum of the pay range for the new grade.

In instances where a demotion is involuntary and non-performance related, the employee's salary shall be maintained at its current level so long as it is not above the maximum of the pay range for the new grade.

4. Transfer. When an employee makes a lateral move from one position to another within the same pay grade, the current salary shall remain unchanged.
5. Pay Below Range Minimum. No employee shall be paid lower than the minimum of a pay range.
6. Pay Above Range Minimum. If any employee's salary is equal to or exceeds the maximum of the range to which their job is assigned, future pay increases shall be limited to the amount that the salary ranges are adjusted; these will be determined on a case-by-case basis.

#### **E. Evaluation of Positions**

The College's evaluation system is based on achieving market equity and internal equity. Where available, market data will serve as a gauge to placing jobs within the grade that best captures each job's market rate as defined by the College. Where market data is unavailable, internal equity factors will determine where a position is graded. Internal equity will ensure that positions possessing comparable skills and responsibilities are evaluated equally while market equity will ensure that the salary ranges of all positions are set competitively with the College's defined markets.



When position responsibilities change significantly or new positions are created, a position review will be conducted. The review may be initiated by the supervisor, department head, or Human Resources to ensure that current duties and responsibilities are being appropriately reflected in the position's evaluation and pay grade assignment.

The following guidelines should be followed:

1. Request for review of an existing position.
  - a. The employee and the supervisor will complete a job description. The job description must be approved by the department head before it is submitted for review.
  - b. The Executive Director of Human Resources will review and confirm the accuracy of the description with the supervisor and employee.
2. Evaluation procedures.
  - a. Following review and follow up with the requesting department, Human Resources will evaluate the new or changed position based on the job description and, if needed, information gathered from discussions with the parties involved.
  - b. Human Resources will provide to the appropriate department official a grade and salary range for the position.
  - c. The employee, supervisor, and department head will be notified of the decision.

When a new position is created, the supervisor shall complete a job description and the same procedure will be followed as described above. Human Resources will evaluate the position and determine the grade assignment.

**F. Application of Fair Labor Standards Act**

The Executive Director of Human Resources has the responsibility to carry out the provisions of the Fair Labor Standards Act in determining the exempt and non-exempt status of employees.

1. Exempt employees are personnel who, by virtue of their duties, can satisfy certain qualifications fixed by legal regulations and may, therefore, be determined exempt from coverage under the act. Exempt employees are defined as executive, administrative, professional and other.

2. Such exemptions are based on the specific position descriptions and duties of the employees involved.
3. The Executive Director of Human Resources may consult with the College's legal counsel or other appropriate consultants for guidance on the appropriate classification of employees under the Fair Labor Standards Act.

## **II. SALARY PLAN – FULL-TIME CURRICULUM PERSONNEL**

### **A. Overview**

The salary plan is applicable to all full-time curriculum employees. The plan provides for salaries which will attract and retain qualified individuals. The goal is to provide salaries based on external market and internal equity factors.

The plan establishes a salary range for each employee based on their educational degree which will result in equitable treatment within the College and assist in attracting and retaining qualified personnel.

The plan is based on the following: 1) assignment to a salary range in accordance with the faculty member's educational credentials; and 2) placement within the salary range in accordance with the faculty member's relevant experience.

### **B. Salary Plan Administration**

To provide the opportunity for proper objectivity, coordination and control of salary matters, the Executive Director of Human Resources will have responsibility for direction and administration of the plan and will: 1) ensure that all employees are appropriately and equitably recognized for their educational credentials and relevant experience; and 2) monitor market conditions to ensure the salary schedule remains competitive with the higher education market.

### **C. Curriculum Employee Salary Determinations**

1. New Curriculum Employees. New curriculum employees shall be placed in the salary range that corresponds to their educational degree. Starting salaries will normally be set near the minimum or in the lower portion of the range for employees with limited prior teaching experience and where market factors are not an issue. The President may approve a starting salary to be set higher in the range in situations where one or more of the following conditions exist:
  - a. The individual has significant prior teaching experience and/or possesses special skills beneficial to the position;
  - b. There is significant difficulty in recruiting to fill the position; and/or

- c. The teaching discipline is in high demand and the market recognizes higher pay for the teaching field.
2. Pay Below Range Minimum. No employee shall be paid below the minimum of their salary range.
3. Pay Above Range Maximum. The goal will be to manage salaries within the ranges established for the plan. Should any employee reach the maximum of his or her salary range, future pay adjustments will continue to occur; however, the percent increase will not exceed the percent increase of the respective salary range.
4. Salary Adjustments. Each year the curriculum salary plan will be reviewed for adjustment based on the market and information received from the state. The goal will be to annually adjust the salary ranges to maintain the market competitiveness of the compensation plan while recognizing budgetary factors.

### **III. ADVANCED DEGREE ATTAINMENT**

- A. The College encourages its employees to advance their education by pursuing and achieving advanced degrees. Full-time employees () in regularly allotted positions who earn an academic degree higher than the one held at the time of employment may be considered to receive a pay increase.
- B. If a curriculum employee, in good standing, obtains an advanced degree (after obtaining prior approval of the VP of Instruction & Student Services) and meets the following guidelines during his/her employment with the College, s/he may be considered for an increase based on the scale below or the minimum pay established by NCCCS for the respective degree:
  1. If the advanced degree is in the subject area in which the employee is contracted to teach; and
  2. If the advanced degree enables the employee to teach additional courses for which they did not previously have credentials to teach.
- C. If a non-curriculum employee, in good standing, obtains an advanced degree and meets the following guidelines during his/her employment with the College, s/he may be considered for an increase based on the scale below or the minimum pay established by NCCCS for the respective degree if the advanced degree is in a field related to the employee's job responsibilities.
- D. Salary increases will be based on the following scale:

<u>Entry Level</u>	<u>Associate</u>	<u>Bachelors</u>	<u>Masters</u>	<u>Doctorate</u>
Non-Degree	\$1,000	\$1,500		
Associate		\$1,500		
Bachelors			\$2,000	
Masters				\$3,000

- E. The employee must provide evidence of coursework completion and the degree awarded. The degree must be conferred by an institution of higher education accredited by one of the six regional accrediting agencies recognized by the U.S. Department of Education and must be directly related to the employee’s work at the College.
- F. No increase shall be given for the attainment of the next higher degree to employees hired with the written understanding that they complete such a degree as a condition for continued employment.
- G. During periods of limited budget availability, the President may declare a moratorium on implementing pay increases for earned higher degrees with the provision that employees who otherwise qualify would receive their increase at the beginning of the next fiscal year after which funds become available. In such cases, no retroactive increase will be provided to compensate for the moratorium period.
- H. Upon attaining an additional or higher degree, the salary increase will be implemented at the beginning of the next fiscal year contract period. Employees who are candidates to receive an advanced degree must notify the Executive Director of Human Resources by May 1<sup>st</sup> to be eligible to receive the salary increase at the next effective date.
- I. The College will adhere to any State legislative action regarding salary increases.

**IV. FINANCIAL EXIGENCY.**

During times of financial exigency, the President temporarily may suspend all or portions of this Procedure if necessary to maintain the financial integrity of the College. Once the suspension has ended, the College will not make any retroactive payments to employees earned under this policy; however, the employee will receive prospective payments earned under this policy.

Adopted: 6.25.2024

Legal Reference: 1C SBCCC400.3; the Fair Labor Standards Act of 1938, as amended.

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 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: 6.25.2024

**I. Submission of Credentials**

- A. All employee's credentials are on file in the Human Resources office.
- B. While employed at the College, employees are expected to report any new credentials to the Human Resources office each year.
- C. All employees must provide official College transcripts to the Human Resources office for any new degree obtained with the submission of a new contract the following June.
- D. All college transcripts will be maintained in the Human Resources office.

**II. Classes sponsored by the College**

- A. Professional development activities' coordinators are expected to maintain a roster of workshop participants.
- B. On the last day of a workshop, all rosters for the workshop should be submitted to the Institutional Effectiveness Office.
- C. After a workshop is completed, the IE office will provide each workshop participant with a certificate of completion.
- D. A copy of the certificate will be maintained in the IE office.
- E. A history of the professional development participation will be maintained by the IE office.
- F. Rosters of attendance at College sponsored professional development activities will be maintained in the IE office.

**III. Professional Development Activities not sponsored by the College**

- A. Examples of professional development events not sponsored by the College include conferences, workshops and seminars that do not occur on the College's campus.
- B. All staff members are expected to submit records of attendance for professional development activities to the IE office.
- C. Examples of documentation include a certificate of completion, instructor verification, or a College renewal credit form (located in the professional development office).
- D. Records of employee professional development activities will be maintained in the IE office.

Adopted: 6.25.2024

**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. Until the SBCC votes to approve the final candidate and communicates its approval to the College, the College may not publicly communicate or publicly confirm or deny the name of the final candidate submitted to the SBCC for approval.
- K. The Board shall not execute a contract prior to SBCC action to approve the Board's presidential election unless it has 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 the Board shall specify in the President's contract the contractual term, salary, additional benefits, if any, and contract termination procedures. The Board shall receive a copy of the President's contract and all addendums.

**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: 6.25.2024

Amended June 2021

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



Roanoke Chowan Community College shall make available a comprehensive benefit package to all full-time employees and part-time employees with benefits (see Policy 3.1.3 – Employment Classifications and Working Hours) or 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 Executive 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: 6.25.2024

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

**B. Part-Time Employees with Benefits**

Part-time employees with benefits will be afford the following benefits:

1. All leave as specified in College Policy;
2. Longevity Pay, with requisite years of experience;
3. TSERS benefits;
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 require by State law.

**D. Full-Time Temporary Employees**

1. All 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: 6.25.2024

Cross Reference: Policy 3.1.5 – Re-Employment of Retired Persons

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: 6.25.2024

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

- A. 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 twenty (20) hours per week), an employee is eligible for Longevity Pay.
- B. Qualifying service is based on a month-for-month computation of employment with:
1. 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.
    - a. 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).
    - b. In no event will an employee earn more than a year of aggregate service credit in a twelve (12) month period.
    - c. 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.
  2. 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).
  3. 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).
  4. County agricultural extension service.
  5. Local mental health, public health, social services, or civil preparedness agencies in North Carolina, if such employment is subject to the State Personnel Act.
  6. Authorized military leave.
    - a. 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:
      - 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

- for a period of active duty for service, alerts, or required annual training while in the National Guard or in a military reserve program.
  - b. Employees who enlist for more than four years or who re-enlist shall not be eligible for longevity consideration for military leave.
  - c. 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.
- C. Aggregate service to the State of North Carolina for the longevity pay plan does not include:
- 1. 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.
  - 2. Periods of out-of-state employment with other states, schools, colleges or universities.
  - 3. Periods of employment with agencies of the federal government.
  - 4. Periods of military service other than those categories described above.
  - 5. 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.
- D. 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.
- 1. 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%

2. 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).
- E. 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.
1. Eligible employees on worker's compensation leave shall receive longevity payment in the same manner as if they were working.
  2. 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.
  3. 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.
  4. 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:
    - a. separation from the College, or
    - b. change in employment status to temporary part-time or to a position not covered in the Policy.
  5. 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.
  6. 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.
  7. 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.

- F. 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). The Trustees may provide longevity payments to employees from other than state allotted funds.
- G. The President shall:
1. Determine the quality of qualifying service and the longevity anniversary date for each eligible employee.
  2. 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.
- H. 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 a budget revision to the State Budget Officer requesting additional funds from other available sources within State Aid.

Adopted: 6.25.2024

Legal Reference: 1C SBCCC 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.
- E. Any employee who is absent from work for three or more consecutive workdays without appropriate notification and approval by his or her supervisor may be considered to have voluntarily resigned from the College.

Adopted: 6.25.2024

General Authority:

Revised: 09-29-81; 07-10-00; 6-23-09; 06-26-18

Editorial Changes:

**I. Amount Earned**

- A. A full-time 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 part-time employee with benefits working or on paid leave for one-half or more of the regularly scheduled workdays in any month shall earn five and one-half (5.5) sick leave hours per month (sixty-six (66) sick leave hours per year for twelve (12) month employees) (approximately two-thirds the rate of full-time employees).
- 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. The College requires a statement from a medical doctor if an employee is absent for 3 consecutive days, indicating that the employee was unable to work due to personal or family illness.

**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 (see Policy 3.2.16 - 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; and
- F. Adoption of a child, limited to a maximum of thirty (30) days.

**V. Other Procedures**

A. Leave Charges

All sick leave shall be taken in one-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 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 notify employees of their total sick leave balance at

the end of each month. 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: 6.25.2024

**I. Amount Earned**

- A. Each full-time employee 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 Earned Each Year (12 month employees)</b>
Less than 5 years	9 hours 20 minutes	112
5 but less than 10 years	11 hours 20 minutes	136
10 but less than 15 years	13 hours 20 minutes	160
15 but less than 20 years	15 hours 20 minutes	184
20 years or more	17 hours 20 minutes	208

- B. Each part-time employee with benefits shall earn annual leave if s/he works one-half or more of the scheduled workdays in a month. Employees shall earn annual leave rate at the following rate (approximately two-thirds the rate of full-time employees):

<b>Years of Total State Service</b>	<b>Hours Earned Each Month</b>	<b>Hours Earned Each Year (12 month employees)</b>
Less than 5 years	6 hours 20 minutes	76
5 but less than 10 years	7 hours 30 minutes	90
10 but less than 15 years	9 hours 0 minutes	108
15 but less than 20 years	10 hours 20 minutes	124
20 years or more	11 hours 40 minutes	140

**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 they would earn during the remainder of the fiscal year.

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<sup>1</sup> “Total State Service” means an employee working in a permanent position (working at least 30 hours per week) for a North Carolina K-12 school, North Carolina Community College, a UNC System University, a state agency or service with the United States Armed Forces or North Carolina National Guard.

- 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-earned 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 and encourage employees to renew their physical and mental capabilities and to remain a fully productive employee.

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 one hour.

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.

Except for in unusual circumstances or otherwise allowed by State law or policy, or College policy, Curriculum Employees should not use annual leave on days in which the employee is scheduled to teach.

##### **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 may be made on the regular payroll or on a supplemental 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 notify employees of their total annual leave balance at the end of each month. 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 sick leave balance to Human Resources.

Adopted: 6.25.2024

### **Educational Leave with Pay**

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;
- 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: 6.25.2024

Legal Reference: 1C SBCCC 400.6



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 3.2.17  
- Leave Without Pay.

Adopted: 6.25.2024

For jury duty and other court attendance, it is the employee's responsibility to inform the appropriate Vice President or Dean 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. They must report back to work the day following completion of the duty. If jury duty occurs on a scheduled day off, the employee 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).

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 their 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: 6.25.2024

Legal Reference: 1C SBCCC 200.94

**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 their 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: 6.25.2024

Legal Reference: N.C.G.S. Chapter 97 – Workers' Compensation Act

## I. PROGRAM INTRODUCTION

### Program Purpose

The purpose of this program is to develop a system for returning employees to work quickly and safely after injury or illness covered by Workers Compensation, and to improve the identification and appropriate management of temporary and permanent disabilities for these employees.

### Objectives

1. Support employees in their recovery from injury or illness by providing modified or alternative assignments, when available and appropriate under the circumstances.
2. Minimize the amount of absence and resulting impact to both the employee and the College due to work related injuries and illness.
3. Return the employee to their regular job assignment as soon as medically possible.
4. Prepare employees for the anticipated return to work sequence prior to an injury.
5. Help restore employees to their highest level of physical and mental health by implementing temporary or transitional work positions, approved for the employee's particular medical condition, when available and appropriate under the circumstances.

## II. PROGRAM ADMINISTRATION

When an employee of the College sustains a work-related injury or illness, compensable under workers' compensation, and the treating physician releases the employee to return to work with temporary restrictions, the College will make all reasonable efforts to enable the employee to return to work within the temporarily imposed physical restrictions.

When an employee has reached maximum medical improvement and has been released to return to work by the treating physician but has received a disability which prohibits employment in his/her previous position, the College may place the employee in another position if the employee is qualified for the position and an open position exists. The position in which the employee is assigned must be meaningful and productive for the College and the employee. This placement may be a permanent assignment or either a part-time or temporary assignment until a permanent assignment is found. If a suitable

position is not available, the College may continue work placement efforts for a period not to exceed twelve (12) months.

Nothing in this Program shall be construed to require the College to create a new position, or significantly alter the essential duties of a position, for an employee whose temporary or permanent work restrictions prohibit the employee from performing the essential duties of his or her position.

### **Return to Work Program Coordinator**

The Executive Director of Human Resources for the College will serve as the Return-to-Work Program Coordinator. The Return-to-Work Program Coordinator (or Program Coordinator) shall be responsible for administering the Administrative Procedures established through this policy.

The duties of the program coordinator shall include, but are not limited to the following:

1. Ensure all potential workers' compensation claims are reported to the insurance carrier.
2. Maintain effective communications with all parties involved in a workers' compensation claim. This will include, but not limited to the following: employee, supervisor(s), medical care provider(s), insurance representative(s) and administrative personnel.
3. Establish a working list of potential transitional duty assignments.
4. Coordinate the timely implementation of transitional duty assignments.
5. Return the injured employee to his/her regular job assignment when a physician releases him/her to return to full duty.
6. Keep Supervisor(s) informed of any changes or modifications in work restrictions of employees participating in the transitional duty program.

### **III. EMPLOYEE RESPONSIBILITIES**

All employees of the College have designated responsibilities including:

1. An employee must report any work-related injury or illness to the employee's supervisor immediately upon discovery. (Failure to report a work-related injury or illness in a timely manner may result in denial of workers' compensation benefits.)

2. Following a work-related injury the employee must provide a written description of any temporary or permanent work restrictions designated by the physician.
3. If the employee is seen by a physician during normal working hours, the employee must report back to work after receiving medical treatment, unless otherwise instructed by the attending physician or the employee's supervisor.
4. If a physician sees the employee after normal working hours, the employee must report to work the day after the injury at his/her normal reporting time, unless otherwise instructed by the attending physician or the employee's supervisor.
5. The employee must follow the physical restrictions imposed by the treating physician.
6. The employee must report any change in temporary physical restrictions (in writing) to his/her supervisor and the Program Coordinator immediately upon gaining knowledge of such changes in physician-imposed restrictions.

#### **IV. SUPERVISOR RESPONSIBILITIES**

Under this program, a supervisor of the College has certain responsibilities. These include:

1. When an employee is away from work due to an injury or illness, the supervisor will maintain an open line of communication with the employee. The employee should be contacted at least once a week while they are away from the worksite. In addition, an employee with physician-imposed restrictions at a worksite should be contacted at least once a week for conditional updates.
2. Supervisors must assist the Program Coordinator in identifying appropriate transitional work assignments for injured employees who have been returned to work with restrictions.
3. Supervisors must ensure that an employee does not return to work until the treating physician approves a return-to-work status.
4. After an employee's return to work, supervisors should adhere to an employee's work restrictions when assigning the employee specific duties or tasks. If an employee violates his/her own work restrictions, the supervisor should inform the Program Coordinator as soon as possible.



5. Supervisors must keep the Program Coordinator informed of the status, condition and progress of all employees assigned to transitional duties.

## **V. TRANSITIONAL DUTY / TEMPORARY ASSIGNMENTS**

### **Medical Case Review**

When an employee is released to return to work with medical restrictions, the Program Coordinator shall review the imposed restrictions with the employee's supervisor. If the College can adhere to the temporary restrictions in the same position or a similar position that is available and appropriate under the circumstances, a temporary job description will be developed based on the relative medical information provided from the attending physician. The Program Coordinator will forward a copy of the proposed transitional duty position description to the attending physician for review.

If the attending physician approves the transitional duty position, the Program Coordinator will schedule an appointment with the employee to discuss return to work procedures. Should the attending physician disapprove the proposed transitional duty position, the Program Coordinator should obtain further clarification on the injured employee's restrictions.

### **Temporary Assignments Made by Program Coordinator**

Transitional duty assignments shall be made on a case-by-case basis and the Program Coordinator shall consider the following factors when making the determination to return the employee back to work in a transitional assignment:

1. Whether the temporary restrictions can be reasonably accommodated;
2. The expected length of the assignment and restrictions;
3. The efficient operation of the College; and
4. If the restrictions prevent the employee from performing the essential duties of his/her position, whether there is other suitable work available within the College the employee can perform.

The Program Coordinator shall determine the length of a temporary assignment, taking into consideration the factors above. In no instance shall a temporary work assignment exceed nine (9) months. Temporary assignments may include a reduction in the amount of days or hours worked by the employee.

### **Employee Acceptance or Refusal of Temporary Assignment**

Once approved by the attending physician, the Program Coordinator shall brief the employee on the assigned transitional duty position. At that time, the employee shall be offered the position in writing and given no more than three (3) days to make a decision

on acceptance of the transitional duty position assigned by the program Coordinator and approved by the attending physician.

The employee may, at his/her discretion, refuse to accept the assigned transitional duty position. If the employee accepts the position, all necessary worksite accommodations shall be made and the employee shall return to work.

If the employee refuses the position, the Program Coordinator shall notify the claims adjuster assigned to the workers' compensation case who may file an application (Form 24) with the Industrial Commission of the State of North Carolina to have compensation terminated. Compensation will be paid until the Industrial Commission gives approval for the termination.

The employee is required to acknowledge the refusal to accept transitional duty. The statement shall include specific information concerning the transitional duty which was offered to the employee, the date of the offer, and that the employee voluntarily declined the transitional duty with the full and complete understanding that workers' compensation payments may be affected.

If efforts to contact the employee fail, a certified letter shall be mailed to the home address of the employee. The letter shall state information concerning the medically approved transitional duty, the rate of pay assigned to the transitional duty and an expected return to work date. If the employee fails to return to work within (2) two working days of the designated return to work date, the employee's refusal to return shall be considered a refusal of the offer of transitional work duty.

### **Wage Compensation and Use of Leave**

When the employee returns to work full time but with medical restrictions, he or she will receive compensation at his/her regular salary rate. If an employee has limited work hours, he or she will receive regular salary for the hours worked. Workers' Compensation will generally pay sixty-six and two thirds percent (66 2/3%) of the difference between the average weekly wage the employee was earning prior to the injury and the average weekly wage the employee is able to earn while working limited duty.

- When an employee returns to work for limited hours, the employee may use available sick and annual leave to supplement the partial workers compensation leave.
- An employee who was injured working, and who has returned to work, **is not** charged leave for time lost from work for authorized injury-related medical treatment that occurs during regularly scheduled work hours. Time away from work attending authorized medical treatment shall be noted in the employee's payroll records. Paid time is limited to reasonable time for authorized injury-related medical treatment and travel (a Maximum of 4 hours). Any other time

away from work for the medical treatment or travel shall be charged to any earned and available paid leave balances, such as sick, vacation, compensatory, or bonus leave. If no paid leave balance is available, the excess time away from work shall be leave without pay.

## **VI. SEPARATION DUE TO UNAVAILABILITY**

An employee may be separated on the basis of “unavailability” when the employee remains unavailable for work after all applicable leave credits have been exhausted and the Superintendent or Board does not grant a leave without pay, or does not extend a leave without pay period, for reasons deemed sufficient by them in accordance with the law.

Separation Due to Unavailability is not a disciplinary dismissal and will not sever any benefits the injured employee is receiving under the Workers’ Compensation Act. An employee does not lose any due process rights provided by law or other Board policy when separated due to unavailability. Separation due to unavailability shall be applied in accordance with G.S. 115C and any applicable local board policy.

Unavailability may be due to:

- (1) the employee’s inability to return to all of his/her position’s essential duties and work schedule due to a medical condition or the vagueness of a medical prognosis; **and**
- (2) the employee and the College are unable to reach agreement on a return-to-work assignment that meets both the operating needs of the College and the employee’s medical/health needs; or

### **OR**

- (1) the employee’s inability to return to all of the position’s essential duties and work schedule due to other extenuating circumstances; **and**
- (2) the employee and the LEA cannot reach agreement on a return-to-work arrangement that meets both the needs of the LEA and the employee’s situation.

This Return-to-Work Program is intended to comply with all state legal requirements regarding workers’ compensation. If any provision herein conflicts with state or federal law, the law is controlling.

Adopted Date: **3/26/2024**

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 or on a supplemental 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: 6.25.2024

Cross Reference: Policy 3.2.6

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 they 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. Payroll deduction for time lost.

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

**B. Loss of Instructional Time**

Coursework for missed academic classes due to inclement weather or an emergency closing will be made-up in one of the following ways:

1. Rescheduling the course at a time convenient to the faculty and students;
2. Documenting make-up through the use of an alternate assignment; or
3. Extending the semester by the time missed.
4. Clinical classes: Any clinical time missed due to inclement weather must be made up in order to meet the requirements of the various accrediting boards. The Dean of College Transfer and Health Sciences, Director of Allied Health, and Director of Nursing (for nursing and EMS) will work with the clinical agencies to reschedule any missed clinical time and submit a report to Academic Affairs.

**C. Cancellation Or Rescheduling of Organizational Activities**

When the college is officially closed, other groups or organizations meetings or working on campus will keep the same hours as the college faculty and staff. Cancellation or

rescheduling of public performances held on campus for which tickets are pre-sold will be announced separately.

Adopted: 6.25.2024

Cross Reference Policy 2.1.11

Every effort will be made to make announcements regarding adverse weather/emergency closings as early as possible. Decisions impacting day classes will be made by 6:00 a.m. or earlier if possible. Decisions about evening classes will be made by 2:00 p.m.

Early College (“EC”) students should follow the county/city schools’ schedule. However, if the College is open, EC students should make every effort to attend their college classes.

Announcements regarding closures, or delayed schedules, will be posted on the College’s website and on the following list of television/radio stations:

**Television - WITN, WAVY TV 10**

**Radio – WDLZ, WRCS**

**Regroup Messaging**

Several of these television/radio stations do not allow options to include situations that may occur, such as late openings and optional workdays for employees. Therefore, the College weather hotline and/or official social media accounts will be utilized for all weather announcements. The College’s hotline number is (252)862-1200. Please call the number for additional information or check the College's official social media accounts.

Adopted: 6.25.2024

Cross Reference: Procedure 2.1.11.1

## I. PURPOSE

The Voluntary Shared Leave Program ("Program") allows a College employee to voluntarily donate a portion of their 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 their 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 college;
- 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 or part-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 their immediate family that will require their 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 (prorated for part-time employees), 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 (prorated for part-time employees).
- 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) 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: 6.25.2024

Legal Citation: G.S. 115D-25.3; 1C 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 concurrent 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 Executive 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: 6.25.2024

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. 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: 6.25.2024

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 per federal fiscal year (Oct. 1 – Sept. 30) 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: 6.25.2024

Legal Reference: Uniformed Services and Reemployment Act of 1994; N.C.G.S. 127A-116; and 25 NCAC 01E.0802-.0821; 1C SBCCC 400.7

All full-time employees and part-time employees with benefits may use a maximum three days of sick leave when there is 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, 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 days of bereavement leave, the employee and supervisor must ensure that the employee’s job duties are adequately covered.

Adopted: 6.25.2024

**General Authority:**

**Revised:** 09-29-81; 01-25-83; 09-28-10

**Editorial Changes:**



Leave without pay may be granted to an employee for: a) educational purposes which will better equip the employee for the performance of his/her duties and responsibilities; b) to do special work for the federal/state government in cases of emergency or when the College is to profit by the experience gained or the work performed; c) for vacation purposes; d) for reasons specified in College policy; or e) 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. Employees on leave without pay (excluding military leave or workmen's compensation) for more than one-half of the total workdays in any month will be responsible for paying the State Health Plan premium if they wish to continue coverage.

**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: 6.25.2024

**General Authority:**

**Revised: Adopted** 02-09-93, 12-5-23

**Editorial Changes:**

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 provided 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<sup>1</sup> is a full-time 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 an 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: 6.25.2024

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<sup>1</sup> Alternatively, eligible employees could include part-time employees who would be entitled to paid holiday leave on a pro rata basis.

When personal difficulties adversely affect job performance the College will provide an opportunity for an employee to seek professional counseling services through its Employee Assistance Program (EAP).

The Employee Assistance Program (EAP) is designed to assist employees in resolving personal problems that affect their current job performance.

An employee may become a participant in the program by either self-referral or supervisor referral.

There is no charge to the employee for the initial diagnostic screening through the second appointment. The employee may go to a certified psychological or counseling professional selected by the College or he/she may select an appropriate advisor to provide the service. Any information discussed between the employee and the service provider will be strictly confidential.

After the initial three visits to EAP the employee will be required to pick up the cost of continued assistance. Subsequent sessions may be covered under the current State Health Plan. Leave during an employee's work day to attend EAP sessions will be treated and charged out as normal sick leave and annual leave.

Participation by an employee in the EAP Program does not constitute a waiver of or limit to the College's responsibility to maintain standards of discipline and performance. Nor does it prohibit the college from taking appropriate disciplinary actions for misbehavior, which may include dismissal. Employees participating in the Employee Assistance Program are expected to maintain satisfactory job performance.

**General Authority:**

**Revised: 4-23-24**

**Editorial Changes: 12-6-23**

**I. Purpose**

Personal Observance Leave may be used by eligible employees on any day of significance to the employee, including days of cultural, religious, or personal importance.

**II. Eligibility**

All full-time employees will receive Personal Observance Leave (“leave”) Part-time, temporary and interim employees will not receive this leave.

Newly hired employees are eligible for leave upon their hire date.

**III. Amount of Leave**

- A. Full-time employees will receive eight (8) hours of Leave each calendar year. The Leave will be credited to employees on January 1st of each year.
- B. Part-time employees, if eligible, will receive a prorated amount based on their number of hours compared to a fulltime schedule.
- C. All Leave must be used on the same day.
- D. The Leave has no cash value and does not carry over each year. Leave unused within a calendar year is forfeited.
- E. This leave may not be transferred to other employees.
- F. If an employee separates from the College and moves to another State agency within the calendar year, unused leave may be transferred if the new agency accepts the leave.

**IV. Use of Leave**

- A. This leave may be used on any single day of significance to the employee, including but not limited to days of cultural and/or religious importance. The day in which leave is taken does not have to be a day from the employee’s own religious or cultural background.
- B. Employees may use this leave prior to exhausting any accumulated compensatory leave or other leave available to the employee.
- C. This leave may not be used as sick leave or on used on days already scheduled as vacation or a holiday in the College calendar.
- D. This leave may not be used to extend a holiday or vacation already scheduled in the College calendar.
- E. This leave will not be applied to existing negative leave balances. This leave cannot be donated under the Voluntary Shared Leave policy.

**V. Approval of Leave**

- A. Employees must receive prior approval from their immediate supervisor prior to using this leave. Requests for the use of leave should be made at least two (2) weeks prior to the expected day of leave.
- B. Supervisors will honor all leave requests unless the use of the leave will create a disruption in the College's operation, in which case the supervisor may require the leave be taken at a time other than the time requested.
- C. Supervisors may not require a justification of the employee's request to use the leave.
- D. It is the responsibility of an employee and their supervisor to ensure all leave is reported accurately.

Legal Citation: Executive Order No. 262, §5 (June 6, 2022)

Adopted: 6.25.2024

Effective: 7-1-24

- (1) Personal leave is defined as any absence due to personal business that cannot be scheduled during semester breaks. It is available only to instructors with earned but unused sick leave who have obtained their supervisor's advance approval of any planned personal leave. A maximum of three days (24 hours) of earned sick leave may be converted to personal leave during a fiscal year (July 1 - June 30), provided that the personal leave has been approved in accordance with this policy.
  
- (2) There are events held by the College in which employees are contractually obligated to attend, including convocations, graduation, faculty/staff professional development, registration, and special called meetings by the President. These dates constitute blackout dates for personal leave unless approved by the President.
  
- (3) Personal leave time is not cumulative.

General Authority:

Revised: 06-28-94, 04-26-06, 08-28-2007, 06-26-18

Editorial Changes: 4-23-24

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**ROANOKE-CHOWAN  
COMMUNITY  
COLLEGE**

**PAID PARENTAL LEAVE**

**TEMPORARY  
POLICY**

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This is a temporary policy approved by the President/Board of Trustees in accordance with North Carolina Session Law 2023-14. This temporary policy is effective retroactively from July 1, 2023, and shall remain in place until a formal policy is adopted by the State Board of Community Colleges and the College's Board of Trustees. This temporary policy expires on the effective date of a permanent policy adopted by the Board of Trustees.

I. For the purpose of this policy, the following definitions shall apply.

- (1) "Child" means a newborn biological Child or a newly-placed adopted, foster or otherwise legally placed Child under the age of 18, whose Parent is an eligible employee.
- (2) "Parent" means:
  - (A) the mother or father of a Child through birth or legal adoption; or
  - (B) an individual who cares for a Child through foster or other legal placement under the direction of a government authority.
- (3) "Public safety concern" means a significant impairment to the College's ability to conduct its operations in a manner that protects the health and safety of students, employees, or other individuals on the College campus.
- (4) "Qualifying event" means when an employee becomes a Parent to a Child.

II. Eligibility for Paid Parental Leave.

- (1) Employees who become Parents via childbirth, adoption, foster care, or another legal placement are eligible for Paid Parental Leave if:
  - (A) Employee is in a permanent, time-limited, or probationary appointment. Temporary employees are not eligible for Paid Parental Leave.
  - (B) At the time of the qualifying event, the employee meets each of the following conditions:
    - (i) For the immediate 12 preceding months, the employee has been employed without a break in service by the College in a permanent, time-limited, or probationary appointment. Periods of worker's compensation or short-term disability months preceding the qualifying events do not make the employee ineligible for Paid Parental Leave. Further, periods of leave without pay for illness, educational purposes, vacation, or other reasons deemed by the President shall not constitute a break in service.



- (ii) The employee has been in pay status with the College for at least 1,040 hours during the previous 12-month period. Exhaustion of Family and Medical Leave does not affect eligibility for Paid Parental Leave.

III. Leave Available to Full-Time Employees.

- (1) Full-time employees eligible for Paid Parental Leave may take, in their discretion, up to the following amounts of leave:
  - (A) Eight weeks of paid leave after a parent gives birth to a child.
  - (B) Four weeks of paid leave after any other qualifying event.
- (2) Each week of paid parental leave shall result in compensation at 100% of the eligible employee's regular, straight-time weekly pay excluding shift differentials, premium pay, or overtime.

IV. Leave Available to Part-Time Employees.

- (1) Part-time employees (regardless of whether they work half-time or more) shall receive Paid Parental Leave if the employee meets all other requirements for eligibility.
- (2) Part-time employees eligible for Paid Parental Leave may take, in their discretion, a prorated leave amount of:
  - (A) Four weeks of paid leave after a Parent gives birth to a Child.
  - (B) Two weeks of paid leave after any other qualifying event.
- (3) Each week of Paid Parental Leave shall result in compensation at 100% of the eligible employee's regular, straight-time weekly pay excluding shift differentials, premium pay, or overtime.

V. Use of Other Leave.

- (1) Paid parental leave is in addition to any other leave authorized by this state or federal law, or policies established by the College, provided that the paid parental leave:
  - (A) Shall not be counted against or deducted from an eligible employee's sick, vacation, or other accrued leave; and
  - (B) Shall run concurrently with any leave to which the employee may be entitled under the Family and Medical Leave Act, 28 U.S.C. 2601 *et seq*, provided the employee received appropriate notice.

(g) Requesting Use of Paid Parental Leave.

- (1) Eligible employees may take Paid Parental Leave in one continuous period or may take intermittent use of Paid Parental Leave. Requests for intermittent use of Paid Parental Leave are subject to the College's approval as stated in Paragraph (4) of this section.
- (2) Whenever possible, eligible employees shall notify the College's Human Resources Department at least 10 weeks in advance of their intention to use Paid Parental Leave. Employees may withdraw their request for Paid Parental Leave at any time.
- (3) Absent unusual circumstances, the employee shall be required to comply with all other College leave request procedures.
- (4) The College will not deny, delay, or require intermittent use of Paid Parental Leave to employees who gave birth and seek to use Paid Parental Leave in one continuous period.
- (5) For all other employees not subject to Paragraph (4) above, the College may delay providing Paid Parental Leave or may provide Paid Parental Leave intermittently if it determines that providing the leave will cause a public safety concern at the College. For example, the extension of Paid Parental Leave to an eligible employee who did not give birth may constitute a Public Safety Concern if:
  - (A) Providing the Paid Parental Leave would result in College staffing levels below what is required by federal or state law to maintain operational safety;
  - (B) Providing the Paid Parental Leave may impact the health or safety of staff, students, or other individuals on the College's campus; and
  - (C) The College has been unable to secure supplemental staffing after requesting or diligently exploring alternative staffing options.
- (6) If the College determines that it must delay Paid Parental Leave, or make Paid Parental Leave intermittent, because of a public safety concern under paragraph (4) above, the College shall provide Paid Parental Leave as soon as practical following the Qualifying Event.
- (7) If both Parents are eligible employees of the College, each may receive Paid Parental Leave. Both Parents may take their leave simultaneously or at different times, pending no Public Safety Concern.

VI. Leave Usage.

- (1) Paid Parental Leave may be used only once for a Qualifying Event within a 12-month period. The fact that a multiple birth, adoption, or other legal placement

occurs (e.g., the birth of twins or adoption of siblings) does not increase the total amount of Paid Parental Leave granted for that event.

- (2) Unused Parental Leave is forfeited 12 months from the date of the Qualifying Event.
- (3) Paid Parental Leave shall not accrue or be donated to another employee.
- (4) Employees shall not be paid for the parental leave upon separation from the employer. Parental leave shall not be used for calculating an employee's retirement benefits and shall not accrue or be donated as voluntary shared leave.
- (5) Leave usage must be recorded in the same required increments as all other leave under College policy.
- (6) If the employee requires leave before the actual birth or adoption due to medical reasons or to fulfill legal adoption obligations, other available accrued leave shall be utilized in accordance with the College's leave policies. Paid Parental Leave shall not be used prior to the Qualifying Event.

The Executive 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, separation, 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 taken by the College. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the board of trustees 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 Human Resources for an appointment. If an individual wishes 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 his/her discretion, or shall at the direction of 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: 6.25.2024

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

- (1) Roanoke-Chowan Community College will protect the confidentiality of personnel information in compliance with federal and state law including but not limited to North Carolina General Statutes 115D-27, -28, and -29. No employee may release confidential personnel information except in strict compliance with the law.
- (2) All requests for information regarding a current or former employee of Roanoke-Chowan Community College must be referred to the Human Resources Department. Requests for a reference regarding a current or former employee must be referred to the Human Resources Department for handling. No College employee may issue a reference letter to any current or former employee without the permission of the President.
- (3) Under no circumstances should any College employee release any information about any current or former College employee over the telephone. All telephone inquiries regarding any current or former employee of the College must be referred to the Human Resources Department.

Adopted: 6.25.2024

## **I. Employee Development Plans and Evaluations**

An employee development and evaluation process has been established to ensure relevant feedback between faculty and staff and the respective supervisors. This evaluation procedure is designed and intended to offer suggestions for improvement and develop strategies for the attainment of specific goals or the revision of related processes.

All employees will be evaluated annually. Each year, every full-time employee will have a pre-evaluation conference with his/her supervisor. An outcome of this conference will be a development plan to evaluate the performance of the employee and to develop strategies for improvement. The Personnel Office will be responsible for coordinating and monitoring the evaluation process and may implement a timeline for the evaluation process.

Development plans and evaluations will be retained in the personnel file.

Supervisors may only use evaluation instruments that have been approved by the Personnel Office. The President may use a different evaluation instrument and procedures when evaluating employees reporting directly to the President; however, these employees shall be evaluated annually.

In addition to the above, all curriculum employees may be evaluated by students through course evaluations.

## **II. President's Evaluation**

The Board shall evaluate the performance of the President annually. The evaluation instrument and methodology shall be selected by the Board, but 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

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 II(A)-(F) herein;
- D. Certification that the full Board received a copy and discussed the evaluation results and the results were discussed with the President;
- E. Certification that the full Board received a copy of and reviewed the President's contract if the President has a contract;
- F. A listing of Board members in attendance at the meeting when the President's evaluation was conducted; and
- G. 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.

If the President has a contract, the Board shall note in the meeting minutes that they have reviewed the President's contract.

Adopted: 6.25.2024

Legal Reference: 1C SBCCC 300.2

1. **PURPOSE:**

The purpose of this procedure is to describe the process through which all staff members and administrators (excluding curriculum instructors/program chairs and instructional division heads) are evaluated.

2. **PROCEDURE:**

Each staff member and administrator (other than curriculum instructors/program chairs and instructional division heads) will be evaluated annually with the evaluation process completed by July 30<sup>th</sup> of each calendar year.

The employee's job description will serve as the basis of the performance criteria. At the beginning of the contract year, the employee **and** his/her supervisor will agree upon **and** select a minimum of 5 of the duties/responsibilities listed in the employee's job description that will become the performance criteria for that particular appraisal period.

It is the responsibility of the staff member or administrator and his/her supervisor to confer regarding the results of the evaluations and formulate a professional development plan to address any concerns identified through the evaluation. The plan also may include activities which may assist an individual in achieving his/her professional goals. The administrator or staff member will have the right to disagree in writing with the supervisor's conclusions; and this written dissension will be placed **in** the file with the completed evaluation form.

Should a professional development plan not be agreed upon, it is the responsibility of the supervisor to develop one and require that the employee implement it.

Copies of the completed evaluation will be maintained by the employee, the employee's supervisor, and the President.

**Definitions:**

The following definitions are used throughout the evaluation process:

<p><b>5 - Outstanding</b></p>	<p><b>An employee whose work is characterized by:</b></p> <ul style="list-style-type: none"> <li>• sustaining exemplary performance throughout the rating period;</li> <li>• providing excellent service in support of the mission of the organization;</li> <li>• consistently exceeding and sometimes far exceeding the criteria of the job responsibilities;</li> <li>• consistently demonstrating initiative for the benefit of the College, Division and/or Department;</li> <li>• demonstrating full mastery of knowledge, skills and abilities, required work, and basic competencies.</li> </ul>
<p><b>4 - Exceeds Expectations</b></p>	<p><b>An employee whose work is characterized by:</b></p> <ul style="list-style-type: none"> <li>• consistently high level of accomplishment;</li> <li>• often exceeding performance expectations;</li> <li>• providing significant service in support of the mission of the organization;</li> <li>• independently demonstrating highly proficient knowledge, skills, and abilities, required work and behavioral competencies.</li> </ul>
<p><b>3 - Meets Expectation</b></p>	<p><b>An employee whose work is characterized by:</b></p> <ul style="list-style-type: none"> <li>• achieving results at a level that generally meet and may at times exceed performance targets;</li> <li>• providing commendable support to the contributions of the organization;</li> <li>• demonstrating fully proficient knowledge, skills and abilities, required work, and behavioral competencies with only a few areas in need of some improvement.</li> </ul>
<p><b>2 - Needs Improvement</b></p>	<p><b>An employee whose work:</b></p> <ul style="list-style-type: none"> <li>• requires substantive improvement to fully meet the performance targets;</li> <li>• provides basic support to the mission of the organization;</li> <li>• is at the beginner or developmental stage of demonstrable knowledge, skills and abilities;</li> <li>• exhibits inadequate behavioral competencies;</li> <li>• requires guidance and training to improve performance.</li> </ul>
<p><b>1 - Unsatisfactory</b> Must conduct a performance improvement plan</p>	<p><b>An employee whose work:</b></p> <ul style="list-style-type: none"> <li>• fails to meet the criteria of the job function;</li> <li>• falls short of performance targets;</li> <li>• provides inadequate support to the mission;</li> <li>• performs below the beginner or developmental stage of demonstrable knowledge, skills and abilities; required work and behavioral competencies.</li> </ul>

(Revised: 10-24-88; 04-22-96; 9-30-24) Approved: 05-16-96; 6-25-24

1. **PURPOSE:**

The purpose of this section is to describe the procedures by which the teaching performance of full-time curricular faculty and part-time curricular faculty is assessed by their students.

2. **PROCEDURE:**

The Student Evaluation of Instruction instrument contains three sections: (1) student self-evaluation, (2) course evaluation, and (3) instructor evaluation. Each full-time faculty member will be evaluated by his/her students in two courses (other than distance learning courses and off-campus courses) in the fall and spring semesters of each academic year.

The Institutional Researcher will select two courses (other than distance learning and off-campus courses) for each full-time faculty member for evaluation by students enrolled in those courses. Each part-time faculty member will be evaluated in all courses (other than distance learning and off-campus courses) in each semester he/she teaches.

The Institutional Researcher will select a sample of courses for each high school for evaluation by students with one course selected from each academic area offered. Also, the Institutional Researcher will select a sample of courses for each off-campus site for evaluation by students with two courses selected from each academic area offered.

The Institutional Researcher will prepare a packet of survey instruments for each course selected and distribute these to the faculty.

During the identified evaluation week, the instructor will turn the packet over to a student in the class and leave the room while the forms are completed. The student will

hand out the evaluation forms, collect them, put them back into the packet, and return them to a designated site.

Distance learning courses will be evaluated using the on-line Student Evaluation of Instruction Instrument. The Institutional Researcher will select one course for each full-time instructor teaching a distance learning course and each part-time instructor will be evaluated in all distance learning courses. During the identified evaluation period, the on-line evaluation form will be posted for students to complete and return electronically to the Institutional Researcher.

The evaluation instruments will be tabulated and then compiled into a summary sheet. The originals will be destroyed to protect the anonymity of the students. The summary sheet will be distributed to the Dean and the program coordinator. The program coordinator will hold a conference with the faculty member to discuss the survey results. The instructor will have an opportunity to discuss any comments or ratings. Copies of the evaluation summary will be kept on file by the program coordinator and the Dean for a period of two years.

It is the responsibility of the program coordinator and the instructor to agree upon and formulate measures to address concerns that may arise from the information gathered from student evaluations.

**(Adopted:** 04-30-84) **(Revised:** 10-24-88; 01-09-95; 04-22-96; 08-19-02; 6.25.2024)

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:

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 required 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 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.
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, including student 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.

## **III. Employee and Student/Employee Relationships**

Romantic or sexual relationships between College employees and students are prohibited if (a) the employee and the student have an academic relationship; (b) if the student is still enrolled in high school; or (c) the student is under the age of eighteen. 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.

Individuals employed by Roanoke-Chowan Community College who engage in relationships with individuals associated with the College who are in unequal positions within the organizational structure may undermine the real or perceived integrity of the supervision and evaluation process, as well as affect the trust inherent in the educational environment. It is the policy of Roanoke-Chowan Community College that romantic, amorous or sexual relationships not be conducted by persons in unequal positions. Romantic, amorous, or sexual relationships between College employees in unequal positions 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.

Romantic or sexual relationships between College employees and students, subordinate, or colleague upon whose academic or work performance he or she will be required to make professional judgments. that do not violate the above provision but that otherwise impair 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.

Adopted: Amended July 2021

Cross Reference: Policy 3.3.1 – Personnel Files; Procedures 3.3.3.1 – Arrests and Convictions; Policy 3.3.7 – Discrimination and Harassment; Policy 3.4.1 – Conflicts of Interest; Policy 3.4.2 – Employee Political Activity; Policy 3.4.3 – Weapons on Campus; Policy 3.4.5 – Alcohol and Drugs on Campus; Policy 5.4.1 - Student Records; Policy 7.1.1 – Internet and Network Acceptable Use

General Authority:

Revised: 11-23-04, 10-24-06, 6-15-15

Editorial Changes:



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: 6.25.2024

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. Oral 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 them and explain to the employee how they have not met the College's expectations.
2. The supervisor shall provide the employee an opportunity to explain their 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 oral warning and allowing for a reasonable 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.

C. Serious Misconduct

For serious misconduct, as determined by the President, an employee may be subject to termination or other disciplinary action without first receiving oral or written warnings.

**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 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, too.
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, they shall leave the College property at once and not be 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 employment and any subsequent reinstatement or re-employment shall be on the basis of new employment.

6. An employee may appeal the President's decision to impose suspension without pay to the Board of Trustees pursuant to Policy 3.3.6; however, the suspension without pay will not be tolled pending the appeal.

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

The President, or designee, may suspend an employee, with pay, for up to ninety (90) days while conducting an investigation as to whether 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 of 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 impermissible based on a violation of state or federal law or if the actions were based on the employee's race, religion, color, national origin, sex, sexual orientation, gender identity, 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 the 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. 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.
4. For serious misconduct, the President, or designee, may skip any of the procedures in subsection 1 and immediately meet with the employee and provide a written notice of charges.

Adopted: 6.25.2024

Cross Reference: Policy 3.3.6 – Right of Appeal.

## 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 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; or if the decision is otherwise a violation of state or federal law.

## II. NON-RENEWAL PROCESS

At least 30 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.

The employee has the right to appeal the President's decision to the Board of Trustees as outlined in Policy 3.3.6 – Right of Appeal provided; 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.

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. Faculty employees are expected to give at least one (1) semester of notice in writing to the President. The actual leave date should coincide with the completion of an academic term in order not to disrupt classroom instruction.

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

- IV. Employees separating from College employment for any reason must complete a check-out form and have it approved by the appropriate persons noted on the form before a final

pay check will be issued. This form provides for certification that all necessary reports are complete and keys, identification card, and other College property have been returned.

Failure to return college property may result in a reduction of pay from the employee's last pay check to recover the loss, replacement and/or repair of the property. An administrative fee of five percent of the amount due the College will be assessed to offset the cost incurred by the College for the reclamation of its property.

The administration is also authorized to pursue criminal prosecution against employees who take and refuse to return property of the College.

Adopted: 6.25.2024

General Authority:

Revised: 11-25-05

Editorial Changes: 12-6-23

**I. Right of Appeal**

- A. In case of suspension without pay or dismissal pursuant to Policy 3.3.4, contract non-renewal pursuant to Policy 3.3.5, or reduction in force pursuant to Policy 3.3.9, an eligible employee (as outlined in each Policy) has a right to appeal the President's decision and must do so within ten (10) business days of the action taken.<sup>1</sup> Appeals must be submitted in writing to the President who shall forward the appeal to the chair of the Board of Trustees. The employee must articulate the grounds for the appeal in the notice. Further, the employee shall state in the notice whether the employee has or is seeking legal counsel for the appeal.
- 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 Personnel Committee ("Committee") of the Board of Trustees shall conduct a hearing pursuant to Section II. The employee's failure to inform the President that they have retained legal counsel for the appeal at least three (3) business days prior to the hearing shall be automatic grounds for a continuance of the hearing if so desired by the College.
- C. No later than ten (10) business days from the date of the hearing, the Committee shall provide the employee with its written determination to uphold, reject or modify the President's decision. The determination shall be included in the employee's personnel file. If the employee is reinstated, they shall receive all lost wages from the date of the suspension without pay and/or dismissal unless otherwise decided by the Committee.
- D. At the next regularly scheduled Board of Trustee's meeting, the Committee shall report its determination to the full Board of Trustees.

**II. Hearing Procedure**

- A. The hearing shall be conducted with only the members of the Committee, the employee, the President and other appropriate College administrators and relevant witnesses. The employee, the Committee, and the President may also be represented by legal counsel. If an employee chooses to have counsel present, the employee is responsible for retaining and paying for those services. The Board's legal counsel shall act as a procedural officer during the hearing and give advice to the Committee regarding necessary rulings and matters of due process. A Committee member who has a significant conflict of interest or bias should disqualify himself/herself or be excused by the Committee's adoption of a motion to disqualify. For purposes of the appeal, a majority of the Committee members must be present. The Committee will make an audio recording of the hearing and a copy of the audio will be made available to the employee upon request. If the

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<sup>1</sup> Note – appeals for contract non-renewals and reduction in force will only be allowed if the employee is alleging that the action is based on Impermissible Grounds (as defined in Policy 3.3.5 and Policy 3.3.9).



employee wants a transcription of the proceeding, the employee is responsible for the cost of and to arrange for the transcription.

- B. Strict rules of evidence or procedure do not apply to appeal hearings before the Committee. The Committee may consider any and all evidence that it determines to be fair and reliable. All witnesses may be questioned and cross-examined by the Committee members, the employee and the President. The Committee will be the sole judge of the weight given to specific evidence and the credibility of all witnesses. The conduct of the hearing shall be under the Committee chair's control.
- C. The burden is on the employee to demonstrate that they did not violate the Employee Code of Conduct or engage in the reason(s) underlying the disciplinary action or employment termination or, in appropriate cases, that the President's determination was based on illegal discrimination.
- D. At least five (5) business days prior to the hearing, the parties shall exchange all documentary evidence that the parties plan on using at the hearing. The President shall be responsible to assemble all the documents and make each Committee member and the parties a packet for the hearing. 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 to the Committee; d) the President's documents for the hearing, if any; and e) the employee's documents for the hearing, if any. The President shall provide the employee a copy of the packet prior to the hearing.
- E. 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 Committee Chair. The President, or their legal counsel, shall present and examine their witnesses and evidence. The Committee 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.

At the conclusion of the President's presentation of evidence, the employee will present their evidence. The employee's presentation of evidence is limited to one (1) hour unless extended by the Committee Chair. The employee, or their legal counsel, shall present and examine their witnesses and evidence. The Committee 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.

- F. 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.

- G. At the conclusion of the hearing, the Committee will deliberate in closed session and will inform the parties, in writing, of its determination to uphold, reverse or modify the President's decision no later than ten (10) business days from the hearing.
  
- H. The Chair of the Personnel Committee shall notify the full Board of Trustees of the Committee's decision. Either the President or Employee may appeal the Personnel Committee's decision to the full Board of Trustees. The Board of Trustees shall determine whether to hear the matter and any hearing will be set in a timely manner. Any appeal hearing before the Board will be based on the record established at the Personnel Committee hearing and no new evidence will be allowed unless the evidence was unavailable at the time of the Personnel Committee's hearing and with approval of a majority of the present Board of Trustees members. The Chair of the Board of Trustees may set reasonable time limitations on the appeal presentations. After the hearing, the Board shall deliberate in closed session and provide its decision in writing to both the President and employee. The Board of Trustees' decision is final.

Adopted: 6.25.2024

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

The College will promptly and effectively address any such discrimination of which it has knowledge using the following procedures:

For issues related to Title IX sexual harassment, see Procedures 3.3.7.1/5.3.4.1 – Sexual Harassment.

For issues related to all other types of unlawful discrimination and harassment, see Procedures 3.3.7.2/5.3.4.2 – Unlawful Discrimination and Harassment.

Adopted: 7.31.24

Legal Reference: Title VI and 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; and the Pregnant Workers Fairness Act of 2023.

Cross Reference: 3.3.7

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<sup>1</sup> The Human Resources and Student Services sections of our model policy manual both contain the Discrimination and Harassment Policy and Procedures. We have included both numbers on this policy for cross-reference. The policy and procedures should be exactly the same in both sections.

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 education programs and activities based on sex.

Title IX is a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity. Under Title IX, discrimination on the basis of sex includes *quid pro quo* harassment; sexual harassment; and sexual assault, stalking, dating or domestic violence (collectively referred to as "sexual harassment"). The College's Title IX Coordinator has oversight responsibility for handling sexual harassment complaints and for identifying and addressing any patterns and/or systemic problems involving sexual discrimination or harassment.

All allegations involving sexual harassment should be directed to the College's Title IX Coordinator and addressed under these procedures. For other complaints of discrimination and harassment not related to sexual harassment, refer to Discrimination and Harassment Procedure 3.3.7.2/5.3.4.2.

## I. DEFINITIONS

The following definitions shall apply to this procedure. 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 person's speech or expression is deemed offensive by others does not mean it constitutes discrimination or harassment.

- A. **Complainant** – an individual who is alleged to have been subjected to conduct that could constitute Sexual Harassment, as defined in these Procedures, and who was participating or attempting to participate in the College's education program or activity at the time of the alleged Sexual Harassment.
- B. **Confidential Employees** – 1) employees with confidentiality bestowed by law or professional ethics, such as lawyers, medical professionals, clergy, and mental health counselors; 2) employees whom the College has specifically designated as Confidential Employees for purposes of providing support and resources to a Complainant; and 3) employees conducting human subjects research as part of a study approved by the College's Institutional Review Board.
- C. **Consent** – knowing, voluntary, and clean permission by word or action to engage in sexual activity. Consent is evaluated from the perspective of what a reasonable person would conclude are mutually understandable words or actions. Reasonable reciprocation can establish consent. Consent to some sexual contact (such as kissing or fondling) cannot be assumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Consent has not been obtained in situations where the individual: i) is forced, coerced, 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.

- D. Dating Violence** – violence on the basis of sex committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. For purposes of this definition, Dating Violence includes but is not limited to sexual or physical abuse or the threat of such abuse.
- E. Domestic Violence** – violence on the basis of sex committed by a current or former spouse or intimate partner of the Complainant; by a person with whom the Complainant shares a child in common; by a person with whom the Complainant cohabitates or has cohabitated as a spouse or intimate partner; by a person similarly situated to a spouse of the Complainant under the domestic violence laws of the State; or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic violence laws of the State.
- F. Education Program or Activity** – for purposes of these Procedures, this means any locations, events, or circumstances in which the College exercises substantial control over both the Respondent(s) and the context in which the alleged sexual harassment occurs. It also means any building owned or controlled by a student organization that is officially recognized by the College.
- G. Formal Complaint** – a verbal or written report alleging sexual harassment against a Respondent that objectively can be understood as a request for the College to investigate the allegation(s) and make a policy violation determination. A Formal Complaint initiates a formal grievance process in which parties are entitled to due process protections. A Formal Complaint is separate and distinct from a Report, which provides only notice to the College of an allegation or concern about sexual harassment and provides an opportunity for the Title IX Coordinator to provide information, resources, and supportive measures.
- H. Informal Resolution** – a resolution reached regarding an allegation of sexual harassment without going through the entire formal grievance process. Informal Resolution may include mediation, facilitated dialogue, conflict coaching, restorative justice, or other models of alternative dispute resolution. Informal Resolution cannot be used for a student’s allegation of sexual harassment against a College employee.
- I. Report** – notice to the College of an allegation or concern about sexual harassment that provides an opportunity for the Title IX Coordinator to provide information, resources, and supportive measures. When the College receives a Report of alleged sexual harassment, the College is deemed to have knowledge of conduct that reasonably may constitute sexual harassment.

- J. Respondent** – an individual who has been reported to engage in conduct that could constitute Sexual Harassment.
  
- K. Retaliation** – to intimidate, threaten, coerce, or discriminate against any person by the College, a student, employee, or a person authorized by the College to provide aid, benefit, or service under the College's education program or activity, for the purpose of interfering with any right or privilege secured by law or policy, or because the person has made a report or complaint, testified, assisted, participated, or refused to participate in any manner in an investigation, proceeding, or hearing under these Procedures.

The exercise of rights protected by the First Amendment does not constitute retaliation. It is also not retaliation for the College to pursue Policy violations against those who make materially false statements in bad faith in the course of a resolution under these Procedures.

- L. Sexual Assault** – an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system.
  
- M. Sexual Harassment** – a form of sex discrimination that means harassment on the basis of sex. Sexual Harassment includes hostile environment harassment; *quid pro quo* harassment; or any instance of sexual assault, dating violence, domestic violence, or stalking.

Hostile environment harassment is unwelcome sex-based conduct, which based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the College's education program or activity.

Hostile environment harassment is a fact-specific inquiry that includes consideration of the degree to which the conduct affected the Complainant's ability to access the College's education program or activity; the type, frequency, and duration of the conduct; the parties' ages, roles, previous interactions, and other factors that may be relevant; the location of the conduct and the context in which the conduct occurred; and any other sexual harassment in the College's education program or activity.

Quid pro quo harassment is when a College employee or agent who provides an aid, benefit, or service under the College's education program or activity and explicitly or impliedly conditions the provision of such aid, benefit, or service on a person's participation in unwelcome sexual conduct.

- N. Stalking** – engaging in a course of conduct on the basis of sex, directed at the Complainant, which would cause a reasonable person to fear for his/her safety or the safety of others or suffer substantial emotional distress.

For purposes of this definition, "course of conduct" means two or more acts, including but not limited to acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

- O. Standard of Evidence** – the College uses preponderance of the evidence as the standard for proof of whether a violation of this policy has 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 Respondent either "responsible" or "not responsible" for violating these Procedures.

- P. Supportive Measures** – individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party that are offered to restore or preserve educational access, protect safety, or deter sexual harassment. Examples of support measures are referral to counseling, medical, or other healthcare services; extensions of deadlines or other course-related adjustments; modifications of work or class schedules; campus escort services; mutual restrictions on contact between the parties; leaves of absences; increased security and monitoring of certain areas of the College; and other similar measures.

- Q. Title IX Coordinator** – for purposes of these Procedures, the Title IX Coordinator refers to Kimberly Lassiter, Executive Director of HR. The Title IX Coordinator's office is in Jernigan Building Room 103. The phone number is 252-862-1302 and the email is [kclassiter@roanokechowan.edu](mailto:klassiter@roanokechowan.edu).

## **II. SCOPE AND APPLICABILITY**

- A. These Procedures apply to the conduct of and protect:**

1. College students and applicants for admission into the College;
2. College employees and applicants for employment;
3. College student organizations; and
4. Third parties participating or attempting to participate in a College education program or activity.

- B. These Procedures apply to conduct that occurs in any College Education Program or Activity or under circumstances where the College has disciplinary authority and of which the College has knowledge.**
- C. When a party is participating in a dual enrollment program, the College will coordinate with the party's school district to determine jurisdiction and coordinate providing supportive measures based on the allegations and identities of the parties.

### **III. REPORTING**

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

Individuals may report sexual harassment directly to local law enforcement agencies by dialing 911. Individuals who make a criminal allegation may also choose to pursue the College's grievance procedure 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 harassment 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 make available supportive measures when necessary to protect the parties and/or the College community.

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

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

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 harassment may do so by reporting the concern to the College's Title IX Coordinator in person, by mail, by telephone, by email, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report of alleged sexual harassment.

#### **C. Employees' Mandatory Reporting**

All College employees, including student-employees, other than those deemed Confidential Employees, are Mandated Reporters and are expected to promptly report all known details of actual or suspected sexual harassment to appropriate officials immediately. Failure of a Mandated Reporter to report an incident of sexual harassment of which they become aware is a violation of College Policy and may subject the employee to disciplinary action.

#### **D. Confidential Employees' Reporting**



Confidential Employees designated by the College are not required to report actual or suspected sexual harassment. Confidential Employees must, however, provide a Complainant with the Title IX Coordinator's contact information and offer options and resources without any obligation to inform an outside agency unless otherwise required by law.

**E. External Contact Information**

Concerns about the College's application of these Procedures and compliance with certain federal civil rights laws may be addressed to:

Office for Civil Rights (OCR)  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Phone: (202) 453-6012

Equal Employment Opportunity Commission (EEOC)  
131 M Street, NE  
Washington, D.C. 20507  
Email: [info@eeoc.gov](mailto:info@eeoc.gov)  
Phone: 1-800-669-4000

**IV. GRIEVANCE PROCEDURES**

**A. Scope**

1. Use of these grievance procedures applies to reports alleging sexual harassment carried out by employees, students, or third parties.
2. All reports of sexual harassment are taken seriously. At the same time, those accused of sexual harassment are presumed "not responsible" throughout this grievance procedure.

**B. Initial College Response and Assessment**

1. After receiving a report of sexual harassment, the Title IX Coordinator takes prompt and appropriate steps to:
  - a. Communicate with the individual who reported the alleged conduct;
  - b. Offer and implement supportive measures to eliminate and prevent the recurrence of sex harassment, deter retaliation, remedy the effects of sex harassment, and provide due process rights during a College investigation;

- c. Provide the individual with a copy of this Policy and Procedure; and
  - d. Determine whether the alleged conduct, as described by the reporting party, falls within the scope of this policy and if so, initiate the investigation and resolution procedures outlined below.
  - e. The Title IX Coordinator may delegate the authority to take some or all of these steps to a Deputy Title IX Coordinator.
2. Supportive Measures
    - a. Any Party may seek modification or reversal of the College's decision to provide, deny, modify, or terminate supportive measures applicable to the Party. A request to do so should be made in writing to the Title IX Coordinator.
    - b. An impartial employee who has authority to modify or reverse the decision will determine whether to provide, deny, modify, or terminate the supportive measures if they are inconsistent with the definition of supportive measures as defined in this Procedure.
    - c. The College will also provide the Parties with the opportunity to seek additional modification or termination of supportive measures applicable to them if circumstances materially change.
  3. There is no time limitation on providing a Formal Complaint to the Title IX Coordinator. However, if the Respondent is no longer subject to the College's jurisdiction and/or significant time has passed, the ability to investigate, respond, and/or provide remedies may be more limited or impossible.
  4. False Allegations and Evidence
    - a. Deliberately false and/or malicious accusations under this Policy or Procedure are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a determination of a Policy violation.
    - b. Witnesses and Parties who knowingly provide false evidence, tamper with or destroy evidence, or deliberately mislead an official conducting an investigation or resolution process can be subject to discipline under appropriate College policies, procedures, and rules.
  5. Emergency Removals/Administrative Leave

- a. The College may remove a student Respondent, upon receipt of a report, Formal Complaint, or at any time during the grievance process, on an emergency basis when the College performs an individualized safety and risk analysis and determines that an imminent and serious threat to the health or safety of any student or other individual justifies removal.
    - i. The risk analysis is performed by the behavior assessment team must recommend to the appropriate College official to implement or stay an emergency removal of a student and the conditions and duration of such emergency removal.
    - ii. In all cases in which an emergency removal is imposed, the student shall be given notice and an opportunity to challenge the removal decision immediately following the removal by submitting a written appeal to the President.
    - iii. Violation of an emergency removal under this Procedure is grounds for independent disciplinary action, up to and including suspension or expulsion.
  - b. The College may place an employee on suspension with pay upon receipt of a report, Formal Complaint, or at any time during the grievance process. An employee does not have a right to appeal a determination to place the employee on suspension with pay pending the conclusion of the Title IX grievance procedure. Violation of the terms of the suspension is grounds for independent disciplinary action, up to and including dismissal.
6. The Title IX Coordinator may administratively close a Formal Complaint of sexual harassment at any time if:
- a. The Complainant voluntarily withdraws any or all of the allegations in the Complaint and the Title IX Coordinator declines to initiate a Complaint;
  - b. The Respondent is no longer enrolled or employed by the College;
  - c. The College is unable to identify the Respondent after taking reasonable steps to do so; or
  - d. The College determines the conduct alleged in the Complaint would not constitute a violation of this Policy and Procedure, even if proven.

The Title IX Coordinator will notify the parties if a Formal Complaint of sexual harassment is closed under this section, including the reason(s) for closure, and direct the parties to the appropriate College office or department to resolve the report or complaint. All parties may appeal the Title IX Coordinator's dismissal of a Formal Complaint under this section by using the appeal procedures in Section VI, below.

7. Confidentiality/Privacy
  - a. The College makes every effort to preserve the Parties' privacy. The College will not share the identity of any individual who has made a report of sexual harassment, any Complainant, any individual who has been reported to be the perpetrator of sexual harassment, any Respondent, or any witness, except as permitted or required by or to fulfill the purposes of applicable laws and regulations.
  - b. Parties and Advisors are prohibited from unauthorized disclosure of information obtained by the College through these Procedures to the extent that information is the work product of the College, meaning it has been produced, compiled, or written by the College for purposes of its investigation and resolution of a Formal Complaint. It is also a violation of these Procedures to publicly disclose institutional work product that contains a Party or witness's personally identifiable information without authorization or consent.
8. Regardless of when alleged sexual harassment is reported, a Complainant must be participating in or attempting to participate in the College's education program or activity for a Formal Complaint to be investigated.
9. Consolidation

The College may consolidate complaints of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against another party, when the allegations of sexual harassment arise out of the same facts or circumstances.

## C. Informal Resolution

1. Any party may request the College facilitate an informal resolution to a sexual harassment complaint at any time prior to a final determination. The Title IX Coordinator may offer the parties the opportunity for informal resolution, too.
  - a. Upon a request for informal resolution, the Title IX Coordinator determines whether informal resolution is appropriate based on the facts and circumstances of the case. The Title IX Coordinator ensures that any proposed informal resolution is consistent with the College's obligations to prevent and redress sexual harassment.
  - b. A student's allegations of sexual harassment against a College employee are not eligible for informal resolution.

- c. The Title IX Coordinator provides the parties with written notice of proceeding with an informal resolution, including the allegations of sexual harassment, the requirements of the informal resolution process, the potential terms that may be requested or offered in informal resolution, and what information the College will maintain, including any potential disclosures of information.
  - d. The Title IX Coordinator also designates an independent, neutral person to facilitate the informal resolution, which could be the Title IX Coordinator.
2. Informal resolution is voluntary.
    - a. The Complainant and Respondent must provide written consent for informal resolution to take place.
    - b. Any party has a right to end the informal resolution process at any time prior to agreeing to a resolution and begin or continue the formal investigation and grievance process.
  3. Informal resolution concludes the matter only when all parties have signed a written agreement that confirms resolution of the allegations.
    - a. The resolution agreement must include a waiver of the parties' right to have a formal grievance process on the allegations that have been informally resolved.
    - b. Parties are prohibited from revoking or appealing a resolution agreement. Should the Respondent violate the terms of an informal resolution agreement, such violation will subject the Respondent to an investigation and the formal grievance process contained in this procedure.
  4. If a resolution agreement is not reached, the College will continue with a formal investigation.

**D. Investigations**

1. The goal of a formal investigation is to reach a determination as to whether a Respondent has violated one or more College policies prohibiting sexual harassment and if so, remedy the effects of a violation.
  - a. The Title IX Coordinator may include possible violations of other College policies that contributed to, arose from, or are otherwise related to alleged violations of this Policy and Procedure in the scope of an investigation.

- b. The Title IX Coordinator gives written notice to the Complainant and Respondent of the investigation, providing sufficient details to allow the parties to respond and prepare for initial interviews, including the identity of the parties involved (if known), the conduct alleged to be sexual harassment, the date and location of alleged incidents (if known), the specific policies implicated, a statement that the Respondent is presumed not responsible and a determination of responsibility is made at the conclusion of the process, information regarding the parties' right to an advisor and the right to review relevant evidence, a statement that retaliation is prohibited, information about the confidentiality of the process, and notice that the College prohibits knowingly making false statements or submitting false information during the grievance process.
  - c. The Title IX Coordinator designates an investigator to investigate the allegations of sexual harassment. The Title IX Coordinator may serve as the investigator if the Title IX Coordinator is not serving in another role throughout the grievance process.
  - d. The investigator is also the decision-maker as to whether a Respondent has violated one or more College policies prohibiting sexual harassment, unless otherwise determined by the Title IX Coordinator.
2. Parties to an investigation can expect a prompt, thorough, and equitable investigation of complaints, including the opportunity for parties to ask questions, present witnesses and provide information regarding the allegations.
  3. Parties and witnesses should cooperate in the investigation process to the extent required by law and this policy. If a party or witness chooses not to participate or becomes unresponsive, the College reserves the right to continue its grievance process without their participation to ensure a prompt resolution.
  4. The standard of proof used in investigations is preponderance of the evidence. It is the College's responsibility to establish the standard of proof and gather evidence during investigations.
  5. The College aims to bring all investigations to a resolution within forty-five (45) days from the date the Title IX Coordinator determines an investigation will commence.
    - a. Extensions of timeframe for good cause are allowed, so long as written notice and the reason for the delay is provided to the parties. Good cause includes:
      - i. The complexity and/or number of the allegations;

- ii. The severity and extent of the alleged misconduct;
  - iii. The number of parties, witnesses, and other types of evidence involved;
  - iv. The availability of the parties, witnesses, and evidence;
  - v. A request by a party to delay an investigation;
  - vi. The effect of a concurrent criminal investigation or proceeding;
  - vii. Intervening holidays, College breaks, or other closures;
  - viii. Good faith efforts to reach a resolution; or
  - ix. Other unforeseen circumstances.
- b. Investigations typically include interviews with the Complainant, the Respondent, and any witnesses, and the objective evaluation of any physical, documentary, or other evidence as appropriate and available. The College will give the Complainant and the Respondent written notice of any interview, meeting, or hearing at which a party is invited or expected to participate. This written notice may be via e-mail.
- c. The Title IX Coordinator will inform the Complainant and Respondent at regular intervals of the status of its investigation.
- d. The Parties have an equal opportunity to present witnesses and other evidence tending to prove or disprove the allegations.
6. Interviews conducted as part of an investigation under this Procedure may be recorded by the College. Recordings not authorized by the College are prohibited.
7. The Complainant and Respondent have the right to be accompanied by an advisor of their choosing during all stages of an investigation.
- a. A party may elect to change advisors during the process.
  - b. All advisors are subject to the same rules:
    - i. During the investigation, the advisor's role is limited to providing advice, guidance, and support to the Complainant or Respondent. An advisor is not permitted to act as a participant or advocate during the investigative process.
    - ii. Advisors are expected to maintain the privacy of the records shared with them.
    - iii. Advisors are expected to refrain from interfering with investigations.
    - iv. Any advisor who oversteps their role or interferes during an investigation process will be warned once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave. The Title

IX Coordinator determines whether the advisor may return or should be replaced by a different advisor.

8. Prior to finalizing a report, the investigator provides all parties an equal opportunity to review any relevant evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint.
    - a. The Complainant and Respondent may submit a written response to the evidence, including any questions a party wants asked of another party or witness, within three (3) business days after receipt of the evidence.
      - i. Responses must be submitted to the investigator via email, mail, or hand delivery by 5:00 p.m. eastern standard time on the date responses are due.
      - ii. Responses may not exceed 10 double-spaced pages on 8.5x11 paper with one-inch margins and 12-point font.
    - b. The investigator considers any responses received from the parties and conducts any further investigation necessary or appropriate.
  9. Following an investigation, the investigator submits an investigative report and written determination to the parties that fairly summarizes relevant evidence. The report and determination includes a summary of the allegations; a summary of the response; a summary of the investigative steps taken to verify the allegations and response; a summary of the evidence relevant to a determination of responsibility; a determination on the question of responsibility, including rationale for the result and any discipline sanction that the College is permitted to share pursuant to State or federal law; and the procedures and permissible bases for the parties to appeal.
  10. In cases where the Respondent is a student, after the investigative report and written determination has been sent to the parties, all parties shall have three (3) business days to request a hearing. If either party requests a hearing, the hearing procedures described in College Procedure 5.3.2.2, *Discipline and Appeal for Non-Academic Violations* shall be followed, except that 1) all parties shall have the right to participate in the hearing to the extent required by Title IX; and 2) a single hearing officer will be utilized in lieu of a committee.
- E.** The following sanctions may be imposed for those who have violated these Procedures:
1. Students
    - a. Verbal or Written Warning



- b. Restrictions
- c. Probation
- d. Administrative withdrawal from a course without refund
- e. Required Counseling
- f. No Contact Directive
- g. Suspension
- h. Expulsion
- i. Other consequences deemed appropriate to the specific violation

2. Employees

- a. Verbal or Written Warning
- b. Performance Improvement Plan
- c. Required Counseling
- d. Required Training or Education
- e. Transfer or reassignment
- f. Demotion
- g. Suspension with or without Pay
- h. Dismissal
- i. Other consequences or conditions of employment deemed appropriate to the specific violation

If the investigator or hearing officer finds student expulsion or employee suspension, demotion or dismissal is an appropriate sanction for a Respondent, but the investigator does not have authority to authorize such sanction, the investigator or hearing officer will make a recommendation of the sanction to the appropriate College official after the time for appeal has expired. If the investigator or hearing officer recommends the Respondent be expelled, suspended, demoted, or dismissed, during the time in which either party has to appeal, the Respondent shall remain in their current status (allowed on campus, on emergency removal, or on paid administrative leave) unless otherwise determined by the appropriate College official.

**V. APPEALS**

After the investigator submits their investigative report and written determination to the Complainant and Respondent, all parties are given an equal opportunity to appeal the determination. Appeals may be based only on these grounds:

- A. Procedural irregularity that would change the outcome;
- B. New evidence that was not reasonably available at the time of the decision that would change the outcome; and/or
- C. The Title IX Coordinator, investigator, or decision-maker had a bias or conflict of interest for or against complainants or respondents generally or the individual Complainant or Respondent that would change the outcome.

Parties must submit any appeal, specifying at least one of the grounds above, to the President of the College by 5:00 p.m. eastern standard time via email or mail, within three (3) business days of receiving the written determination of responsibility. Appeals may not exceed ten (10) double-spaced pages on 8.5x11 paper with one-inch margins and 12-point font.

The College notifies all parties when an appeal is filed and provides all parties a copy of the appeal and a chance to submit a written statement supporting or challenging the outcome. Parties must submit written statements supporting or challenging the outcome to the President of the College by 5:00 p.m. eastern standard time via email or mail, within three (3) business days of receiving a copy of an appeal.

Within ten (10) days of receiving an appeal, the President shall conduct a review of the record, including the appeal(s) received, any written statements supporting or challenging the outcome, the investigation report and written determination, and any accompanying evidence prior to issuing a written decision to the Complainant and Respondent that describes the result of the appeal and the rationale for the result. If the appeal does not provide information that meets the grounds for appeal, the President will deny the appeal.

The President's written decision is final.

## **VI. PROTECTION AGAINST RETALIATION**

The College will not in any way retaliate against an individual for the purpose of interfering with any right or privilege secured by Title IX or because the individual has made a report or complaint, testified, assisted, participated, or refused to participate in any manner in an investigation, proceeding, or hearing under these Procedures.

Retaliation is a violation of College policy regardless of whether the underlying allegations are ultimately found to have merit. Reports of retaliation are treated separately from reports or complaints of sexual harassment.

## **VII. LIMITED IMMUNITY**

The College community encourages the reporting of misconduct and crimes. Sometimes, complainants or witnesses are hesitant to report to College officials or participate in resolution processes because they fear 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 harassment complainants and witnesses amnesty from minor policy violations.

## **VIII. 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.

**IX. STUDENT AND EMPLOYEE EDUCATION AND ANNUAL TRAINING**

All College employees shall receive annual trainings on the following topics:

- A. The College's obligation to address sex discrimination in its education programs or activities;
- B. The scope of conduct that constitutes sex discrimination under Title IX, including the definition of "sex-based harassment"; and
- C. All applicable notification and information requirements.

In addition to the training that all College employees must receive, the Title IX Coordinator, investigators/decision-makers, those hearing appeals, and those involved in any informal resolution process shall receive annual trainings on the following topics:

- A. These grievance procedures;
- B. How to serve impartially, including avoiding prejudgment of facts at issue, conflicts of interest, and bias;
- C. Issues of relevance of questions and evidence; and
- D. The types of evidence that are impermissible regardless of relevance.
- E. In addition, for Title IX Coordinators: training on specific Title IX Coordinator responsibilities, the College's recordkeeping system, and Title IX recordkeeping requirements.

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. Other translations will be made available upon request.

**X. RECORDKEEPING**

The College maintains all records of Title IX grievance proceedings and all materials used to train Title IX personnel for seven years.

Adopted: 7.31.24

Legal Reference: Title IX of the Education Amendments Act of 1972, as amended, 20 U.S.C. 1681 *et seq.* and its implementing regulations; [Office for Civil Rights, Q&A on the Title IX Regulations on Sexual Harassment \(July 2021\)](#); [Office for Civil Rights, Dear Educator Letter on Title IX and Sexual Misconduct \(June 23, 2021\)](#)

Cross Reference: 5.3.4.1

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 their 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) the non-renewal of an employment contract 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 their immediate supervisor within five (5) days from the date of the situation that 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 their administrative superiors before giving an answer. The employee shall receive an answer within five (5) days or be advised as to the conditions which prevent an answer within five (5) days and when an answer may be expected. In any event, an answer shall be provided in writing within ten (10) days. The circumstances should be documented by both the supervisor and the grievant.

**B. Formal Grievance Process**

If the decision reached by the Informal Grievance Process is not satisfactory to the grievant, they may file a written grievance with the Director of Human Resources ("Director") within five (5) days after receipt of the Informal Grievance Process decision. The written grievance must contain with specificity the 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 the Director requests and the Director will review the facts and hold whatever discussions they deem necessary. The Director shall provide a written decision to the proper administrators or superiors and grievant within ten (10) dates 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) 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) days and the decision will be communicated to all appropriate persons. The President's decision shall be final.

**D. Grievances Involving the President**

In the event 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, they 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 Attorney to conduct an investigation. The Board Attorney will have the authority to conduct the investigation and will file a written report to the Board and the grievant within thirty (30) days.

The Board shall review the Board Attorney's report and if necessary, allow for the grievant and President to address the Board. The Board shall issue a written decision within thirty (30) days receipt of the Board Attorney's report.

In the event that more time is necessary for either the Board Attorney to conduct an investigation and/or the Board to review the matter, the Board Chair may extend all deadlines as necessary.

**E. Rules**

Grievances shall be processed according to the following rules:

1. If at any stage of the grievance the grievant does not take the next step within the time allotted, the grievance shall be settled in the manner recommended or decided by the administration at the last step.
2. All reference to number of days in this procedure shall be determined to mean College working days. In the event a grievance is not filed or processed in the manner and within the time set forth above, it shall be forever barred.
3. The grievant may withdraw the grievance at any level.

Adopted: 6.25.2024

**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 who are not considered "at will".
- 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 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; 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 during a contract period as a result of financial exigency or program change. A non-renewal is not considered a reduction in force under this policy; see Policy 3.3.5 – Contracts Nonrenewal and Resignations.

**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 their decision, they 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.

**D. Continuation of Health Insurance**

If an employee has at least twelve (12) months of service and is terminated in accordance with this Policy due to a financial exigency, the employee may retain health insurance coverage for up to twelve (12) months. The College shall continue to pay the employer portion of the cost of health insurance coverage for twelve (12) months, but the employee must continue to pay the employee portion of the cost of coverage. A former employee covered by this section shall lose eligibility if the former employee is provided health insurance coverage on a non-contributory basis by a subsequent employer.

**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: 6.25.2024

Legal Reference: N.C.G.S §135-48.40(b)(8)



In accordance with N.C.G.S. §§ 14-234, 133-32 and Chapter 138A and in order to avoid conflicts of interest, the appearance of a 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.

**C. Reporting Requirements**

Any Board members or employees 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 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 VP Administrative & Fiscal Services (“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.

**E. Contracts with Non-Profits**

A Board member who is also a director, officer, or governing board member of a nonprofit organization will not (1) knowingly vote on, participate in deliberations on, or administer any contract with that nonprofit; (2) influence or attempt to influence the deliberation or vote of others on any such contract; or (3) solicit or receive any gift, reward, or other benefit in exchange for recommending, influencing, or attempting to influence the award of such contract in violation of G.S. 14-234.3. A Board member must notify the Chair of any potential conflict under this section and, if the Board votes on the matter, a Board member with a conflict under this section may not participate in the debate or vote on the matter. Once the Board member’s recusal is recorded in the minutes of the Board, the Board may approve the contract.

Any contract entered into in violation of this section is void.

**F. Appearance of a Conflict**

Board members and employees shall make every effort to avoid even the appearance of a conflict of interest. An appearance of conflict exists when a reasonable person may conclude from the circumstances that a Trustee or employee’s ability to protect the public interest, or perform public duties, is compromised by familial, personal, or financial interests. An appearance of conflict may exist even in the absence of a true conflict of interest.

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

Adopted: 6.25.2024

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

Cross Reference: Policy 3.4.1 – Conflict of Interest (duplicate)

**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, 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, s/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: 6.25.2024

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.

Adopted: 6.25.2024

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

Cross Reference: Policy 2.1.6

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 4.3.3.1 – 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.

**VIII. POLICY REVIEW**

The College Administration will review this Policy annually.

Adopted: 6.25.2024

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

**I. COMMUNICABLE DISEASE**

Communicable diseases, those that have serious effects on human health, can pose a threat to the College community. The College will take all reasonable measures to ensure the safety of members of the College community during global and local infectious disease events. Communicable disease is defined as an illness due to a specific infectious agent or its toxic products that arises through transmission of that agent or its products from an infected person, animal, or reservoir to a susceptible host, either directly, or indirectly through an intermediate plant or animal host, vector, or the inanimate environment. Examples of communicable disease include but are not limited to acquired immunodeficiency syndrome (AIDS), coronavirus-19 (covid-19), chicken pox, hepatitis, measles, tuberculosis, meningitis, mononucleosis, whooping cough, and other viral diseases that reach a pandemic level, and for purposes of this Policy only, those communicable diseases which constitute a disability pursuant to the Americans with Disabilities Act.

The College shall not exclude individuals with communicable diseases unless a determination is made that the individual presents a health risk to themselves or others. The College shall consider the educational or employment status of those with a communicable disease on an 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 employment.
4. A person who knows or has a reasonable basis for believing that they are infected with a communicable disease is expected to seek expert advice about their health circumstances and is obligated ethically and legally to conduct themselves 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 their 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 their 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 may 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, including AIDS.

## **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 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.

The immunizations listed here are not meant to supersede more restrictive requirements for employment or participation in a specific College program or class, such as childcare, classes that lead to a medical degree or certificate, or clinical programs.

## **C. Public Health Incidents**

Should influenza, or any other communicable disease, reach a pandemic level, the President shall regularly monitor the situation by communicating with local and state 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 disease:

- a. Close the College or certain College buildings and/or programs temporarily;
- b. Limit or prohibit employee travel and/or student field trips;
- c. Prohibit those infected with a communicable disease from coming onto the College campus;
- d. 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 an infectious or communicable disease before coming back onto the College campus; and
- e. 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, should contact college officials immediately. Students should contact the Dean of Student Services and employees should contact the Human Resources Office.

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.

## **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: 6.25.2024

Amended February 2019, July 2021

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 2.1.10

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: 6.25.2024

Teleworking, or working remotely, is a benefit and privilege of working at the College and will be considered in situations in which it can be mutually beneficial for both the College and its employees. Teleworking satisfies the College's creative sustainability efforts by reducing consumption of natural resources, to decrease pollution and to ease congestion related to commuting to work by automobile. However, the College has determined that some positions, by their very nature, do not lend themselves to teleworking. For example, positions that require the supervision of other employees are not suitable for teleworking and will not be considered. On the other hand, the College finds that some positions are naturally suited to Teleworking. If an employee is interested in Teleworking, the employee's immediate supervisors must first evaluate the suitability. In unusual situations, and in order to ensure continuity of College operations, the President may grant teleworking approval for positions that would not normally be considered appropriate for teleworking.

**I. Demonstration of Suitability**

Both full-time and part-time positions can be considered for a Teleworking arrangement. When considering Teleworking, the supervisor and employee are responsible for demonstrating that the following conditions can be met:

- A. The employee can participate in departmental, division and campus-wide meetings appropriate to the position.
- B. Teleworking does not adversely affect the College, departmental assignments/projects, student advising and assistance, customer relations, employee's completion of assigned duties or other work areas.
- C. There is adequate and suitable work available for the employee to perform away from campus.
- D. The employee has been employed by the College for a minimum of one year and during that time, maintained a good work record prior to making his/her request to telework (e.g., no excessive or unexcused absences, no corrective action within the last twelve (12) months of employment, and no misuse or loss of equipment).
- E. Suitable equipment and technology services can be provided and/or maintained by the College and/or employee so that work can be effectively performed in a teleworking arrangement.
- F. The employee can be adequately supervised when teleworking.

## **II. Employee Requirements**

All employees approved to telework must agree to the following:

- A. Campus meetings, events and student advising/assistance shall not be scheduled around an employee's teleworking arrangement. All teleworking employees shall attend required campus meetings and events and provide student advising/assistance in fulfillment of his/her job duties.
- B. Teleworking employees are responsible for all travel and per-diem to and from the employee's home to the workplace regardless of distance.
- C. Teleworking employees are required to respond in a timely manner to work related voicemail and electronic mail. Unless otherwise agreed upon with the employee's supervisor, the employee is expected to work during the College's normal hours of operation while teleworking, 8:00 a.m. – 5:00 p.m. during weekdays.
- D. Teleworking arrangements may be revised or discontinued at any time. The initial agreement must have a defined duration with a three (3) month or less probationary period. If the employee meets the outcome expectations of teleworking during the probationary period, a new agreement may be executed for an additional three to six months.
- E. Teleworking employees are responsible for maintaining a dedicated home office and technology environment that maintains the security and confidentiality of College and student information and is a safe working environment.
- F. The College and the teleworking employees shall agree on the equipment, if any, and the maintenance thereof to be provided by the College and/or the employee to enable the teleworking arrangement.
- G. The supervisor shall articulate how the employee's performance will be measured and how the employee will participate in performance reviews.
- H. A teleworking employee scheduled to work on a day in which the College is closed due to adverse weather is still expected to work as scheduled.

## **III. Teleworking Request**

The employee shall complete and submit the appropriate teleworking request form to his/her immediate supervisor. If the employee's immediate supervisor agrees with the teleworking request, s/he should add supervisor comments to the form and present it to the Executive Director of Human Resources ("Director"). If approved, the Director will then present the information to the President. If approved by the President, the agreement will be signed by the employee, the employee's immediate supervisor, the Director and the President. The agreement will be included as an addendum to the employee's employment contract.



**IV. Safety and Liability**

The employee must designate a work space at his home or other alternative work site. The employee must protect the work space from any known hazard or danger that could affect College equipment or the employee. The College may require the employee to provide a picture of the designated work area.

If a teleworking employee is injured in his/her work space, the employee will immediately alert his/her supervisor no later than the end of the next business day. The employee consents to allow the College or its designee to inspect the work space after a reported accident.

**V. Terminating a Teleworking Agreement**

In the event the College or the employee wishes to discontinue the teleworking arrangement, the College shall determine whether the employee will remain an employee with the College and work on-site. If appropriate, a cross-training period with a replacement will commence for thirty (30) days. This period will give the College time to allocate a replacement employee and give the remote employee ample time to train and transfer duties to the individual. All equipment owned by the College will be returned by the end of the transition period.

**VI. Employees with Disabilities**

This policy does not apply to teleworking as an Americans with Disabilities Act (ADA) accommodation. If teleworking is considered a reasonable accommodation pursuant to the ADA, the College will follow its ADA process with respect to such accommodation. In addition, employees with disabilities who are required or permitted to telework by the College will be provided reasonable accommodations as necessary to fulfill their job duties while teleworking.

Adopted: 6.25.2024

**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.

Prior to beginning any secondary employment, the employee shall provide 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.

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: 6.25.2024

## 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: 6.25.2024

Legal Reference: Americans with Disabilities Act of 1990; Section 504 of the Rehabilitation Act of 1973

## **DIRECT DEPOSIT**

It is the policy of Roanoke-Chowan Community College (R-CCC) that all full and part-time employees be required to participate in direct deposit. The employee may select the financial institution(s) of his/her choice to accommodate the receipt of direct deposit payments. As a condition of employment, all newly hired or rehired employees effective on the adoption date of this policy, shall be required to enroll in the direct deposit within (30) days of hire or rehire.

## **BACKGROUND CHECKS**

- (1) Roanoke-Chowan Community College (R-CCC) is committed to providing a safe and secure environment for its students, employees, and visitors as well as protecting its funds, property, and other assets. Well-informed hiring decisions contribute to this effort; therefore, the College will conduct background checks as indicated in this policy. The Director of Human Resources has overall responsibility for this task.
- (2) The College will obtain background checks on applicants/employees/volunteers as set forth below from a third-party vendor called Employment Screening, Inc (ESI). These background checks will be for employment, volunteer opportunities, and required curriculum purposes only and will consist of reports, in part, verifying information provided by the individual, such as name, aliases, current and former addresses, social security number, telephone numbers, etc. The background checks also provide information pertaining to an individual's criminal convictions at the felony and misdemeanor levels in accordance with the law.
- (3) Covered Individuals
  1. Background checks will be conducted on the final candidate for all full-time and part-time regular positions as well as candidates for adjunct faculty positions.
  2. Background checks will be conducted on current employees who change jobs due to promotion or transfer and current employees who assume new duties that cause the reassigned position to become appropriate for background checks.
  3. Background checks will be conducted on current employees who are convicted of a criminal offense (other than a minor traffic violation). Accordingly, employees are required to report any arrest or conviction to the Director of Human Resources within five days of the arrest or conviction so that HR can conduct the background check. The President will review an arrest or conviction on a case-by-case basis. Any arrest or conviction that impairs the public confidence in the College will be subject to disciplinary action up to and including termination of employment. Any employee who is aware of any criminal conviction of another employee should notify the Director of Human Resources.
    - a. Background checks will be conducted on individuals who volunteer/intern at the College.

#### (4) Scope and Types of Background Checks

1. Criminal background checks- criminal history and sex offender registry checks will be conducted for all individuals as noted in the covered individuals section. Conditional hiring for part-time instructional employees may occur pending the receipt of a background check. If the individual has been hired or offered employment conditioned on the results of a criminal history check and the results are unsatisfactory, the individual will be subject to disciplinary action up to and including termination, or the offer of employment will be withdrawn.
2. Credit history checks- a credit history will be conducted on the final candidate(s) for any positions which are bonded or have access to, or responsibility for, cash receipts, cash accounts, blank checks, or checking accounts.

#### (5) Refusal

1. Applicants who refuse consent to a background check as required by the position to which they are applying will be considered to have withdrawn their application for employment.
2. Volunteers who refuse consent to a background check will not be allowed to volunteer at the College.
3. Current employees who refuse consent to a background check will not be considered for promotion, transfer, or reassignment. Current employees who refuse consent to a background check may also be subject to disciplinary action up to and including termination of employment.

**General Authority:**

Adopted: 06/26/2018 Revised: 4-23-24

Editorial Changes: 12-6-23



- (1) Roanoke-Chowan Community College will protect the confidentiality of personnel information in compliance with federal and state law including but not limited to North Carolina General Statutes 115D-27, -28, and -29. No employee may release confidential personnel information except in strict compliance with the law.
- (2) All requests for information regarding a current or former employee of Roanoke-Chowan Community College must be referred to the Human Resources Department. No College employee may issue a reference letter to any current or former employee without the permission of the President.
- (3) Under no circumstances should any College employee release any information about any current or former College employee over the telephone. All telephone inquiries regarding any current or former employee of the College must be referred to the Human Resources Department.

General Authority: NC Administrative Code 115D  
Approved: 01-27-2009  
Revised: 06-26-18  
Editorial Changes: 12-6-23

The College's curriculum personnel, in partnership with the administration, ensure the overall effectiveness of the educational programs. Additionally, curriculum personnel are involved in the College's decision-making processes in the following ways:

1. Have primary responsibility for the content, quality 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 an advisory or governance body, which is designed to provide broad-based participation in the College's planning process, educational issues and other related issues.

Adopted: 6.25.2024

The College is authorized to provide the following academic programs:

- A. Curriculum Programs. Except as stated in section B, 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. Developmental Education Programs. Developmental education is a curriculum program that consists of courses and support services which may include diagnostic assessment and placement, tutoring, advising, and writing assistance. These programs are designed to address academic preparedness, workforce retraining, development of general and discipline-specific learning strategies, and affective barriers to learning. Developmental education courses do not earn credit toward a degree, diploma or certificate.
  
- C. Continuing Education Programs. Continuing education programs provide education and training opportunities for targeted audiences. 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.

Adopted: 6.25.2024

Legal Citation: 1D SBCCC 200.3

The Board shall adopt a Continuing Education Internal Program Accountability Plan (“Plan”). At a minimum, the Plan shall include a class visitation plan in accordance with the State Board of Community Colleges Code and define a system of checks and balances to prevent and detect errors or irregularities when reporting hours for FTE purposes, and establish a framework for defining program quality and improvement procedures.

The Board shall review the Plan at least once every three years from the date of its adoption. The Plan, including amendments, shall be submitted to the Continuing Education Department at the System Office upon adoption.

Adopted: 6.25.2024

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.

Adopted: 6.25.2024

Legal Citation: 1D SBCCC 200.3(2)(c); 1E SBCCC 600.1 – 600.4

The College shall provide customized training programs for businesses 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.

College employees may not engage in the regular management, supervision or operation of a business receiving assistance under this policy during the hours the employee is employed for the instructional or educational purposes of the College.

Adopted: 6.25.2024

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 continuing education program area, including Basic Skills, occupational extension, and community service, and each service area will 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 400.3  
Adopted: 6.25.2024



The President 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 comply with the Southern Association of Colleges and Schools Commission on general education requirements and be approved by the Board of Trustees, the North Carolina Community College System Office, and the State Board of Community Colleges. The College must include the North Carolina Community College System Office's required components in the development of a curriculum program of study consistent with the provisions of the State Board Code.

All approved programs and courses should be contained in the College's Catalog.

The continued operation of any curriculum program is dependent upon adequate state funds and sufficient enrollment in the program.

The President shall develop procedures for the implementation of this Policy.

Adopted: 6.25.2024

Legal Reference: 1D SBCCC 400.10

Offering relevant and updated curriculum courses and programs is critically important to the success of both the College and its students. For any curriculum 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.

Each academic division shall hold annual meetings to review and make recommended changes in the curricula within that division. Instructional employees directly involved with instruction in the curriculum are responsible for preparing written course descriptions and outlines for each new or revised course offering as well as initial feasibility studies. The division is encouraged to make requests to the Dean for any new curriculum deemed useful to the College and its students.

- B. The Vice President of Instruction and Student Services ("Vice President") shall act as the coordinator for curriculum development and shall work with Deans 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, the Vice President may submit the request to the College's Curriculum Advisory Committee ("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 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.

- 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. If approved by the Board, the College will submit the request to the System Office and State Board for approval. The College may officially offer the curriculum for credit after it has received all necessary approvals from the System Office and State Board. The Vice President for Instruction and Student Services is responsible for all reporting to the System Office and State Board.
  
- 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 two years. The College may request a one-year extension of a curriculum program upon justification of the potential for employment opportunities and student enrollment. 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: 6.25.2024

Legal Citation: 1D SBCCC 400.6

The College may enter into a written instructional service agreement with another community college within the North Carolina Community College System. The service agreement must be drawn in conformance with the State Board Code and include the following:

- A. Specify the curriculum or continuing education program to be shared;
- B. Define the plan for sharing the curriculum or continuing education program, including who shall earn the FTE and grant the award;
- C. Certify that appropriate and adequate resources are available at each participating college.
- D. Where feasible, the joint utilization of physical facilities, equipment, materials, and instructional faculty should be considered;
- E. Certify that the curriculum or continuing education program meets the standards of the appropriate accrediting agency; and
- F. Specify under what conditions and what time frame the agreement can be terminated.

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 President prior to the effective termination date.

Adopted: 6.25.2024

Legal Citation: 1D SBCCC 400.7

The Vice President for Instruction and Student Services 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.

Date: 6.25.2024

**1. PURPOSE:**

The purpose of this section is to establish the procedures concerning student advisement.

**2. PROCEDURE:**

- A. All full-time faculty will serve as advisors.
- B. Advisor assignments are handled by Student Services as part of the admissions process. In one-person programs, the Program Coordinator is the advisor. In other programs, advisors are assigned alphabetically based on recommendation of the Program Coordinator and the Dean of the program.
- C. Special Credit students are advised by Curriculum Registrar, until they decide to enter a curriculum. A curriculum advisor will then be assigned to the student.
- D. The Director of Advising and the advising team will be assigned to all new students at the point of admissions for the first semester of enrollment. The Advising team will pre-register the student for the following semester. Once the student's second semester starts, the advising team will change the advisor assignment to a faculty advisor. This will be changed in Colleague, alerting the faculty advisor in Self-Service and Watermark. The advising team will also email the advisor and the advisee with the changes.
- E. During early registration, advisors are available for at least five posted hours per week. Schedules should be planned to maximize availability of advisors and to ensure that a representative of each program is available for evening registration periods. During regular registration, advisors are to be available for all hours of daily registration. For evening registration, a representative for each program will be available. Throughout all registration periods, the student should meet with the assigned curriculum advisor. However, on the last day of regular registration, the Director of Advising and the advising team are authorized to act as curriculum advisors if the appropriate advisor/Dean of Curriculum is not accessible. The registration form will be utilized during this period and must have the appropriate Dean's signature before processing.
- F. The advisor will maintain a counseling file. The counseling file may contain the following documents:
  - a.) Evaluation Report
  - b.) Curriculum Track Sheet

- c.) Career Coach Assessment
- d.) Placement test scores, where applicable
- e.) Transfer credit evaluation form, where applicable

Adopted: 6.25.2024

**I. Academic Terms**

The 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 determine 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 President. The System 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 and laboratory sessions as well as examination 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: 6.25.2024

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 proscribed in the State Board Code.

Date: 6.25.2024

Legal Citation: SBCCC, Title 1, Chapter G, Subchapter 100; CC17-017.

The President shall develop, or cause to be developed, procedures and requirements for the utilization of outside speakers or lecturers who appear at the College in classroom or non-classroom activities.

**General Authority:**  
**Revised:** 09-29-81  
**Editorial Changes:**

The President is authorized to establish, or cause to be established, a comprehensive system of guidelines and procedures that provide for the accounting, scheduling, and verification of assigned work activities performed by full- and part-time faculty.

**General Authority:**

**Revised:** 09-29-81

**Editorial Changes:**

Periodically it becomes necessary for the College to terminate a program. When the need to terminate a program becomes apparent, deans and program coordinators must work collaboratively to ensure that the termination goes smoothly. The following steps should be followed when a program is tagged for termination.

- The president shall notify the Board of Trustees through the Program and Policy Committee about the need to terminate. Upon hearing the justification from the President or his designee, the Program and Policy Committee shall carry a motion to the full Board regarding its decision, if it agrees to terminate.
- If the Committee does not agree to terminate, the matter shall be carried to the full Board for discussion.
- Board of Trustees will act on the recommendation of the Program and Policy Committee.
- The Dean of Academic Affairs will be responsible for ensuring that the Curriculum Program Termination Form is submitted to the North Carolina Community College System Office by the determined date.
- Notify program faculty and advisors
- Plan and conduct a meeting with students to inform/advise them of their options and, if possible, the last term program courses will be scheduled. Provide students with a detailed transitional Education Plan.
- Submit to the Assistant to the President's Office a copy of the student letter of notification
- Maintain on file in the Dean's Office copies of the student letter of notification.
- Notify the following offices:
  - Registrar
  - Financial Aid
  - Business Office
  - Library Services
  - Information Systems
  - Bookstore
- Delete the program from the catalog and other publications
- Notify SACS, if applicable
- Notify members of the Advisory Committee
- Employ the non-renewal policy for affected faculty according to Trustee Policy Manual
- Make decisions regarding the disposition of equipment, if applicable

**General Authority:**

Adopted: 10/25/2011 Revised:

Editorial Changes: 11-27-18

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: 6.25.2024

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.

The President is hereby delegated to develop procedures that are consistent with the State Board Code for live client projects.

Adopted: 6.25.2024

Legal Citation: 1H SBCCC 300.1

- A. The Dean of each academic department is responsible for the oversight of ordering instructional materials for his or her 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 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. Deans, or their designees, will be responsible for acquiring textbooks for adjunct faculty.

Adopted: 6.25.2024

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: 6.25.2024

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' criteria.
2. The College shall determine appropriate teaching and non-teaching loads for instructional personnel to meet Southern Association of Colleges and Schools' criteria.
3. All instructors in the area of Emergency Services Training must be qualified as established by the respective emergency services certifying agency. Emergency services training means training delivered to personnel in law enforcement, fire and rescue services, and emergency medical services agencies.

Adopted: 6.25.2024

Legal Citation: 1C SBCCC 300.3

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 procedures apply to all filed trips offered or mandated through a College course:

**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 site, industry or business 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 they so desire.
6. An approved Field Trip Form must be submitted and approved by the appropriate Dean and the Vice President for Instruction and Student Services at least three (3) days prior to the field trip.

**B. Use of Curriculum Area Travel Funds**

1. Each curriculum division will be assigned a travel budget for the fiscal year. The Dean is responsible for coordinating and regulating the use of these funds. All requests for use of the funds should be directed to the Dean prior to the planned trip. Requests for travel reimbursement from State funds, which do not have prior approval by the Dean and the Vice President for Instruction and Student Services, will not be honored.
2. For overnight travel, out-of-state travel, or other special action, a Travel Authorization Form must be submitted along with the Field Trip Form.

**C. Cultural Enrichment Travel**

1. The College may offer students and employees the opportunity to participate in educational travel experiences that are not a requirement of any course or degree or diploma program. The purpose of these trips is to

provide educational experiences for students and employees. Student and employee participation in these trips is voluntary.

2. All voluntary educational travel must be approved by the appropriate Dean and the VP for Instruction and Student Services prior to the College soliciting staff or students to participate.
  
3. All trip participants are expected to sign a waiver releasing the College from liability for any injury or loss occurring during a trip. It is recommended that participants purchase travel insurance for all international travel and all travel lasting more than three (3) days.

Adopted: 6.25.2024  
Amended: July 2021

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 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, facilities and grounds. Food is not allowed in classrooms; however, instructors may permit beverages if kept in a spill-proof container.
  
  - 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.
  
  - 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 Vice President for Instruction and Student Services. 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 a professional image.

- E. Safety – Every instructor should maintain a proper attitude toward safety. The instructor's attitude and habit's 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 vocational shop.
  7. North Carolina law requires that eye protective devices 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.

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 without specific permission from the appropriate Dean.
  10. Special permission must be obtained from the instructor before a spouse or friend may audit a class 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 by students will not be tolerated. 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.
  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 school. Prior arrangements must be made with the appropriate administrator.
  5. Repair damaged or broken equipment whenever possible. Damage and loss of equipment is to be reported to the Business Office. 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: 6.25.2024

The College shall obtain and maintain regional accreditation by the Southern Association of Colleges and Schools.

Adopted: 6.25.2024

Legal Citation: 1B SBCCC 400.1



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:

1. Any change in the established mission or objectives of the institution;
2. Any change in legal status, form of control, or ownership of the institution;
3. 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;
4. 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;
5. A change from clock hours to credit hours;
6. A substantial increase in the number of clock or credit hours awarded for successful completion of a program;
7. The establishment of an additional location geographically apart from the main campus at which the institution offers at least 50% of an educational program;
8. The establishment of a branch campus;
9. Closing a program, off-campus site, branch campus or institution;
10. Entering into a collaborative academic arrangement that includes only the initiation of a dual or joint academic program with another institution;
11. Acquiring another institution or a program or location of another institution;
12. Adding a permanent location at a site where the institution is conducting a teach-out program for a closed institution; and
13. 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 semester, 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 Instruction and Student Services, 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: 6.25.2024

Legal Reference: 1B SBCCC 400.1; [SACSCOC Policy Statement](#) (December 2016)

The Board of Trustees hereby establishes the following honorary awards:

1. Honorary Associate Degree
2. Emeritus Status Award
3. President's Award

These awards are designated as the highest and most prestigious awards for presentation to citizens who have provided meritorious service or support to the College in fulfilling its mission to the Community. The Board hereby authorizes the President to present these awards to deserving citizens on appropriate occasions following consultation with the Board of Trustees.

The Board of Trustees further authorizes the President to identify appropriate guidelines for the selection of deserving recipients and the presentation of these awards.

Date: 6.25.2024

The Board of Trustees by authority of North Carolina Administrative Code, Section 2D.0200, is authorized to establish a policy for developing and maintaining an up-to-date internal audit plan to ensure accountability and credibility in continuing education and workforce development classes. Board approval of the plan will be required prior to implementation.

The Board of Trustees authorizes the President to establish, or cause to be established and maintained, a current internal audit plan. This plan will be developed in accordance with the elements outlined in System Office Numbered Memorandum CC00-147 and will be maintained in the office of the President.

**General Authority:** Adm. Code 2(D) .0200

**Revised:** 08-27-02, 06-28-11

**Editorial Changes:** 05-19-03, 08-26-08

According to the North Carolina Administrative Code 23NCAC 2C.0603, Roanoke-Chowan Community College (Roanoke-Chowan) is required to maintain regional accreditation with the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC). Roanoke-Chowan Community College will inform SACSCOC of any changes in mission, affiliation, scope, merger, new programs sites, and mode of delivery of service in accordance with the Commission Policy on **SUBSTANTIVE CHANGE FOR ACCREDITED INSTITUTIONS OF THE COMMISSION ON COLLEGES**.

**Note: Failure to comply with SACS/COC Substantive Change Policy may result in the institution being placed on sanction (warning, probation, loss of accreditation) at the time of its SACS Committee on Compliance and Reports review.**

**General Authority:**

Adopted: 01/25/2011 **Revised:**

**Editorial Changes:**

Each year, the College shall select one faculty member as recipient of the Excellence in Teaching Award and one staff member as recipient of the Staff Award. The President shall cause to be established a procedure for the selection of these award recipients, and the names of those individuals will be submitted as the College nominees for the respective State awards. In addition, each award recipient shall receive a one-time \$1,000 cash award, pending availability of funds, from the College. In accordance with the 1996 House Bill 53, section 17.9, the Excellence in Teaching Award will be funded from State allocated instructional resources while the Staff award will be funded from non-state institutional resources.

General Authority: 115D; HB 53 (Section 17.9)

Revised: 06-22-04

Editorial Changes:

1. **PURPOSE:**

The purpose of this section is to establish the procedure for the annual selection of the College's nominees for the Excellence in Teaching Award and Staff Award. One nominee shall be selected for each award.

2. **PROCEDURE:**

Eligibility

- A. All full-time curriculum faculty, including academic department heads, who have been employed as full-time curriculum faculty with the College for a minimum of three academic years are eligible nominees for the Excellence in Teaching Award. The only exception is previous state award winners. The eligible positions for this award are listed on the nomination form that is included as an addendum to this procedure. Each year, the Coordinator for Human Resources Services shall determine the eligible personnel based on length of service and previous state award winners.
- B. All full-time and permanent part-time employees who have been employed as full-time or permanent part-time staff with the College for a minimum of three years are eligible for the Staff Award. The only exceptions are the President and previous state award winners. The eligible positions for this award are listed on the nomination form which is included as an addendum to this procedure. Each year, the Coordinator for Human Resources Services shall determine the eligible personnel based on length of service and previous state award winners.

Nomination Process

- A. By March 1 each year, the President shall send a notice to all full-time and permanent part-time employees and the SGA president announcing that nominations are being accepted for the Excellence in Teaching and Staff Awards. The announcement, which also shall be posted on the College's Web site and Campus Cruiser, shall include the nomination form criteria for selection, eligible personnel for each award, and the deadline for submitting nominees.

- B. Any full- or part-time employee and current and former students may nominate candidates for either award. No self-nominations shall be accepted, and the Faculty and Staff Associations shall not endorse any nominee.
- C. Nominations are made by completing the appropriate nomination form. In addition to being included with the award announcement, the nomination forms shall be made available at various locations throughout the campus and on the College's Web site. Nomination forms should be returned to collection boxes that shall be placed at receptionist desks in the Jernigan Building and in the Student Services Office. Online nominations should be returned to the Institutional Researcher.
- D. The Institutional Researcher is responsible for collecting the completed nomination forms and compiling a list of nominees for each award. Nominations shall then be submitted to the nominee's immediate supervisor, who is responsible for collecting data for the nomination packets.
- E. For the Excellence in Teaching Award, the nomination packet consists of the Nomination Form, the Nominee Input Form, the Supervisor Input Form, a summary of student evaluations from the previous two semesters, and the most recent supervisory evaluation. For the Staff Award, the nomination packet consists of the Nomination Form, the Nominee Input Form, the Supervisor Input Form and the most recent supervisory evaluation with corresponding job description. The completed nomination packets will be reviewed by the appropriate division unit head and submitted to the Chair of the Selection Committee by a given deadline. The signed Checklist indicates the nominee's approval for release of supervisory and student evaluation data (faculty only.)

#### Selection Committee

When the list of nominees for each award has been compiled, a seven-member Selection Committee shall be appointed (excluding award nominees) as follows:

- Two faculty members shall be appointed by the Faculty Association
- Two staff members shall be appointed by the Staff Association



- One faculty member and one staff member shall be appointed by the Planning and Budget Committee.
- One community representative shall be appointed by the President.

Appointments for the Selection Committee shall be submitted to the President, who is responsible for notifying the committee members and coordinating the first committee meeting. The Selection Committee shall rate each candidate using the Excellence in Teaching and Staff Rating sheets.

By April 30 each year, the Selection Committee shall submit to the President the College nominee for the Excellence in Teaching Award and the nominee for the Staff Award.

The President shall notify each of the final nominees and forward to them the packet of required information for submission to the North Carolina Community College System along with the submission deadline. Each nominee shall be responsible for completing the packet and submitting it to the President's Office at least five working days prior to the submission deadline. Following the selection, the two College nominees shall be announced at a faculty and staff meeting and at a meeting of the College Board of Trustees.

The College does not discriminate on the basis of race, color, religion, sex, gender, gender identity or expression, pregnancy, age, national origin, disability, political affiliation, genetic information or military/veteran 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 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 Dean of Students Services 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 that is refused would be eligible to be admitted.

3. Residency for Distance Learning.

The College is not authorized to provide distance learning courses outside of North Carolina unless state authorization has been granted from the state in which the applicant resides. State authorization requires colleges to seek and secure authorization to offer instruction in that state.

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.

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.

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 Vice President of Instruction and Student Services 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 Vice President of Instruction and Student Services 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 Vice President of Instruction and Student Services shall make his/her determination and provide the applicant with a written response.

If the applicant does not agree with the Vice President of Instruction and Student Services' determination, within five (5) calendar days following the receipt of the Vice President of Instruction and Student Services' 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.

Adopted: 6.25.2024

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 Director of Admissions 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.

Students may waive the placement testing requirements under the following conditions:

- a. Documentation of acceptable SAT or ACT scores as established by College Administrators. 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. Documentation of Advanced Placement (AP) English or Math test while in high school and has earned a score of 3 or above
  - d. Transfer credit (grade "C" or better) received from a regionally accredited institution for college transferrable reading, math, and English courses. Development level courses may be considered for transfer credit if taken at a North Carolina Community College within the last three (3) years. The student must submit an official transcript to receive transfer credit and to officially waive the need for placement testing. A maximum of seventy-five percent (75%) of the total semester credit hours in any program will be accepted in transfer.
  - e. Enrollment as a non-degree seeking student taking courses with no prerequisite(s)
  - f. Documented unweighted high school GPA of 2.8 or higher; GED score of 165 on each section test; or HISET score of 15 on each subject tests with minimum of 4 on the essay.
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 Dean of Student Services 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.

Adopted: 6.25.2024



**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. College Transfer Pathway, leading to a college transfer certificate requiring the successful completion of at least thirty (30) semester hours of college transfer courses, including English and mathematics, except for the Associate Degree Nursing pathway;
- B. Career and Technical Education Pathway, leading to a certificate or diploma aligned with one or more high school Tech Prep Career Clusters;
- C. Career and Technical Education – Workforce Continuing Education, leading to a State or industry recognized credential; and
- D. Cooperative Innovative High School Programs (CIHS) are located on college campuses (unless a waiver was provided) and provide opportunities for students to complete an associate degree program or earn up to two years of college credit within five years. Examples include Early and Middle College High Schools.

Tuition is waived for CCP students; however, all CCP students taking classes on-site at the College or online through the College, except for those in Cooperative Innovative High School Programs, must purchase their own textbooks and supplies required for their classes. Transportation for high school students will not be provided by the College.

**Admission Criteria and Program Requirements:**

- The College will develop specific and uniform admission criteria and program requirements for CCP enrollment.
- These criteria and requirements will comply with State Board of Community College regulations.

**III. Continuing Education Courses for Minors**

A minor, age 16 or 17, may enroll in continuing education course sections subject to the following conditions:

- A. Minors shall not displace adult students.
- B. Minors shall pay the registration fees associated with the course section except for cases where they meet eligibility requirements for a fee waiver.

For minors that are also enrolled in a high school, the College shall not designate Continuing Education course sections to provide partial or full credit towards meeting high school graduation requirements. Further, the College shall not offer Continuing Education course sections that are specifically scheduled for high school students except those that are part of an approved Workforce Continuing Education Career and College Promise Pathway or those that are self-supporting course sections.

**IV. Exclusive College Programs for Minors**

Except as provided above, 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: 6.25.2024

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; 1D SBCCC 400.11; 1D SBCCC 300.4

The College's Health Science Programs are designated as limited enrollment programs. Factors for admission include, but are not limited to: clinical space availability, instructor-to-student ratios specified by the applicable accrediting/approving agencies and/or other limited instructional resources. In addition, Health Science Programs may have additional student enrollment criteria including, but not limited to: 1) successful completion of required developmental courses; 2) minimum GPA requirements; 3) successful completion of clinical enrollment requirements (i.e., criminal and drug background checks); and 4) other content criteria.

Adopted: 6.25.2024

- 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. Once a course is approved for transfer from a particular school, the course will be entered on a master list maintained by Student Services. Courses will be re-evaluated at least once every two years. Decisions related to acceptance of credit will be made by the appropriate faculty member(s) and Dean, in consultation with the Vice President of Instruction and Student Services.
- C. The responsibility for determining transfer credit from other colleges and universities rests with the Registrar and counseling staff. 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 fills out an application for admission and is responsible for providing an official high school 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 counseling staff 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 transcript evaluation is conducted in cooperation with the appropriate faculty member(s) and Dean, as applicable.
  3. The student is given placement test(s), if applicable.
  4. The student continues with registration procedure.
- E. 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. 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. The appropriate Dean for each division will approve non-curriculum course material prior to officially granting curriculum credit. Faculty teaching courses for which CE to CU credit may be awarded must meet all SACSCOC credential requirements.

To review additional opportunities for awarding credits for prior learning, see the College's Policy on Credits for Prior Learning, Policy 5.2.9.

Adopted: 6.25.2024

The College provides the opportunity for all students to apply for certain types of financial aid programs. The College administers these programs in accordance with all applicable laws, rules and regulations. Requirements and critical dates for receiving financial aid are outlined in the College's catalog and on the College's website.

Adopted: 6.25.2024

The General Assembly, in cooperation with the Department of Public Instruction and the North Carolina Community College System, has established special provisions by which students under 18 may be admitted to the College.

These special provisions are as follows:

Career and College Promise - Session Law 2011-145, the Appropriations Act of 2011, authorized the State Board of Education and the State Board of Community Colleges to establish the Career and College Promise program to offer structured opportunities for qualified high school students to dually enroll in Community College courses that provide pathways that lead to a certificate, diploma, degree, or State or industry-recognized credential as well as provide entry-level job skills.

House Bill 1246—Academically Gifted Minors – allows a student under the age of 16 to enroll in a community college if the president of the college or the president’s designee finds that the student is intellectually gifted and has the maturity to justify admission to the College.

Home Schooled Students—The conditions by which community colleges may allow students who are being home schooled have been established by DPI and the NCCCS.

Basic Skills – The mission of the Basic Skills program is to provide educational opportunities for adults 16 years or older who are out of school.

This policy authorizes the President to establish procedures consistent with these special provisions, by which students under 18 are admitted/enrolled in the College.

**General Authority:** G.S. 115D-20(4); Adm Code 2C.0305; HB 1246

**Revised:** 09-29-81; 10-23-01; 02-26-02; 11-27-18

**Editorial Changes:** 05-19-03

The Board of Trustees authorizes the President to establish, or cause to be established, special funds or scholarships from which short-term loans or scholarships may be granted.

These special funds established will have guidelines to determine the eligibility of the recipient(s).

**General Authority:**  
**Revised:** 09-29-81  
**Editorial Changes:**



**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 instructors' 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 by the date in which ten percent (10%) of the class has passed 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 and earn course credit. The student should notify the instructor, in writing, of the extenuating circumstances prior to the ten percent (10%) percent date of the class and provide compelling documentation to support the request for reinstatement. Reinstatement will only be considered by the instructor when the absences were due to unforeseeable and uncontrollable circumstances. An instructor's decision regarding reinstatement may be appealed to the appropriate Dean within two (2) business days. The Dean's decision is final. Students reported as "never attended" may request to have their status changed to "audit".

- C. Any student who has been absent for two consecutive weeks in a 16-week term or one week in shorter academic terms will be administratively withdrawn from the course. A student in an online or hybrid course will 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), and 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 "WF" will be assigned for any course from which the student is administratively withdrawn. Administrative withdrawals will be allowed up to the published Administrative Withdrawal deadline each semester (approximately the 85% point of the semester). Thereafter, the earned grade will be posted.

Under extenuating circumstances, a student may petition, in writing, the instructor, for reinstatement in the course upon demonstrating the capacity and likelihood of satisfactorily completing requirements as indicated on the course syllabus. 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 students' 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. The College provides reasonable accommodations, including a minimum of two (2) excused absences each academic year, for religious observances required by a student's religious practice or belief. 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: 6.25.2024

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 any 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: 6.25.2024

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 Academic Dean. If the parties cannot reach a consensus, the student may file a written grievance directly to the Vice President for Instruction and Student Services (“Vice President”) within five calendar days after the meeting with the Academic Dean. The Vice President shall meet with the student, instructor and Academic Dean 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: 6.25.2024

# 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.

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: 6.25.2024

Legal Reference: 1B SBCCC 500.1

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**I. Student Voluntary Withdrawal from Course(s)****A. Ten Percent (10%) Date**

A student may withdraw from a course for a partial refund on or before the official ten percent (10%) date of the semester. 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 of the semester, 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. Students will not be allowed to voluntarily withdraw from courses past the seventy five percent (75%) date. All applicable deadlines will be published in the College's official calendar.

It is the student's responsibility to 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 requesting to be withdrawn from a course. Students receiving financial aid should also consult a financial aid advisor before requesting to be withdrawn from a course. Withdrawing from a course could substantially delay the completion of the student's program of study and may have impacts on future financial aid eligibility.

To officially begin the withdrawal process, the student should notify the Enrollment Management Office of his/her intent to withdraw from the course. The student should complete the online Withdrawal Request Form or visit Student Services and complete a withdrawal form.

Students must officially withdraw from any course they stop attending in order to ensure that they will not receive an "F" in the course. In the case of a withdrawal, the student will receive a "W" which will not include the grade point average but will appear in the student's official transcript.

**C. Exception to Seventy Five Percent (75%) Date**

The Vice President for Instruction and Student Services ("Vice President") may make exceptions in cases of extenuating medical circumstances and award a grade of "W" during the final twenty five percent (25%) of the academic term. A student must comply with the following steps if he/she desires a medical withdrawal:

1. Submit medical documentation supporting a request for a medical withdrawal within thirty (30) calendar days of the last attended class unless medical documentation is provided that satisfactorily explains a longer time



period. It is most feasible that the request and documentation be submitted before the end of the semester (and end of the classes) in question. The documentation must be submitted to the Vice President.

2. The Vice President will review all submitted documentation and make a decision regarding voluntary medical withdrawal within ten (10) business days after the receipt of said documentation.
3. The decision of the Vice President will be communicated to the student via registered mail, hand-delivered or electronically with confirmation of receipt from the student. The Vice President's decision is final.
4. Students who are granted medical withdrawals will receive the grade of "W" in all courses in progress and/or specified in the request.
5. Specific conditions for re-admittance are stipulated at the time of withdrawal. These conditions may specify a minimum period of time for the withdrawal and/or may require a letter of medical clearance from a physician, psychologist or psychiatrist stating that in the professional expert's opinion the student is now capable of handling the College's academic and social demands.

## **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. Any student who accumulates absences in excess of ten percent (10%) of the course contact hours may be withdrawn from the class at the instructor's discretion. If the student is withdrawn from a class during the final twenty five percent (25%) period of the term for excessive absences, the student will receive a grade of "F".
- C. Students may be involuntarily withdrawal from courses for disciplinary reasons subject to the student discipline policies.

Adopted: 6.25.2024

Attendance through the ten percent (10%) date of the semester is reported using the Ellucian Self-Service function. Faculty may begin entering their class attendance data after the drop/add period has ended. The Curriculum Registrar is responsible for setting the report due date and communicating that information to faculty each semester. The due date falls shortly after the ten percent (10%) date of the semester or course (if the course begins later in the semester).

- A. Once you have accessed your account, click on the Faculty tab.
- B. Click on the Attendance Tracking option under the Faculty menu.
- C. Enter the Form Start Date (Form start date = first class meeting day).
- D. Select the specific course to report attendance and click submit.
- E. Faculty should enter an attendance type of “E” in the corresponding date column to reflect the first day of attendance for each student. Absences that occur after a student has entered the class should be documented by entering an “A” in the corresponding date column.
- F. Students who have not attended by the census date of the course [ten percent (10%) period] should be reported as a “No Show” by clicking in the “No Show” box next to the students’ names. (Course census dates are displayed on the top of the web form under the course name and meeting information.)
- G. Submit the report by clicking the certified button under the Census tab. This report is subject to review by State Program Auditors; therefore, it must be accurate and submitted on time. Failure to report attendance correctly could result in significant costs to the student and the College. The Curriculum Registrar will work with the Department Chairs to ensure attendance reports are completed by the deadline.

Adopted: 6.25.2024

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 basis courses without the payment of tuition and fees provided the individual meets the other criteria listed herein.
- B. Auditing students do not take tests or examinations, they do not receive grades, credit or financial aid, and 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 and a student who audits a course shall not displace other students seeking to enroll in the course.
- E. Students who audit a course and withdraw or are dropped from the course will be issued a grade of “W”<sup>1</sup>.
- F. Students who desire to audit must inform their instructor at the first-class session, complete the appropriate forms and return them to the Registrar’s Office within 15 class days. Audits appear on the grade report as “Y”<sup>2</sup>.

Adopted: 6.25.2024

Legal Reference: 1D SBCCC 700.1; S.L. 2017-57

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<sup>1</sup> Or whatever letter the College gives to constitute a withdraw/drop.

<sup>2</sup> Or whatever letter the College gives to constitute an audit.

A final grade is awarded at the end of each course for which a student is registered. Instructors determine final grades by using the following system:

A	Excellent	90-100
B	Good	80- 89
C	Average	70-79
D	Poor	60-69
F	Failure in performance or failure to remove an “I” grade	

The following chart provides a list of the grades that students can receive and a description of each. \*I - Incomplete. Students may receive an “I” at the discretion of the instructor when 80% of the course has been completed and the final work required has not been completed because of extenuating circumstances. An “I” must be removed by the last day of classes of the next semester, or it will automatically become an F (see R-CCC Academic Calendar). Students cannot re-enroll in courses in which an “I” grade is the grade of record. If the student fails to remove the “I” during the required time, the student must re-enroll in the course **IF CREDIT FOR THE COURSE IS REQUIRED.**

\*AU - Audit. This grade is assigned to students who audit a course or who repeat a course in which a grade of C or higher has been earned.

\*W - Withdrawal. A “W” is received when a student officially withdraws from a course by the 60 percent point of the course. A “W” is assigned for administrative withdrawals resulting from disciplinary action (i.e., suspension, etc.).

\*WP - Withdrawal Passing. Student is passing the course with an average of at least 60% at the time of drop.

\*WF - Withdrawal Failing. Student is failing the course with an average of less than 60% at the time of drop.

\*CE - Credit by Examination. Student shows proficiency by examination. This grade is awarded for credit hours only.

\*CL - College Level Examination Program (CLEP). This grade is awarded to students who have taken and met the credit-granting score standard for CLEP.

\*AP - Advanced Placement. This grade is awarded to students who take the College Entrance Board’s Advanced Placement Examination and who meet the credit-granting score standard for AP.

\*MT - Military Training. This grade is awarded to veteran students who may receive college credits through DAN TES, a testing program service by the Educational Testing Service.

\*BL - Basic Law Enforcement Training. This grade is awarded to students who have completed Basic Law Enforcement Training. The training must be for curriculum credit and not continuing education credit.

\*P Grades. A student in developmental, supplemental, or transitional courses will receive either of the below passing grades based upon the course. They are not considered a part of the program's total hours required for graduation. However, the grade is recorded on the student's permanent college transcript.

\*P - Passing

\*P1 - Pass Tier 1 of the course

\*P2 - Pass Tier 2 of the course

\*P3 - Pass Tier 3 of the course (for Math only)

\*R - Repeat. A grade of R (repeat) will be issued for unsuccessful completion supplemental or transitional courses. They are not considered a part of the program's total hours required for graduation. However, the grade is recorded on the student's permanent college transcript.

\*\*An "In Progress" or Re-enroll grade is given in transitions courses when progress has been made but required objectives for the course have not been met. It is given in lieu of a D or F grade and has a neutral effect on the student's GPA. "IP" and "R" grades remain on the transcript.

\*\*\*The "P1", "P2", "P3", "IP" and "R" grades are used in transitions math, transitions English and reading courses. "P" indicates an 80% mastery of the course content. When the student's mastery of course content is less than 80%, the student receives an "R" grade. "R" and "IP" grades have a neutral effect on the student's GPA. Students receiving an "R" grade in a prerequisite course must reenroll in that course and may not proceed to the sequential course until achieving 80% mastery of course content.

\*Note: These grades do not affect a student's GPA or quality points.

## **Grade Appeal**

A student has the right to appeal a final course grade when he/she believes that his/her performance in a course has been incorrectly or inappropriately evaluated by the instructor. Any such appeal should be initiated within the first two weeks of the next semester after the grade was issued.

## **Grade Changes**

Any change of grade, except course repeats and incomplete grades, must be made by the instructor and approved by the academic dean. If changes are necessary and the instructor is no longer available, the decision to change a grade rest with the academic dean and with approval by the Vice President of Instruction and Student Services. A grade will only be changed if an error was made in computing or recording it. This must be done within the first three weeks of the start of the next semester.

## Grade-Point Averages (GPAs)

For determining GPAs, final grades have the following values or points: A=4; B=3; C=2; D=1; F=0. Other grades are not included in the GPA. The cumulative GPA is computed by multiplying the points for each course by the semester hours for that course, then dividing by the total number of semester hours. A GPA of 2.0 for work taken at R-CCC is required for graduation. Some departments may have additional graduation requirements.

Please note: Students taking transitional English and Math courses will earn a grade of P (for Pass) or R (for Repeat). Since these courses are pre-curriculum level courses, meaning that they help prepare students for success in curriculum level coursework, credit hours or quality points are not earned for grade-point average calculations, nor are they considered as part of any program's total hours required for graduation. The grade earned for this course, however, is recorded on the student's permanent college transcript, which future colleges or employers may request.

## Satisfactory Academic Progress

Each curricular student is expected to make satisfactory academic progress (SAP) toward obtaining a degree, diploma, or certificate. At the end of each semester, a student's GPA for that period and his/her cumulative GPA are examined. The minimum cumulative GPA for remaining in good standing is shown in the following scale.

Attempted Credit Hrs.	GPA Diploma	GPA Degree
1-15	1.50	1.50
16-27	1.65	1.65
28-39	1.80	1.80
40-53	2.00	1.95
54 & above	2.00	2.00

Adopted: 6.25.2024

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 within ten (10) business days after official receipt of that grade. The instructor will make a written determination and provide it to the student. 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 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, within ten (10) business days thereafter, the student may meet with the Academic Dean. The student must present the instructor's written determination. In cases where the student is unable to meet in person with the Academic Dean, the student may contact the Dean by letter or email. The Academic Dean will make a written determination and provide it to the student.
  
- C. If the student is dissatisfied with the Academic Dean's determination, within ten (10) business days thereafter, the student may file a written appeal with all documentary evidence to the Vice President of Instruction and Student Services ("Vice President"). The Academic Dean shall also file a written response, attaching the instructor's prior written decision, to the Vice President. The Vice President shall perform an "on the record review" and will make a determination within ten (10) business days after receipt of the student's appeal. If needed for clarification, the Vice President may meet with the student or ask the student or Academic Dean to submit additional information. The Vice President shall make a written determination and provide a copy of the decision to the student and the instructor. The Vice President's decision is final.

Adopted: 6.25.2024

- A. A student is considered to be making unsatisfactory academic progress and will be placed on academic probation when his/her cumulative grade point average falls below 2.0.
- B. A student on academic probation for one semester will be required to consult with an academic advisor before registering for another semester.
- C. During this conference, the academic advisor and student will determine that one of the following actions is required:
  - 1. Continue with normal academic load next semester;
  - 2. Reduce academic load next semester;
  - 3. Either 1 or 2 above and participate in academic assistance in the form of tutoring, counseling sessions, learning lab or other appropriate resources;
  - 4. Enroll in preparatory courses of study; or
  - 5. Transfer to another program of study.
- D. If a student is on academic probation for two consecutive semesters, the student will be placed on academic suspension for the next semester and, prior to readmission, must meet with academic advisors and counselors. In lieu of academic suspension, the President may, at his/her discretion, institute other consequences that the President deems more appropriate for the specific situation.

Adopted: 6.25.2024



The purpose of a prerequisite and/or a co-requisite is to ensure student success in subsequent coursework. While successful completion of prerequisites and/ or co-requisites is the traditional way students demonstrate readiness, in exceptional circumstances students may demonstrate readiness through other means. In such cases, prerequisites or co-requisites may be waived with appropriate approvals and permission of the Vice President of Instruction and Student Services. Documentation of the approved waiver will be maintained on file.

Adopted: 6.25.2024

Legal Reference: 1D SBCCC 400.8; Numbered Memo CC06-269

In certain circumstances, students may demonstrate readiness through other means. In such cases, prerequisites or co-requisites may be met or waived with appropriate approvals and/or permission of the Vice President of Instruction and Student Services ("Vice President"). Two routine ways in which prerequisite or co-requisite requirements are met are through: 1) credit by examination; or 2) evaluation of Joint Services Transcripts.

### **I. Credit by Examination**

A student may petition the course instructor by written application for permission to seek course credit by examination. A maximum of 18 credit hours may be earned through proficiency examination. To obtain permission to take a credit by examination test, students should follow these steps:

- A. Register for the course and pay the appropriate tuition and fees.
- B. By the end of the drop/add period, the student must petition in writing to his/her instructor the request to take the proficiency exam. Approval must be granted from the instructor and the department chairperson.
- C. The Program Coordinator will arrange a time for the test to be given no later than the census date (10% of the course).
- D. If the student passes the proficiency exam, with a C or higher a grade of "CE" is assigned, and the student will no longer be required to attend class. If the student does not pass the proficiency exam, the student must complete the course with a passing grade to earn credit.

Credit hours will be recorded in the Total Hours Earned and will count towards hours for graduation; however, there will be no Quality Points assigned, the grade will not affect the student's GPA and Financial Aid or Veteran's Benefits shall pay for courses in which a grade of "CE" is earned.

### **II. Joint Services Transcript Evaluation**

Joint Services Transcript ("JST") is 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 Registrar will review and apply appropriate course credit. The Vice President will be consulted if there is need for further discussion regarding proposed course credit.

Adopted: 6.25.2024

**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 only by special permission from the appropriate Dean. 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. If a student receives three “F” grades for the same course, the student must wait at least two academic terms before repeating the course. Exceptions may be made by the Dean.

**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 SUBSTITUTES**

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 Academic Dean. 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 Academic Dean. The Dean must notify the Registrar’s Office in writing of all applicable course substitutions on an individual student basis.

Adopted: 6.25.2024

The College may award Credits for Prior Learning ("CPL") as designated by law and state regulations for the following prior learning methods:

1. Apprenticeship
2. Certification and licensures
3. Courses listed in high school to community college articulation agreements
4. Military education and training
5. Standardized examinations
6. Challenge exams/Proficiency
7. Portfolio assessment
8. Public Safety Training ("PST") prefix courses

The College may award curriculum CPL when the documentation of prior learning meets or exceeds a demonstration of learning outcomes at the College's standards for awarding credit for the corresponding curriculum course. The College shall award CPL in a manner consistent with State Board regulations.

To be eligible to receive CPL, students must 1) meet all admission requirements for their program of study; 2) be enrolled in a curriculum program to which the credit will directly apply; and 3) request a prior learning assessment consistent with Procedure 5.2.9.1.

#### **A. CREDIT THROUGH APPRENTICESHIP<sup>1</sup>**

The College shall award CPL based on statewide articulation as approved by the Curriculum Committee for related instruction provided by external entities for registered apprenticeship programs. All apprenticeships must be approved and registered with the North Carolina State Apprenticeship Agency through ApprenticeshipNC.

The College, participating employer, and North Carolina Community College System shall cooperatively put together an apprenticeship agreement that will require at least 2,000 hours of on-the-job learning plus an additional amount of classroom instruction.

Upon successful completion of a registered apprenticeship, the individual will receive work-based learning course credit.

#### **B. CREDIT THROUGH CERTIFICATION AND LICENSURES**

Students seeking CPL via industry recognized and/or state regulated credentials will complete a request form for a prior learning assessment, attach supporting documentation that substantiates credential attainment, and submit it to the designated college official or office for consideration. Designated faculty/staff should review the request form and supporting documentation to determine whether the student is eligible to receive academic credit.

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<sup>1</sup> ApprenticeshipNC is responsible for implementing equal opportunity standards relating to apprenticeship, and the State Board of Community Colleges has incorporated and adopted federal regulations in Title 29, Part 30 of the Code of Federal Regulations to implement equal opportunity in apprenticeships. Consult with your local attorney if you have questions about federal apprenticeship compliance obligations.

Students are responsible for providing evidence of their valid (non-expired) certification(s) which must have been issued within five (5) years prior to their request for articulated credit. Students must be enrolled in the associated program to receive course credit.

**C. HIGH SCHOOL TO COMMUNITY COLLEGE ARTICULATION AGREEMENT CREDITS**

North Carolina Department of Public Instruction high school courses that are listed in the High School to Community College Articulation Agreement are eligible for Combined Course Library curriculum course credit. Transcripts of high school courses must be submitted to the College.

**D. MILITARY EDUCATION AND TRAINING**

Servicemen and veterans may be awarded college credit for service schools they have attended. The service schools must be accredited by a regional accrediting agency. Before applying for credit, students should contact the service school(s) and ask them to which regional accrediting agency they belong.

**E. STANDARDIZED EXAMINATIONS**

The College may award CPL credit for the following standardized examinations:

1. College Board Advanced Placement Program ("AP"): College course credit will be granted to students who pass the AP examinations with a score of three, four, or five.
2. Cambridge Assessment International Education: College course credit will be granted to students who score a grade of e/E or better based on the AS and A Level exam(s) taken.
3. College-Level Examination Program ("CLEP"): College course credit will be granted to students who participate in CLEP Subject Examinations and achieve the minimum passing score as recommended by the American Council on Education.
4. DANTES Subject Standardized Tests: College course credit will be granted to students who score at or above the credit-granting score recommended by the American Council on Education.
5. International Baccalaureate Diploma Programme: College course credit will be granted to students who earn a grade of 70% or higher in courses taken from a recognized international institution, validated by a US credentialing agency.

**F. REQUESTING CHALLENGE/PROFICIENCY EXAMINATION**

CPL may be awarded through examinations created and administered by academic units that offer the course. The examination is constructed to allow the student to demonstrate mastery of the learning outcomes of the course.

If a department offers credit by examination, no eligible student can be refused the opportunity to take the exam for course credit. A student must meet all pre-requisite requirements before they are eligible to take the challenge/proficiency examination for a course.

Students meeting challenge exam eligibility requirements, as provided by the State Board, state and federal law, and this policy, are responsible for submitting a challenge examination request.

As defined in the State Board of Community Colleges Code, developmental courses, supplemental courses, and courses including clinical practice are not eligible for challenge exams/proficiency.

#### **G. PORTFOLIO ASSESSMENT PROCESS**

CPL may be awarded through a portfolio assessment process managed by an academic department of the College. A portfolio is "a formal communication" presented by a student as a request for prior learning credit.

Prior learning assessment by portfolio assessment will follow a course-equivalency credit model. Students demonstrate college-level learning by submitting a portfolio consisting of an organized collection of evidence that demonstrates mastery of the learning outcomes of a specific course offered at the College.

To submit a portfolio for assessment, students must contact the department offering the course and follow the schedule established by the department. Courses eligible for credit by portfolio assessment are determined by the department. All portfolio assessments will be completed by discipline-appropriate faculty trained in assessing portfolios for credit. Departments offering prior learning assessment by portfolio will establish rubrics to guide faculty assessment and scoring.

#### **H. CREDIT THROUGH PUBLIC SAFETY TRAINING PREFIX COURSES**

Courses in the Combined Course Library with a Public Safety Training (PST) prefix may be used for awarding prior learning credit for industry-recognized public safety training and/or credentials.

Credit shall be considered for public safety training that meets the criteria outlined in the Public Safety Training course descriptions as listed in the Combined Course Library.

Official documentation from the training provider or credentialing entity shall be provided to the College to validate the training.

Adopted: 6.25.2024

Legal Reference: N.C.G.S. § 115D-5; 1D SBCCC 800.1; 4A SBCCC 100.1; 4B SBCCC 100.1

The College recognizes that students may request work-based learning course credit for prior learning using apprenticeships, state or industry recognized credentials/continuing education to curriculum credit, courses listed in high school to community college articulation agreements, military education and training, standardized examinations, challenge examinations, portfolio assessments, and public safety training prefix courses consistent with College policy and State Board of Community College code 1D SBCCC 800.2.

To ensure optimum management and student opportunities, students must follow the below procedures to request a prior learning assessment ("PLA"):

- A. The student must be admitted as a full-time or part-time student at the College and meet all requirements for the program in which course credit for prior learning is being sought.
- B. The student must apply to the College for prior learning through the Curriculum Registrar and provide any documentation that supports their application.
- C. The Curriculum Registrar will be the point of contact for all questions concerning PLA.
- D. Students are referred to an instructor in the area of the student's interest to recommend evaluations necessary to determine the student's level of expertise in the course(s).
- E. An instructor will evaluate the student's knowledge, skills, and experience in the program field to determine if the student should be considered for PLA credit.
- F. Upon completion of evaluations, the student will be informed of recommendations for award of credit or course work needed.
- G. All documentation of the PLA process, including evaluation results, must be maintained in the student's file by the Curriculum Registrar and other College officials as necessary.

Academic departments determine the specific procedures they utilize to grant course credit, course waivers, or prerequisite overrides and determine the scores or outcomes required for such consideration.

Students who wish to receive credit for prior learning must consult with the head of the Academic Dean that offers courses in that area or a designee of the Office of the Vice President of Instruction and Student Services. Such requests will be evaluated on a case-by-case basis.

Adopted: 6.25.2024

Roanoke-Chowan Community College is authorized to award an appropriate certificate, diploma, associate in general education, and associate in applied science degrees to a student who has successfully completed the required curriculum in which he or she is enrolled.

The President shall develop, or cause to be developed, requirements for successfully completing each curriculum.

**General Authority:**

**Revised:** 09-29-81

**Editorial Changes:** 05-19-03



**PURPOSE:**

The purpose of this section is to provide procedures for the preparation of the graduation ceremony.

**PROCEDURE:**

Preparations for the graduation ceremony are made in the following manner:

The Curriculum Registrar is responsible for:

- A. Requisitioning degrees, diplomas, certificates, chairs and ribbons for seating, flowers for stage, and programs.
- B. Sending letters to prospective curricular graduates notifying them of the time, place, and when to purchase their caps, and gowns.
- C. Having all degrees, diplomas, and certificates properly arranged on stage and lining up the graduation participants prior to the ceremony.
- D. Identifying ushers and marshals who will assist with the graduation ceremony.
- E. Requesting the posting of all pertinent graduation information on the College's website to keep students and college employees abreast of the graduation exercises.
- F. Forwarding all pertinent graduation information to the Business Office and Library staff for the handling of posting financial clearance and payment of graduation fees.
- G. Working with a graduation vendor to coordinate ordering of academic regalia and other memorabilia for prospective graduates.

The President is responsible for:

- A. Securing a keynote speaker; sending invitations to special guests; signing degrees, diplomas, and certificates; and having these signed by the Chair of the Board of Trustees.
- B. Appointing a committee that will be responsible for coordinating a graduation luncheon for the graduates.
- C. Selection of the date, time, and location of the ceremony.
- D. Securing and presenting a gift to the keynote speaker.

The Director of Marketing & Recruitment is responsible for:

- A. Publicizing activities related to graduation.
- B. Taking pictures of the graduation exercises.

The Print Shop is responsible for:

- A. Printing the graduation programs.

(Revised: 10-31-88; 2-10-03, 5-28-24) Approved: 2-15-03; 6.25.2024

**PURPOSE:**

The purpose of this section is to establish procedures for participation in graduation by Roanoke-Chowan Community College curriculum students.

**PROCEDURE:**

- A. The Registrar will inform all curricular program coordinators of the procedures for participation in graduation by degree, diploma, and certificate students on or before midterm of the fall semester.
- B. Students who successfully complete all requirements for their specific curriculum are eligible to participate in Roanoke-Chowan Community College's graduation exercises. In order to participate in graduation exercises, a student must:
  1. Complete all required courses and credit hours with a minimum 2.0 GPA. Transfer students must complete a minimum of 25 percent of credit hours required for a degree, diploma, or certificate in residence at Roanoke-Chowan Community College.
  2. File an application for graduation in the Registrar's Office for each award applicant is completing.
  3. Pay a graduation fee.
  4. Attend graduation rehearsal.

The Registrar will send notification to all curricular graduates and inform them of the following:

- A. Date and time of graduation
- B. Amount of graduation fee
- C. Deadline for ordering caps and gowns

A final letter containing pertinent information for curricular graduates will be prepared

and sent by the Registrar no later than two weeks prior to graduation. The letter will include the following:

- A. Date and time of graduation
- B. Date and time graduates must be on campus for graduation rehearsal
- C. Proper care of caps and gowns
- D. Dress to be worn under gowns
- E. Reminder that all college materials and/or financial obligations must be met prior to graduation

All candidates must be present for rehearsal. The following procedures will be

emphasized at rehearsal:

- A. Positioning of students in line-up
- B. Marching in and out
- C. Entering and leaving the stage
- D. Accepting degrees, diplomas, and certificates
- E. Positioning and turning tassels

Students who fail to attend graduation rehearsal or who arrive after actual graduation exercises have begun may not be allowed to participate in the exercises. The graduation fee includes one(1) unofficial transcript, the actual award and the diploma cover.

Academic Regalia consisting of the cap, gown, and tassel, must be purchased in addition to the graduation fee. In the event of inclement weather the commencement ceremony will be held indoors and a limited number of tickets will be issued to each graduate based on the number of graduates participating in the ceremony.

#### C. Issuance of Awards

1. R-CCC holds an annual graduation ceremony at the conclusion of the spring semester.
2. Degrees, certificates, and diplomas will be ordered for all eligible students.

3. Awards will be issued only once a year and can be picked up the Monday following the graduation ceremony.
4. Students who are within one (1) course or four (4) credit hours of meeting graduation requirements for their program of study and intend to complete those requirements by the following summer may be allowed to participate in the spring graduation ceremony, with approval by the appropriate dean.
  - a. Students must submit their request for exception no later than midterm of the spring semester they intend to participate in commencement.
  - b. Students will indicate their understanding that completion of coursework is required to receive their respective credentials.

**(Revised: 05-12-97; 04-22-02;02-24-03, 5-28/24) Approved 03-07-03**

**PURPOSE:**

The purpose of this section is to establish procedures for participation in graduation by High School Equivalency Diploma students.

**PROCEDURE:**

The College & Career Readiness Director shall contact all literacy instructors employed by Roanoke-Chowan Community College and inform them of the procedures for participation in graduation. Students who successfully complete High School Equivalency Diploma requirements ten working days before the graduation date are eligible to participate in the College's graduation exercises. The Con-Ed Registrar will mail letters to all High School Equivalency Diploma eligible graduates to inform them of the following:

- Date, time, and place of graduation
- Process for ordering academic regalia
- Amount of graduation fee, if required
- Deadline for ordering caps and gowns

A letter containing the following information for High School Equivalency Diploma graduates will be prepared by the Con-Ed registrar to be distributed with graduation apparel:

- Date, time, and place of graduation
- Time graduates must be on campus for graduation rehearsal and the graduation ceremony

- Proper care of caps and gowns
- Dress to be worn under gowns
- Reminder that all college materials must be returned and/or financial obligations must be met prior to graduation
- Information on curricular schedule

All candidates must be present for rehearsal. The following procedures are emphasized at rehearsal:

- Positioning of students in line
- Marching in and out
- Entering and leaving the stage
- Accepting diploma cover
- Positioning and turning tassels

Students not present for graduation rehearsal will not be allowed to participate in the ceremony. All graduating High School Equivalency students will pay a graduation fee as set forth in Board of Trustees.

(**Adopted:** 07-03-84) (**Revised:** 10-09-84; 07-31-89; 04-27-92; 05-12-97; 09-29-97; 09-19-01, 5-28-24)

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 polices 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: 6.25.2024



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 and knowing, or reasonably should have known, 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** – 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. 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 or at any College-affiliated activities or events.
- 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.
- N. **Gambling** – Students may not gamble on campus or at any College-affiliated activities or events.
- O. **Traffic Violations** - Violation of 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 and failure to adhere to the terms of any discipline action.
- 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.
- 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. 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. 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 by the Student Assessment Team pursuant to Policy 5.3.3 – Student Threat Assessment.

Adopted: 6.25.2024

## **I. OVERVIEW**

The Vice President of Instruction and 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: 6.25.2024

## I. OVERVIEW

The Vice President of Instruction and 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 shall not be tolled pending 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: 6.25.2024

**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 for Instruction and Student Services ("Vice President"). If warranted, a Behavioral Assessment Team ("BAT"), 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 of Instruction and Student Services.

**B. Step Two**

The Dean of Students will conduct a review based on the report. When conducting the review, the Dean of Students shall consider, among other things: (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, the Dean of Students 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 Dean of Students may do the following: (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 BAT for review; or (c) no further action is warranted. If the Dean of Students makes a referral to BAT, he/she shall inform the student in writing concerning the referral and shall provide both the student and BAT with a copy of his/her conduct review findings.

### **III. BAT Review and Determination**

#### **A. Membership**

Members of the BAT are:

1. A College Dean appointed by the Vice President (Chair)
2. Student Services Counselor
3. Psychology Instructor
4. Campus Resource Officer
5. One at-large appointee by Vice President
6. Other appointees as needed

#### **B. BAT Review**

If referred by the Vice President, the BAT 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 BAT'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 BAT will review the Dean of Student's findings and may meet with the individual(s) bringing forth the concern, witnesses and the student in question. Further, the BAT 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 BAT and will be allowed to address the BAT and may be accompanied by an advocate; however, only the student will be allowed to address the BAT and not the advocate.

#### **C. BAT Determination**

Upon completion of the review, the BAT will submit their written findings and determination to the student and Dean of Students. The BAT 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 at the College's expense and without further recommendation for an 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 BAT is not authorized to suspend or involuntarily withdraw a student.

A student's failure or refusal to comply with determination of the BAT as administered by the Dean 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 BAT, at its discretion, may require periodic follow-ups with the student. The desire and frequency of such follow-ups shall be included in the BAT's written determination. Failure by the student to participate in required follow-ups may be treated as a disciplinary infraction.

Adopted: 6.25.2024

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

The College will promptly and effectively address any such discrimination of which it has knowledge using the following procedures:

For issues related to Title IX sexual harassment, see Procedures 3.3.7.1/5.3.4.1 – Sexual Harassment.

For issues related to all other types of unlawful discrimination and harassment, see Procedures 3.3.7.2/5.3.4.2 – Unlawful Discrimination and Harassment.

Adopted: 7.31.24

Legal Reference: Title VI and 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; and the Pregnant Workers Fairness Act of 2023.

Cross Reference: 3.3.7

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<sup>1</sup> The Human Resources and Student Services sections of our model policy manual both contain the Discrimination and Harassment Policy and Procedures. We have included both numbers on this policy for cross-reference. The policy and procedures should be exactly the same in both sections.



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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 education programs and activities based on sex.

Title IX is a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity. Under Title IX, discrimination on the basis of sex includes *quid pro quo* harassment; sexual harassment; and sexual assault, stalking, dating or domestic violence (collectively referred to as "sexual harassment"). The College's Title IX Coordinator has oversight responsibility for handling sexual harassment complaints and for identifying and addressing any patterns and/or systemic problems involving sexual discrimination or harassment.

All allegations involving sexual harassment should be directed to the College's Title IX Coordinator and addressed under these procedures. For other complaints of discrimination and harassment not related to sexual harassment, refer to Discrimination and Harassment Procedure 3.3.7.2/5.3.4.2.

## I. DEFINITIONS

The following definitions shall apply to this procedure. 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 person's speech or expression is deemed offensive by others does not mean it constitutes discrimination or harassment.

- A. **Complainant** – an individual who is alleged to have been subjected to conduct that could constitute Sexual Harassment, as defined in these Procedures, and who was participating or attempting to participate in the College's education program or activity at the time of the alleged Sexual Harassment.
- B. **Confidential Employees** – 1) employees with confidentiality bestowed by law or professional ethics, such as lawyers, medical professionals, clergy, and mental health counselors; 2) employees whom the College has specifically designated as Confidential Employees for purposes of providing support and resources to a Complainant; and 3) employees conducting human subjects research as part of a study approved by the College's Institutional Review Board.
- C. **Consent** – knowing, voluntary, and clean permission by word or action to engage in sexual activity. Consent is evaluated from the perspective of what a reasonable person would conclude are mutually understandable words or actions. Reasonable reciprocation can establish consent. Consent to some sexual contact (such as kissing or fondling) cannot be assumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Consent has not been obtained in situations where the individual: i) is forced, coerced, 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.

- D. Dating Violence** – violence on the basis of sex committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. For purposes of this definition, Dating Violence includes but is not limited to sexual or physical abuse or the threat of such abuse.
- E. Domestic Violence** – violence on the basis of sex committed by a current or former spouse or intimate partner of the Complainant; by a person with whom the Complainant shares a child in common; by a person with whom the Complainant cohabitates or has cohabitated as a spouse or intimate partner; by a person similarly situated to a spouse of the Complainant under the domestic violence laws of the State; or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic violence laws of the State.
- F. Education Program or Activity** – for purposes of these Procedures, this means any locations, events, or circumstances in which the College exercises substantial control over both the Respondent(s) and the context in which the alleged sexual harassment occurs. It also means any building owned or controlled by a student organization that is officially recognized by the College.
- G. Formal Complaint** – a verbal or written report alleging sexual harassment against a Respondent that objectively can be understood as a request for the College to investigate the allegation(s) and make a policy violation determination. A Formal Complaint initiates a formal grievance process in which parties are entitled to due process protections. A Formal Complaint is separate and distinct from a Report, which provides only notice to the College of an allegation or concern about sexual harassment and provides an opportunity for the Title IX Coordinator to provide information, resources, and supportive measures.
- H. Informal Resolution** – a resolution reached regarding an allegation of sexual harassment without going through the entire formal grievance process. Informal Resolution may include mediation, facilitated dialogue, conflict coaching, restorative justice, or other models of alternative dispute resolution. Informal Resolution cannot be used for a student's allegation of sexual harassment against a College employee.
- I. Report** – notice to the College of an allegation or concern about sexual harassment that provides an opportunity for the Title IX Coordinator to provide information, resources, and supportive measures. When the College receives a Report of alleged

sexual harassment, the College is deemed to have knowledge of conduct that reasonably may constitute sexual harassment.

- J. Respondent** – an individual who has been reported to engage in conduct that could constitute Sexual Harassment.
  
- K. Retaliation** – to intimidate, threaten, coerce, or discriminate against any person by the College, a student, employee, or a person authorized by the College to provide aid, benefit, or service under the College's education program or activity, for the purpose of interfering with any right or privilege secured by law or policy, or because the person has made a report or complaint, testified, assisted, participated, or refused to participate in any manner in an investigation, proceeding, or hearing under these Procedures.

The exercise of rights protected by the First Amendment does not constitute retaliation. It is also not retaliation for the College to pursue Policy violations against those who make materially false statements in bad faith in the course of a resolution under these Procedures.

- L. Sexual Assault** – an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system.
  
- M. Sexual Harassment** – a form of sex discrimination that means harassment on the basis of sex. Sexual Harassment includes hostile environment harassment; *quid pro quo* harassment; or any instance of sexual assault, dating violence, domestic violence, or stalking.

Hostile environment harassment is unwelcome sex-based conduct, which based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the College's education program or activity.

Hostile environment harassment is a fact-specific inquiry that includes consideration of the degree to which the conduct affected the Complainant's ability to access the College's education program or activity; the type, frequency, and duration of the conduct; the parties' ages, roles, previous interactions, and other factors that may be relevant; the location of the conduct and the context in which the conduct occurred; and any other sexual harassment in the College's education program or activity.

Quid pro quo harassment is when a College employee or agent who provides an aid, benefit, or service under the College's education program or activity and explicitly or impliedly conditions the provision of such aid, benefit, or service on a person's participation in unwelcome sexual conduct.

- N. Stalking** – engaging in a course of conduct on the basis of sex, directed at the Complainant, which would cause a reasonable person to fear for his/her safety or the safety of others or suffer substantial emotional distress.

For purposes of this definition, "course of conduct" means two or more acts, including but not limited to acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

- O. Standard of Evidence** – the College uses preponderance of the evidence as the standard for proof of whether a violation of this policy has 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 Respondent either "responsible" or "not responsible" for violating these Procedures.

- P. Supportive Measures** – individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party that are offered to restore or preserve educational access, protect safety, or deter sexual harassment. Examples of support measures are referral to counseling, medical, or other healthcare services; extensions of deadlines or other course-related adjustments; modifications of work or class schedules; campus escort services; mutual restrictions on contact between the parties; leaves of absences; increased security and monitoring of certain areas of the College; and other similar measures.

- Q. Title IX Coordinator** – for purposes of these Procedures, the Title IX Coordinator refers to Danielle Ruffin, Dean of Student Services. The Title IX Coordinator's office is in Student Services Building Room 111F. The phone number is 252-862-1267 and the email is [dpruffin4929@roanokechowan.edu](mailto:dpruffin4929@roanokechowan.edu).

## **II. SCOPE AND APPLICABILITY**

- A. These Procedures apply to the conduct of and protect:**

1. College students and applicants for admission into the College;
2. College employees and applicants for employment;
3. College student organizations; and
4. Third parties participating or attempting to participate in a College education program or activity.

- B. These Procedures apply to conduct that occurs in any College Education Program or Activity or under circumstances where the College has disciplinary authority and of which the College has knowledge.**
- C. When a party is participating in a dual enrollment program, the College will coordinate with the party's school district to determine jurisdiction and coordinate providing supportive measures based on the allegations and identities of the parties.

### **III. REPORTING**

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

Individuals may report sexual harassment directly to local law enforcement agencies by dialing 911. Individuals who make a criminal allegation may also choose to pursue the College's grievance procedure 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 harassment 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 make available supportive measures when necessary to protect the parties and/or the College community.

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

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

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 harassment may do so by reporting the concern to the College's Title IX Coordinator in person, by mail, by telephone, by email, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report of alleged sexual harassment.

#### **C. Employees' Mandatory Reporting**

All College employees, including student-employees, other than those deemed Confidential Employees, are Mandated Reporters and are expected to promptly report all known details of actual or suspected sexual harassment to appropriate officials immediately. Failure of a Mandated Reporter to report an incident of sexual harassment of which they become aware is a violation of College Policy and may subject the employee to disciplinary action.

#### **D. Confidential Employees' Reporting**

Confidential Employees designated by the College are not required to report actual or suspected sexual harassment. Confidential Employees must, however, provide a Complainant with the Title IX Coordinator's contact information and offer options and resources without any obligation to inform an outside agency unless otherwise required by law.

**E. External Contact Information**

Concerns about the College's application of these Procedures and compliance with certain federal civil rights laws may be addressed to:

Office for Civil Rights (OCR)  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Phone: (202) 453-6012

Equal Employment Opportunity Commission (EEOC)  
131 M Street, NE  
Washington, D.C. 20507  
Email: [info@eoc.gov](mailto:info@eoc.gov)  
Phone: 1-800-669-4000

**IV. GRIEVANCE PROCEDURES**

**A. Scope**

1. Use of these grievance procedures applies to reports alleging sexual harassment carried out by employees, students, or third parties.
2. All reports of sexual harassment are taken seriously. At the same time, those accused of sexual harassment are presumed "not responsible" throughout this grievance procedure.

**B. Initial College Response and Assessment**

1. After receiving a report of sexual harassment, the Title IX Coordinator takes prompt and appropriate steps to:
  - a. Communicate with the individual who reported the alleged conduct;
  - b. Offer and implement supportive measures to eliminate and prevent the recurrence of sex harassment, deter retaliation, remedy the effects of sex harassment, and provide due process rights during a College investigation;

- c. Provide the individual with a copy of this Policy and Procedure; and
  - d. Determine whether the alleged conduct, as described by the reporting party, falls within the scope of this policy and if so, initiate the investigation and resolution procedures outlined below.
  - e. The Title IX Coordinator may delegate the authority to take some or all of these steps to a Deputy Title IX Coordinator.
2. Supportive Measures
    - a. Any Party may seek modification or reversal of the College's decision to provide, deny, modify, or terminate supportive measures applicable to the Party. A request to do so should be made in writing to the Title IX Coordinator.
    - b. An impartial employee who has authority to modify or reverse the decision will determine whether to provide, deny, modify, or terminate the supportive measures if they are inconsistent with the definition of supportive measures as defined in this Procedure.
    - c. The College will also provide the Parties with the opportunity to seek additional modification or termination of supportive measures applicable to them if circumstances materially change.
  3. There is no time limitation on providing a Formal Complaint to the Title IX Coordinator. However, if the Respondent is no longer subject to the College's jurisdiction and/or significant time has passed, the ability to investigate, respond, and/or provide remedies may be more limited or impossible.
  4. False Allegations and Evidence
    - a. Deliberately false and/or malicious accusations under this Policy or Procedure are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a determination of a Policy violation.
    - b. Witnesses and Parties who knowingly provide false evidence, tamper with or destroy evidence, or deliberately mislead an official conducting an investigation or resolution process can be subject to discipline under appropriate College policies, procedures, and rules.
  5. Emergency Removals/Administrative Leave

- a. The College may remove a student Respondent, upon receipt of a report, Formal Complaint, or at any time during the grievance process, on an emergency basis when the College performs an individualized safety and risk analysis and determines that an imminent and serious threat to the health or safety of any student or other individual justifies removal.
    - i. The risk analysis is performed by the behavior assessment team must recommend to the appropriate College official to implement or stay an emergency removal of a student and the conditions and duration of such emergency removal.
    - ii. In all cases in which an emergency removal is imposed, the student shall be given notice and an opportunity to challenge the removal decision immediately following the removal by submitting a written appeal to the President.
    - iii. Violation of an emergency removal under this Procedure is grounds for independent disciplinary action, up to and including suspension or expulsion.
  - b. The College may place an employee on suspension with pay upon receipt of a report, Formal Complaint, or at any time during the grievance process. An employee does not have a right to appeal a determination to place the employee on suspension with pay pending the conclusion of the Title IX grievance procedure. Violation of the terms of the suspension is grounds for independent disciplinary action, up to and including dismissal.
6. The Title IX Coordinator may administratively close a Formal Complaint of sexual harassment at any time if:
- a. The Complainant voluntarily withdraws any or all of the allegations in the Complaint and the Title IX Coordinator declines to initiate a Complaint;
  - b. The Respondent is no longer enrolled or employed by the College;
  - c. The College is unable to identify the Respondent after taking reasonable steps to do so; or
  - d. The College determines the conduct alleged in the Complaint would not constitute a violation of this Policy and Procedure, even if proven.

The Title IX Coordinator will notify the parties if a Formal Complaint of sexual harassment is closed under this section, including the reason(s) for closure, and direct the parties to the appropriate College office or department to resolve the report or complaint. All parties may appeal the Title IX Coordinator's dismissal of a Formal Complaint under this section by using the appeal procedures in Section VI, below.



7. Confidentiality/Privacy

- a. The College makes every effort to preserve the Parties' privacy. The College will not share the identity of any individual who has made a report of sexual harassment, any Complainant, any individual who has been reported to be the perpetrator of sexual harassment, any Respondent, or any witness, except as permitted or required by or to fulfill the purposes of applicable laws and regulations.
- b. Parties and Advisors are prohibited from unauthorized disclosure of information obtained by the College through these Procedures to the extent that information is the work product of the College, meaning it has been produced, compiled, or written by the College for purposes of its investigation and resolution of a Formal Complaint. It is also a violation of these Procedures to publicly disclose institutional work product that contains a Party or witness's personally identifiable information without authorization or consent.

8. Regardless of when alleged sexual harassment is reported, a Complainant must be participating in or attempting to participate in the College's education program or activity for a Formal Complaint to be investigated.

9. Consolidation

The College may consolidate complaints of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against another party, when the allegations of sexual harassment arise out of the same facts or circumstances.

**C. Informal Resolution**

1. Any party may request the College facilitate an informal resolution to a sexual harassment complaint at any time prior to a final determination. The Title IX Coordinator may offer the parties the opportunity for informal resolution, too.
  - a. Upon a request for informal resolution, the Title IX Coordinator determines whether informal resolution is appropriate based on the facts and circumstances of the case. The Title IX Coordinator ensures that any proposed informal resolution is consistent with the College's obligations to prevent and redress sexual harassment.
  - b. A student's allegations of sexual harassment against a College employee are not eligible for informal resolution.

- c. The Title IX Coordinator provides the parties with written notice of proceeding with an informal resolution, including the allegations of sexual harassment, the requirements of the informal resolution process, the potential terms that may be requested or offered in informal resolution, and what information the College will maintain, including any potential disclosures of information.
  - d. The Title IX Coordinator also designates an independent, neutral person to facilitate the informal resolution, which could be the Title IX Coordinator.
2. Informal resolution is voluntary.
    - a. The Complainant and Respondent must provide written consent for informal resolution to take place.
    - b. Any party has a right to end the informal resolution process at any time prior to agreeing to a resolution and begin or continue the formal investigation and grievance process.
  3. Informal resolution concludes the matter only when all parties have signed a written agreement that confirms resolution of the allegations.
    - a. The resolution agreement must include a waiver of the parties' right to have a formal grievance process on the allegations that have been informally resolved.
    - b. Parties are prohibited from revoking or appealing a resolution agreement. Should the Respondent violate the terms of an informal resolution agreement, such violation will subject the Respondent to an investigation and the formal grievance process contained in this procedure.
  4. If a resolution agreement is not reached, the College will continue with a formal investigation.

**D. Investigations**

1. The goal of a formal investigation is to reach a determination as to whether a Respondent has violated one or more College policies prohibiting sexual harassment and if so, remedy the effects of a violation.
  - a. The Title IX Coordinator may include possible violations of other College policies that contributed to, arose from, or are otherwise related to alleged violations of this Policy and Procedure in the scope of an investigation.

- b. The Title IX Coordinator gives written notice to the Complainant and Respondent of the investigation, providing sufficient details to allow the parties to respond and prepare for initial interviews, including the identity of the parties involved (if known), the conduct alleged to be sexual harassment, the date and location of alleged incidents (if known), the specific policies implicated, a statement that the Respondent is presumed not responsible and a determination of responsibility is made at the conclusion of the process, information regarding the parties' right to an advisor and the right to review relevant evidence, a statement that retaliation is prohibited, information about the confidentiality of the process, and notice that the College prohibits knowingly making false statements or submitting false information during the grievance process.
  - c. The Title IX Coordinator designates an investigator to investigate the allegations of sexual harassment. The Title IX Coordinator may serve as the investigator if the Title IX Coordinator is not serving in another role throughout the grievance process.
  - d. The investigator is also the decision-maker as to whether a Respondent has violated one or more College policies prohibiting sexual harassment, unless otherwise determined by the Title IX Coordinator.
2. Parties to an investigation can expect a prompt, thorough, and equitable investigation of complaints, including the opportunity for parties to ask questions, present witnesses and provide information regarding the allegations.
  3. Parties and witnesses should cooperate in the investigation process to the extent required by law and this policy. If a party or witness chooses not to participate or becomes unresponsive, the College reserves the right to continue its grievance process without their participation to ensure a prompt resolution.
  4. The standard of proof used in investigations is preponderance of the evidence. It is the College's responsibility to establish the standard of proof and gather evidence during investigations.
  5. The College aims to bring all investigations to a resolution within thirty (30) days from the date the Title IX Coordinator determines an investigation will commence.
    - a. Extensions of timeframe for good cause are allowed, so long as written notice and the reason for the delay is provided to the parties. Good cause includes:
      - i. The complexity and/or number of the allegations;
      - ii. The severity and extent of the alleged misconduct;

- iii. The number of parties, witnesses, and other types of evidence involved;
  - iv. The availability of the parties, witnesses, and evidence;
  - v. A request by a party to delay an investigation;
  - vi. The effect of a concurrent criminal investigation or proceeding;
  - vii. Intervening holidays, College breaks, or other closures;
  - viii. Good faith efforts to reach a resolution; or
  - ix. Other unforeseen circumstances.
- b. Investigations typically include interviews with the Complainant, the Respondent, and any witnesses, and the objective evaluation of any physical, documentary, or other evidence as appropriate and available. The College will give the Complainant and the Respondent written notice of any interview, meeting, or hearing at which a party is invited or expected to participate. This written notice may be via e-mail.
- c. The Title IX Coordinator will inform the Complainant and Respondent at regular intervals of the status of its investigation.
- d. The Parties have an equal opportunity to present witnesses and other evidence tending to prove or disprove the allegations.
6. Interviews conducted as part of an investigation under this Procedure may be recorded by the College. Recordings not authorized by the College are prohibited.
7. The Complainant and Respondent have the right to be accompanied by an advisor of their choosing during all stages of an investigation.
- a. A party may elect to change advisors during the process.
  - b. All advisors are subject to the same rules:
    - i. During the investigation, the advisor's role is limited to providing advice, guidance, and support to the Complainant or Respondent. An advisor is not permitted to act as a participant or advocate during the investigative process.
    - ii. Advisors are expected to maintain the privacy of the records shared with them.
    - iii. Advisors are expected to refrain from interfering with investigations.
    - iv. Any advisor who oversteps their role or interferes during an investigation process will be warned once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave. The Title

IX Coordinator determines whether the advisor may return or should be replaced by a different advisor.

8. Prior to finalizing a report, the investigator provides all parties an equal opportunity to review any relevant evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint.
    - a. The Complainant and Respondent may submit a written response to the evidence, including any questions a party wants asked of another party or witness, within three (3) business days after receipt of the evidence.
      - i. Responses must be submitted to the investigator via email, mail, or hand delivery by 5:00 p.m. eastern standard time on the date responses are due.
      - ii. Responses may not exceed 10 double-spaced pages on 8.5x11 paper with one-inch margins and 12-point font.
    - b. The investigator considers any responses received from the parties and conducts any further investigation necessary or appropriate.
  9. Following an investigation, the investigator submits an investigative report and written determination to the parties that fairly summarizes relevant evidence. The report and determination includes a summary of the allegations; a summary of the response; a summary of the investigative steps taken to verify the allegations and response; a summary of the evidence relevant to a determination of responsibility; a determination on the question of responsibility, including rationale for the result and any discipline sanction that the College is permitted to share pursuant to State or federal law; and the procedures and permissible bases for the parties to appeal.
  10. In cases where the Respondent is a student, after the investigative report and written determination has been sent to the parties, all parties shall have three (3) business days to request a hearing. If either party requests a hearing, the hearing procedures described in College Procedure 5.3.2.2, *Discipline and Appeal for Non-Academic Violations* shall be followed, except that 1) all parties shall have the right to participate in the hearing to the extent required by Title IX; and 2) a single hearing officer will be utilized in lieu of a committee.
- E.** The following sanctions may be imposed for those who have violated these Procedures:
1. Students
    - a. Verbal or Written Warning

- b. Restrictions
- c. Probation
- d. Administrative withdrawal from a course without refund
- e. Required Counseling
- f. No Contact Directive
- g. Suspension
- h. Expulsion
- i. Other consequences deemed appropriate to the specific violation

2. Employees

- a. Verbal or Written Warning
- b. Performance Improvement Plan
- c. Required Counseling
- d. Required Training or Education
- e. Transfer or reassignment
- f. Demotion
- g. Suspension with or without Pay
- h. Dismissal
- i. Other consequences or conditions of employment deemed appropriate to the specific violation

If the investigator or hearing officer finds student expulsion or employee suspension, demotion or dismissal is an appropriate sanction for a Respondent, but the investigator does not have authority to authorize such sanction, the investigator or hearing officer will make a recommendation of the sanction to the appropriate College official after the time for appeal has expired. If the investigator or hearing officer recommends the Respondent be expelled, suspended, demoted, or dismissed, during the time in which either party has to appeal, the Respondent shall remain in their current status (allowed on campus, on emergency removal, or on paid administrative leave) unless otherwise determined by the appropriate College official.

**V. APPEALS**

After the investigator submits their investigative report and written determination to the Complainant and Respondent, all parties are given an equal opportunity to appeal the determination. Appeals may be based only on these grounds:

- A. Procedural irregularity that would change the outcome;
- B. New evidence that was not reasonably available at the time of the decision that would change the outcome; and/or
- C. The Title IX Coordinator, investigator, or decision-maker had a bias or conflict of interest for or against complainants or respondents generally or the individual Complainant or Respondent that would change the outcome.

Parties must submit any appeal, specifying at least one of the grounds above, to the President of the College by 5:00 p.m. eastern standard time via email or mail, within three (3) business days of receiving the written determination of responsibility. Appeals may not exceed ten (10) double-spaced pages on 8.5x11 paper with one-inch margins and 12-point font.

The College notifies all parties when an appeal is filed and provides all parties a copy of the appeal and a chance to submit a written statement supporting or challenging the outcome. Parties must submit written statements supporting or challenging the outcome to the President of the College by 5:00 p.m. eastern standard time via email or mail, within three (3) business days of receiving a copy of an appeal.

Within ten (10) days of receiving an appeal, the President shall conduct a review of the record, including the appeal(s) received, any written statements supporting or challenging the outcome, the investigation report and written determination, and any accompanying evidence prior to issuing a written decision to the Complainant and Respondent that describes the result of the appeal and the rationale for the result. If the appeal does not provide information that meets the grounds for appeal, the President will deny the appeal.

The President's written decision is final.

## **VI. PROTECTION AGAINST RETALIATION**

The College will not in any way retaliate against an individual for the purpose of interfering with any right or privilege secured by Title IX or because the individual has made a report or complaint, testified, assisted, participated, or refused to participate in any manner in an investigation, proceeding, or hearing under these Procedures.

Retaliation is a violation of College policy regardless of whether the underlying allegations are ultimately found to have merit. Reports of retaliation are treated separately from reports or complaints of sexual harassment.

## **VII. LIMITED IMMUNITY**

The College community encourages the reporting of misconduct and crimes. Sometimes, complainants or witnesses are hesitant to report to College officials or participate in resolution processes because they fear 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 harassment complainants and witnesses amnesty from minor policy violations.

## **VIII. 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.

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

All College employees shall receive annual trainings on the following topics:

- A. The College's obligation to address sex discrimination in its education programs or activities;
- B. The scope of conduct that constitutes sex discrimination under Title IX, including the definition of "sex-based harassment"; and
- C. All applicable notification and information requirements.

In addition to the training that all College employees must receive, the Title IX Coordinator, investigators/decision-makers, those hearing appeals, and those involved in any informal resolution process shall receive annual trainings on the following topics:

- A. These grievance procedures;
- B. How to serve impartially, including avoiding prejudgment of facts at issue, conflicts of interest, and bias;
- C. Issues of relevance of questions and evidence; and
- D. The types of evidence that are impermissible regardless of relevance.
- E. In addition, for Title IX Coordinators: training on specific Title IX Coordinator responsibilities, the College's recordkeeping system, and Title IX recordkeeping requirements.

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. Other translations will be made available upon request.

## **X. RECORDKEEPING**

The College maintains all records of Title IX grievance proceedings and all materials used to train Title IX personnel for seven years.

Adopted: 7.31.24

Legal Reference: Title IX of the Education Amendments Act of 1972, as amended, 20 U.S.C. 1681 *et seq.* and its implementing regulations; [Office for Civil Rights, Q&A on the Title IX Regulations on Sexual Harassment \(July 2021\)](#); [Office for Civil Rights, Dear Educator Letter on Title IX and Sexual Misconduct \(June 23, 2021\)](#)

Cross Reference: 3.3.7.1



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, sex, religion, pregnancy, disability, genetic information, age, political affiliation or veterans' status.

For complaints related to allegations of sexual harassment, sexual assault, or sexual violence, please see Procedure 3.3.7.1/5.3.4.1

## 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, sex, religion, pregnancy, disability, genetic information, age, political affiliation or veterans' status.

- D. Standard of Evidence** - the College uses the Preponderance of Evidence 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 Dean of Student Services located at Student Services Center room 111-F. 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 at Jernigan Building room 103. 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 Dean of Student Services located at Student Services Center room 111-F.

For Unlawful Discrimination incidents between students and employees, the Dean of Student Services will work in partnership with the Executive 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 Executive Director of Human Resources located at Jernigan Building room 103.

**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 Dean for Instruction and Student Services, or designee (student/student); 2) the Executive 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 Dean shall fully investigate any complaints and will, as needed and if the complaint also involves an employee, collaborate with the College’s Executive Director of Human Resources. During the course of the investigation, the Dean may consult with other relevant College administrators and the College Attorney.
2. During the investigation, and if applicable to the complaint<sup>1</sup>, the Dean shall meet with the Complainant and the alleged Perpetrator (“Respondent”) separately and give each party an equal opportunity to provide evidence, including informing the Dean 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 Dean 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 Dean. 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 Dean 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 Dean may have an additional ten (10) calendar days to complete the investigation. The Dean 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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<sup>1</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.

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 Executive Director of Human Resources shall fully investigate any complaints. During the course of the investigation, the Executive 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 Executive 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 Executive 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 Executive 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 Executive 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 Executive 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 Executive 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 Executive 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 Dean 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 Dean 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 Dean will assist in this process).
  - d. Short-term College counseling services available to each party.
  
2. If the Dean's recommendations are not accepted by either the Complainant or the Respondent, both may appeal and request a formal hearing. If the Dean 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 Executive 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 Executive 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 Executive 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: 1-4-2024

Updated June 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.

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 Dean 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.

Adopted: 6.25.2024

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. INTERNAL 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 ten (10) 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 Dean of Student Services (“Dean”). 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 Dean (or, depending on the nature of the grievance, another appropriate Dean) 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 Dean 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 Dean, he/she may proceed to Step Three within ten (10) business days after receipt of the Dean'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 Dean's determination, the student may appeal to the Vice President of Instruction and Student Services. 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 Vice 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 Vice President may, at his/her discretion, establish a committee to further investigate the matter and make a recommendation to the Vice President.

At the conclusion of the investigation and not later than fifteen (15) business days after receipt of the student's appeal, the Vice President shall provide a written decision to the student.

The Vice President's decision is final.

**III. EXTERNAL GRIEVANCE PROCESS**

**1. North Carolina Community College System**

The College is a member of the North Carolina Community College (NCCC) System. If a student is dissatisfied with the result of a grievance within the College, the student may file a grievance with the NCCC System. The student must exhaust the College's internal grievance process prior to filing a grievance with the NCCC System. The contact information for the NCCC System Office is:

North Carolina Community College System Office  
200 West Jones Street  
Raleigh, NC 27603  
Telephone: 919-807-7100  
Website: <https://studentcomplaints.northcarolina.edu/form>

**2. Southern Association of Colleges and Schools Commission on Colleges**

The College is accredited by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC). If a student is dissatisfied with the result of a grievance within the College, the student may file a grievance with the SACSCOC. The student must exhaust the College's internal grievance process

prior to filing a grievance with the SACSCOC. The contact information for SACSCOC is:

Southern Association of Colleges and Schools Commission on Colleges  
(SACSCOC)

1866 Southern Lane

Decatur, GA 30033

Telephone: 404-679-4500

Website: <https://sacscoc.org/>

Adopted: 6.25.2024

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 student services’ office.

Adopted: 6.25.2024

Legal Reference: P.L. 101-542 – Student Right-To-Know Act

## 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 Instruction and 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 Administrative and Fiscal 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.

Adopted: 6.25.2024

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>)

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 or those who have been admitted but did not attend the College. “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 for Instruction and 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 education 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. Address;
  - 3. Telephone number;
  - 4. Email address;
  - 5. Major field of study;
  - 6. Participation in officially recognized activities and sports;

7. Dates of attendance, grade level and enrollment status; and
  8. Degrees, honors and awards received.
- B. The College shall only release Directory Information to individuals and organizations that demonstrate, in the College's opinion, a legitimate, educational interest in the information or provide a direct service to the College; however, the College shall release Directory Information to military recruiters in compliance with the Solomon Amendment unless the student specifically restricts the release of their Directory Information.
- 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 Instruction and 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: 6.25.2024

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: 6.25.2024

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 Instruction and 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.
  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

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<sup>1</sup> Review Footnote #1 in Policy 5.4.3.



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: 6.25.2024

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. These records do not contain student SSN and are also backed up automatically twice per week by Open LMS.
- 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 is not to be distributed or transmitted through email or otherwise made accessible to users without clearance 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 Colleague 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 in accordance with N.C.G.S. § 75-65.

- 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: 6.25.2024

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 4.2.2 – Intellectual Property.

Adopted: 6.25.2024

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## 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. **Law Enforcement Animal** – an animal that is trained and may be used to assist a law enforcement officer in the performance of the officer's official duties.
- C. **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.

## III. ANIMALS ON CAMPUS

Only Law Enforcement Animals and Service Animals are permitted on College property. Emotional Support Animals or any other animals are not permitted on College property 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 meeting an educational objective. Such requests should be made to the appropriate administrator prior to the animal being allowed onto campus. Subject to the rules set forth in section IV and V below,

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 AND RESPONSIBILITIES REGARDING SERVICE ANIMALS**

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

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

- a. Students are encouraged to contact the Disability Services Office and employees the Office of Human Resources to register their Service Animal prior to bringing it onto campus. Disability Services and Human Resources supports students and employees with Service Animals by informing appropriate College faculty and staff of the Service Animal's presence, informing first responders and to assist with the Service Animal's access to areas within the College campus.
- b. Visitors with Service Animals are not required to register the animals on campus.

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

- a. The care and supervision of a Service 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. The Disability Services Office (students) and Human Resources (employees) will review the expectations of this policy with the handler and owner at the time of registration.
- b. The Service Animal must be under the control of the handler at all times and may not be left alone. A Service Animal must be restrained by a leash or other appropriate device that does not exceed six (6) feet in length or otherwise be under the control of the handler if the leash or tether will interfere with the ability of the Service Animal to perform required tasks.
- c. The owner and handler of the Service Animal is responsible for any damage of personal property or any injuries to an individual caused by the Service Animal.
- d. The handler must ensure the animal is "housebroken" and trained and must clean up and remove all animal waste created by the Service Animal.

- e. The Service Animal may not disrupt the operation of the College or any class.

**B. Responsibilities of the College Community**

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:

1. Is the animal required because of a disability?
2. 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 Americans with Disabilities Act 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.

**C. Removal of Service Animals**

The College has the authority to remove a Service Animal from its facilities or properties if the Service 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: 6.25.2024



Roanoke-Chowan Community College is authorized to award an appropriate certificate, diploma, associate in general education, and associate in applied science degrees to a student who has successfully completed the required curriculum in which he or she is enrolled.

The President shall develop, or cause to be developed, requirements for successfully completing each curriculum.

General Authority:

Revised: 09-29-81

Editorial Changes: 05-19-03

**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 Activities & Events (“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 for approval by the President and Board of Trustees as early in the school year as possible. Once approved, no further approvals for expenditure of funds will be required by the SGA unless changes to the budget are adopted. All expenditures of funds must still be approved by the Coordinator.

**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 for Instruction and Student Services and the President.

#### **IV. Fundraising**

The President, in consultation with the Vice President for Instruction and 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. **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: 6.25.2024

Legal Reference: N.C.G.S. §§ 14-309.15, 130A-250(7); 15A NCAC 18A .2635(9)

- A. Club Advisors or designee are responsible for collecting funds and bringing them 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 on 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. 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 Supplies & Materials Requisition Form must be completed and approved with the Advisors signature. The completed Supplies & Materials 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: 6.25.2024

Students participating in the College intercollegiate athletic programs shall satisfy the same admissions criteria and academic retention policies as outlined for all students. Participating students must satisfy the eligibility requirements of the National Junior Collegiate Athletic Association (NJCAA) to participate in the athletic program and must meet the same standards of eligibility for financial aid as other students. Neither athletic scholarships nor tuition waivers shall be offered by the College or the College's Foundation<sup>2</sup> for students participating in intercollegiate athletics. Student athletes are expected to abide by all College policies and procedures and athletics rules and regulations. Violations may result in suspension from the College's athletic program, depending the offense, further disciplinary action pursuant to College policy.

The College shall maintain membership in good standing with the NJCAA. No state funds shall be used to create, support, maintain or operate an intercollegiate athletics program. Financial support for the College's intercollegiate athletic programs shall be provided from student activity fees and College discretionary funds. Except for temporary room and board associated with specific athletic events, the College shall neither provide, nor offer, room and board as part of an intercollegiate athletic scholarship to any student participating in an intercollegiate athletics sport.

Adopted: 6.25.2024

Legal Reference: 1B SBCCC 600.99; 1E SBCCC 700.2; 1H SBCCC 200.9

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<sup>1</sup> Only necessary if the College has an intercollegiate student athletic program.

<sup>2</sup> If the College does award athletic scholarships, the total amount of all athletic scholarships the College awards plus the total amount of all athletic scholarships awarded by the College Foundation cannot exceed the participating student's expenses for tuition, college fees and course-related books and materials required for the courses in which that student is enrolled. If the College Foundation awards an athletic scholarship, the College Foundation must adopt a policy requiring that the total amount of all athletic scholarships awarded to an individual student-athlete does not exceed the participating student's expenses for tuition, college fees, and course-related books and materials required for the courses in which that student is enrolled.

## 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 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 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](#).

Adopted: 6.25.2024

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)

## **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.

Adopted: 6.25.2024

Legal Reference: N.C.G.S. §§ 115D-5; -39; 1E SBCCC 600.1 – 600.4

## I. CURRICULUM TUITION/FEE REFUNDS

### A. Definitions

1. *Academic Period* – an academic term or subdivision of an academic term during which the College schedules a set of course sections.
2. *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.
3. *Off-cycle course section* – a regularly scheduled course section that is not offered consistent with an academic period.
4. *Officially Withdraw* – the removal of a student from a course section by one of the following methods:
  - a. 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
  - b. 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.
5. *On-cycle course section* – a regularly scheduled course section that is offered consistent with an academic period.
6. *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.
7. *Census Date* – The date marking the end of the add/drop period for a course section, as determined by the College in compliance with the State Board of Community Colleges Code.

The College shall issue tuition refunds, using State funds, and fees only in the following circumstances:

**B. 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.

**C. 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.

**D. 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.

### **III. CONTINUING EDUCATION TUITION/FEE REFUNDS**

#### **A. Definitions**

1. *Non-regularly scheduled course section* – is any of the following: a) a course section where a definitive beginning and ending time is not determined; b) a course section offered in a learning laboratory type setting; c) a self-paced course section; d) a course section 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.
2. *Officially Withdraw* – the removal of a student from a course section by one of the following methods:
  - a. 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
  - b. 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.
3. *Regularly scheduled course section* – is a course section that meets the following criteria:
  - a. Has an assigned definite beginning and ending times;
  - b. Has specific predetermined days and times the course section meets;
  - c. Students may enroll during the initial registration period or any time prior to the census date;
  - d. The course section is consistent with the course standards pursuant to 1D SBCCC 300.5(c) ; or
  - e. Times and dates are the same for all students registered for the course section excluding clinical or cooperative work experience.



4. *Independently Scheduled Course Section* – is a course sections that meets the following criteria:
  - a. Where the begin and end times of the course are not defined;
  - b. Instructional content is delivered asynchronously; and
  - c.
5. *Census Date* – The date marking the end of the add/drop period for a course section, as determined by the College in compliance with the State Board of Community Colleges Code.

**B. Refunds.** The College shall issue tuition refunds using State funds only in the following circumstances:

1. 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.
2. 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.
3. After a regularly scheduled or independently 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 census date of the 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 with a refund using State funds after the start of a course section that begins and ends on the same calendar day.
4. 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 and self-supporting continuing education courses shall be regulated in the same manner as stated in Sections I and II.

Adopted: 6.25.2024

Legal Reference: N.C.G.S. §§ 115D-5; -39; 1E SBCCC 900.1 – 900.5; 1G SBCCC 200.94

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 up to sixty percent (60%) 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

Adopted: 6.25.2024

**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 quarterly 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 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 Hertford 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 within the same fund 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.

Adopted: 6.25.2024

Legal Reference: N.C.G.S. §§ 115D-54 through -58

1. **PURPOSE:**

The purpose of this section is to describe the procedures for the preparation of institutional budgets.

2. **PROCEDURE:**

1. All personnel will be notified by the President that the budget-making process will begin. The timetable for the process will be determined by the President and communicated to institutional personnel at the beginning for the process. Budget preparation forms will be sent to appropriate personnel from the Business Manager.
2. The Heads of the major administrative units will develop budget recommendations for their respective areas.
3. The budget recommendations prepared by the Administrative Heads will be forwarded to the Business Manager and consolidated in line item format.
4. A line-item budget recommendation with corresponding budget recommendations from the Deans will be reviewed by the President.
5. The institutional budget recommendations will be presented to the Finance Committee of the Board of Trustees to be recommended to the full Board of Trustees for approval.

1. **PURPOSE:**

The purpose of this procedure is to describe the budgetary process for Roanoke-Chowan Community College.

2. **PROCEDURE:**

Budgetary decisions at Roanoke-Chowan Community College are closely aligned with the overall planning and assessment process. Because the College strives to make administrative decisions that result in improvements in institutional programs and services, budget allocations are the ultimate “planning decisions” that are the result of this process.

Each current year’s budget is directed toward needed improvements indicated by the previous year’s assessment results, and consequently supports the College’s mission and goals.

The Roanoke-Chowan Community College budget consists of on-going budgeted operations and expansion or improvement of budgeted items.

**Planning & Budgeting Team**

The Planning & Budgeting Team develops final budget recommendations for requests submitted through the planning process. The Planning & Budgeting Team consists of the following individuals: President; Manager, Finance & Administration; Manager, Human Resources; Dean of Academic Affairs; Dean of Continuing Education & Workforce Development; Dean of Student Services; and Vice President for Planning and Advancement

Responsibilities of the Planning & Budgeting Team are:

- Develop, evaluate, and manage the budget process
- Prioritize budget requests
- Make recommendations to the President for budget allocations

### **On-Going Budget Operations**

Each division and department is allotted a budget for on-going operations. The amount allocated to each area is based on historical budget figures and the availability of funds. Examples of on-going costs include office supplies, advertising, travel, and other reoccurring expenses. Faculty and staff do not submit requests for these budget items.

Department Chairs and Directors may submit a request to their Dean or Manager for an increase in their on-going operations budget. The request must be accompanied by a complete justification. If approved by the appropriate Dean or Manager, the Planning & Budgeting Team will consider the request.

### **Expansion or Improvement Budget**

- New initiatives approved by the President.
- Institutional needs identified by the Manager, Finance & Administration.
- Approved improvement strategies that were identified in the assessment process as the result of an emergency.
- Requests from Deans or Managers that are identified as priorities by the Planning & Budgeting Team.
- Other initiatives that the Planning & Budgeting Team recommends in support of the Institutional mission and goals.

All expansion budget initiatives are directly linked to the institutional goals. Requests for expansion budget initiatives are submitted twice each year – in mid-February and in early October. The following procedures are followed for development of the expansion budget.

- (a) First Submission (mid-February) Division and department heads complete a Budget Request Form (attached) that is distributed by the Business Office in cooperation with the Office of Planning & Advancement. On the form, department chairs and directors list objectives and strategies to achieve their department/division goals for the next academic year along with the resources needed.
- (b) Approval of Budget Request. Budget Request Forms are submitted through supervisors to the Planning & Budgeting Team. Members of the Planning & Budgeting Team submit requests from their area of responsibility ranked in order of priority. Based on the priorities, the Team will indicate one of the following recommendations:
  - Approval-high priority,
  - Approval-low priority,
  - **Delay, or**
  - Not approved.
- (c) First Allocation. This portion of the budget may vary upon the recommendation of the Manager, Finance & Administration based on extenuating circumstances. The Planning & Budgeting Team allocates half of the expansion budget for items of highest priority.



- (d) Second Submission (early October) Division and department heads may submit additional requests for resources needed for the Spring Semester. Requests are subject to the same approval process described in Step 2.
- (e) Second Allocation. This portion of the budget may vary upon the recommendation of the Manager, Finance & Administration based on extenuating circumstances. The Planning & Budgeting Team allocates the remaining portion of the expansion budget for items of highest priority.
- (f) Supplemental High Priority Requests Supplemental high priority budget requests may be submitted through supervisors to the Planning & Budgeting Team at any time during the year. Supplemental requests are defined below.

### **Budget Priorities**

The Planning & Budgeting Team will establish priorities for funding based on the following criteria:

- (a) Supplemental High Priority Requests
  - Resources that are required to meet external licensure or certification requirements.
  - Resources that will enable programs and services to be offered at the essential level to maintain program quality.
- (b) High Priority
  - Resources required to maintain the program at the standard level of quality.
  - Resources that will improve the program beyond the standard level.
  - Resources that will enable the program to reach state-of-the-art level.

- Resources that achieve an equitable distribution in funding division and department requests.

(c) Low Priority

- Resources that would enhance the program but are not considered essential to maintain or enhance program quality.

(d) Delay

- Resources that are not essential and should be considered in another funding cycle.

(e) Not Approved

- Requests that are not in alignment with program/institutional goals or that need further justification will not be approved.

In the event that the Planning & Budgeting Team is unable to reach consensus on establishing budget priorities, the President will establish the priorities.

**Adopted and Approved: 08-19-02**

**I. Fire, Flood, and Casualty Insurance – College Buildings**

- A. The College shall insure each building to the extent of not less than eighty percent (80%) of the current insurable value as determined by the insured and insurer against fire, lightning, windstorm, hail, explosion, aircraft or vehicles, riot or civil commotion, smoke, vandalism, sprinkler leakage, sinkhole collapse, volcanic action, falling objects, weight of snow, ice or sleet, or water damage.
- B. The College shall insure each building and its contents to the extent of not less than eighty percent (80%) of the current insurable value, as determined by the insurer and the insured, of each of its insurable buildings against flood when that property is located, or becomes located in, an area identified on the latest Flood Insurance Rate Map produced by the Federal Emergency Management Agency as area that will be inundated by the flood event having a one percent (1%) chance of being equaled or exceeded in any given year.
- C. For all College equipment and other contents of College buildings therein that is State or College property, the College shall secure and maintain fire and casualty insurance as proscribed in N.C.G.S. §§ 115D-58.11(a).
- D. The County shall provide to the College the funds necessary to purchase such fire, flood, and casualty insurance.
- E. All insurance must be purchased from companies duly licensed and authorized to sell insurance in North Carolina.

**II. Liability Insurance**

- A. The Trustees 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 Trustees are authorized to pay as a necessary expense the lawful premiums of the retained liability insurance.

Adopted: 6.25.2024

Legal Reference: N.C.G.S. §§ 115D-58.11 and -58.12

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.

In lieu of a surety bond for the above employees, the Board of Trustees may obtain and maintain adequate insurance coverage sufficient for the protection of institutional funds and property. The College shall provide the funds necessary for the payment of the premiums of such bonds.

Adopted: 6.25.2024

Amended: July 2021

Legal Reference: N.C.G.S. § 115D-58.10

The Trustees may provide by appropriate resolution the use of facsimile machines, signature machines, signature stamps or similar devices in signing checks and drafts. The Trustees may charge the President or some other bonded employee with the custody of the necessary machines, stamps, plates or other devices, and that person and the sureties on the official bond are liable for any illegal, improper or unauthorized use of them.

Adopted: 6.25.2024

Legal Reference: N.C.G.S. § 115D-58.8

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.

Adopted: 6.25.2024

Legal Reference: N.C.G.S. § 115D-58.16

**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") 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.

Adopted: 6.25.2024

Legal Reference: N.C.G.S. §§ 115D-58.6 and -58.7; 159-31(b).



**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 VP of Administration and Fiscal Services.

**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 VP of Administration and Fiscal Services. 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.

Adopted: 6.25.2024

Legal Reference: N.C.G.S. §§ 115D-58.3 and -58.4

**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") and the NC State Employee Debt Collection Act ("SEDCA"), 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 SEDCA 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.

Adopted: 6.25.2024

Legal Reference: N.C.G.S. §§ 105A-1; 115D-5; -39

The following Procedures shall be used for student debt collection:

**I. Enrolled Students**

- A. 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.
- B. Students with past due charges will receive a letter regarding holds at least once during Fall and Spring semester prior to registration opening for the next Spring or Fall term. Failure of the student receiving the letter shall not, however, excuse the debt or vacate the hold.

**II. Previously Enrolled Students**

- A. 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.
- B. If, after thirty (30) days, there is no satisfactory response to the letter, the College shall send a second and final letter; and
- C. If, after thirty days, there is no satisfactory response to the second letter:
  - 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.

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: 6.25.2024

**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: 6.25.2024

The President is hereby authorized to create procedures regarding the method of payment accepted by the College.

Adopted: 6.25.2024

**I. Tuition & Fees**

- A. In Person - Tuition and fee payments can be made in person using cash, check, money order, MasterCard, or Visa at the Business Office.
- B. Online - Secure online payments can be made using MasterCard, or Visa.
- C. By Mail - Payments by check or money order can be mailed to:

Roanoke Community College Business Office  
Attn: Cashier  
109 Community College Rd.  
Ahoskie, NC 27910

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 Roanoke Chowan 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. Online Bookstore**

Payment options are listed on the website.

Adopted: 6.25.2024

The College will not cash any personal checks from employees except for those checks associated with the purchase of goods or supplies. All checks for goods and supplies will be for the exact amount of such items.

Adopted: 6.25.2024



In accordance with N.C.G.S. § 115D-20(9) and the Board’s by-laws/constitution, the Board hereby recognizes the legal authority of the Roanoke Chowan Community College Foundation, Inc. (“Foundation”) as a nonprofit 501(c)(3) corporation organized and operated exclusively for the College’s educational purposes.

The Board of Directors governing the Foundation 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. To the extent allowed by the Internal Revenue Code, the Board shall have the ability to appoint a certain number of the Foundation’s Directors and require that all changes to the Foundation’s By-Laws and Articles of Incorporation are approved by a majority vote of the Board of Trustees.

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 Board of Directors 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 Foundation’s accounts. The Board of Directors shall transmit to the Board a copy of the annual financial audit report.

Adopted: 6.25.2024

Legal Reference: N.C.G.S. § 115D-20(9)

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: 6.25.2024

- A. Each quarter, the College shall conduct a review of all grant-funded projects or programs to ensure that they are effectively and efficiently administered by the College.
- B. The Project Director, supervisor, or other pertinent personnel will meet with a Grants Administrator to review:
1. Program activity since the last review.
  2. Program activity planned for the next quarter.
  3. Progress toward satisfying the project or program goals as approved in the funded grant proposal. Specifically:
    - a. Are there actual or anticipated changes in project or program activity that might affect the ability to satisfy objectives? If yes, what recommendations can be made to correct the situation? Should the funding agency be notified of a program modification request? If yes, agree on a procedure to follow.
    - b. If changes are anticipated, what will be the impact on the project or program budget? Should the funding agency be notified and a budget modification requested? If yes, agree on a procedure to follow.
- C. Fiscal questions relating to administration of grant. Specifically:
1. Determine the rate and nature of expenditures are appropriate. Review billing, accounts receivable, and encumbered funds to ensure understanding and agreement between program personnel and the Business Office.
  2. Status of cash or in-kind match expenditures, if relevant.
- D. Status of program reports required by funding agency including confirmation of due dates, information requested, personnel responsible for completing reports. Specifically,
1. Narrative program progress or final reports.
  2. Fiscal reports, interim and final.
- E. Status of multi-year funding and application for continued funding, if relevant, including due dates, information requested, and procedures for submitting application.

Adopted: 6.25.2024

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 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 fund accounts have a negative balance at year-end, the negative fund balance shall be reviewed by the President and Finance Director. In the event the negative balance is not due to a planned reason, the President 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 no less than once per quarter.
- 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. The College shall actively seek to fill leadership and other supervisory positions in a timely manner with individuals of high competence.
- L. The College shall monitor employee turnover by providing an employee vacancy report for information to the Board at least biannually.

Legal Citation: N.C.G.S. 115D-5; 1A SBCCC 200.4

Cross Reference: Policy 1.9

Adopted: 6.25.2024

Amended: Second footnote added June 2021

The Roanoke-Chowan Community College Foundations, Inc. is designated as the primary fundraising organization authorized by the Board of Trustees to solicit and accept charitable gifts and contributions on behalf of Roanoke-Chowan Community College. All major fundraising activities are planned and/or coordinated through the Foundation Office.

All fundraising activities conducted in the name of the College, or any division of the college, including student organizations, must receive prior approval from the President's Cabinet to prevent potential conflicts of interest with fundraising efforts by the Foundation, and to ensure that appropriate use of college personnel, facilities, and supplies in such activities.

All grant applications and proposal development must receive prior approval from the President.

**General Authority:** G.S. 115D-20(9)  
**Revised:** 09-29-81; 02-14-01; 03-23-10  
**Editorial Changes:** 3-7-24

**I. Bookstore 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. 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 Operating Revenues**

- A. Bookstore receipts shall first be used to support bookstore 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, enhancement of the bookstore and bookstore 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 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.

Adopted: 6.25.2024

Legal Reference: 1H SBCCC 300.3

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 similar expenses authorized by the Board (i.e., new facility positions for new programs, counselors, equipment, construction, etc.).

These profits shall not be used to supplement the President's salary.

Adopted: 6.25.2024

Legal Reference: N.C.G.S. § 115D-58.13; 1H SBCCC 300.4



**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.

Adopted: 6.25.2024

Legal Reference: N.C.G.S. § 115D-32; -58.3; 1H SBCC 200.3 through 200.11

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: 6.25.2024

In order to travel on College business, all employees must first complete the Travel Request Form.

- A. The employee, supervisor and the departmental Vice President or President must sign the Travel Request Form to authorize the travel. This gives permission for the employee to be away from campus on College business and is required for insurance purposes.
  
- B. Travel reimbursements must be reconciled and finalized within two weeks of returning from the trip. Not doing so could result in the denial of reimbursements. Reimbursements of travel funded with state funds may not be available until the end of the month. Please use the Travel Reimbursement Form and submit original receipts expenses.

Adopted: 6.25.2024

The following shall establish procedures for the use of College-owned vehicles for all full-time, part-time and contracted services employees.

- A. College Owned Vehicles are grouped into the three following categories: service vehicles, curriculum vehicles, and passenger vehicles.
1. Service vehicles  
  
Include those vehicles that serve the Facilities Maintenance, Campus Arboretum, Facility Services departments and those used by College Security and Armed Resource Officers.
  2. Curriculum Vehicles  
  
Those vehicles that serve curriculum programs.
  3. Passenger Vehicles  
  
Cars and vans used for approved travel by College employees.
- B. Reservations of curriculum and passenger vehicles are made by contacting the College's Business Office to schedule their use (excludes the construction vehicles which are dedicated to the program). Keys are to be picked up as closely as possible to requested time and returned promptly to allow for use by other employees. Employees reserving the curriculum vans are responsible for ensuring that the vehicle is properly used and is not damaged by passengers. Vehicles must be returned clean (free of all trash), properly documented and full of gas.
- If the vehicle is returned after the Business Office's normal working hours, return keys to the security officer on duty or in the key drop box. For reservations on weekends, keys should be picked up prior to 4:00 PM on Friday and returned by 8:00 AM on Monday. Vehicles requested for the entire week should be returned by 4:00 PM on Friday or immediately upon return. Vans may be requested for an entire semester, but keys must be picked up on the days of use and returned the same. If reservations have been made but vans are no longer needed, please contact the Business Office and cancel immediately so others may use. If vehicle request falls outside normal College operating hours, prior approval and an action plan must be developed to facilitate the trip. While traveling on College business, the vehicle may be used for travel to obtain meals and other necessities, but not for entertainment or any personal purposes. Individuals not employed by the College are not allowed to drive a College-owned vehicle. Vehicles may not be used for travel other than the trip travel and may not be taken to personal residences without approval from the President.
- C. All employees must complete the Passenger Van Training course prior to operating any 15 passenger van. In some cases, a student may be allowed to drive the Passenger Vans. In

these cases, the student must have completed the Passenger Van Training prior to operating any 15 passenger van.

- D. Each vehicle includes a vehicle book with the vehicle registration, insurance card, gas log and check sheet. If the vehicle needs repairs/maintenance, the driver should note this in the comments section of the check sheet. All paper work must be completed prior to returning the vehicle book and keys to the Business Office.
- E. In the event the vehicle is involved in an accident (whether it is property and/or vehicle damage), law enforcement should be called immediately and proper paperwork should be submitted to the Business Office as soon as feasible.

Adopted: 6.25.2024

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: 6.25.2024

The Board is committed to conducting procurement in a competitive and ethical manner, and in accordance with all applicable state laws and regulations, including the requirements of the State Division of Purchase and Contract, when applicable. College employees involved in any aspect of purchasing on behalf of the College are expected to comply with this and other applicable College policies and all applicable laws and regulations. Employees may also use, as guidance, the N.C. Community College Purchasing and Equipment Procedures Manual and the applicable provisions of the Division of Purchase and Contract Procurement Manual, and the Department of Information Technology Procurement Policies and Procedures Manual.

Purchases using federal funds must also be made in accordance with applicable requirements of federal law, including the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (“Uniform Guidance”) issued by the U.S. Office of Budget and Maintenance.

Should any provision of this policy conflict with applicable state or federal law, the provision is void.

## **I. Purchasing and Bidding**

Except as provided in Section III, the following section applies to the purchase of all apparatus, supplies, materials, and equipment.

- A. State Contract Items – Subject to any restrictions on the contract, purchases from contracts established by the State or any agency of the State may be ordered directly from the vendor if the vendor is willing to extend the same or more favorable prices, terms, and conditions established in the State contract.
  
- B. Non-State Contract Items – For the purchase of items not on State contract, the College shall adhere to any applicable rules adopted by the Department of Administration. Items totaling less than and up to the College’s general purchasing delegation benchmark, as set by the State Board of Community Colleges and Department of Administration may be placed by the College without the oversight or approval of the State Division of Purchase and Contract.
  - 1. Small Purchases – When the total order is less than the College’s small purchasing benchmark, telephone or e-quotes should be obtained to establish competitive prices. A record of those quotes should be attached to the requisition.
  
  - 2. Informal Bidding - For a purchase of items more than the College’s small purchasing benchmark but less than the College’s general purchasing delegation benchmark, a minimum of three written quotes must be obtained and attached to the purchase requisition. If three written quotes cannot be obtained, users must attach a note explaining the circumstances.



3. Formal Bidding - Purchases over the College's general purchasing delegation must be bid formally and in accordance with the rules adopted by the Department of Administration, Division of Purchase and Contract.

- C. Special Purchasing Delegations – The College will adhere to any special purchasing delegations authorized by the State Purchasing Officer for the procurement of specific items or commodities. The President may require further procedures regarding purchases made under a special delegation.

## **II. Purchase of Information Technology**

The College may purchase information technology goods and equipment, including software, through contracts established by the State Department of Information Technology, or other State agency.

For purchases of items not on State contract, the College shall seek to use a competitive bid process whenever possible and shall evaluate bids and proposals using the “best value” method, pursuant to N.C.G.S. §143-135.9, so the College may select the most appropriate information technology solution. When the College deems a certain purchase to be highly complex or determines that the optimal solution to the business problem at hand is not known, the use of Solution-Based Solicitation and Government-Vendor Partnership is authorized and encouraged.

For purchases of information technology not on State contract, that are over the College's general purchasing delegation, the College shall follow the applicable solicitation and purchasing rules adopted by the Department of Information Technology.

## **III. Purchase of Services**

The above provisions do not apply to the procurement of services, however, the procurement of services will be made in a manner that fosters competition among service providers when feasible. The purchase of services with federal funds may require compliance with federal regulations including the Uniform Guidance.

The President, or designee, is authorized to adopt further purchasing procedures in accordance with this Policy and applicable State law and rules.

Adopted: 6.25.2024

Legal Reference: N.C.G.S. §115D-58.5, §115D-58.14; Art. 3 of Ch. 143; §143-135.9 1H SBCC 500.1 – 500.2

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 and Fiscal Services, or designee, shall be responsible for making sure that the inventory is completed.

Adopted: 6.25.2024

Any damaged, stolen or missing materials or equipment owned by the College must be reported to the Vice President of Administrative and Fiscal 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: 6.25.2024

When the College's equipment reaches the end of its useful life, becomes inoperable, becomes obsolete or is replaced, the Board, 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.

Adopted: 6.25.2024

Legal Reference: N.C.G.S. §§ 115D-15; 160A-266 through -271

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 (3%) 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.

For construction projects, the College shall adhere to the guidelines established by the Department of Administration's Office of State Construction.

Adopted: 6.25.2024

Amended: 2019

Legal Reference: N.C.G.S. §§ 143-128.2 through -128.4; [Guidelines for Recruitment and Selection of Minority Businesses For Participation in State Construction Contracts:](#)

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 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.

Adopted: 6.25.2024

Legal Reference: N.C. Community College Written Memoranda [CC10-029](#) (issued 7/21/10)

## **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 of Administrative and Fiscal Services. Upon review of the incident, the Vice President 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.

## **VI. TRAINING**

All College employees who process any information related to a covered account shall receive annual training and this Policy shall be reviewed annually.

Adopted: 6.25.2024

Amended: Footnote added June 2021

Legal Reference: Fair and Accurate Credit Transactions of 2003; FTC Regulations – Red Flag Rule; N.C.G.S. § 75-65

## 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.

Adopted: 6.25.2024

Legal Reference: Office of State Controller's Policy and Procedures Regarding Foreign Nationals; [NC Community College Foreign National Compliance Program](#);

N.C. Community College Written Memoranda [CC12-10](#) (issued 4/17/12);  
N.C. Community College Accounting Procedures Manual and Reference  
Guide: Fiscal Procedures

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.

Adopted: 6.25.2024

Legal Reference: N.C. Session Law 2017-193; N.C.G.S. 147, Articles 6G and 6E

Credit cards issued in the name of Roanoke-Chowan Community College, which include but are not limited to VISA, MasterCard, and gasoline, will be provided to those employees who need to purchase items immediately when time constraints prohibit using normal purchasing procedures. Employees in need of a credit card must submit a properly completed and approved "Approval to Charge Form" to the Dean of Administrative and Fiscal Services (or his/her designee) and must sign the "Employee Statement of Responsibility" (attached). Credit cards represent an extension of credit to the College and, accordingly, may only be issued with the approval of the President or Dean of Administrative and Fiscal Services. Cards issued in the name of the College are a privilege for convenience and must not be used for personal expenses. All purchases, whenever possible, should be procured by preapproval through the use of a College Purchase Order.

If an employee is granted use of the College Credit Card, he or she must produce a receipt of the purchase within 24 hours of the purchase. Failure to produce receipts may cause the employee to be indebted for the purchase. When hotel reservations, registrations and other travel expenses have been pre-paid using the College's Credit Card, it is the responsibility of the employee to produce the appropriate receipts and documentation within 24 hours of returning to work. All credit cards will be held in the Business Office and returned to the Business Office.

General Authority:

Revised: 09-29-81; 02-07-01; 06-23-09; 11-27-18

Editorial Changes:

## **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.

## **III. EMPLOYEE USE OF TECHNOLOGY SERVICES**

Employees using College 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 BIOS password on such devices, if applicable.

- 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. Supervisor approval;
  - 3. Personnel return items to campus upon request for system maintenance, upgrades, inventory, and verification.
  
- D. The College’s Information Technology Department (“IT”) 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.

Adopted: 6.25.2024



**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. 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.

**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. Using hardware or software sniffers to examine network traffic, except by appropriate College personnel, to diagnose the network for bottlenecks or other problems.

6. 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).
7. Committing any form of vandalism on equipment, communication lines, manuals or software, or attempting to defeat or circumvent any security measures or controls.
8. Consuming food and/or beverages in computer labs, computer classrooms, library or in any other areas restricted to protect systems.
9. Wastefully using finite resources such as large amounts of bandwidth including but not limited to, downloading music, television shows, software programs, and/or movies.
10. 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, 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.
11. 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.
12. Disclosing confidential student or personnel information to unauthorized third parties;
13. Violating copyright laws and/or fair use provisions through: 1) illegal peer-to-peer file trafficking by downloading or uploading pirated or illegal material including, but not limited to, software and music files; and 2) reproducing or disseminating Internet materials, except as permitted by law or by written agreement with the owner of the copyright;
14. 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.

### **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 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, troubleshooting 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 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.

The College does not monitor electronic mail routinely but may do so as the College deems necessary. Students and employees should not have any expectation of privacy regarding their electronic mail addresses provided by 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, SOCIAL MEDIA AND OTHER INTERNET USE**

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, 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 and professional relationship with students at all times. Having a public personal website or social media profile or allowing access to a private website or private social media profile is considered a form of direct communication with students. Any employee found to have created and/or posted content on a website, social media site, 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.<sup>1</sup>

## **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: 6.25.2024

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<sup>1</sup> This policy indicates the College *may* discipline an employee if the speech disrupts the college or has a negative impact of the employee's ability to work. The discipline of a public employee for off-campus speech is a complicated analysis. We always recommend contacting legal counsel before disciplining an employee based on off-campus speech.

## 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, [State Guidelines for Managing Trustworthy Digital Public Records](#), 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 State Board of Community Colleges. For the purposes of this Policy, the term "electronic records" is defined to include electronic mail and instant messages.

This Policy will be reevaluated every five (5) years, or upon the implementation of a new information technology system, and will be updated as required.

## 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 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 and any underlying Procedures.

#### **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.

## **VII. OUTSIDE INSPECTION**

The College recognizes the judicial system may request pretrial discovery of the information technology system used to produce records. The College will honor requests for outside inspection of the system and testing of data by the courts and government representatives. Records must continue to exist when litigation, government investigation, or audit is pending or imminent, or if a court order may prohibit specified records from being destroyed or otherwise rendered unavailable.

## **VIII. RECORD DISPOSITION**

Records may only be disposed of in accordance with the Schedule. Prior to the disposition of any record or record group after the applicable retention period, the records custodian will create and maintain a destruction log.

The President is authorized to adopt procedures to implement this policy.

Adopted: 6.25.2024

Legal Reference: N.C.G.S. §§ 121-5; 132-1 *et seq*; [Records Retention & Disposition Schedule](#) (August 23, 2019)



## I. PURPOSE

The procedure reflects the guidelines established by the North Carolina Department of Cultural Resources publication [Guidelines for Managing Trustworthy Digital Public Records](#). Complying with this procedure increase the reliability and accuracy of records stored in digitally and will ensure these records remain accessible over time.

College employees will retain and destroy electronic records only in conformity with State law, College policy, this Procedure, and approved [Record Retention and Disposition Schedule](#) (“the Schedule”) for community colleges adopted by the North Carolina Department of Cultural Resources and the North Carolina State Board of Community Colleges.

## II. MAINTENANCE OF TRUSTWORTHY ELECTRONIC RECORDS

When creating electronic records or converting paper records to an electronic record, the electronic record shall be:

- 1) Produced by methods that ensure accuracy;
- 2) Maintained in a secure environment;
- 3) Associated and linked with appropriate metadata; and
- 4) Stored on media that are regularly assessed and refreshed.

### A. Produced by Methods that Ensure Accuracy

All platforms used by the College to create and manage electronic records, including e-mail clients, social media platforms, and cloud computing platforms, will conform with all College policies.

Electronic files are named in accordance with the *Best Practices for File Naming* published by the North Carolina Department of Natural and Cultural Resources (“DNCR”).<sup>1</sup>

Electronic files are saved in formats that comply with DNCR’s *File Format Guidelines for Management and Long-Term Retention of Electronic Records*.<sup>2</sup> File formats used by the College are identified as standard by DNCR and are well-supported, backwards compatible, and have robust metadata support.

### B. Maintained in a Secure Environment

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<sup>1</sup> <http://archives.ncdcr.gov/Portals/3/PDF/guidelines/filenaming.pdf>.

<sup>2</sup> [http://archives.ncdcr.gov/Portals/3/PDF/guidelines/file\\_formats\\_in-house\\_preservation.pdf](http://archives.ncdcr.gov/Portals/3/PDF/guidelines/file_formats_in-house_preservation.pdf).

Security of the information technology system and the records it holds is maintained in the following ways:

- 1) Access rights are managed by the IT department and are assigned by a supervising authority to prevent unauthorized viewing of documents.
- 2) Either the information technology system is able to separate confidential from non-confidential information, or data creators must organize and name file systems in such a way to identify confidentiality of the documents.
- 3) Folders with confidential information are restricted, and access rights to confidential data are carefully managed. Confidential material is redacted before it is shared or otherwise made available.
- 4) Physical access to computers, disks, and external hard drives is restricted.
- 5) All system password and operating procedure manuals are kept in secure off-site storage.

**C. Associated and Linked with Appropriate Metadata**

Metadata is maintained alongside the record. At a minimum, metadata retained includes file creator, date created, title (stored as the file name), and when appropriate, cell formulae and e-mail header information. Employees are not instructed to create metadata other than metadata that is essential for a file's current use and/or retention.

**D. Stored on Media that are Regularly Assessed and Refreshed**

Data is converted to new usable file types as old ones become obsolete. The following steps are taken to ensure the continued accessibility of records kept in electronic formats:

- 1) Data is audited and assessed annually. If there is evidence of file corruption, data should be migrated to new media.
- 2) Records are periodically verified through hash algorithms. This is required before and after transfer to new media to ensure the records were not altered.
- 3) Media is refreshed every three to five years. The College documents when and how records are transferred from one storage medium to another. Once the new media has been sampled to assure the quality of the transfer, the original media may be destroyed according to the guidelines of 07 NCAC 04M .0510.
- 4) Records are periodically migrated to new file types, particularly when a new information technology system requires that they be brought forward to render the file properly.

- 5) Metadata is maintained during transfers and migrations.
- 6) Storage media are maintained in a manner and in an environment that promotes bit-level preservation. Humidity does not exceed 50% and should not fall below 30%. Room temperature is set between 65° F to 75° F. The College adheres to the media manufacturer's recommendations for specific environmental conditions in which the media should be stored.
- 7) Whatever media is used to store data is clearly labeled with enough information that its contents can be determined.

### **III. COMPONENTS OF INFORMATION TECHNOLOGY SYSTEM**

#### **A. Training Programs**

The IT department will conduct training for system use and electronic records management. All employees will be made aware of system procedures and policies and trained on them; employees will acknowledge by initialization or signature that they are aware of the policies and have received training on them. When appropriate, employees will also attend trainings offered by the North Carolina Department of Natural and Cultural Resources on the maintenance of electronic records. Documentation will be maintained for the distribution of written procedures, attendance of individuals at training sessions and refresher training programs, and other relevant information.

#### **B. Audit Trails**

At a minimum, the IT department will maintain documentation on who has read and/or write permission to files maintained by the College. Ideally, a log of activities on the system is maintained, which shows who accessed the system, how and by whom records were created and modified, and whether standard procedures were followed.

#### **C. Audits**

Audits are designed to evaluate the process or system's accuracy, timeliness, adequacy of procedures, training provided, and the existence of audit trails. Internal audits are conducted regularly by College IT staff, at least annually.

#### **D. Documentation**

The College maintains documentation that describes system procedures, practices, and workflows. This documentation also identifies system software and hardware and captures the system environment in terms of the organizational structure, functions and responsibilities, and system processes. It explains how the system operates from a functional user and data processing point of view. Documentation is reviewed and updated by IT staff annually or upon implementation of a new information technology system. Such documentation maintained by the institution includes:

- 1) Procedural manuals
- 2) System documentation
- 3) Security backup and disaster recovery procedures as a part of the Continuity of Operations Plan
- 4) Service level agreements for contracted information technology services

#### **IV. OTHER ELECTRONIC RECORDS MANAGEMENT PRACTICES**

##### **A. Security and Disaster Backup and Restoration**

The College has a disaster recovery plan for its electronic data in place, which includes contact information for data recovery vendors and information about backups of all data. Security backups to protect against data loss are generated for all but the most transitory of files. Routine backups are conducted and are stored in secure off-site storage.

#### **V. CONVERTING RECORDS TO DIGITAL FORMAT**

When converting non-permanent paper records, that have not met their retention period, to digital records, the appropriate College employees will complete the Compliance and Electronic Records Self-Warranty Form for each group of converted records. After digital conversion, the records custodian may request to dispose of the paper records from their supervisor. The following administrators may authorize the disposition of the paper records after digital conversion: [insert titles, i.e., Department chairs, or Deans, or Vice President, etc.] The Authorization to Dispose of Paper Records form should be used.

Adopted: 6.25.2024

## COMPLIANCE AND ELECTRONIC RECORDS SELF-WARRANTY FORM<sup>3</sup>

The completion of this form by all signing employees signals that all employees will adhere to the rules set forth in College policy and procedure. Furthermore, this section is to be used as a self-evaluation tool to ensure that electronic records produced by the College are created, reproduced, and otherwise managed in accordance with guidelines for electronic public records published by the North Carolina Department of Natural and Cultural Resources.

Each signatory should initial each element for certification, print his/her name on the Approved by line, fill in the job title, and sign and date the form.

### IT Professional

The IT Professional is the person responsible for providing technical support to the records custodians and who may be involved in infrastructure and system maintenance. The IT Professional certifies that:

\_\_\_\_\_ Audit trails document the identity of the individual who creates, duplicates, modifies, or otherwise prepares the records, what actions are taken by the individual during the course of the process, when these actions are taken, and what the results of these actions are.

\_\_\_\_\_ Audits:

- are performed periodically to confirm that the process or system produces accurate results.
- confirm that procedures followed are in accordance with the College's documentation.
- are performed routinely on files to ensure no information has been lost.
- are performed by an independent source (i.e., persons other than those who create the records or persons without an interest in the content of the records. Acceptable sources may include different department or authorized auditing authority).
- are adequately documented.

\_\_\_\_\_ The process or system hardware and software are adequately documented.

\_\_\_\_\_ Permanent records conform to all file format, file naming, and digital preservation guidance produced by the Department of Natural and Cultural Resources.

\_\_\_\_\_ Backup procedures are in place and comply with best practices as established by the Department of Natural and Cultural Resources.

\_\_\_\_\_ Successful disaster recovery backup is completed at least once every two years.

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

<sup>3</sup> This form is to be used when the College converts a paper record group to a digital format.

**College Records Custodian**

The College Records Custodian coordinates records management training and compliance. The College Records Custodian certifies:

- \_\_\_\_\_ The records created or duplicated by electronic means in this office are prepared in accordance with these guidelines as indicated by the following statements:
- Quality - Records are legible, accurate, and complete.
  - The records are produced or reproduced as part of a regularly conducted activity.
  - The records conform to DNCR guidance regarding file formats, file naming, and if applicable, digital preservation guidance produced by DNCR.
  - Detailed, documented procedures are in place and followed when the records are created, copied, modified, or duplicated.
  - The person who creates, copies, modifies, or duplicates records receives formal training on detailed system procedures prior to records preparation.
  - Details of the training received are adequately documented through written policies and procedures.
  - Employees sign training records after receiving training.

\_\_\_\_\_ This institution will comply with the best practices and standards established by the Department of Natural and Cultural Resources as published on its website.

\_\_\_\_\_ Affected records creators will be trained on the proper creation and maintenance of electronic records.

\_\_\_\_\_ Imaged records will be periodically audited for accuracy, readability, and reproduction capabilities before the original documents are destroyed.

\_\_\_\_\_ Participation in the design and implementation of campus electronic records initiatives.

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

**AUTHORIZATION TO DISPOSE OF PAPER RECORDS<sup>4</sup>**

This form is used to request approval from the College Records Custodian to dispose of **non-permanent** paper records that have been scanned, entered into databases, or otherwise duplicated through digital imaging or other conversion to a digital environment. This form does not apply to records that have been microfilmed or photocopied.

**Before** a college office may dispose of any paper record that has not met its required retention period and keep only a digital surrogate of that record, **all** the following conditions must be met:

- The office agrees to abide by all guidelines and best practices as published by the Department of Natural and Cultural Resources, including [File Format Guidelines](#) and [Best Practices for File-Naming](#).
- An electronic records policy has been approved by the office and authorized by the Department of Natural and Cultural Resources.
- All records series that will be scanned and their paper records destroyed after quality audits are listed in the table below:

<b>Records Series Title</b>	<b>Inclusive Dates</b> (e.g., 1987-1989; 2005-present <sup>5</sup> )	<b>Required Retention Period</b>

- Quality control audits have been performed on the electronic records.
- The digital surrogates will be retained for the entirety of the required retention period.

Requested by: \_\_\_\_\_  
 Signature Title Date

Approved by: \_\_\_\_\_  
 Signature Department/Office Head Date

Concurred by: \_\_\_\_\_  
 Signature College Records Custodian Date

<sup>4</sup> This form is to be used when a College official intends to destroy non-permanent paper records that have been converted to digital format.

<sup>5</sup> If an office uses an open-ended date on this authorization form, the destruction of records must be listed on a destructions log with the precise dates of the records destroyed at a given time.

It is the College's intent to provide efficient services for its employees, students and also for the public. The Board of Trustees ("Board") encourages College officials and students to use electronic means, especially electronic mail, when conducting College business when those means result in efficient and improved service.

The Board encourages the acceptance of electronic signatures in e-mails from college campus accounts. 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.

The College may use or purchase particular software platforms that facilitate electronic signatures from users when appropriate.

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.

Adopted: 6.25.2024



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 Marketing 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 President or the College's Marketing Department has the right to remove any post or comment on any social media account operated by the College.

Social media accounts controlled by the College are subject to records retention regulations.

Adopted: 6.25.2024

**PURPOSE:**

This procedure provides relevant departments and unit employees with basic guidance on how to best use social media as owners of an account and users/contributors.

**PROCEDURE:**

All departments, divisions, and student groups should promote themselves under the official Roanoke-Chowan Community College (R-CCC) page for each of these platforms. If an employee is an authorized contributor to any of the College's pages, or if they must maintain a separate social media presence, they are required to adhere to the following guidelines:

- A. **Seek approval:** Before creating a social media account for a respective department or unit, employees must attain approval from their immediate supervisor and area Vice President (or his/her designee). Any content (imagery, video, text) must support the integrity of the school:
  - i. Make certain photos and videos meet the brand requirements in terms of quality and composition.
  - ii. Never tag and/or post an image or video of a student or faculty member without their expressed permission, unless the context of the post clearly implies such permission (i.e., President speaks at Orientation).
- B. **Follow other relevant college policies:** These guidelines do not affect other College policies, regulations, or rules that might apply to the use of social media, including but not limited to the Use of Information Technology Resources Policy; Acceptable Use Policy; Code of Ethics, Records Retention and Disposal Policy; Human Resources Discrimination and Harassment Policy; and Procedure 3.3.7.2 Unlawful Discrimination and Harassment.
- C. **Plan for having at least two administrators:** Having multiple page administrators for every social media account will ensure that the account can continue to thrive and be updated regularly, even if one of the existing administrators is not available, changes jobs, or leaves the college.
- D. **Be accurate:** Make sure that you have all the facts before you post. Verify information with relevant sources. Cite and link to sources whenever possible.
- E. **Realize posts are public:** Search engines can find posts for years after the publication date. Comments can be forwarded or copied. Archival systems save information even if posts are deleted. In addition, social media accounts are subject to the North Carolina Public Records Law.
- F. **Keep confidential matters private:** Do not post proprietary information about R-CCC, including information about students, alumni, or employees. Most records related to students are protected from disclosure by Federal Educational Rights and Privacy Act (FERPA) and disclosing any personally identifiable student education records through social media is a violation of FERPA. Information collected in

- connection with research may be protected under a nondisclosure agreement, research protocol or other applicable law or agreement.
- G. **Be transparent:** Social media accounts on behalf of the department or unit should clearly state the account's role and goals. When posting with a college username, other users view what is posted as coming from the College.
  - H. **Be timely:** Page administrators should regularly monitor postings and content. Aim for standard times for postings and updates. The recommended minimum frequency is at least 2-3 posts daily.
  - I. **Be responsible:** Participation in social media on behalf of R-CCC is not a right but an opportunity. All employees approved for an R-CCC social media account must complete a brief social media training and a form outlining expectations for initial approval.
  - J. **Keep personal views separate:** Uphold the College's mission and values in activities. Do not include political comments or comments on social issues, and do not conduct any political activities on behalf of any party or candidate. Do not represent individual opinions as being endorsed by the College or any of its organizations.
  - K. **Adhere to the College brand:** Use official logos and graphics that represent and adhere to the College brand guidelines. Whenever possible, Roanoke-Chowan Community College or R-CCC should be listed prior to the department or unit. The marketing team and/or Director of Marketing and Recruitment can provide guidance with graphics and design.

**Disclaimer:** *Any comment, feedback, or other method of communication that is made by someone other than an official representative of R-CCC is solely the view and opinion of the author alone – it does not represent an official communication from R-CCC or any member of its faculty or staff. R-CCC does not endorse any advertisement or marketing effort that may be seen on any official R-CCC social media site. Social media sites are monitored for relevance. R-CCC reserves the right to remove any comments that are not related to the post, make unsupported accusations, use obscene language or images, are blatant spam, contain advertisements, or contain inappropriate personal or sensitive information. Repeated violation of these guidelines could result in a user being blocked from the page.*

### **ADDITIONAL INFORMATION**

#### **Common Social Media Networks**

Currently, the most common social networks within this rapidly changing media space include Facebook, Instagram, X (Twitter), LinkedIn, YouTube, Pinterest, Snapchat, Flickr, and blogs.

Applications developed for any mobile devices that use the College's name, wordmark or other institutionally identifiable information fall under these guidelines.

### **R-CCC Employees**

R-CCC recognizes that social media can be a highly effective tool for sharing ideas and exchanging information. While the College believes that social media can support professional and business development, the College is also aware that excessive or inappropriate social media use for personal or professional reasons can negatively impact R-CCC's productivity and resources. If social media is used in an R-CCC employee's capacity as an employee, then R-CCC permits reasonable use of social media that follows the College's guidelines and practices for social media. This use could include, though it is not limited to, access for research or to participate in audio conferences or webinars. Employees' activity cannot interfere with regular job duties and responsibilities. Personal social media sites are not appropriate tools for R-CCC communication between employees and students for R-CCC-related activities.

Employees using social media to communicate about the College or commenting on an R-CCC social media site should be mindful that any statements made could be attributed to the College. Employees should use discretion before posting or commenting. Under no circumstances shall communication include any form of profanity, obscenity, or copyright violations. Likewise, confidential, or non-public information shall not be shared.

R-CCC recognizes that its employees have a right to use social media on a personal basis in their lives outside of their professional activities and that such may include the right to exercise freedom of speech. At the same time, R-CCC encourages employees to use common sense when posting to social media sites, especially if referring to work-related activities. Always represent the interests of R-CCC in a professional manner. When posting on official R-CCC sites in an unofficial capacity, but about R-CCC activities, employees are advised to make it clear that the opinions expressed are their own and do not necessarily represent the College's official position.

### **Oversight**

The Director of Marketing and Recruitment maintains the official presence on various social media websites including Facebook, Instagram, Snapchat, LinkedIn, Pinterest, YouTube, X (Twitter), Vine, and Flickr. The Director of Marketing and Recruitment also maintains the approved list of all social media sites affiliated with R-CCC. Social media guidelines are approved by the President of the College and Vice Presidents.

The Director of Marketing and Recruitment directs the strategic use of social media for the College and is responsible for creating, maintaining, and overseeing all R-CCC's authorized social media accounts. Specifically, the director:

- Oversees, authorizes, and confirms decisions regarding social media sites.
- Directs employees and students on best-usage practices.
- Evaluates and approves requests for new social media platforms.
- Serves as administrator for all social media accounts and sets up page administrators, editors, and contributors on R-CCC's social media accounts.

- Maintains a list of social media domains, active account logins and passwords for the College.
- Changes passwords to maintain control and account security.
- Leads social media messaging development with the Marketing Committee.
- Guides the Marketing Committee through social media planning and training.
- Monitors conversations, tone, style, and sentiment on all social media platforms.
- Responsible for collection and implementation of performance metrics and establishing goals.

### **Site Administrator's Role**

The site administrator will ensure that:

- All content is appropriate, accurate and timely.
- Meaningful content is updated frequently on the account --- if content is not fresh, beneficial, or informative, you will lose followers and the need for the account is diminished.
- Appropriate consent is obtained and documented including words, graphics, photos, video, audio, images, PowerPoint presentations, artwork, and any other included elements. All videos must provide closed captioning and images must have alternative text to be compliant with the Office of Civil Rights accessibility standards - Section 508 Law and the World Wide Web Consortium's Web Content Accessibility Guidelines 2.1 (Level AA standards). Review this link for more information: <https://www2.ed.gov/notices/accessibility/index.html>. All Microsoft documents including PowerPoint must use the built-in accessibility features prior to posting.
- If your social media account includes the likeness (photo, video, or audio) of any member of the public, please obtain the individual's consent.
- All errors must be immediately corrected.
- The links offered are reviewed and deemed appropriate.

### **Monitoring**

An important part of the role of the primary administrator is to monitor the site daily. If someone posts content that contains profanity or is personally threatening, it is the College's policy to remove such content and the user may be blocked from R-CCC sites.

**All requests for social media accounts must be approved by the employee's immediate supervisor and area VP. A copy of the approval request form is available on the website.**

Adopted: 6.25.2024

## **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 sets requirements for higher education institutions to address 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, and individual users on the College’s network, 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, iPhone);
- 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 has P2P best practices at: <http://www.ftc.gov/bcp/edu/pubs/consumer/alerts/alt128.shtm>; 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 on an annual basis, which shall include legal alternatives to illegal file sharing;
- 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, monetary damages can range from \$200 to \$150,000 for each act (<http://www.copyright.gov/title17/92chap5.html#504>). Criminal prosecutions may result in a fine of up to \$250,000 and a prison term of up to 5 years (<http://www.fbi.gov/ipr/>) for each act.

Reference: 20 U.S.C. §1092, §1094

Adopted: 6.25.2024

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 Student Services. Other individuals who seek accommodations should contact the College’s Information Technology Services 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 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: 6.25.2024

Legal Reference: Americans with Disabilities Act of 1990, as amended.



## **I. OVERVIEW**

The College operates and maintains an Information Security Program ("ISP") to ensure the confidentiality, integrity, and availability of college data, based on classification, and those related information systems and services that are necessary to the support of the mission of the college and the students while maintaining compliance with local, State, and federal standards, policies, and laws.

The College uses the Statewide Information Security Manual published by the North Carolina Department of Information Technology as the principal cybersecurity framework for a system-wide information security and risk management program. The College's use shall be consistent with the provisions of the State Board Code.

## **II. CYBERSECURITY INCIDENTS**

The College shall not submit payment or otherwise communicate with an entity that has engaged in a cybersecurity incident on an information technology system by encrypting data and then subsequently offering to decrypt that data in exchange for a ransom payment.

Consistent with State law, the College consults with the North Carolina Department of Information Technology regarding cybersecurity incidents.

Adopted: 6.25.2024

Legal Reference: 1B SBCCC 700 et. al; N.C.G.S. § 143-800

- A. Roanoke-Chowan Community College is committed to the enhancement of public safety, the quality of life, and the maintenance of an environment conducive to quality education, individual privacy, diversity, and freedom of expression.
  
- B. Accordingly, the Board of Trustees has authorized the use of security cameras to monitor public areas to deter crime and assist Campus Security in providing for the security and safety of individuals and property that are part of the College community.
  
- C. No unapproved employees should have access to surveillance video for any reason. All recording or monitoring of activities of individuals or groups will be conducted in a manner consistent with college policies and state and federal laws and will never be based on the subjects' personal characteristics, including gender, ethnicity, sexual orientation, disability, or other protected characteristics. Information obtained from the cameras shall be used exclusively for law and/or policy enforcement, including, where appropriate, College judicial functions.

This policy does not apply to cameras used for academic purposes.

General Authority:  
Adopted: 05-24-11 Revised:  
Editorial Changes: